

As Passed by the House

129th General Assembly

Regular Session

2011-2012

Am. Sub. S. B. No. 316

Senator Lehner (By Request)

Cosponsors: Senators Bacon, Eklund, Hite, Jones, LaRose, Niehaus,

Sawyer, Turner, Wagoner

Representatives Stebelton, Roegner, Newbold, Amstutz, Beck, Brenner,

Buchy, Hayes, Maag, Terhar, Uecker Speaker Batchelder

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A B I L L

To amend sections 124.38, 3301.04, 3301.079, 1
3301.0710, 3301.0712, 3301.0714, 3301.0715, 2
3301.0723, 3301.52, 3301.53, 3301.58, 3301.90, 3
3301.922, 3302.03, 3302.032, 3302.042, 3302.12, 4
3302.20, 3302.21, 3302.25, 3310.03, 3310.08, 5
3310.15, 3313.37, 3313.41, 3313.411, 3313.608, 6
3313.609, 3313.6013, 3313.674, 3313.813, 3313.816, 7
3313.842, 3313.843, 3313.845, 3313.978, 3314.015, 8
3314.016, 3314.02, 3314.029, 3314.03, 3314.06, 9
3314.08, 3314.17, 3314.18, 3314.35, 3314.36, 10
3317.01, 3317.11, 3318.034, 3318.36, 3318.37, 11
3318.371, 3318.70, 3319.02, 3319.06, 3319.11, 12
3319.111, 3319.112, 3319.58, 3321.01, 3323.011, 13
3323.052, 3323.19, 3326.03, 3326.04, 3326.10, 14
3326.11, 3326.17, 3326.21, 3328.15, 3328.24, 15
3333.0411, 4139.01, 4139.03, 4139.04, 4139.05, 16
4141.01, 4141.29, 4301.20, 5104.01, 5104.011, 17
5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 18
5104.38, 5709.83, 5751.20, 6301.01, 6301.02, 19
6301.03, 6301.04, 6301.07, 6301.08, and 6301.10; 20

to enact sections 3301.941, 3302.033, 3302.41, 21
3310.031, 3313.6411, 3313.847, 3314.11, 3314.15, 22
3318.364, 3326.031, 3326.26, 4123.391, 4141.293, 23
5104.031, 5104.032, 5104.033, 5123.022, and 24
5126.0222; and to repeal section 3319.19 of the 25
Revised Code; to amend Sections 267.10.90, 26
267.50.30, and 283.20 of Am. Sub. H.B. 153 of the 27
129th General Assembly; and to repeal Section 28
267.60.23 of Am. Sub. H.B. 153 of the 129th 29
General Assembly and Section 265.20.15 of Am. Sub. 30
H.B. 1 of the 128th General Assembly to revise 31
authorizations and conditions with respect to 32
education, workforce development, and early 33
childhood care; and to amend sections 109.57, 34
2151.011, 2919.227, 2923.124, 2923.126, 2923.1212, 35
2950.11, 2950.13, 3109.051, 3701.63, 3737.22, 36
3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 37
5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 38
5104.022, 5104.03, 5104.04, 5104.041, 5104.052, 39
5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 40
5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 41
5104.36, 5104.38, 5107.60, and 5153.175, to amend, 42
for the purpose of adopting new section numbers as 43
indicated in parentheses, sections 5104.011 44
(5104.015), 5104.015 (5104.25), 5104.031 45
(5104.035), 5104.032 (5104.036), and 5104.033 46
(5104.037), to enact new sections 5104.032 and 47
5104.033 and sections 5104.016, 5104.017, 48
5104.018, 5104.019, 5104.0110, 5104.0111, 49
5104.0112, 5104.034, 5104.038, 5104.039, and 50
5104.14, and to repeal sections 5104.014 and 51
5104.11 of the Revised Code to revise the law 52
governing type B family day-care homes on January 53

1, 2014.

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

Section 101.01. That sections 124.38, 3301.04, 3301.079, 55
3301.0710, 3301.0712, 3301.0714, 3301.0715, 3301.0723, 3301.52, 56
3301.53, 3301.58, 3301.90, 3301.922, 3302.03, 3302.032, 3302.042, 57
3302.12, 3302.20, 3302.21, 3302.25, 3310.03, 3310.08, 3310.15, 58
3313.37, 3313.41, 3313.411, 3313.608, 3313.609, 3313.6013, 59
3313.674, 3313.813, 3313.816, 3313.842, 3313.843, 3313.845, 60
3313.978, 3314.015, 3314.016, 3314.02, 3314.029, 3314.03, 3314.06, 61
3314.08, 3314.17, 3314.18, 3314.35, 3314.36, 3317.01, 3317.11, 62
3318.034, 3318.36, 3318.37, 3318.371, 3318.70, 3319.02, 3319.06, 63
3319.11, 3319.111, 3319.112, 3319.58, 3321.01, 3323.011, 3323.052, 64
3323.19, 3326.03, 3326.04, 3326.10, 3326.11, 3326.17, 3326.21, 65
3328.15, 3328.24, 3333.0411, 4139.01, 4139.03, 4139.04, 4139.05, 66
4141.01, 4141.29, 4301.20, 5104.01, 5104.011, 5104.02, 5104.21, 67
5104.30, 5104.31, 5104.34, 5104.38, 5709.83, 5751.20, 6301.01, 68
6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 6301.10 be 69
amended; and sections 3301.941, 3302.033, 3302.41, 3310.031, 70
3313.847, 3314.11, 3314.15, 3318.364, 3326.031, 3326.26, 4123.391, 71
4141.293, 5104.031, 5104.032, 5104.033, 5123.022, and 5126.0222 of 72
the Revised Code be enacted to read as follows: 73

Sec. 124.38. Each of the following shall be entitled for each 74
completed eighty hours of service to sick leave of four and 75
six-tenths hours with pay: 76

(A) Employees in the various offices of the county, 77
municipal, and civil service township service, other than 78
superintendents and management employees, as defined in section 79
5126.20 of the Revised Code, of county boards of developmental 80
disabilities; 81

(B) Employees of any state college or university; 82

(C) ~~Employees~~ Any employee of any board of education for whom 83
sick leave is not provided by section 3319.141 of the Revised 84
Code, provided that the employee is not a substitute, adult 85
education instructor who is scheduled to work the full-time 86
equivalent of less than one hundred twenty days per school year, 87
or a person who is employed on an as-needed, seasonal, or 88
intermittent basis. 89

Employees may use sick leave, upon approval of the 90
responsible administrative officer of the employing unit, for 91
absence due to personal illness, pregnancy, injury, exposure to 92
contagious disease that could be communicated to other employees, 93
and illness, injury, or death in the employee's immediate family. 94
Unused sick leave shall be cumulative without limit. When sick 95
leave is used, it shall be deducted from the employee's credit on 96
the basis of one hour for every one hour of absence from 97
previously scheduled work. 98

The previously accumulated sick leave of an employee who has 99
been separated from the public service shall be placed to the 100
employee's credit upon the employee's re-employment in the public 101
service, provided that the re-employment takes place within ten 102
years of the date on which the employee was last terminated from 103
public service. This ten-year period shall be tolled for any 104
period during which the employee holds elective public office, 105
whether by election or by appointment. 106

An employee who transfers from one public agency to another 107
shall be credited with the unused balance of the employee's 108
accumulated sick leave up to the maximum of the sick leave 109
accumulation permitted in the public agency to which the employee 110
transfers. 111

The appointing authorities of the various offices of the 112

county service may permit all or any part of a person's accrued 113
but unused sick leave acquired during service with any regional 114
council of government established in accordance with Chapter 167. 115
of the Revised Code to be credited to the employee upon a transfer 116
as if the employee were transferring from one public agency to 117
another under this section. 118

The appointing authority of each employing unit shall require 119
an employee to furnish a satisfactory written, signed statement to 120
justify the use of sick leave. If medical attention is required, a 121
certificate stating the nature of the illness from a licensed 122
physician shall be required to justify the use of sick leave. 123
Falsification of either a written, signed statement or a 124
physician's certificate shall be grounds for disciplinary action, 125
including dismissal. 126

This section does not interfere with existing unused sick 127
leave credit in any agency of government where attendance records 128
are maintained and credit has been given employees for unused sick 129
leave. 130

Notwithstanding this section or any other section of the 131
Revised Code, any appointing authority of a county office, 132
department, commission, board, or body may, upon notification to 133
the board of county commissioners, establish alternative schedules 134
of sick leave for employees of the appointing authority for whom 135
the state employment relations board has not established an 136
appropriate bargaining unit pursuant to section 4117.06 of the 137
Revised Code, as long as the alternative schedules are not 138
inconsistent with the provisions of at least one collective 139
bargaining agreement covering other employees of that appointing 140
authority, if such a collective bargaining agreement exists. If no 141
such collective bargaining agreement exists, an appointing 142
authority may, upon notification to the board of county 143
commissioners, establish an alternative schedule of sick leave for 144

its employees that does not diminish the sick leave benefits 145
granted by this section. 146

Sec. 3301.04. Between the first and thirty-first day of 147
January of each odd-numbered year, the state board of education 148
shall hold an organization meeting at which time it shall adopt 149
rules of procedure, elect a president and a vice-president each of 150
whom shall serve for two years or until the president's or 151
vice-president's successor is elected and qualified, and transact 152
such business as the board deems advisable. 153

The state board of education shall ~~hold regular meetings once~~ 154
~~every three months and~~ adopt, by the thirty-first day of March 155
each year, a calendar indicating the dates on which the board will 156
hold its regular meetings for the following fiscal year. The board 157
may hold special meetings on dates not indicated on the adopted 158
calendar at such times as they may be called as provided in this 159
section. Special meetings of the board may be called by the 160
president, and, upon written request signed by at least a majority 161
of the members, the president shall call a special meeting of the 162
board. The president, or the president's designee, shall give 163
notice through the superintendent of public instruction ~~by~~ 164
~~registered mail~~ to each member of the board at least ten days 165
prior to the time of any special meeting. The notice may be 166
delivered by regular mail or by electronic means. The state board 167
of education shall hold its meetings anywhere in Ohio designated 168
by the board. 169

Sec. 3301.079. (A)(1) ~~Not later than June 30, 2010, and~~ 170
~~periodically thereafter, the~~ The state board of education 171
periodically shall adopt statewide academic standards with 172
emphasis on coherence, focus, and rigor for each of grades 173
kindergarten through twelve in English language arts, mathematics, 174
science, and social studies. 175

(a) The standards shall specify the following:	176
(i) The core academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;	177 178 179 180
(ii) The development of skill sets that promote information, media, and technological literacy;	181 182
(iii) Interdisciplinary, project-based, real-world learning opportunities.	183 184
(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.	185 186 187 188 189 190 191 192 193 194 195 196 197 198 199
(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section.	200 201 202 203 204 205
(3) The state board shall adopt the most recent standards	206

developed by the national association for sport and physical 207
education for physical education in grades kindergarten through 208
twelve or shall adopt its own standards for physical education in 209
those grades and revise and update them periodically. 210

The department of education shall employ a full-time physical 211
education coordinator to provide guidance and technical assistance 212
to districts, community schools, and STEM schools in implementing 213
the physical education standards adopted under this division. The 214
superintendent of public instruction shall determine that the 215
person employed as coordinator is qualified for the position, as 216
demonstrated by possessing an adequate combination of education, 217
license, and experience. 218

(4) When academic standards have been completed for any 219
subject area required by this section, the state board shall 220
inform all school districts, all community schools established 221
under Chapter 3314. of the Revised Code, all STEM schools 222
established under Chapter 3326. of the Revised Code, and all 223
nonpublic schools required to administer the assessments 224
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 225
of the content of those standards. 226

(B) ~~Not later than March 31, 2011, the~~ (1) The state board 227
shall adopt a model curriculum for instruction in each subject 228
area for which updated academic standards are required by division 229
(A)(1) of this section and for each of grades kindergarten through 230
twelve that is sufficient to meet the needs of students in every 231
community. The model curriculum shall be aligned with the 232
standards, to ensure that the academic content and skills 233
specified for each grade level are taught to students, and shall 234
demonstrate vertical articulation and emphasize coherence, focus, 235
and rigor. When any model curriculum has been completed, the state 236
board shall inform all school districts, community schools, and 237
STEM schools of the content of that model curriculum. 238

(2) Not later than June 30, 2013, the state board, in 239
consultation with any office housed in the governor's office that 240
deals with workforce development, shall adopt model curricula for 241
grades kindergarten through twelve that embed career connection 242
learning strategies into regular classroom instruction. 243

(3) All school districts, community schools, and STEM schools 244
may utilize the state standards and the model curriculum 245
established by the state board, together with other relevant 246
resources, examples, or models to ensure that students have the 247
opportunity to attain the academic standards. Upon request, the 248
department ~~of education~~ shall provide technical assistance to any 249
district, community school, or STEM school in implementing the 250
model curriculum. 251

Nothing in this section requires any school district to 252
utilize all or any part of a model curriculum developed under this 253
division section. 254

(C) The state board shall develop achievement assessments 255
aligned with the academic standards and model curriculum for each 256
of the subject areas and grade levels required by divisions (A)(1) 257
and (B)(1) of section 3301.0710 of the Revised Code. 258

When any achievement assessment has been completed, the state 259
board shall inform all school districts, community schools, STEM 260
schools, and nonpublic schools required to administer the 261
assessment of its completion, and the department ~~of education~~ 262
shall make the achievement assessment available to the districts 263
and schools. 264

(D)(1) The state board shall adopt a diagnostic assessment 265
aligned with the academic standards and model curriculum for each 266
of grades kindergarten through two in English language arts and 267
mathematics and for grade three in English language arts. The 268
diagnostic assessment shall be designed to measure student 269

comprehension of academic content and mastery of related skills 270
for the relevant subject area and grade level. Any diagnostic 271
assessment shall not include components to identify gifted 272
students. Blank copies of diagnostic assessments shall be public 273
records. 274

(2) When each diagnostic assessment has been completed, the 275
state board shall inform all school districts of its completion 276
and the department ~~of education~~ shall make the diagnostic 277
assessment available to the districts at no cost to the district. 278
School districts shall administer the diagnostic assessment 279
pursuant to section 3301.0715 of the Revised Code beginning the 280
first school year following the development of the assessment. 281

(E) The state board shall not adopt a diagnostic or 282
achievement assessment for any grade level or subject area other 283
than those specified in this section. 284

(F) Whenever the state board or the department ~~of education~~ 285
consults with persons for the purpose of drafting or reviewing any 286
standards, diagnostic assessments, achievement assessments, or 287
model curriculum required under this section, the state board or 288
the department shall first consult with parents of students in 289
kindergarten through twelfth grade and with active Ohio classroom 290
teachers, other school personnel, and administrators with 291
expertise in the appropriate subject area. Whenever practicable, 292
the state board and department shall consult with teachers 293
recognized as outstanding in their fields. 294

If the department contracts with more than one outside entity 295
for the development of the achievement assessments required by 296
this section, the department shall ensure the interchangeability 297
of those assessments. 298

(G) Whenever the state board adopts standards or model 299
curricula under this section, the department also shall provide 300

information on the use of blended or digital learning in the 301
delivery of the standards or curricula to students in accordance 302
with division (A)(4) of this section. 303

(H) The fairness sensitivity review committee, established by 304
rule of the state board of education, shall not allow any question 305
on any achievement or diagnostic assessment developed under this 306
section or any proficiency test prescribed by former section 307
3301.0710 of the Revised Code, as it existed prior to September 308
11, 2001, to include, be written to promote, or inquire as to 309
individual moral or social values or beliefs. The decision of the 310
committee shall be final. This section does not create a private 311
cause of action. 312

~~(H)~~(I) Not later than forty-five days prior to the ~~initial~~ 313
~~deadline established~~ adoption by the state board of updated 314
academic standards under division (A)(1) of this section ~~and the~~ 315
~~deadline established~~ or updated model curricula under division 316
(B)(1) of this section, the superintendent of public instruction 317
shall present the academic standards or model curricula, as 318
applicable, to the respective committees of the house of 319
representatives and senate that consider education legislation. 320

~~(I)~~(J) As used in this section: 321

(1) "Blended learning" means the delivery of instruction in a 322
combination of time in a supervised physical location away from 323
home and online delivery whereby the student has some element of 324
control over time, place, path, or pace of learning. 325

(2) "Coherence" means a reflection of the structure of the 326
discipline being taught. 327

~~(2)~~(3) "Digital learning" means learning facilitated by 328
technology that gives students some element of control over time, 329
place, path, or pace of learning. 330

(4) "Focus" means limiting the number of items included in a 331

curriculum to allow for deeper exploration of the subject matter. 332

~~(3)~~(5) "Rigor" means more challenging and demanding when 333
compared to international standards. 334

~~(4)~~(6) "Vertical articulation" means key academic concepts 335
and skills associated with mastery in particular content areas 336
should be articulated and reinforced in a developmentally 337
appropriate manner at each grade level so that over time students 338
acquire a depth of knowledge and understanding in the core 339
academic disciplines. 340

Sec. 3301.0710. The state board of education shall adopt 341
rules establishing a statewide program to assess student 342
achievement. The state board shall ensure that all assessments 343
administered under the program are aligned with the academic 344
standards and model curricula adopted by the state board and are 345
created with input from Ohio parents, Ohio classroom teachers, 346
Ohio school administrators, and other Ohio school personnel 347
pursuant to section 3301.079 of the Revised Code. 348

The assessment program shall be designed to ensure that 349
students who receive a high school diploma demonstrate at least 350
high school levels of achievement in English language arts, 351
mathematics, science, and social studies. 352

(A)(1) The state board shall prescribe all of the following: 353

(a) Two statewide achievement assessments, one each designed 354
to measure the level of English language arts and mathematics 355
skill expected at the end of third grade; 356

(b) Two statewide achievement assessments, one each designed 357
to measure the level of English language arts and mathematics 358
skill expected at the end of fourth grade; 359

(c) Four statewide achievement assessments, one each designed 360
to measure the level of English language arts, mathematics, 361

science, and social studies skill expected at the end of fifth grade;	362 363
(d) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of sixth grade;	364 365 366
(e) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of seventh grade;	367 368 369
(f) Four statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, science, and social studies skill expected at the end of eighth grade.	370 371 372 373
(2) The state board shall determine and designate at least three ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	374 375 376 377 378 379
(a) An advanced level of skill;	380
(b) A proficient level of skill;	381
(c) A limited level of skill.	382
<u>(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than the level designated in division (A)(2)(c) of this section, on the third grade English language arts assessment for a student to be promoted to the fourth grade. The state board shall review and adjust upward the level of achievement designated under this division each year the test is administered until the level is set equal to the level designated in division (A)(2)(b) of this</u>	383 384 385 386 387 388 389 390 391

section. 392

(B)(1) The assessments prescribed under division (B)(1) of 393
this section shall collectively be known as the Ohio graduation 394
tests. The state board shall prescribe five statewide high school 395
achievement assessments, one each designed to measure the level of 396
reading, writing, mathematics, science, and social studies skill 397
expected at the end of tenth grade. The state board shall 398
designate a score in at least the range designated under division 399
(A)(2)(b) of this section on each such assessment that shall be 400
deemed to be a passing score on the assessment as a condition 401
toward granting high school diplomas under sections 3313.61, 402
3313.611, 3313.612, and 3325.08 of the Revised Code until the 403
assessment system prescribed by section 3301.0712 of the Revised 404
Code is implemented in accordance with rules adopted by the state 405
board under division (D) of that section. 406

(2) The state board shall prescribe an assessment system in 407
accordance with section 3301.0712 of the Revised Code that shall 408
replace the Ohio graduation tests in the manner prescribed by 409
rules adopted by the state board under division (D) of that 410
section. 411

(3) The state board may enter into a reciprocal agreement 412
with the appropriate body or agency of any other state that has 413
similar statewide achievement assessment requirements for 414
receiving high school diplomas, under which any student who has 415
met an achievement assessment requirement of one state is 416
recognized as having met the similar requirement of the other 417
state for purposes of receiving a high school diploma. For 418
purposes of this section and sections 3301.0711 and 3313.61 of the 419
Revised Code, any student enrolled in any public high school in 420
this state who has met an achievement assessment requirement 421
specified in a reciprocal agreement entered into under this 422
division shall be deemed to have attained at least the applicable 423

score designated under this division on each assessment required 424
by division (B)(1) or (2) of this section that is specified in the 425
agreement. 426

(C) The superintendent of public instruction shall designate 427
dates and times for the administration of the assessments 428
prescribed by divisions (A) and (B) of this section. 429

In prescribing administration dates pursuant to this 430
division, the superintendent shall designate the dates in such a 431
way as to allow a reasonable length of time between the 432
administration of assessments prescribed under this section and 433
any administration of the national assessment of educational 434
progress given to students in the same grade level pursuant to 435
section 3301.27 of the Revised Code or federal law. 436

(D) The state board shall prescribe a practice version of 437
each Ohio graduation test described in division (B)(1) of this 438
section that is of comparable length to the actual test. 439

(E) Any committee established by the department of education 440
for the purpose of making recommendations to the state board 441
regarding the state board's designation of scores on the 442
assessments described by this section shall inform the state board 443
of the probable percentage of students who would score in each of 444
the ranges established under division (A)(2) of this section on 445
the assessments if the committee's recommendations are adopted by 446
the state board. To the extent possible, these percentages shall 447
be disaggregated by gender, major racial and ethnic groups, 448
limited English proficient students, economically disadvantaged 449
students, students with disabilities, and migrant students. 450

If the state board intends to make any change to the 451
committee's recommendations, the state board shall explain the 452
intended change to the Ohio accountability task force established 453
by section 3302.021 of the Revised Code. The task force shall 454

recommend whether the state board should proceed to adopt the 455
intended change. Nothing in this division shall require the state 456
board to designate assessment scores based upon the 457
recommendations of the task force. 458

Sec. 3301.0712. (A) The state board of education, the 459
superintendent of public instruction, and the chancellor of the 460
Ohio board of regents shall develop a system of college and work 461
ready assessments as described in divisions (B)(1) and (2) of this 462
section to assess whether each student upon graduating from high 463
school is ready to enter college or the workforce. The system 464
shall replace the Ohio graduation tests prescribed in division 465
(B)(1) of section 3301.0710 of the Revised Code as a measure of 466
student academic performance and a prerequisite for eligibility 467
for a high school diploma in the manner prescribed by rule of the 468
state board adopted under division (D) of this section. 469

(B) The college and work ready assessment system shall 470
consist of the following: 471

(1) A nationally standardized assessment that measures 472
college and career readiness selected jointly by the state 473
superintendent and the chancellor. 474

(2) A series of end-of-course examinations in the areas of 475
science, mathematics, English language arts, American history, and 476
American government selected jointly by the state superintendent 477
and the chancellor in consultation with faculty in the appropriate 478
subject areas at institutions of higher education of the 479
university system of Ohio. For each subject area, the state 480
superintendent and chancellor shall select multiple assessments 481
that school districts, public schools, and chartered nonpublic 482
schools may use as end-of-course examinations. Subject to division 483
(B)(3)(b) of this section, those assessments shall include 484
nationally recognized subject area assessments, such as advanced 485

placement examinations, SAT subject tests, international 486
baccalaureate examinations, and other assessments of college and 487
work readiness. 488

(3)(a) Not later than July 1, 2013, each school district 489
board of education shall adopt interim end-of-course examinations 490
that comply with the requirements of divisions (B)(3)(b)(i) and 491
(ii) of this section to assess mastery of American history and 492
American government standards adopted under division (A)(1)(b) of 493
section 3301.079 of the Revised Code and the topics required under 494
division (M) of section 3313.603 of the Revised Code. Each high 495
school of the district shall use the interim examinations until 496
the state superintendent and chancellor select end-of-course 497
examinations in American history and American government under 498
division (B)(2) of this section. 499

(b) Not later than July 1, 2014, the state superintendent and 500
the chancellor shall select the end-of-course examinations in 501
American history and American government. 502

(i) The end-of-course examinations in American history and 503
American government shall require demonstration of mastery of the 504
American history and American government content for social 505
studies standards adopted under division (A)(1)(b) of section 506
3301.079 of the Revised Code and the topics required under 507
division (M) of section 3313.603 of the Revised Code. 508

(ii) At least twenty per cent of the end-of-course 509
examination in American government shall address the topics on 510
American history and American government described in division (M) 511
of section 3313.603 of the Revised Code. 512

(C) ~~Not later than thirty days after the state board adopts~~ 513
~~the model curricula required by division (B) of section 3301.079~~ 514
~~of the Revised Code, the~~ The state board shall convene a group of 515
national experts, state experts, and local practitioners to 516

provide advice, guidance, and recommendations for the alignment of 517
standards and model curricula to the assessments and in the design 518
of the end-of-course examinations prescribed by this section. 519

(D) Upon completion of the development of the assessment 520
system, the state board shall adopt rules prescribing all of the 521
following: 522

(1) A timeline and plan for implementation of the assessment 523
system, including a phased implementation if the state board 524
determines such a phase-in is warranted; 525

(2) The date after which a person entering ninth grade shall 526
meet the requirements of the entire assessment system as a 527
prerequisite for a high school diploma under section 3313.61, 528
3313.612, or 3325.08 of the Revised Code; 529

(3) The date after which a person shall meet the requirements 530
of the entire assessment system as a prerequisite for a diploma of 531
adult education under section 3313.611 of the Revised Code; 532

(4) Whether and the extent to which a person may be excused 533
from an American history end-of-course examination and an American 534
government end-of-course examination under division (H) of section 535
3313.61 and division (B)(2) of section 3313.612 of the Revised 536
Code; 537

(5) The date after which a person who has fulfilled the 538
curriculum requirement for a diploma but has not passed one or 539
more of the required assessments at the time the person fulfilled 540
the curriculum requirement shall meet the requirements of the 541
entire assessment system as a prerequisite for a high school 542
diploma under division (B) of section 3313.614 of the Revised 543
Code; 544

(6) The extent to which the assessment system applies to 545
students enrolled in a dropout recovery and prevention program for 546
purposes of division (F) of section 3313.603 and section 3314.36 547

of the Revised Code. 548

No rule adopted under this division shall be effective 549
earlier than one year after the date the rule is filed in final 550
form pursuant to Chapter 119. of the Revised Code. 551

(E) Not later than forty-five days prior to the state board's 552
adoption of a resolution directing the department of education to 553
file the rules prescribed by division (D) of this section in final 554
form under section 119.04 of the Revised Code, the superintendent 555
of public instruction shall present the assessment system 556
developed under this section to the respective committees of the 557
house of representatives and senate that consider education 558
legislation. 559

Sec. 3301.0714. (A) The state board of education shall adopt 560
rules for a statewide education management information system. The 561
rules shall require the state board to establish guidelines for 562
the establishment and maintenance of the system in accordance with 563
this section and the rules adopted under this section. The 564
guidelines shall include: 565

(1) Standards identifying and defining the types of data in 566
the system in accordance with divisions (B) and (C) of this 567
section; 568

(2) Procedures for annually collecting and reporting the data 569
to the state board in accordance with division (D) of this 570
section; 571

(3) Procedures for annually compiling the data in accordance 572
with division (G) of this section; 573

(4) Procedures for annually reporting the data to the public 574
in accordance with division (H) of this section. 575

(B) The guidelines adopted under this section shall require 576
the data maintained in the education management information system 577

to include at least the following: 578

(1) Student participation and performance data, for each 579
grade in each school district as a whole and for each grade in 580
each school building in each school district, that includes: 581

(a) The numbers of students receiving each category of 582
instructional service offered by the school district, such as 583
regular education instruction, vocational education instruction, 584
specialized instruction programs or enrichment instruction that is 585
part of the educational curriculum, instruction for gifted 586
students, instruction for students with disabilities, and remedial 587
instruction. The guidelines shall require instructional services 588
under this division to be divided into discrete categories if an 589
instructional service is limited to a specific subject, a specific 590
type of student, or both, such as regular instructional services 591
in mathematics, remedial reading instructional services, 592
instructional services specifically for students gifted in 593
mathematics or some other subject area, or instructional services 594
for students with a specific type of disability. The categories of 595
instructional services required by the guidelines under this 596
division shall be the same as the categories of instructional 597
services used in determining cost units pursuant to division 598
(C)(3) of this section. 599

(b) The numbers of students receiving support or 600
extracurricular services for each of the support services or 601
extracurricular programs offered by the school district, such as 602
counseling services, health services, and extracurricular sports 603
and fine arts programs. The categories of services required by the 604
guidelines under this division shall be the same as the categories 605
of services used in determining cost units pursuant to division 606
(C)(4)(a) of this section. 607

(c) Average student grades in each subject in grades nine 608
through twelve; 609

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	610 611
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	612 613 614
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	615 616 617
(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.	618 619 620 621
(h) Expulsion rates;	622
(i) Suspension rates;	623
(j) Dropout rates;	624
(k) Rates of retention in grade;	625
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	626 627 628
(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;	629 630 631 632 633
(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	634 635 636 637 638 639

student requests the district not to report those results. 640

(2) Personnel and classroom enrollment data for each school 641
district, including: 642

(a) The total numbers of licensed employees and nonlicensed 643
employees and the numbers of full-time equivalent licensed 644
employees and nonlicensed employees providing each category of 645
instructional service, instructional support service, and 646
administrative support service used pursuant to division (C)(3) of 647
this section. The guidelines adopted under this section shall 648
require these categories of data to be maintained for the school 649
district as a whole and, wherever applicable, for each grade in 650
the school district as a whole, for each school building as a 651
whole, and for each grade in each school building. 652

(b) The total number of employees and the number of full-time 653
equivalent employees providing each category of service used 654
pursuant to divisions (C)(4)(a) and (b) of this section, and the 655
total numbers of licensed employees and nonlicensed employees and 656
the numbers of full-time equivalent licensed employees and 657
nonlicensed employees providing each category used pursuant to 658
division (C)(4)(c) of this section. The guidelines adopted under 659
this section shall require these categories of data to be 660
maintained for the school district as a whole and, wherever 661
applicable, for each grade in the school district as a whole, for 662
each school building as a whole, and for each grade in each school 663
building. 664

(c) The total number of regular classroom teachers teaching 665
classes of regular education and the average number of pupils 666
enrolled in each such class, in each of grades kindergarten 667
through five in the district as a whole and in each school 668
building in the school district. 669

(d) The number of lead teachers employed by each school 670

district and each school building. 671

(3)(a) Student demographic data for each school district, 672
including information regarding the gender ratio of the school 673
district's pupils, the racial make-up of the school district's 674
pupils, the number of limited English proficient students in the 675
district, and an appropriate measure of the number of the school 676
district's pupils who reside in economically disadvantaged 677
households. The demographic data shall be collected in a manner to 678
allow correlation with data collected under division (B)(1) of 679
this section. Categories for data collected pursuant to division 680
(B)(3) of this section shall conform, where appropriate, to 681
standard practices of agencies of the federal government. 682

(b) With respect to each student entering kindergarten, 683
whether the student previously participated in a public preschool 684
program, a private preschool program, or a head start program, and 685
the number of years the student participated in each of these 686
programs. 687

(4) Any data required to be collected pursuant to federal 688
law. 689

(C) The education management information system shall include 690
cost accounting data for each district as a whole and for each 691
school building in each school district. The guidelines adopted 692
under this section shall require the cost data for each school 693
district to be maintained in a system of mutually exclusive cost 694
units and shall require all of the costs of each school district 695
to be divided among the cost units. The guidelines shall require 696
the system of mutually exclusive cost units to include at least 697
the following: 698

(1) Administrative costs for the school district as a whole. 699
The guidelines shall require the cost units under this division 700
(C)(1) to be designed so that each of them may be compiled and 701

reported in terms of average expenditure per pupil in formula ADM 702
in the school district, as determined pursuant to section 3317.03 703
of the Revised Code. 704

(2) Administrative costs for each school building in the 705
school district. The guidelines shall require the cost units under 706
this division (C)(2) to be designed so that each of them may be 707
compiled and reported in terms of average expenditure per 708
full-time equivalent pupil receiving instructional or support 709
services in each building. 710

(3) Instructional services costs for each category of 711
instructional service provided directly to students and required 712
by guidelines adopted pursuant to division (B)(1)(a) of this 713
section. The guidelines shall require the cost units under 714
division (C)(3) of this section to be designed so that each of 715
them may be compiled and reported in terms of average expenditure 716
per pupil receiving the service in the school district as a whole 717
and average expenditure per pupil receiving the service in each 718
building in the school district and in terms of a total cost for 719
each category of service and, as a breakdown of the total cost, a 720
cost for each of the following components: 721

(a) The cost of each instructional services category required 722
by guidelines adopted under division (B)(1)(a) of this section 723
that is provided directly to students by a classroom teacher; 724

(b) The cost of the instructional support services, such as 725
services provided by a speech-language pathologist, classroom 726
aide, multimedia aide, or librarian, provided directly to students 727
in conjunction with each instructional services category; 728

(c) The cost of the administrative support services related 729
to each instructional services category, such as the cost of 730
personnel that develop the curriculum for the instructional 731
services category and the cost of personnel supervising or 732

coordinating the delivery of the instructional services category. 733

(4) Support or extracurricular services costs for each 734
category of service directly provided to students and required by 735
guidelines adopted pursuant to division (B)(1)(b) of this section. 736
The guidelines shall require the cost units under division (C)(4) 737
of this section to be designed so that each of them may be 738
compiled and reported in terms of average expenditure per pupil 739
receiving the service in the school district as a whole and 740
average expenditure per pupil receiving the service in each 741
building in the school district and in terms of a total cost for 742
each category of service and, as a breakdown of the total cost, a 743
cost for each of the following components: 744

(a) The cost of each support or extracurricular services 745
category required by guidelines adopted under division (B)(1)(b) 746
of this section that is provided directly to students by a 747
licensed employee, such as services provided by a guidance 748
counselor or any services provided by a licensed employee under a 749
supplemental contract; 750

(b) The cost of each such services category provided directly 751
to students by a nonlicensed employee, such as janitorial 752
services, cafeteria services, or services of a sports trainer; 753

(c) The cost of the administrative services related to each 754
services category in division (C)(4)(a) or (b) of this section, 755
such as the cost of any licensed or nonlicensed employees that 756
develop, supervise, coordinate, or otherwise are involved in 757
administering or aiding the delivery of each services category. 758

(D)(1) The guidelines adopted under this section shall 759
require school districts to collect information about individual 760
students, staff members, or both in connection with any data 761
required by division (B) or (C) of this section or other reporting 762
requirements established in the Revised Code. The guidelines may 763

also require school districts to report information about 764
individual staff members in connection with any data required by 765
division (B) or (C) of this section or other reporting 766
requirements established in the Revised Code. The guidelines shall 767
not authorize school districts to request social security numbers 768
of individual students. The guidelines shall prohibit the 769
reporting under this section of a student's name, address, and 770
social security number to the state board of education or the 771
department of education. The guidelines shall also prohibit the 772
reporting under this section of any personally identifiable 773
information about any student, except for the purpose of assigning 774
the data verification code required by division (D)(2) of this 775
section, to any other person unless such person is employed by the 776
school district or the information technology center operated 777
under section 3301.075 of the Revised Code and is authorized by 778
the district or technology center to have access to such 779
information or is employed by an entity with which the department 780
contracts for the scoring of assessments administered under 781
section 3301.0711 of the Revised Code. The guidelines may require 782
school districts to provide the social security numbers of 783
individual staff members. 784

(2)(a) The guidelines shall provide for each school district 785
or community school to assign a data verification code that is 786
unique on a statewide basis over time to each student whose 787
initial Ohio enrollment is in that district or school and to 788
report all required individual student data for that student 789
utilizing such code. The guidelines shall also provide for 790
assigning data verification codes to all students enrolled in 791
districts or community schools on the effective date of the 792
guidelines established under this section. The assignment of data 793
verification codes for other entities, as described in division 794
(D)(2)(c) of this section, the use of those codes, and the 795
reporting and use of associated individual student data shall be 796

coordinated by the department in accordance with state and federal 797
law. 798

Individual School districts shall report individual student 799
data ~~shall be reported~~ to the department through the information 800
technology centers utilizing the code ~~but, except.~~ The entities 801
described in division (D)(2)(c) of this section shall report 802
individual student data to the department in the manner prescribed 803
by the department. 804

Except as provided in sections 3301.941, 3310.11, 3310.42, 805
3310.63, 3313.978, ~~3310.63~~, and 3317.20 of the Revised Code, at no 806
time shall the state board or the department have access to 807
information that would enable any data verification code to be 808
matched to personally identifiable student data. 809

(b) Each school district and community school shall ensure 810
that the data verification code is included in the student's 811
records reported to any subsequent school district, community 812
school, or state institution of higher education, as defined in 813
section 3345.011 of the Revised Code, in which the student 814
enrolls. Any such subsequent district or school shall utilize the 815
same identifier in its reporting of data under this section. 816

(c) The director of any state agency that administers a 817
publicly funded program providing services to children who are 818
younger than compulsory school age, as defined in section 3321.01 819
of the Revised Code, including the directors of health, job and 820
family services, mental health, and developmental disabilities, 821
shall request and receive, pursuant to sections 3301.0723 and 822
3701.62 of the Revised Code, a data verification code for a child 823
who is receiving those services ~~under division (A)(2) of section~~ 824
~~3701.61 of the Revised Code.~~ 825

(E) The guidelines adopted under this section may require 826
school districts to collect and report data, information, or 827

reports other than that described in divisions (A), (B), and (C) 828
of this section for the purpose of complying with other reporting 829
requirements established in the Revised Code. The other data, 830
information, or reports may be maintained in the education 831
management information system but are not required to be compiled 832
as part of the profile formats required under division (G) of this 833
section or the annual statewide report required under division (H) 834
of this section. 835

(F) Beginning with the school year that begins July 1, 1991, 836
the board of education of each school district shall annually 837
collect and report to the state board, in accordance with the 838
guidelines established by the board, the data required pursuant to 839
this section. A school district may collect and report these data 840
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 841

(G) The state board shall, in accordance with the procedures 842
it adopts, annually compile the data reported by each school 843
district pursuant to division (D) of this section. The state board 844
shall design formats for profiling each school district as a whole 845
and each school building within each district and shall compile 846
the data in accordance with these formats. These profile formats 847
shall: 848

(1) Include all of the data gathered under this section in a 849
manner that facilitates comparison among school districts and 850
among school buildings within each school district; 851

(2) Present the data on academic achievement levels as 852
assessed by the testing of student achievement maintained pursuant 853
to division (B)(1)(d) of this section. 854

(H)(1) The state board shall, in accordance with the 855
procedures it adopts, annually prepare a statewide report for all 856
school districts and the general public that includes the profile 857
of each of the school districts developed pursuant to division (G) 858

of this section. Copies of the report shall be sent to each school 859
district. 860

(2) The state board shall, in accordance with the procedures 861
it adopts, annually prepare an individual report for each school 862
district and the general public that includes the profiles of each 863
of the school buildings in that school district developed pursuant 864
to division (G) of this section. Copies of the report shall be 865
sent to the superintendent of the district and to each member of 866
the district board of education. 867

(3) Copies of the reports received from the state board under 868
divisions (H)(1) and (2) of this section shall be made available 869
to the general public at each school district's offices. Each 870
district board of education shall make copies of each report 871
available to any person upon request and payment of a reasonable 872
fee for the cost of reproducing the report. The board shall 873
annually publish in a newspaper of general circulation in the 874
school district, at least twice during the two weeks prior to the 875
week in which the reports will first be available, a notice 876
containing the address where the reports are available and the 877
date on which the reports will be available. 878

(I) Any data that is collected or maintained pursuant to this 879
section and that identifies an individual pupil is not a public 880
record for the purposes of section 149.43 of the Revised Code. 881

(J) As used in this section: 882

(1) "School district" means any city, local, exempted 883
village, or joint vocational school district and, in accordance 884
with section 3314.17 of the Revised Code, any community school. As 885
used in division (L) of this section, "school district" also 886
includes any educational service center or other educational 887
entity required to submit data using the system established under 888
this section. 889

(2) "Cost" means any expenditure for operating expenses made 890
by a school district excluding any expenditures for debt 891
retirement except for payments made to any commercial lending 892
institution for any loan approved pursuant to section 3313.483 of 893
the Revised Code. 894

(K) Any person who removes data from the information system 895
established under this section for the purpose of releasing it to 896
any person not entitled under law to have access to such 897
information is subject to section 2913.42 of the Revised Code 898
prohibiting tampering with data. 899

(L)(1) In accordance with division (L)(2) of this section and 900
the rules adopted under division (L)(10) of this section, the 901
department of education may sanction any school district that 902
reports incomplete or inaccurate data, reports data that does not 903
conform to data requirements and descriptions published by the 904
department, fails to report data in a timely manner, or otherwise 905
does not make a good faith effort to report data as required by 906
this section. 907

(2) If the department decides to sanction a school district 908
under this division, the department shall take the following 909
sequential actions: 910

(a) Notify the district in writing that the department has 911
determined that data has not been reported as required under this 912
section and require the district to review its data submission and 913
submit corrected data by a deadline established by the department. 914
The department also may require the district to develop a 915
corrective action plan, which shall include provisions for the 916
district to provide mandatory staff training on data reporting 917
procedures. 918

(b) Withhold up to ten per cent of the total amount of state 919
funds due to the district for the current fiscal year and, if not 920

previously required under division (L)(2)(a) of this section, 921
require the district to develop a corrective action plan in 922
accordance with that division; 923

(c) Withhold an additional amount of up to twenty per cent of 924
the total amount of state funds due to the district for the 925
current fiscal year; 926

(d) Direct department staff or an outside entity to 927
investigate the district's data reporting practices and make 928
recommendations for subsequent actions. The recommendations may 929
include one or more of the following actions: 930

(i) Arrange for an audit of the district's data reporting 931
practices by department staff or an outside entity; 932

(ii) Conduct a site visit and evaluation of the district; 933

(iii) Withhold an additional amount of up to thirty per cent 934
of the total amount of state funds due to the district for the 935
current fiscal year; 936

(iv) Continue monitoring the district's data reporting; 937

(v) Assign department staff to supervise the district's data 938
management system; 939

(vi) Conduct an investigation to determine whether to suspend 940
or revoke the license of any district employee in accordance with 941
division (N) of this section; 942

(vii) If the district is issued a report card under section 943
3302.03 of the Revised Code, indicate on the report card that the 944
district has been sanctioned for failing to report data as 945
required by this section; 946

(viii) If the district is issued a report card under section 947
3302.03 of the Revised Code and incomplete or inaccurate data 948
submitted by the district likely caused the district to receive a 949
higher performance rating than it deserved under that section, 950

issue a revised report card for the district; 951

(ix) Any other action designed to correct the district's data 952
reporting problems. 953

(3) Any time the department takes an action against a school 954
district under division (L)(2) of this section, the department 955
shall make a report of the circumstances that prompted the action. 956
The department shall send a copy of the report to the district 957
superintendent or chief administrator and maintain a copy of the 958
report in its files. 959

(4) If any action taken under division (L)(2) of this section 960
resolves a school district's data reporting problems to the 961
department's satisfaction, the department shall not take any 962
further actions described by that division. If the department 963
withheld funds from the district under that division, the 964
department may release those funds to the district, except that if 965
the department withheld funding under division (L)(2)(c) of this 966
section, the department shall not release the funds withheld under 967
division (L)(2)(b) of this section and, if the department withheld 968
funding under division (L)(2)(d) of this section, the department 969
shall not release the funds withheld under division (L)(2)(b) or 970
(c) of this section. 971

(5) Notwithstanding anything in this section to the contrary, 972
the department may use its own staff or an outside entity to 973
conduct an audit of a school district's data reporting practices 974
any time the department has reason to believe the district has not 975
made a good faith effort to report data as required by this 976
section. If any audit conducted by an outside entity under 977
division (L)(2)(d)(i) or (5) of this section confirms that a 978
district has not made a good faith effort to report data as 979
required by this section, the district shall reimburse the 980
department for the full cost of the audit. The department may 981
withhold state funds due to the district for this purpose. 982

(6) Prior to issuing a revised report card for a school 983
district under division (L)(2)(d)(viii) of this section, the 984
department may hold a hearing to provide the district with an 985
opportunity to demonstrate that it made a good faith effort to 986
report data as required by this section. The hearing shall be 987
conducted by a referee appointed by the department. Based on the 988
information provided in the hearing, the referee shall recommend 989
whether the department should issue a revised report card for the 990
district. If the referee affirms the department's contention that 991
the district did not make a good faith effort to report data as 992
required by this section, the district shall bear the full cost of 993
conducting the hearing and of issuing any revised report card. 994

(7) If the department determines that any inaccurate data 995
reported under this section caused a school district to receive 996
excess state funds in any fiscal year, the district shall 997
reimburse the department an amount equal to the excess funds, in 998
accordance with a payment schedule determined by the department. 999
The department may withhold state funds due to the district for 1000
this purpose. 1001

(8) Any school district that has funds withheld under 1002
division (L)(2) of this section may appeal the withholding in 1003
accordance with Chapter 119. of the Revised Code. 1004

(9) In all cases of a disagreement between the department and 1005
a school district regarding the appropriateness of an action taken 1006
under division (L)(2) of this section, the burden of proof shall 1007
be on the district to demonstrate that it made a good faith effort 1008
to report data as required by this section. 1009

(10) The state board of education shall adopt rules under 1010
Chapter 119. of the Revised Code to implement division (L) of this 1011
section. 1012

(M) No information technology center or school district shall 1013

acquire, change, or update its student administration software 1014
package to manage and report data required to be reported to the 1015
department unless it converts to a student software package that 1016
is certified by the department. 1017

(N) The state board of education, in accordance with sections 1018
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1019
license as defined under division (A) of section 3319.31 of the 1020
Revised Code that has been issued to any school district employee 1021
found to have willfully reported erroneous, inaccurate, or 1022
incomplete data to the education management information system. 1023

(O) No person shall release or maintain any information about 1024
any student in violation of this section. Whoever violates this 1025
division is guilty of a misdemeanor of the fourth degree. 1026

(P) The department shall disaggregate the data collected 1027
under division (B)(1)(n) of this section according to the race and 1028
socioeconomic status of the students assessed. No data collected 1029
under that division shall be included on the report cards required 1030
by section 3302.03 of the Revised Code. 1031

(Q) If the department cannot compile any of the information 1032
required by division (C)(5) of section 3302.03 of the Revised Code 1033
based upon the data collected under this section, the department 1034
shall develop a plan and a reasonable timeline for the collection 1035
of any data necessary to comply with that division. 1036

Sec. 3301.0715. (A) Except as ~~provided in division (E) of~~ 1037
~~this section~~ otherwise required under division (B)(1) of section 1038
3313.608 of the Revised Code, the board of education of each city, 1039
local, and exempted village school district shall administer each 1040
applicable diagnostic assessment developed and provided to the 1041
district in accordance with section 3301.079 of the Revised Code 1042
to the following: 1043

(1) Each student enrolled in a building that has failed to 1044
make adequate yearly progress for two or more consecutive school 1045
years; 1046

(2) Any student who transfers into the district or to a 1047
different school within the district if each applicable diagnostic 1048
assessment was not administered by the district or school the 1049
student previously attended in the current school year, within 1050
thirty days after the date of transfer. If the district or school 1051
into which the student transfers cannot determine whether the 1052
student has taken any applicable diagnostic assessment in the 1053
current school year, the district or school may administer the 1054
diagnostic assessment to the student. 1055

(3) Each kindergarten student, not earlier than four weeks 1056
prior to the first day of school and not later than the first day 1057
of October. For the purpose of division (A)(3) of this section, 1058
the district shall administer the kindergarten readiness 1059
assessment provided by the department of education. In no case 1060
shall the results of the readiness assessment be used to prohibit 1061
a student from enrolling in kindergarten. 1062

(4) Each student enrolled in first or second grade. 1063

(B) Each district board shall administer each diagnostic 1064
assessment as the board deems appropriate, provided the 1065
administration complies with section 3313.608 of the Revised Code. 1066
However, the board shall administer any diagnostic assessment at 1067
least once annually to all students in the appropriate grade 1068
level. A district board may administer any diagnostic assessment 1069
in the fall and spring of a school year to measure the amount of 1070
academic growth attributable to the instruction received by 1071
students during that school year. 1072

(C) Each district board shall utilize and score any 1073
diagnostic assessment administered under division (A) of this 1074

section in accordance with rules established by the department. 1075
~~Except as required by division (B)(1)(n) of section 3301.0714 of~~ 1076
~~the Revised Code, neither the state board of education nor the~~ 1077
~~department shall require school districts to report the results of~~ 1078
~~diagnostic assessments for any students to the department or to~~ 1079
~~make any such results available in any form to the public. After~~ 1080
the administration of any diagnostic assessment, each district 1081
shall provide a student's completed diagnostic assessment, the 1082
results of such assessment, and any other accompanying documents 1083
used during the administration of the assessment to the parent of 1084
that student upon the parent's request, and shall include all such 1085
documents and information in any plan developed for the student 1086
under division (C) of section 3313.608 of the Revised Code. Each 1087
district shall submit to the department, in the manner the 1088
department prescribes, the results of the diagnostic assessments 1089
administered under this section, regardless of the type of 1090
assessment used under section 3313.608 of the Revised Code. The 1091
department may issue reports with respect to the data collected. 1092

(D) Each district board shall provide intervention services 1093
to students whose diagnostic assessments show that they are 1094
failing to make satisfactory progress toward attaining the 1095
academic standards for their grade level. 1096

~~(E) Any district that made adequate yearly progress in the~~ 1097
~~immediately preceding school year may assess student progress in~~ 1098
~~grades one through three using a diagnostic assessment other than~~ 1099
~~the diagnostic assessment required by division (A) of this~~ 1100
~~section.~~ 1101

~~(F) A district board may administer the third grade English~~ 1102
~~language arts diagnostic assessment provided to the district in~~ 1103
~~accordance with section 3301.079 of the Revised Code to any~~ 1104
~~student enrolled in a building that is not subject to division~~ 1105
~~(A)(1) of this section. Any district electing to administer the~~ 1106

~~diagnostic assessment to students under this division shall~~ 1107
~~provide intervention services to any such student whose diagnostic~~ 1108
~~assessment shows unsatisfactory progress toward attaining the~~ 1109
~~academic standards for the student's grade level.~~ 1110

~~(G)~~ As used in this section, "adequate yearly progress" has 1111
the same meaning as in section 3302.01 of the Revised Code. 1112

Sec. 3301.0723. (A) The independent contractor engaged by the 1113
department of education to create and maintain for school 1114
districts and community schools the student data verification 1115
codes required by division (D)(2) of section 3301.0714 of the 1116
Revised Code ~~shall~~, upon request of the director of any state 1117
agency that administers a publicly funded program providing 1118
services to children who are younger than compulsory school age, 1119
as defined in section 3321.01 of the Revised Code, including the 1120
directors of health under section 3701.62 of the Revised Code, job 1121
and family services, mental health, and developmental 1122
disabilities, shall assign a data verification code to a child who 1123
is receiving such services ~~under division (A)(2) of section~~ 1124
~~3701.61 of the Revised Code. The contractor and shall provide that~~ 1125
~~code to the director, who shall submit it, as specified in section~~ 1126
~~3701.62 of the Revised Code, to the public school in which the~~ 1127
~~child will be enrolled for special education and related services~~ 1128
~~under Chapter 3323. of the Revised Code. The contractor also shall~~ 1129
provide that code to the department of education. 1130

(B) The director of a state agency that receives a child's 1131
data verification code under division (A) of this section shall 1132
use that code to submit information for that child to the 1133
department of education in accordance with section 3301.0714 of 1134
the Revised Code. 1135

(C) A public school that receives a from the independent 1136
contractor the data verification code for a child ~~from the~~ 1137

~~director of health assigned under division (A) of this section~~ 1138
shall not request or assign to that child another data 1139
verification code under division (D)(2) of section 3301.0714 of 1140
the Revised Code. That school and any other public school in which 1141
the child subsequently enrolls shall use the data verification 1142
code ~~provided by the director~~ assigned under division (A) of this 1143
section to report data relative to that student ~~that is~~ required 1144
under section 3301.0714 of the Revised Code. 1145

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 1146
Revised Code: 1147

(A) "Preschool program" means either of the following: 1148

(1) A child care program for preschool children that is 1149
operated by a school district board of education or an eligible 1150
nonpublic school. 1151

(2) A child care program for preschool children age three or 1152
older that is operated by a county DD board. 1153

(B) "Preschool child" or "child" means a child who has not 1154
entered kindergarten and is not of compulsory school age. 1155

(C) "Parent, guardian, or custodian" means the person or 1156
government agency that is or will be responsible for a child's 1157
school attendance under section 3321.01 of the Revised Code. 1158

(D) "Superintendent" means the superintendent of a school 1159
district or the chief administrative officer of an eligible 1160
nonpublic school. 1161

(E) "Director" means the director, head teacher, elementary 1162
principal, or site administrator who is the individual on site and 1163
responsible for supervision of a preschool program. 1164

(F) "Preschool staff member" means a preschool employee whose 1165
primary responsibility is care, teaching, or supervision of 1166
preschool children. 1167

(G) "Nonteaching employee" means a preschool program or 1168
school child program employee whose primary responsibilities are 1169
duties other than care, teaching, and supervision of preschool 1170
children or school children. 1171

(H) "Eligible nonpublic school" means a nonpublic school 1172
chartered as described in division (B)(8) of section 5104.02 of 1173
the Revised Code or chartered by the state board of education for 1174
any combination of grades one through twelve, regardless of 1175
whether it also offers kindergarten. 1176

(I) "County DD board" means a county board of developmental 1177
disabilities. 1178

(J) "School child program" means a child care program for 1179
only school children that is operated by a school district board 1180
of education, county DD board, or eligible nonpublic school. 1181

(K) ~~"School child" and "child care" have the same meanings as~~ 1182
~~in section 5104.01 of the Revised Code~~ means a child who is 1183
enrolled in or is eligible to be enrolled in a grade of 1184
kindergarten or above but is less than fifteen years old. 1185

(L) "School child program staff member" means an employee 1186
whose primary responsibility is the care, teaching, or supervision 1187
of children in a school child program. 1188

(M) "Child care" means administering to the needs of infants, 1189
toddlers, preschool children, and school children outside of 1190
school hours by persons other than their parents or guardians, 1191
custodians, or relatives by blood, marriage, or adoption for any 1192
part of the twenty-four-hour day in a place or residence other 1193
than a child's own home. 1194

(N) "Child day-care center," "publicly funded child care," 1195
and "school-age child care center" have the same meanings as in 1196
section 5104.01 of the Revised Code. 1197

Sec. 3301.53. (A) The state board of education, in 1198
consultation with the director of job and family services, shall 1199
formulate and prescribe by rule adopted under Chapter 119. of the 1200
Revised Code minimum standards to be applied to preschool programs 1201
operated by school district boards of education, county DD boards, 1202
or eligible nonpublic schools. The rules shall include the 1203
following: 1204

(1) Standards ensuring that the preschool program is located 1205
in a safe and convenient facility that accommodates the enrollment 1206
of the program, is of the quality to support the growth and 1207
development of the children according to the program objectives, 1208
and meets the requirements of section 3301.55 of the Revised Code; 1209

(2) Standards ensuring that supervision, discipline, and 1210
programs will be administered according to established objectives 1211
and procedures; 1212

(3) Standards ensuring that preschool staff members and 1213
nonteaching employees are recruited, employed, assigned, 1214
evaluated, and provided inservice education without discrimination 1215
on the basis of age, color, national origin, race, or sex; and 1216
that preschool staff members and nonteaching employees are 1217
assigned responsibilities in accordance with written position 1218
descriptions commensurate with their training and experience; 1219

(4) A requirement that boards of education intending to 1220
establish a preschool program demonstrate a need for a preschool 1221
program prior to establishing the program; 1222

(5) Requirements that children participating in preschool 1223
programs have been immunized to the extent considered appropriate 1224
by the state board to prevent the spread of communicable disease; 1225

(6) Requirements that the parents of preschool children 1226
complete the emergency medical authorization form specified in 1227

section 3313.712 of the Revised Code. 1228

(B) The state board of education in consultation with the 1229
director of job and family services shall ensure that the rules 1230
adopted by the state board under sections 3301.52 to 3301.58 of 1231
the Revised Code are consistent with and meet or exceed the 1232
requirements of Chapter 5104. of the Revised Code with regard to 1233
child day-care centers. The state board and the director of job 1234
and family services shall review all such rules at least once 1235
every five years. 1236

(C) The state board of education, in consultation with the 1237
director of job and family services, shall adopt rules for school 1238
child programs that are consistent with and meet or exceed the 1239
requirements of the rules adopted for ~~school~~ school-age child 1240
~~day-care~~ care centers under Chapter 5104. of the Revised Code. 1241

Sec. 3301.58. (A) The department of education is responsible 1242
for the licensing of preschool programs and school child programs 1243
and for the enforcement of sections 3301.52 to 3301.59 of the 1244
Revised Code and of any rules adopted under those sections. No 1245
school district board of education, county DD board, or eligible 1246
nonpublic school shall operate, establish, manage, conduct, or 1247
maintain a preschool program without a license issued under this 1248
section. A school district board of education, county DD board, or 1249
eligible nonpublic school may obtain a license under this section 1250
for a school child program. The school district board of 1251
education, county DD board, or eligible nonpublic school shall 1252
post the ~~current~~ license for each preschool program and licensed 1253
school child program it operates, establishes, manages, conducts, 1254
or maintains in a conspicuous place in the preschool program or 1255
licensed school child program that is accessible to parents, 1256
custodians, or guardians and employees and staff members of the 1257
program at all times when the program is in operation. 1258

(B) Any school district board of education, county DD board, 1259
or eligible nonpublic school that desires to operate, establish, 1260
manage, conduct, or maintain a preschool program shall apply to 1261
the department of education for a license on a form that the 1262
department shall prescribe by rule. Any school district board of 1263
education, county DD board, or eligible nonpublic school that 1264
desires to obtain a license for a school child program shall apply 1265
to the department for a license on a form that the department 1266
shall prescribe by rule. The department shall provide at no charge 1267
to each applicant for a license under this section a copy of the 1268
requirements under sections 3301.52 to 3301.59 of the Revised Code 1269
and any rules adopted under those sections. ~~The department shall 1270
mail application forms for the renewal of a license at least one 1271
hundred twenty days prior to the date of the expiration of the 1272
license, and the application for renewal of a license shall be 1273
filed with the department at least sixty days before the date of 1274
the expiration of the existing license.~~ The department may 1275
establish application fees by rule adopted under Chapter 119. of 1276
the Revised Code, and all applicants for a license shall pay any 1277
fee established by the department at the time of making an 1278
application for a license. All fees collected pursuant to this 1279
section shall be paid into the state treasury to the credit of the 1280
general revenue fund. 1281

(C) Upon the filing of an application for a license, the 1282
department of education shall investigate and inspect the 1283
preschool program or school child program to determine the license 1284
capacity for each age category of children of the program and to 1285
determine whether the program complies with sections 3301.52 to 1286
3301.59 of the Revised Code and any rules adopted under those 1287
sections. When, after investigation and inspection, the department 1288
of education is satisfied that sections 3301.52 to 3301.59 of the 1289
Revised Code and any rules adopted under those sections are 1290
complied with by the applicant, the department of education shall 1291

issue the program a provisional license as soon as practicable in 1292
the form and manner prescribed by the rules of the department. The 1293
provisional license shall be valid for ~~six months~~ one year from 1294
the date of issuance unless revoked. 1295

(D) The department of education shall investigate and inspect 1296
a preschool program or school child program that has been issued a 1297
provisional license at least once during operation under the 1298
provisional license. If, after the investigation and inspection, 1299
the department of education determines that the requirements of 1300
sections 3301.52 to 3301.59 of the Revised Code and any rules 1301
adopted under those sections are met by the provisional licensee, 1302
the department of education shall issue the program a license ~~that~~ 1303
~~is effective for two years from the date of the issuance of the~~ 1304
~~provisional license. The license shall remain valid unless revoked~~ 1305
~~or the program ceases operations.~~ 1306

(E) ~~Upon the filing of an application for the renewal of a~~ 1307
~~license by a preschool program or school child program, the~~ The 1308
department of education annually shall investigate and inspect ~~the~~ 1309
each preschool program or school child program. ~~If the department~~ 1310
~~of education determines that~~ licensed under division (D) of this 1311
section to determine if the requirements of sections 3301.52 to 1312
3301.59 of the Revised Code and any rules adopted under those 1313
sections are met by the ~~applicant, the department of education~~ 1314
~~shall renew the license for two years from the date of the~~ 1315
~~expiration date of the previous license~~ program, and shall notify 1316
the program of the results. 1317

(F) The license or provisional license shall state the name 1318
of the school district board of education, county DD board, or 1319
eligible nonpublic school that operates the preschool program or 1320
school child program and the license capacity of the program. ~~The~~ 1321
~~license shall include any other information required by section~~ 1322
~~5104.03 of the Revised Code for the license of a child day care~~ 1323

~~center.~~ 1324

(G) The department of education may revoke the license of any 1325
preschool program or school child program that is not in 1326
compliance with the requirements of sections 3301.52 to 3301.59 of 1327
the Revised Code and any rules adopted under those sections. 1328

(H) If the department of education revokes a license ~~or~~ 1329
~~refuses to renew a license to a program,~~ the department shall not 1330
issue a license to the program within two years from the date of 1331
the revocation ~~or refusal~~. All actions of the department with 1332
respect to licensing preschool programs and school child programs 1333
shall be in accordance with Chapter 119. of the Revised Code. 1334

Sec. 3301.90. The governor shall create the early childhood 1335
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 1336
shall appoint one of its members to serve as chairperson of the 1337
council. The council shall serve as the state advisory council on 1338
early childhood education and care, as described in 42 U.S.C. 1339
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 1340
9837b(b)(1), the council ~~shall advise the state regarding the~~ 1341
~~creation and duties of the center for early childhood development~~ 1342
~~and~~ shall promote family-centered programs and services that 1343
acknowledge and support the social, emotional, cognitive, 1344
intellectual, and physical development of children and the vital 1345
role of families in ensuring the well-being and success of 1346
children. 1347

Sec. 3301.922. The department of education shall issue an 1348
annual report on the ~~compliance of~~ participation by public and 1349
chartered nonpublic schools ~~with in the requirements~~ option of 1350
~~section sections~~ 3313.674, 3314.15, and 3326.26 of the Revised 1351
Code to screen students for body mass index and weight status 1352
category. The department shall include in the report any data 1353

regarding student health and wellness collected by the department 1354
in conjunction with those ~~requirements~~ sections. The department 1355
shall submit each report to the governor, the general assembly, 1356
and the healthy choices for healthy children council. 1357

Sec. 3301.941. As used in this section, "early childhood 1358
program" means any publicly funded program providing services to 1359
children younger than compulsory school age, as defined in section 1360
3321.01 of the Revised Code. 1361

Student level data records collected and maintained for 1362
purposes of administering early childhood programs shall be 1363
assigned a unique student data verification code in accordance 1364
with division (D)(2) of section 3301.0714 of the Revised Code and 1365
shall be included in the combined data repository authorized by 1366
section 3301.94 of the Revised Code. The department may require 1367
certain personally identifiable student data, including student 1368
names, to be reported to the department for purposes of 1369
administering early childhood programs but not be included in the 1370
combined data repository. The department and each school or center 1371
providing services through an early childhood program that 1372
receives a student level data record, a data verification code, or 1373
other personally identifiable information shall not release that 1374
record, code, or other information to any person except as 1375
provided by section 3319.321 of the Revised Code or the "Family 1376
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 1377
U.S.C. 1232g. Any document relative to an early childhood program 1378
that the department holds in its files that contains a student's 1379
name, data verification code, or other personally identifiable 1380
information shall not be a public record under section 149.43 of 1381
the Revised Code. 1382

Any state agency that administers an early childhood program 1383
may use student data contained in the combined data repository to 1384

conduct research and analysis designed to evaluate the 1385
effectiveness of and investments in that program, in compliance 1386
with the Family Educational Rights and Privacy Act and regulations 1387
promulgated under that act. 1388

Sec. 3302.03. (A) Annually the department of education shall 1389
report for each school district and each school building in a 1390
district all of the following: 1391

(1) The extent to which the school district or building meets 1392
each of the applicable performance indicators created by the state 1393
board of education under section 3302.02 of the Revised Code and 1394
the number of applicable performance indicators that have been 1395
achieved; 1396

(2) The performance index score of the school district or 1397
building; 1398

(3) Whether the school district or building has made adequate 1399
yearly progress; 1400

(4) Whether the school district or building is excellent, 1401
effective, needs continuous improvement, is under an academic 1402
watch, or is in a state of academic emergency. 1403

(B) Except as otherwise provided in division (B)(6) of this 1404
section: 1405

(1) A school district or building shall be declared excellent 1406
if it meets at least ninety-four per cent of the applicable state 1407
performance indicators or has a performance index score 1408
established by the department, except that if it does not make 1409
adequate yearly progress for two or more of the same subgroups for 1410
three or more consecutive years, it shall be declared effective. 1411

(2) A school district or building shall be declared effective 1412
if it meets at least seventy-five per cent but less than 1413
ninety-four per cent of the applicable state performance 1414

indicators or has a performance index score established by the 1415
department, except that if it does not make adequate yearly 1416
progress for two or more of the same subgroups for three or more 1417
consecutive years, it shall be declared in need of continuous 1418
improvement. 1419

(3) A school district or building shall be declared to be in 1420
need of continuous improvement if it fulfills one of the following 1421
requirements: 1422

(a) It makes adequate yearly progress, meets less than 1423
seventy-five per cent of the applicable state performance 1424
indicators, and has a performance index score established by the 1425
department. 1426

(b) It does not make adequate yearly progress and either 1427
meets at least fifty per cent but less than seventy-five per cent 1428
of the applicable state performance indicators or has a 1429
performance index score established by the department. 1430

(4) A school district or building shall be declared to be 1431
under an academic watch if it does not make adequate yearly 1432
progress and either meets at least thirty-one per cent but less 1433
than fifty per cent of the applicable state performance indicators 1434
or has a performance index score established by the department. 1435

(5) A school district or building shall be declared to be in 1436
a state of academic emergency if it does not make adequate yearly 1437
progress, does not meet at least thirty-one per cent of the 1438
applicable state performance indicators, and has a performance 1439
index score established by the department. 1440

(6) Division (B)(6) of this section does not apply to any 1441
community school established under Chapter 3314. of the Revised 1442
Code in which a majority of the students are enrolled in a dropout 1443
prevention and recovery program. 1444

A school district or building shall not be assigned a higher 1445

performance rating than in need of continuous improvement if at 1446
least ten per cent but not more than fifteen per cent of the 1447
enrolled students do not take all achievement assessments 1448
prescribed for their grade level under division (A)(1) or (B)(1) 1449
of section 3301.0710 of the Revised Code from which they are not 1450
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 1451
the Revised Code. A school district or building shall not be 1452
assigned a higher performance rating than under an academic watch 1453
if more than fifteen per cent but not more than twenty per cent of 1454
the enrolled students do not take all achievement assessments 1455
prescribed for their grade level under division (A)(1) or (B)(1) 1456
of section 3301.0710 of the Revised Code from which they are not 1457
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 1458
the Revised Code. A school district or building shall not be 1459
assigned a higher performance rating than in a state of academic 1460
emergency if more than twenty per cent of the enrolled students do 1461
not take all achievement assessments prescribed for their grade 1462
level under division (A)(1) or (B)(1) of section 3301.0710 of the 1463
Revised Code from which they are not excused pursuant to division 1464
(C)(1) or (3) of section 3301.0711 of the Revised Code. 1465

(C)(1) The department shall issue annual report cards for 1466
each school district, each building within each district, and for 1467
the state as a whole reflecting performance on the indicators 1468
created by the state board under section 3302.02 of the Revised 1469
Code, the performance index score, and adequate yearly progress. 1470

(2) The department shall include on the report card for each 1471
district information pertaining to any change from the previous 1472
year made by the school district or school buildings within the 1473
district on any performance indicator. 1474

(3) When reporting data on student performance, the 1475
department shall disaggregate that data according to the following 1476
categories: 1477

(a) Performance of students by age group;	1478
(b) Performance of students by race and ethnic group;	1479
(c) Performance of students by gender;	1480
(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1481 1482
(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;	1483 1484 1485
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1486 1487
(g) Performance of students grouped by those who are economically disadvantaged;	1488 1489
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1490 1491 1492
(i) Performance of students grouped by those who are classified as limited English proficient;	1493 1494
(j) Performance of students grouped by those who have disabilities;	1495 1496
(k) Performance of students grouped by those who are classified as migrants;	1497 1498
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	1499 1500 1501
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	1502 1503 1504 1505 1506

(C)(3)(a) to (1) of this section that it deems relevant. 1507

In reporting data pursuant to division (C)(3) of this 1508
section, the department shall not include in the report cards any 1509
data statistical in nature that is statistically unreliable or 1510
that could result in the identification of individual students. 1511
For this purpose, the department shall not report student 1512
performance data for any group identified in division (C)(3) of 1513
this section that contains less than ten students. 1514

(4) The department may include with the report cards any 1515
additional education and fiscal performance data it deems 1516
valuable. 1517

(5) The department shall include on each report card a list 1518
of additional information collected by the department that is 1519
available regarding the district or building for which the report 1520
card is issued. When available, such additional information shall 1521
include student mobility data disaggregated by race and 1522
socioeconomic status, college enrollment data, and the reports 1523
prepared under section 3302.031 of the Revised Code. 1524

The department shall maintain a site on the world wide web. 1525
The report card shall include the address of the site and shall 1526
specify that such additional information is available to the 1527
public at that site. The department shall also provide a copy of 1528
each item on the list to the superintendent of each school 1529
district. The district superintendent shall provide a copy of any 1530
item on the list to anyone who requests it. 1531

(6)(a) This division does not apply to conversion community 1532
schools that primarily enroll students between sixteen and 1533
twenty-two years of age who dropped out of high school or are at 1534
risk of dropping out of high school due to poor attendance, 1535
disciplinary problems, or suspensions. 1536

For any district that sponsors a conversion community school 1537

under Chapter 3314. of the Revised Code, the department shall 1538
combine data regarding the academic performance of students 1539
enrolled in the community school with comparable data from the 1540
schools of the district for the purpose of calculating the 1541
performance of the district as a whole on the report card issued 1542
for the district under this section or section 3302.033 of the 1543
Revised Code. 1544

(b) Any district that leases a building to a community school 1545
located in the district or that enters into an agreement with a 1546
community school located in the district whereby the district and 1547
the school endorse each other's programs may elect to have data 1548
regarding the academic performance of students enrolled in the 1549
community school combined with comparable data from the schools of 1550
the district for the purpose of calculating the performance of the 1551
district as a whole on the district report card. Any district that 1552
so elects shall annually file a copy of the lease or agreement 1553
with the department. 1554

(7) The department shall include on each report card the 1555
percentage of teachers in the district or building who are highly 1556
qualified, as defined by the "No Child Left Behind Act of 2001," 1557
and a comparison of that percentage with the percentages of such 1558
teachers in similar districts and buildings. 1559

(8) The department shall include on the report card the 1560
number of lead teachers employed by each district and each 1561
building once the data is available from the education management 1562
information system established under section 3301.0714 of the 1563
Revised Code. 1564

(D)(1) In calculating English language arts, mathematics, 1565
social studies, or science assessment passage rates used to 1566
determine school district or building performance under this 1567
section, the department shall include all students taking an 1568
assessment with accommodation or to whom an alternate assessment 1569

is administered pursuant to division (C)(1) or (3) of section 1570
3301.0711 of the Revised Code. 1571

(2) In calculating performance index scores, rates of 1572
achievement on the performance indicators established by the state 1573
board under section 3302.02 of the Revised Code, and adequate 1574
yearly progress for school districts and buildings under this 1575
section, the department shall do all of the following: 1576

(a) Include for each district or building only those students 1577
who are included in the ADM certified for the first full school 1578
week of October and are continuously enrolled in the district or 1579
building through the time of the spring administration of any 1580
assessment prescribed by division (A)(1) or (B)(1) of section 1581
3301.0710 of the Revised Code that is administered to the 1582
student's grade level; 1583

(b) Include cumulative totals from both the fall and spring 1584
administrations of the third grade English language arts 1585
achievement assessment; 1586

(c) Except as required by the "No Child Left Behind Act of 1587
2001" for the calculation of adequate yearly progress, exclude for 1588
each district or building any limited English proficient student 1589
who has been enrolled in United States schools for less than one 1590
full school year. 1591

Sec. 3302.032. (A) Not later than December 31, 2011, the 1592
state board of education shall establish a measure of the 1593
following: 1594

(1) Student success in meeting the benchmarks contained in 1595
the physical education standards adopted under division (A)(3) of 1596
section 3301.079 of the Revised Code; 1597

(2) Compliance with the requirements for local wellness 1598
policies prescribed by section 204 of the "Child Nutrition and WIC 1599

Reauthorization Act of 2004," 42 U.S.C. 1751 note; 1600

(3) Whether a school district or building ~~is complying with~~ 1601
~~section has elected to administer the screenings authorized by~~ 1602
sections 3313.674, 3314.15, and 3326.26 of the Revised Code 1603
~~instead of operating under a waiver from the requirements of that~~ 1604
~~section;~~ 1605

(4) Whether a school district or building is participating in 1606
the physical activity pilot program administered under section 1607
3313.6016 of the Revised Code. 1608

(B) The measure shall be included on the school district and 1609
building report cards issued under section 3302.03 of the Revised 1610
Code, beginning with the report cards issued for the 2012-2013 1611
school year, but it shall not be a factor in the performance 1612
ratings issued under that section. 1613

(C) The department of education may accept, receive, and 1614
expend gifts, devise, or bequests of money for the purpose of 1615
establishing the measure required by this section. 1616

Sec. 3302.033. The state board of education, in consultation 1617
with the chancellor of the Ohio board of regents, any office 1618
within the office of the governor concerning workforce 1619
development, the Ohio association of career and technical 1620
education, the Ohio association of city career-technical schools, 1621
and the Ohio association of career-technical superintendents, 1622
shall approve a report card for joint vocational school districts 1623
and for other career-technical planning districts that are not 1624
joint vocational school districts. The state board shall submit 1625
details of the approved report card to the governor, the speaker 1626
of the house of representatives, the president of the senate, and 1627
the chairpersons of the standing committees of the house of 1628
representatives and the senate principally responsible for 1629
education policy. The department of education annually shall issue 1630

a report card for each joint vocational school district and 1631
career-technical planning district, beginning with report cards 1632
for the 2012-2013 school year to be published not later than 1633
September 1, 2013. 1634

As used in this section, "career-technical planning district" 1635
means a school district or group of school districts designated by 1636
the department as being responsible for the planning for and 1637
provision of career-technical education services to students 1638
within the district or group. 1639

Sec. 3302.042. (A) This section shall operate as a pilot 1640
project that applies to any school that has been ranked according 1641
to performance index score under section 3302.21 of the Revised 1642
Code in the lowest five per cent of all public school buildings 1643
statewide for three or more consecutive school years and is 1644
operated by the Columbus city school district. The pilot project 1645
shall commence once the department of education establishes 1646
implementation guidelines for the pilot project in consultation 1647
with the Columbus city school district. 1648

(B) Except as provided in division (D), (E), or (F) of this 1649
section, if the parents or guardians of at least fifty per cent of 1650
the students enrolled in a school to which this section applies, 1651
or if the parents or guardians of at least fifty per cent of the 1652
total number of students enrolled in that school and the schools 1653
of lower grade levels whose students typically matriculate into 1654
that school, by the thirty-first day of December of any school 1655
year in which the school is subject to this section, sign and file 1656
with the school district treasurer a petition requesting the 1657
district board of education to implement one of the following 1658
reforms in the school, and if the validity and sufficiency of the 1659
petition is certified in accordance with division (C) of this 1660
section, the board shall implement the requested reform in the 1661

next school year:	1662
(1) Reopen the school as a community school under Chapter 3314. of the Revised Code;	1663 1664
(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;	1665 1666 1667 1668
(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school;	1669 1670 1671
(4) Turn operation of the school over to the department;	1672
(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance.	1673 1674
(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	1675 1676 1677 1678 1679 1680 1681 1682 1683 1684 1685 1686 1687 1688 1689 1690 1691 1692

public instruction and the state board of education of the 1693
certification. 1694

(D) The district board shall not implement the reform 1695
requested by the petitioners in any of the following 1696
circumstances: 1697

(1) The district board has determined that the request is for 1698
reasons other than improving student academic achievement or 1699
student safety. 1700

(2) The state superintendent has determined that 1701
implementation of the requested reform would not comply with the 1702
model of differentiated accountability described in section 1703
3302.041 of the Revised Code. 1704

(3) The petitioners have requested the district board to 1705
implement the reform described in division (B)(4) of this section 1706
and the department has not agreed to take over the school's 1707
operation. 1708

(4) When all of the following have occurred: 1709

(a) After a public hearing on the matter, the district board 1710
issued a written statement explaining the reasons that it is 1711
unable to implement the requested reform and agreeing to implement 1712
one of the other reforms described in division (B) of this 1713
section. 1714

(b) The district board submitted its written statement to the 1715
state superintendent and the state board along with evidence 1716
showing how the alternative reform the district board has agreed 1717
to implement will enable the school to improve its academic 1718
performance. 1719

(c) Both the state superintendent and the state board have 1720
approved implementation of the alternative reform. 1721

(E) If the provisions of this section conflict in any way 1722

with the requirements of federal law, federal law shall prevail 1723
over the provisions of this section. 1724

(F) If a school is restructured under this section, section 1725
3302.10 or 3302.12 of the Revised Code, or federal law, the school 1726
shall not be required to restructure again under state law for 1727
three consecutive years after the implementation of that prior 1728
restructuring. 1729

(G) Beginning not later than six months after the first 1730
petition under this section has been resolved, the department of 1731
education shall annually evaluate the pilot program and submit a 1732
report to the general assembly under section 101.68 of the Revised 1733
Code. Such reports shall contain its recommendations to the 1734
general assembly with respect to the continuation of the pilot 1735
program, its expansion to other school districts, or the enactment 1736
of further legislation establishing the program statewide under 1737
permanent law. 1738

Sec. 3302.12. (A) ~~For~~ Except as provided in divisions (C) and 1739
(D) of this section, for any school building that is ranked 1740
according to performance index score under section 3302.21 of the 1741
Revised Code in the lowest five per cent of all public school 1742
buildings statewide for three consecutive years and is declared to 1743
be under an academic watch or in a state of academic emergency 1744
under section 3302.03 of the Revised Code, the district board of 1745
education shall do one of the following at the conclusion of the 1746
school year in which the building first becomes subject to this 1747
division: 1748

(1) Close the school and direct the district superintendent 1749
to reassign the students enrolled in the school to other school 1750
buildings that demonstrate higher academic achievement; 1751

(2) Contract with another school district or a nonprofit or 1752
for-profit entity with a demonstrated record of effectiveness to 1753

operate the school; 1754

(3) Replace the principal and all teaching staff of the 1755
school and, upon request from the new principal, exempt the school 1756
from all requested policies and regulations of the board regarding 1757
curriculum and instruction. The board also shall distribute 1758
funding to the school in an amount that is at least equal to the 1759
product of the per pupil amount of state and local revenues 1760
received by the district multiplied by the student population of 1761
the school. 1762

(4) Reopen the school as a conversion community school under 1763
Chapter 3314. of the Revised Code. 1764

(B) If an action taken by the board under division (A) of 1765
this section causes the district to no longer maintain all grades 1766
kindergarten through twelve, as required by section 3311.29 of the 1767
Revised Code, the board shall enter into a contract with another 1768
school district pursuant to section 3327.04 of the Revised Code 1769
for enrollment of students in the schools of that other district 1770
to the extent necessary to comply with the requirement of section 1771
3311.29 of the Revised Code. Notwithstanding any provision of the 1772
Revised Code to the contrary, if the board enters into and 1773
maintains a contract under section 3327.04 of the Revised Code, 1774
the district shall not be considered to have failed to comply with 1775
the requirement of section 3311.29 of the Revised Code. If, 1776
however, the district board fails to or is unable to enter into or 1777
maintain such a contract, the state board of education shall take 1778
all necessary actions to dissolve the district as provided in 1779
division (A) of section 3311.29 of the Revised Code. 1780

(C) If a particular school is required to restructure under 1781
this section and a petition with respect to that same school has 1782
been filed and verified under divisions (B) and (C) of section 1783
3302.042 of the Revised Code, the provisions of that section and 1784
the petition filed and verified under it shall prevail over the 1785

provisions of this section and the school shall be restructured 1786
under that section. However, if division (D)(1), (2), or (3) of 1787
section 3302.042 of the Revised Code also applies to the school, 1788
the school shall be subject to restructuring under this section 1789
and not section 3302.042 of the Revised Code. 1790

If the provisions of this section conflict in any way with 1791
the requirements of federal law, federal law shall prevail over 1792
the provisions of this section. 1793

(D) If a school is restructured under this section, section 1794
3302.042 or 3302.10 of the Revised Code, or federal law, the 1795
school shall not be required to restructure again under state law 1796
for three consecutive years after the implementation of that prior 1797
restructuring. 1798

Sec. 3302.20. (A) The department of education shall develop 1799
standards for determining, from the existing data reported in 1800
accordance with sections 3301.0714 and 3314.17 of the Revised 1801
Code, the amount of annual operating expenditures for classroom 1802
instructional purposes and for nonclassroom purposes for each 1803
city, exempted village, local, and joint vocational school 1804
district, each community school established under Chapter 3314. 1805
that is not an internet- or computer-based community school, each 1806
internet- or computer-based community school, and each STEM school 1807
established under Chapter 3326. of the Revised Code. ~~Not later~~ 1808
~~than January 1, 2012, the~~ The department shall present those 1809
standards to the state board of education for consideration. In 1810
developing the standards, the department shall adapt existing 1811
standards used by professional organizations, research 1812
organizations, and other state governments. The department also 1813
shall align the expenditure categories required for reporting 1814
under the standards with the categories that are required for 1815
reporting to the United States department of education under 1816

federal law. 1817

The state board shall consider the proposed standards and 1818
adopt a final set of standards not later than December 31, 2012. 1819
School districts, community schools, and STEM schools shall begin 1820
reporting data in accordance with the standards on July 1, 2012 1821
2013. 1822

(B)(1) The department shall categorize all city, exempted 1823
village, and local school districts into not less than three nor 1824
more than five groups based primarily on average daily student 1825
enrollment as reported on the most recent report card issued for 1826
each district under section 3302.03 of the Revised Code. 1827

(2) The department shall categorize all joint vocational 1828
school districts into not less than three nor more than five 1829
groups based primarily on average daily membership as reported 1830
under division (D) of section 3317.03 of the Revised Code rounded 1831
to the nearest whole number. 1832

(3) The department shall categorize all community schools 1833
that are not internet- or computer-based community schools into 1834
not less than three nor more than five groups based primarily on 1835
average daily student enrollment as reported on the most recent 1836
report card issued for each community school under sections 1837
3302.03 and 3314.012 of the Revised Code. 1838

(4) The department shall categorize all internet- or 1839
computer-based community schools into a single category. 1840

(5) The department shall categorize all STEM schools into a 1841
single category. 1842

(C) Using the standards adopted under division (A) of this 1843
section and the data reported under sections 3301.0714 and 3314.17 1844
of the Revised Code, the department shall compute, ~~for fiscal~~ 1845
~~years 2008 through 2012, and~~ annually for each fiscal year 1846

thereafter, the following: 1847

(1) The percentage of each district's, community school's, or 1848
STEM school's total operating budget spent for classroom 1849
instructional purposes; 1850

(2) The statewide average percentage for all districts, 1851
community schools, and STEM schools combined spent for classroom 1852
instructional purposes; 1853

(3) The average percentage for each of the categories of 1854
districts and schools established under division (B) of this 1855
section spent for classroom instructional purposes; 1856

(4) The ranking of each district, community school, or STEM 1857
school within its respective category established under division 1858
(B) of this section according to the following: 1859

(a) From highest to lowest percentage spent for classroom 1860
instructional purposes; 1861

(b) From lowest to highest percentage spent for 1862
noninstructional purposes. 1863

(D) In its display of rankings within each category under 1864
division (C)(4) of this section, the department shall make the 1865
following notations: 1866

(1) Within each category of city, exempted village, and local 1867
school districts, the department shall denote each district that 1868
is: 1869

(a) Among the twenty per cent of all city, exempted village, 1870
and local school districts statewide with the lowest total 1871
operating expenditures per pupil; 1872

(b) Among the twenty per cent of all city, exempted village, 1873
and local school districts statewide with the highest performance 1874
index scores. 1875

(2) Within each category of joint vocational school 1876

districts, the department shall denote each district that is:	1877
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil;	1878 1879 1880
(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.	1881 1882 1883 1884 1885
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	1886 1887 1888
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;	1889 1890
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores.	1891 1892
(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:	1893 1894 1895
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;	1896 1897
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores.	1898 1899
(5) Within the category of STEM schools, the department shall denote each school that is:	1900 1901
(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil;	1902 1903
(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.	1904 1905

(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 1967
district, each community school, and each STEM school indicating 1968
the district's or school's rank on each measure described in 1969
divisions (A)(1) to ~~(5)~~(4) of this section, including each 1970
separate building's rank among all public school buildings 1971
according to performance index score under division (A)(1) of this 1972
section. 1973

Sec. 3302.25. (A) In accordance with standards prescribed by 1974
the state board of education for categorization of school district 1975
expenditures adopted under division (A) of section 3302.20 of the 1976
Revised Code, the department of education annually shall determine 1977
all of the following for the previous fiscal year: 1978

(1) For each school district, the ratio of the district's 1979
operating expenditures for classroom instructional purposes 1980
compared to its operating expenditures for ~~administrative~~ 1981
nonclassroom purposes; 1982

(2) For each school district, the per pupil amount of the 1983
district's expenditures for classroom instructional purposes; 1984

(3) For each school district, the per pupil amount of the 1985
district's operating expenditures for ~~administrative~~ nonclassroom 1986
purposes; 1987

(4) For each school district, the percentage of the 1988
district's operating expenditures attributable to school district 1989
funds; 1990

(5) The statewide average among all school districts for each 1991
of the items described in divisions (A)(1) to (4) of this section. 1992

(B) The department annually shall submit a report to each 1993
school district indicating the district's information for each of 1994
the items described in divisions (A)(1) to (4) of this section and 1995
the statewide averages described in division (A)(5) of this 1996

section. 1997

(C) Each school district, upon receipt of the report 1998
prescribed by division (B) of this section, shall publish the 1999
information contained in that report in a prominent location on 2000
the district's web site and publish the report in another fashion 2001
so that it is available to all parents of students enrolled in the 2002
district and to taxpayers of the district. 2003

Sec. 3302.41. As used in this section, "blended learning" has 2004
the same meaning as in section 3301.079 of the Revised Code. 2005

(A) Any local, city, exempted village, or joint vocational 2006
school district, community school established under Chapter 3314. 2007
of the Revised Code, STEM school established under Chapter 3326. 2008
of the Revised Code, college-preparatory boarding school 2009
established under Chapter 3328. of the Revised Code, or chartered 2010
nonpublic school may operate all or part of a school using a 2011
blended learning model. If a school is operated using a blended 2012
learning model or is to cease operating using a blended learning 2013
model, the superintendent of the school or district or director of 2014
the school shall notify the department of education of that fact 2015
not later than the first day of July of the school year for which 2016
the change is effective. If any school district school, community 2017
school, or STEM school is already operated using a blended 2018
learning model on the effective date of this section, the 2019
superintendent of the school or district may notify the department 2020
within ninety days after the effective date of this section of 2021
that fact and request that the school be classified as a blended 2022
learning school. 2023

(B) The state board of education shall revise any operating 2024
standards for school districts and chartered nonpublic schools 2025
adopted under section 3301.07 of the Revised Code to include 2026
standards for the operation of blended learning under this 2027

section. The blended learning operation standards shall provide 2028
for all of the following: 2029

(1) Student-to-teacher ratios whereby no school or classroom 2030
is required to have more than one teacher for every one hundred 2031
twenty-five students in blended learning classrooms; 2032

(2) The extent to which the school is or is not obligated to 2033
provide students with access to digital learning tools; 2034

(3) The ability of all students, at any grade level, to earn 2035
credits or advance grade levels upon demonstrating mastery of 2036
knowledge or skills through competency-based learning models. 2037
Credits or grade level advancement shall not be based on a minimum 2038
number of days or hours in a classroom. 2039

(4) An exemption from minimum school year or school day 2040
requirements in sections 3313.48 and 3313.481 of the Revised Code; 2041

(5) Adequate provisions for: the licensing of teachers, 2042
administrators, and other professional personnel and their 2043
assignment according to training and qualifications; efficient and 2044
effective instructional materials and equipment, including library 2045
facilities; the proper organization, administration, and 2046
supervision of each school, including regulations for preparing 2047
all necessary records and reports and the preparation of a 2048
statement of policies and objectives for each school; buildings, 2049
grounds, and health and sanitary facilities and services; 2050
admission of pupils, and such requirements for their promotion 2051
from grade to grade as will ensure that they are capable and 2052
prepared for the level of study to which they are certified; 2053
requirements for graduation; and such other factors as the board 2054
finds necessary. 2055

(C) An internet- or computer-based community school, as 2056
defined in section 3314.02 of the Revised Code, is not a blended 2057
learning school authorized under this section. Nor does this 2058

section affect any provisions for the operation of and payments to 2059
an internet- or computer-based community school prescribed in 2060
Chapter 3314. of the Revised Code. 2061

Sec. 3310.03. A student is an "eligible student" for purposes 2062
of the educational choice scholarship pilot program if the 2063
student's resident district is not a school district in which the 2064
pilot project scholarship program is operating under sections 2065
3313.974 to 3313.979 of the Revised Code and the student satisfies 2066
one of the conditions in division (A) ~~or~~, (B), or (C) of this 2067
section: 2068

(A)(1) The student is enrolled in a school building that is 2069
operated by the student's resident district and to which both of 2070
the following apply: 2071

(a) The building was declared, in at least two of the three 2072
most recent ratings of school buildings published prior to the 2073
first day of July of the school year for which a scholarship is 2074
sought, to be in a state of academic emergency or academic watch 2075
under section 3302.03 of the Revised Code; 2076

(b) The building was not declared to be excellent or 2077
effective under that section in the most recent rating published 2078
prior to the first day of July of the school year for which a 2079
scholarship is sought. 2080

(2) The student is eligible to enroll in kindergarten in the 2081
school year for which a scholarship is sought and otherwise would 2082
be assigned under section 3319.01 of the Revised Code to a school 2083
building described in division (A)(1) of this section. 2084

(3) The student is enrolled in a community school established 2085
under Chapter 3314. of the Revised Code but otherwise would be 2086
assigned under section 3319.01 of the Revised Code to a building 2087
described in division (A)(1) of this section. 2088

(4) The student is enrolled in a school building that is 2089
operated by the student's resident district or in a community 2090
school established under Chapter 3314. of the Revised Code and 2091
otherwise would be assigned under section 3319.01 of the Revised 2092
Code to a school building described in division (A)(1) of this 2093
section in the school year for which the scholarship is sought. 2094

(5) The student is eligible to enroll in kindergarten in the 2095
school year for which a scholarship is sought, or is enrolled in a 2096
community school established under Chapter 3314. of the Revised 2097
Code, and all of the following apply to the student's resident 2098
district: 2099

(a) The district has in force an intradistrict open 2100
enrollment policy under which no student in kindergarten or the 2101
community school student's grade level, respectively, is 2102
automatically assigned to a particular school building; 2103

(b) In at least two of the three most recent ratings of 2104
school districts published prior to the first day of July of the 2105
school year for which a scholarship is sought, the district was 2106
declared to be in a state of academic emergency under section 2107
3302.03 of the Revised Code; 2108

(c) The district was not declared to be excellent or 2109
effective under that section in the most recent rating published 2110
prior to the first day of July of the school year for which a 2111
scholarship is sought. 2112

(B)(1) The student is enrolled in a school building that is 2113
operated by the student's resident district and to which both of 2114
the following apply: 2115

(a) The building was ranked, for at least two of the three 2116
most recent rankings published under section 3302.21 of the 2117
Revised Code prior to the first day of July of the school year for 2118
which a scholarship is sought, in the lowest ten per cent of all 2119

public school buildings according to performance index score under 2120
section 3302.21 of the Revised Code. 2121

(b) The building was not declared to be excellent or 2122
effective under section 3302.03 of the Revised Code in the most 2123
recent rating published prior to the first day of July of the 2124
school year for which a scholarship is sought. 2125

(2) The student is eligible to enroll in kindergarten in the 2126
school year for which a scholarship is sought and otherwise would 2127
be assigned under section 3319.01 of the Revised Code to a school 2128
building described in division (B)(1) of this section. 2129

(3) The student is enrolled in a community school established 2130
under Chapter 3314. of the Revised Code but otherwise would be 2131
assigned under section 3319.01 of the Revised Code to a building 2132
described in division (B)(1) of this section. 2133

(4) The student is enrolled in a school building that is 2134
operated by the student's resident district or in a community 2135
school established under Chapter 3314. of the Revised Code and 2136
otherwise would be assigned under section 3319.01 of the Revised 2137
Code to a school building described in division (B)(1) of this 2138
section in the school year for which the scholarship is sought. 2139

(C) The student is enrolled in a nonpublic school at the time 2140
the school is granted a charter by the state board of education 2141
under section 3301.16 of the Revised Code and the student meets 2142
the standards of division (B) of section 3310.031 of the Revised 2143
Code. 2144

(D) A student who receives a scholarship under the 2145
educational choice scholarship pilot program remains an eligible 2146
student and may continue to receive scholarships in subsequent 2147
school years until the student completes grade twelve, so long as 2148
all of the following apply: 2149

(1) The student's resident district remains the same, or the 2150

student transfers to a new resident district and otherwise would 2151
be assigned in the new resident district to a school building 2152
described in division (A)(1) or (B)(1) of this section; 2153

(2) The student takes each assessment prescribed for the 2154
student's grade level under section 3301.0710 or 3301.0712 of the 2155
Revised Code while enrolled in a chartered nonpublic school; 2156

(3) In each school year that the student is enrolled in a 2157
chartered nonpublic school, the student is absent from school for 2158
not more than twenty days that the school is open for instruction, 2159
not including excused absences. 2160

~~(D)~~(E)(1) The department shall cease awarding first-time 2161
scholarships pursuant to divisions (A)(1) to (4) of this section 2162
with respect to a school building that, in the most recent ratings 2163
of school buildings published under section 3302.03 of the Revised 2164
Code prior to the first day of July of the school year, ceases to 2165
meet the criteria in division (A)(1) of this section. The 2166
department shall cease awarding first-time scholarships pursuant 2167
to division (A)(5) of this section with respect to a school 2168
district that, in the most recent ratings of school districts 2169
published under section 3302.03 of the Revised Code prior to the 2170
first day of July of the school year, ceases to meet the criteria 2171
in division (A)(5) of this section. 2172

(2) The department shall cease awarding first-time 2173
scholarships pursuant to divisions (B)(1) to (4) of this section 2174
with respect to a school building that, in the most recent ratings 2175
of school buildings under section 3302.03 of the Revised Code 2176
prior to the first day of July of the school year, ceases to meet 2177
the criteria in division (B)(1) of this section. 2178

(3) However, students who have received scholarships in the 2179
prior school year remain eligible students pursuant to division 2180
~~(C)~~(D) of this section. 2181

~~(E)~~(F) The state board of education shall adopt rules 2182
defining excused absences for purposes of division ~~(C)~~(D)(3) of 2183
this section. 2184

Sec. 3310.031. (A) The state board of education shall adopt 2185
rules under section 3310.17 of the Revised Code establishing 2186
procedures for granting educational choice scholarships to 2187
eligible students attending a nonpublic school at the time the 2188
state board grants the school a charter under section 3301.16 of 2189
the Revised Code. The procedures shall include at least the 2190
following: 2191

(1) Provisions for extending the application period for 2192
scholarships for the following school year, if necessary due to 2193
the timing of the award of the nonpublic school's charter, in 2194
order for students enrolled in the school at the time the charter 2195
is granted to apply for scholarships for the following school 2196
year; 2197

(2) Provisions for notifying the resident districts of the 2198
nonpublic school's students that the nonpublic school has been 2199
granted a charter and that educational choice scholarships may be 2200
awarded to the school's students for the following school year. 2201

(B) A student who is enrolled in a nonpublic school at the 2202
time the school's charter is granted is an eligible student if any 2203
of the following applies: 2204

(1) At the end of the last school year before the student 2205
enrolled in the nonpublic school, the student was enrolled in a 2206
school building operated by the student's resident district or in 2207
a community school established under Chapter 3314. of the Revised 2208
Code and, for the current or following school year, the student 2209
otherwise would be assigned under section 3319.01 of the Revised 2210
Code to a school building described in division (A)(1) or (B)(1) 2211
of section 3310.03 of the Revised Code. 2212

(2) The student was not enrolled in any public or other nonpublic school before the student enrolled in the nonpublic school and, for the current or following school year, otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) or (B)(1) of section 3310.03 of the Revised Code.

(3) At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a school building operated by the student's resident district and, during that school year, the building met the conditions described in division (A)(1) or (B)(1) of section 3310.03 of the Revised Code.

(4) At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would have been assigned under section 3319.01 of the Revised Code to a school building that, during that school year, met the conditions described in division (A)(1) or (B)(1) of section 3310.03 of the Revised Code.

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

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

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

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

(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;

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

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

(7) Economically disadvantaged students.

(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.

(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 2305
students enrolled in the building operated by the student's 2306
resident district that the scholarship student would otherwise 2307
attend. In calculating the performance of similar students, the 2308
department shall consider age, grade, race and ethnicity, gender, 2309
and socioeconomic status. 2310

Sec. 3313.37. (A)(1) The board of education of any city, 2311
local, or exempted village school district may build, enlarge, 2312
repair, and furnish the necessary schoolhouses, purchase or lease 2313
sites therefor, or rights-of-way thereto, or purchase or lease 2314
real estate to be used as playgrounds for children or rent 2315
suitable schoolrooms, either within or without the district, and 2316
provide the necessary apparatus and make all other necessary 2317
provisions for the schools under its control. 2318

(2) A governing board of an educational service center may 2319
acquire, lease or lease-purchase, or enter into a contract to 2320
purchase, lease or lease-purchase, or sell real and personal 2321
property and may construct, enlarge, repair, renovate, furnish, or 2322
equip facilities, buildings, or structures for the educational 2323
service center's purposes. The board may enter into loan 2324
agreements, including mortgages, for the acquisition of such 2325
property. ~~If a governing board exercises any of these powers to 2326~~
~~acquire office or classroom space, the board of county 2327~~
~~commissioners has no obligation to provide and equip offices and 2328~~
~~to provide heat, light, water, and janitorial services for the use 2329~~
~~of the service center pursuant to section 3319.19 of the Revised 2330~~
~~Code, unless there is a contract as provided by division (D) of 2331~~
~~that section.~~ 2332

(3) A board of county commissioners may issue securities of 2333
the county pursuant to Chapter 133. of the Revised Code for the 2334
acquisition of real and personal property or for the construction, 2335

enlargement, repair, or renovation of facilities, buildings, or 2336
structures by an educational service center, but only if the 2337
county has a contract ~~under division (D) of section 3319.19 of the~~ 2338
~~Revised Code~~ with the educational service center whereby the 2339
educational service center agrees to pay the county an amount 2340
equal to the debt charges on the issued securities on or before 2341
the date those charges fall due. For the purposes of this section, 2342
"debt charges" and "securities" have the same meanings as in 2343
section 133.01 of the Revised Code. 2344

(B)(1) Boards of education of city, local, and exempted 2345
village school districts may acquire land by gift or devise, by 2346
purchase, or by appropriation. Lands purchased may be purchased 2347
for cash, by installment payments, with or without a mortgage, by 2348
entering into lease-purchase agreements, or by lease with an 2349
option to purchase, provided that if the purchase price is to be 2350
paid over a period of time, such payments shall not extend for a 2351
period of more than five years. A special tax levy may be 2352
authorized by the voters of the school district in accordance with 2353
section 5705.21 of the Revised Code to provide a special fund to 2354
meet the future time payments. 2355

(2) For the purposes of section 5705.21 of the Revised Code, 2356
acquisition of land under the provisions of this division shall be 2357
considered a necessary requirement of the school district. 2358

(3) Boards of education of city, local, and exempted village 2359
school districts may acquire federal land at a discount by a 2360
lease-purchase agreement for use as a site for the construction of 2361
educational facilities or for other related purposes. External 2362
administrative and other costs pertaining to the acquisition of 2363
federal land at a discount may be paid from funds available to the 2364
school district for operating purposes. Such boards of education 2365
may also acquire federal land by lease-purchase agreements, by 2366
negotiation, or otherwise. 2367

(4) As used in this division:	2368
(a) "Office equipment" includes but is not limited to typewriters, copying and duplicating equipment, and computer and data processing equipment.	2369 2370 2371
(b) "Software for instructional purposes" includes computer programs usable for computer assisted instruction, computer managed instruction, drill and practice, and problem simulations.	2372 2373 2374
A board of education or governing board of an educational service center may acquire the necessary office equipment, and computer hardware and software for instructional purposes, for the schools under its control by purchase, by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase. In the case of a city, exempted village, or local school district, if the purchase price is to be paid over a period of time, the contract setting forth the terms of such purchase shall be considered a continuing contract pursuant to section 5705.41 of the Revised Code. Payments shall not extend for a period of more than five years. Costs relating to the acquisition of necessary apparatus may be paid from funds available to the school district or educational service center for operating purposes.	2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388
(5) A board of education or governing board of an educational service center may acquire the necessary equipment for the maintenance or physical upkeep of facilities and land under its control by entering into lease-purchase agreements. If payments under the lease-purchase agreement are to be made over a period of time, the agreement shall be considered a continuing contract pursuant to section 5705.41 of the Revised Code, and such payments shall not extend for a period of more than five years.	2389 2390 2391 2392 2393 2394 2395 2396
Sec. 3313.41. (A) Except as provided in divisions (C), (D), (F), and (G) of this section, when a board of education decides to	2397 2398

dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is personal property, in the school district of the board of education that owns the property. The board may offer real property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal property for sale at public auction at least once pursuant to division (A) of this section, and the property has not been sold, the board may sell it at a private sale. Regardless of how it was offered at public auction, at a private sale, the board shall, as it considers best, sell real property as an entire tract or in parcels, and personal property in a single lot or in several lots.

(C) If a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it may sell the property to the adjutant general; to any subdivision or taxing authority as respectively defined in ~~divisions (A) and (C)~~ of section 5705.01 of the Revised Code, township park district, board of park commissioners established under Chapter 755. of the Revised Code, or park district established under Chapter 1545. of the Revised Code; to a wholly or partially tax-supported university, university branch, or college; to a nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; to the governing authority of a chartered nonpublic school; or to the board of trustees of a school district library, upon such terms as are agreed upon. The

sale of real or personal property to the board of trustees of a 2431
school district library is limited, in the case of real property, 2432
to a school district library within whose boundaries the real 2433
property is situated, or, in the case of personal property, to a 2434
school district library whose boundaries lie in whole or in part 2435
within the school district of the selling board of education. 2436

(D) When a board of education decides to trade as a part or 2437
an entire consideration, an item of personal property on the 2438
purchase price of an item of similar personal property, it may 2439
trade the same upon such terms as are agreed upon by the parties 2440
to the trade. 2441

(E) The president and the treasurer of the board of education 2442
shall execute and deliver deeds or other necessary instruments of 2443
conveyance to complete any sale or trade under this section. 2444

(F) When a board of education has identified a parcel of real 2445
property that it determines is needed for school purposes, the 2446
board may, upon a majority vote of the members of the board, 2447
acquire that property by exchanging real property that the board 2448
owns in its corporate capacity for the identified real property or 2449
by using real property that the board owns in its corporate 2450
capacity as part or an entire consideration for the purchase price 2451
of the identified real property. Any exchange or acquisition made 2452
pursuant to this division shall be made by a conveyance executed 2453
by the president and the treasurer of the board. 2454

(G) When a school district board of education decides to 2455
dispose of real property, prior to disposing of that property 2456
under divisions (A) to (F) of this section, it shall first offer 2457
that property for sale to the governing authorities of the 2458
start-up community schools established under Chapter 3314. of the 2459
Revised Code, and the board of trustees of any college-preparatory 2460
boarding school established under Chapter 3328. of the Revised 2461
Code, that are located within the territory of the school 2462

district⁷. The district board shall offer the property at a price 2463
that is not higher than the appraised fair market value of that 2464
property as determined in an appraisal of the property that is not 2465
more than one year old. If more than one community school 2466
governing authority or college-preparatory boarding school board 2467
of trustees accepts the offer made by the school district board, 2468
the board shall sell the property to the governing authority or 2469
board that accepted the offer first in time. If no community 2470
school governing authority or college-preparatory boarding school 2471
board of trustees accepts the offer within sixty days after the 2472
offer is made by the school district board, the board may dispose 2473
of the property in the applicable manner prescribed under 2474
divisions (A) to (F) of this section. 2475

(H) When a school district board of education has property 2476
that the board, by resolution, finds is not needed for school 2477
district use, is obsolete, or is unfit for the use for which it 2478
was acquired, the board may donate that property in accordance 2479
with this division if the fair market value of the property is, in 2480
the opinion of the board, two thousand five hundred dollars or 2481
less. 2482

The property may be donated to an eligible nonprofit 2483
organization that is located in this state and is exempt from 2484
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 2485
Before donating any property under this division, the board shall 2486
adopt a resolution expressing its intent to make unneeded, 2487
obsolete, or unfit-for-use school district property available to 2488
these organizations. The resolution shall include guidelines and 2489
procedures the board considers to be necessary to implement the 2490
donation program and shall indicate whether the school district 2491
will conduct the donation program or the board will contract with 2492
a representative to conduct it. If a representative is known when 2493
the resolution is adopted, the resolution shall provide contact 2494

information such as the representative's name, address, and 2495
telephone number. 2496

The resolution shall include within its procedures a 2497
requirement that any nonprofit organization desiring to obtain 2498
donated property under this division shall submit a written notice 2499
to the board or its representative. The written notice shall 2500
include evidence that the organization is a nonprofit organization 2501
that is located in this state and is exempt from federal income 2502
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 2503
the organization's primary purpose; a description of the type or 2504
types of property the organization needs; and the name, address, 2505
and telephone number of a person designated by the organization's 2506
governing board to receive donated property and to serve as its 2507
agent. 2508

After adoption of the resolution, the board shall publish, in 2509
a newspaper of general circulation in the school district or as 2510
provided in section 7.16 of the Revised Code, notice of its intent 2511
to donate unneeded, obsolete, or unfit-for-use school district 2512
property to eligible nonprofit organizations. The notice shall 2513
include a summary of the information provided in the resolution 2514
and shall be published twice. The second notice shall be published 2515
not less than ten nor more than twenty days after the previous 2516
notice. A similar notice also shall be posted continually in the 2517
board's office. If the school district maintains a web site on the 2518
internet, the notice shall be posted continually at that web site. 2519

The board or its representatives shall maintain a list of all 2520
nonprofit organizations that notify the board or its 2521
representative of their desire to obtain donated property under 2522
this division and that the board or its representative determines 2523
to be eligible, in accordance with the requirements set forth in 2524
this section and in the donation program's guidelines and 2525
procedures, to receive donated property. 2526

The board or its representative also shall maintain a list of 2527
all school district property the board finds to be unneeded, 2528
obsolete, or unfit for use and to be available for donation under 2529
this division. The list shall be posted continually in a 2530
conspicuous location in the board's office, and, if the school 2531
district maintains a web site on the internet, the list shall be 2532
posted continually at that web site. An item of property on the 2533
list shall be donated to the eligible nonprofit organization that 2534
first declares to the board or its representative its desire to 2535
obtain the item unless the board previously has established, by 2536
resolution, a list of eligible nonprofit organizations that shall 2537
be given priority with respect to the item's donation. Priority 2538
may be given on the basis that the purposes of a nonprofit 2539
organization have a direct relationship to specific school 2540
district purposes of programs provided or administered by the 2541
board. A resolution giving priority to certain nonprofit 2542
organizations with respect to the donation of an item of property 2543
shall specify the reasons why the organizations are given that 2544
priority. 2545

Members of the board shall consult with the Ohio ethics 2546
commission, and comply with Chapters 102. and 2921. of the Revised 2547
Code, with respect to any donation under this division to a 2548
nonprofit organization of which a board member, any member of a 2549
board member's family, or any business associate of a board member 2550
is a trustee, officer, board member, or employee. 2551

Sec. 3313.411. (A) As used in this section, ~~"unused:~~ 2552

(1) "College-preparatory boarding school" means a 2553
college-preparatory boarding school established under Chapter 2554
3328. of the Revised Code. 2555

(2) "Community school" means a community school established 2556
under Chapter 3314. of the Revised Code. 2557

(3) "Unused school facilities" means any real property that 2558
has been used by a school district for school operations, 2559
including, but not limited to, academic instruction or 2560
administration, since July 1, 1998, but has not been used in that 2561
capacity for two years. 2562

(B)(1) On and after ~~the effective date of this section~~ June 2563
30, 2011, any school district board of education shall offer any 2564
unused school facilities it owns in its corporate capacity for 2565
lease or sale to the governing authorities of community schools 2566
~~established under Chapter 3314. of the Revised Code, and the board~~ 2567
of trustees of any college-preparatory boarding school, that are 2568
located within the territory of the ~~school~~ district. 2569

(2) At the same time that a district board makes the offer 2570
required under division (B)(1) of this section, the board also 2571
may, but shall not be required to, offer that property for sale or 2572
lease to the governing authorities of community schools with 2573
plans, stipulated in their contracts entered into under section 2574
3314.03 of the Revised Code, either to relocate their operations 2575
to the territory of the district or to add facilities, as 2576
authorized by division (B)(3) or (4) of section 3314.05 of the 2577
Revised Code, to be located within the territory of the district. 2578

(C)(1) If, not later than sixty days after the district board 2579
makes the offer, ~~the governing authority of only one community~~ 2580
~~school located within the territory of the school district~~ 2581
qualified party offered the property under division (B) of this 2582
section notifies the district treasurer in writing of ~~its~~ the 2583
intention to purchase the property, the district board shall sell 2584
the property to ~~the community school~~ that party for the appraised 2585
fair market value of the property as determined in an appraisal of 2586
the property that is not more than one year old. 2587

(2) If, not later than sixty days after the district board 2588
makes the offer, ~~the governing authorities of two or more~~ 2589

~~community schools located within the territory of the school~~ 2590
~~district notify more than one qualified party offered the property~~ 2591
~~under division (B) of this section notifies~~ the district treasurer 2592
in writing of ~~their~~ the intention to purchase the property, the 2593
board shall conduct a public auction in the manner required for 2594
auctions of district property under division (A) of section 2595
3313.41 of the Revised Code. Only the ~~governing authorities of all~~ 2596
~~community schools located within the territory of the school~~ 2597
~~district parties offered the property under division (B) of this~~ 2598
~~section that notify the district treasurer of the intention to~~ 2599
~~purchase the property~~ are eligible to bid at the auction. The 2600
district board is not obligated to accept any bid for the property 2601
that is lower than the appraised fair market value of the property 2602
as determined in an appraisal that is not more than one year old. 2603

(3) If ~~the governing authorities of two or more community~~ 2604
~~schools located within the territory of the school district notify~~ 2605
~~more than one qualified party offered the property under division~~ 2606
~~(B) of this section notifies~~ the district treasurer in writing of 2607
~~their~~ the intention to lease the property, the district board 2608
shall conduct a lottery to select from among those parties the 2609
~~community school one qualified party~~ to which the district board 2610
shall lease the property. 2611

(4) The lease price offered by a district board to ~~the~~ 2612
~~governing authority of~~ a community school or college-preparatory 2613
boarding school under this section shall not be higher than the 2614
fair market value for such a leasehold as determined in an 2615
appraisal that is not more than one year old. 2616

(5) If no ~~community school governing authority~~ qualified 2617
party offered the property under division (B) of this section 2618
accepts the offer to lease or buy the property within sixty days 2619
after the offer is made, the district board may offer the property 2620
to any other entity in accordance with divisions (A) to (F) of 2621

section 3313.41 of the Revised Code. 2622

~~(C)~~(D) Notwithstanding division (B) of this section, a school 2623
district board may renew any agreement it originally entered into 2624
prior to ~~the effective date of this section~~ June 30, 2011, to 2625
lease real property to an entity other than a community school or 2626
college-preparatory boarding school. Nothing in this section shall 2627
affect the leasehold arrangements between the district board and 2628
that other entity. 2629

Sec. 3313.608. (A)(1) Beginning with students who enter third 2630
grade in the school year that starts July 1, 2009, and until June 2631
30, 2013, for any student who attains a score in the range 2632
designated under division (A)~~(2)~~~~(c)~~(3) of section 3301.0710 of the 2633
Revised Code on the assessment prescribed under that section to 2634
measure skill in English language arts expected at the end of 2635
third grade, each school district, in accordance with the policy 2636
adopted under section 3313.609 of the Revised Code, shall do one 2637
of the following: 2638

~~(1)~~(a) Promote the student to fourth grade if the student's 2639
principal and reading teacher agree that other evaluations of the 2640
student's skill in reading demonstrate that the student is 2641
academically prepared to be promoted to fourth grade; 2642

~~(2)~~(b) Promote the student to fourth grade but provide the 2643
student with intensive intervention services in fourth grade; 2644

~~(3)~~(c) Retain the student in third grade. 2645

(2) Beginning with students who enter third grade in the 2646
2013-2014 school year, no school district shall promote to fourth 2647
grade any student who attains a score in the range designated 2648
under division (A)(3) of section 3301.0710 of the Revised Code on 2649
the assessment prescribed under that section to measure skill in 2650
English language arts expected at the end of third grade, unless 2651

one of the following applies: 2652

(a) The student is a limited English proficient student who has been enrolled in United States schools for less than two full school years and has had less than two years of instruction in an English as a second language program. 2653
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(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division. 2657
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(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education. 2661
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(d) All of the following apply: 2664

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code. 2665
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(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 2668
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 2671
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(iv) The student previously was retained in any of grades kindergarten to three. 2676
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(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 2678
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(B)(1) ~~To~~ Beginning in the 2012-2013 school year, to assist students in meeting ~~this~~ the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it ~~shall~~ annually shall assess the reading skills of each student ~~at the end of first and second~~ enrolled in kindergarten to third grade by the thirtieth day of September and shall identify students who are reading below their grade level. ~~If~~ Each district shall use the diagnostic assessment to measure English language arts ability for the appropriate grade level ~~has been developed in accordance with division (D)(1) of~~ adopted under section 3301.079 of the Revised Code, ~~each school district shall use such diagnostic assessment or a comparable tool approved by the department of education,~~ to identify such students, ~~except that any district to which division (E) of section 3301.0715 of the Revised Code applies may use another assessment to identify such students.~~ The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. ~~The district shall notify the parent or guardian of~~

(2) For each student ~~whose~~ identified by the diagnostic assessment prescribed under this section as having reading skills are below grade level and, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

<u>(i) Notification that the student has been identified as</u>	2714
<u>having a substantial deficiency in reading;</u>	2715
<u>(ii) A description of the current services that are provided</u>	2716
<u>to the student;</u>	2717
<u>(iii) A description of the proposed supplemental</u>	2718
<u>instructional services and supports that will be provided to the</u>	2719
<u>student that are designed to remediate the identified areas of</u>	2720
<u>reading deficiency;</u>	2721
<u>(iv) Notification that if the student attains a score in the</u>	2722
<u>range designated under division (A)(3) of section 3301.0710 of the</u>	2723
<u>Revised Code on the assessment prescribed under that section to</u>	2724
<u>measure skill in English language arts expected at the end of</u>	2725
<u>third grade, the student shall be retained unless the student is</u>	2726
<u>exempt under division (A) of this section. The notification shall</u>	2727
<u>specify that the assessment under section 3301.0710 of the Revised</u>	2728
<u>Code is not the sole determinant of promotion and that additional</u>	2729
<u>evaluations and assessments are available to the student to assist</u>	2730
<u>parents and the district in knowing when a student is reading at</u>	2731
<u>or above grade level and ready for promotion.</u>	2732
<u>(b) Provide intensive reading instruction to the student</u>	2733
<u>immediately following identification of a reading deficiency, in</u>	2734
<u>accordance with division (C) of this section, provide intervention</u>	2735
<u>services to each student reading below grade level. Such</u>	2736
<u>intervention services shall include <u>research-based reading</u></u>	2737
<u>strategies that have been shown to be successful in improving</u>	2738
<u>reading among low-performing readers and instruction in intensive,</u>	2739
<u>systematic phonetics pursuant to rules adopted by the state board</u>	2740
<u>of education <u>targeted at the student's identified reading</u></u>	2741
<u>deficiencies.</u>	2742
(2)(3) For each student entering third grade after July 1,	2743
2009, who does not attain by the end of the third grade at least a	2744

~~score in the range designated under division (A)(2)(b) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade~~ retained under division (A) of this section, the district also shall offer do all of the following:

(a) Provide intense remediation services during the summer following third grade until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading daily and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a high-performing teacher, as determined by the teacher's student performance data, when available, and performance reviews.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the

remediation services and demonstrates reading proficiency in 2775
accordance with standards adopted by the department prior to the 2776
start of fourth grade, the district shall promote the student to 2777
that grade. 2778

(4) For each student retained under division (A) of this 2779
section who has demonstrated proficiency in a specific academic 2780
ability field, each district shall provide instruction 2781
commensurate with student achievement levels in that specific 2782
academic ability field. 2783

As used in this division, "specific academic ability field" 2784
has the same meaning as in section 3324.01 of the Revised Code. 2785

(C) For each student required to be ~~offered~~ provided 2786
intervention services under this section, the district shall 2787
develop a reading improvement and monitoring plan within sixty 2788
days after receiving the student's results on the diagnostic 2789
assessment or comparable tool administered under division (B)(1) 2790
of this section. The district shall involve the student's parent 2791
or guardian and classroom teacher in developing the ~~intervention~~ 2792
strategy, and shall offer to the parent or guardian the 2793
opportunity to be involved in the intervention services plan. The 2794
plan shall include all of the following: 2795

(1) Identification of the student's specific reading 2796
deficiencies; 2797

(2) A description of the additional instructional services 2798
and support that will be provided to the student to remediate the 2799
identified reading deficiencies; 2800

(3) Opportunities for the student's parent or guardian to be 2801
involved in the instructional services and support described in 2802
division (C)(2) of this section; 2803

(4) A process for monitoring the extent to which the student 2804
receives the instructional services and support described in 2805

<u>division (C)(2) of this section;</u>	2806
<u>(5) A reading curriculum during regular school hours that</u>	2807
<u>does all of the following:</u>	2808
<u>(a) Assists students to read at grade level;</u>	2809
<u>(b) Provides scientifically based and reliable assessment;</u>	2810
<u>(c) Provides initial and ongoing analysis of each student's</u>	2811
<u>reading progress.</u>	2812
<u>(6) A statement that if the student attains a score in the</u>	2813
<u>range designated under division (A)(3) of section 3301.0710 of the</u>	2814
<u>Revised Code on the assessment prescribed under that section to</u>	2815
<u>measure skill in English language arts expected by the end of</u>	2816
<u>third grade, the student may be retained in third grade.</u>	2817
<u>Each student with a reading improvement and monitoring plan</u>	2818
<u>under this division who enters third grade after July 1, 2013,</u>	2819
<u>shall be assigned to a teacher who has either received a passing</u>	2820
<u>score on a rigorous test of principles of scientifically based</u>	2821
<u>reading instruction approved by the state board of education or</u>	2822
<u>has a reading endorsement on the teacher's license.</u>	2823
<u>The district shall report any information requested by the</u>	2824
<u>department about the plans developed under this division in the</u>	2825
<u>manner required by the department.</u>	2826
<u>(D) Each school district shall report annually to the</u>	2827
<u>department on its implementation and compliance with this section</u>	2828
<u>using guidelines prescribed by the superintendent of public</u>	2829
<u>instruction. The superintendent of public instruction annually</u>	2830
<u>shall report to the governor and general assembly the number and</u>	2831
<u>percentage of students in grades kindergarten through four reading</u>	2832
<u>below grade level based on the diagnostic assessments administered</u>	2833
<u>under division (B) of this section and the achievement assessments</u>	2834
<u>administered under divisions (A)(1)(a) and (b) of section</u>	2835

3301.0710 of the Revised Code in English language arts, aggregated 2836
by school district and building; the types of intervention 2837
services provided to students; and, if available, an evaluation of 2838
the efficacy of the intervention services provided. 2839

(E) Any summer remediation services funded in whole or in 2840
part by the state and offered by school districts to students 2841
under this section shall meet the following conditions: 2842

(1) The remediation methods are based on reliable educational 2843
research. 2844

(2) The school districts conduct assessment before and after 2845
students participate in the program to facilitate monitoring 2846
results of the remediation services. 2847

(3) The parents of participating students are involved in 2848
programming decisions. 2849

~~(4) The services are conducted in a school building or 2850
community center and not on an at home basis.~~ 2851

~~(E)~~(F) Any intervention or remediation services required by 2852
this section shall include intensive, explicit, and systematic 2853
instruction. 2854

(G) This section does not create a new cause of action or a 2855
substantive legal right for any person. 2856

Sec. 3313.609. (A) As used in this section: 2857

(1) "Truant" means absent without excuse. 2858

(2) "Academically prepared" means whatever educational 2859
standard the board of education of each city, exempted village, 2860
local, and joint vocational school district establishes as 2861
necessary for the promotion of a student to the next grade level 2862
pursuant to the policy adopted under division (B) of this section. 2863

(B) The board of education of each city, exempted village, 2864

local, and joint vocational school district shall adopt a grade 2865
promotion and retention policy for students that complies with 2866
this section and section 3313.608 of the Revised Code. The policy 2867
shall prohibit the promotion of a student to the next grade level 2868
if the student has been truant for more than ten per cent of the 2869
required attendance days of the current school year and has failed 2870
two or more of the required curriculum subject areas in the 2871
current grade unless the student's principal and the teachers of 2872
any failed subject areas agree that the student is academically 2873
prepared to be promoted to the next grade level. 2874

Sec. 3313.6013. (A) As used in this section, "dual enrollment 2875
program" means a program that enables a student to earn credit 2876
toward a degree from an institution of higher education while 2877
enrolled in high school or that enables a student to complete 2878
coursework while enrolled in high school that may earn credit 2879
toward a degree from an institution of higher education upon the 2880
student's attainment of a specified score on an examination 2881
covering the coursework. Dual enrollment programs may include any 2882
of the following: 2883

(1) The post-secondary enrollment options program established 2884
under Chapter 3365. of the Revised Code; 2885

(2) Advanced placement courses; 2886

(3) Any similar program established pursuant to an agreement 2887
between a school district or chartered nonpublic high school and 2888
an institution of higher education. 2889

(B) Each city, local, exempted village, and joint vocational 2890
school district and each chartered nonpublic high school shall 2891
provide students enrolled in grades nine through twelve with the 2892
opportunity to participate in a dual enrollment program. For this 2893
purpose, each school district and chartered nonpublic high school 2894
shall offer at least one dual enrollment program in accordance 2895

with division (B)(1) or (2) of this section, as applicable. 2896

(1) A city, local, or exempted village school district meets 2897
the requirements of this division through its mandatory 2898
participation in the post-secondary enrollment options program 2899
established under Chapter 3365. of the Revised Code. However, a 2900
city, local, or exempted village school district may offer any 2901
other dual enrollment program, in addition to the post-secondary 2902
enrollment options program, and each joint vocational school 2903
district shall offer at least one other ~~due~~ dual enrollment 2904
program, to students in good standing, as defined by the 2905
partnership for continued learning under section 3301.42 of the 2906
Revised Code as it existed prior to ~~the effective date of this~~ 2907
~~amendment~~ October 16, 2009, or as subsequently defined by the 2908
department of education. 2909

(2) A chartered nonpublic high school that elects to 2910
participate in the post-secondary enrollment options program 2911
established under Chapter 3365. of the Revised Code meets the 2912
requirements of this division. Each chartered nonpublic high 2913
school that elects not to participate in the post-secondary 2914
enrollment options program instead shall offer at least one other 2915
dual enrollment program to students in good standing, as defined 2916
by the partnership for continued learning under section 3301.42 of 2917
the Revised Code as it existed prior to ~~the effective date of this~~ 2918
~~amendment~~ October 16, 2009, or as subsequently defined by the 2919
department of education. 2920

(C) Each school district and each chartered nonpublic high 2921
school shall provide information about the dual enrollment 2922
programs offered by the district or school to all students 2923
enrolled in grades eight through eleven. 2924

Sec. 3313.6411. (A) As used in this section, "parent" has the 2925
same meaning as in section 3313.98 of the Revised Code. 2926

(B) When a student enrolls in a school operated by a city, 2927
exempted village, or local school district, a school official with 2928
responsibility for admissions shall provide the student's parent, 2929
during the admissions process, with a copy of the most recent 2930
report card issued under section 3302.03 of the Revised Code. 2931

Sec. 3313.674. (A) Except as provided in ~~divisions~~ division 2932
(D) ~~and (H)~~ of this section, the board of education of each city, 2933
exempted village, or local school district and the governing 2934
authority of each chartered nonpublic school ~~shall~~ may require 2935
each student enrolled in kindergarten, third grade, fifth grade, 2936
and ninth grade to undergo a screening for body mass index and 2937
weight status category ~~prior to the first day of May of the school~~ 2938
~~year.~~ 2939

(B) The board or governing authority may provide any 2940
screenings ~~required~~ authorized by this section itself, contract 2941
with another entity for provision of the screenings, or request 2942
the parent or guardian of each student subject to ~~this section~~ the 2943
screening to obtain the screening from a provider selected by the 2944
parent or guardian and to submit the results to the board or 2945
governing authority. If the board or governing authority provides 2946
the screenings itself or contracts with another entity for 2947
provision of the screenings, the board or governing authority 2948
shall protect student privacy by ensuring that each student is 2949
screened alone and not in the presence of other students or staff. 2950

(C) ~~Prior to the first day of February of each~~ Each school 2951
year, ~~the~~ each board or governing authority electing to require 2952
the screening shall provide the parent or guardian of each student 2953
subject to ~~this section~~ the screening with information about the 2954
screening program. If the board or governing authority requests 2955
parents and guardians to obtain a screening from a provider of 2956
their choosing, the board or governing authority shall provide 2957

them with a list of providers and information about screening 2958
services available in the community to parents and guardians who 2959
cannot afford a private provider. 2960

(D) If the parent or guardian of a student subject to ~~this~~ 2961
~~section~~ the screening signs and submits to the board or governing 2962
authority a written statement indicating that the parent or 2963
guardian does not wish to have the student undergo the screening, 2964
the board or governing authority shall not require the student to 2965
be screened. 2966

(E) The board or governing authority shall notify the parent 2967
or guardian of each student screened under this section of any 2968
health risks associated with the student's results and shall 2969
provide the parent or guardian with information about 2970
appropriately addressing the risks. For this purpose, the 2971
department of health, in consultation with the department of 2972
education and the healthy choices for healthy children council 2973
established under section 3301.92 of the Revised Code, shall 2974
develop a list of documents, pamphlets, or other resources that 2975
may be distributed to parents and guardians under this division. 2976

(F) The board or governing authority shall maintain the 2977
confidentiality of each student's individual screening results at 2978
all times. No board or governing authority shall report a 2979
student's individual screening results to any person other than 2980
the student's parent or guardian. 2981

(G) In a manner prescribed by rule of the director of health, 2982
~~the~~ each board or governing authority electing to require the 2983
screening shall report aggregated body mass index and weight 2984
status category data collected under this section, and any other 2985
demographic data required by the director, to the department of 2986
health. In the case of a school district, data shall be aggregated 2987
for the district as a whole and not for individual schools within 2988
the district, unless the district operates only one school. In the 2989

case of a chartered nonpublic school, data shall be aggregated for 2990
the school as a whole. The department annually may publish the 2991
data reported under this division, aggregated by county. ~~If any~~ 2992
For each county in which a district, community school, STEM 2993
school, or chartered nonpublic school was granted a waiver under 2994
division (H) of this section has elected not to require the 2995
screening for a school year for which data is published, the 2996
department shall note that the data for the county in which the 2997
district or school is located is incomplete. The department may 2998
share data reported under this division with other governmental 2999
entities for the purpose of monitoring population health, making 3000
reports, or public health promotional activities. 3001

~~(H) A board or governing authority may obtain a waiver of the 3002
requirement to have students undergo screenings for body mass 3003
index and weight status category by submitting to the 3004
superintendent of public instruction an affidavit, attested to by 3005
the president or presiding officer of the board or governing 3006
authority, stating that the board or governing authority is unable 3007
to comply with the requirement. The superintendent shall grant the 3008
waiver upon receipt of the affidavit. 3009~~

Sec. 3313.813. (A) As used in this section: 3010

(1) "Outdoor education center" means a public or nonprofit 3011
private entity that provides to pupils enrolled in any public or 3012
chartered nonpublic elementary or secondary school an outdoor 3013
educational curriculum that the school considers to be part of its 3014
educational program. 3015

(2) "Outside-school-hours care center" has the meaning 3016
established in 7 C.F.R. 226.2. 3017

(B) The state board of education shall establish standards 3018
for a school lunch program, school breakfast program, child and 3019
adult care food program, special food service program for 3020

children, summer food service program for children, special milk 3021
program for children, food service equipment assistance program, 3022
and commodity distribution program established under the "National 3023
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 3024
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 3025
U.S.C. 1771, as amended. Any board of education of a school 3026
district, nonprofit private school, outdoor education center, 3027
child care institution, outside-school-hours care center, or 3028
summer camp desiring to participate in such a program or required 3029
to participate under this section shall, if eligible to 3030
participate under the "National School Lunch Act," as amended, or 3031
the "Child Nutrition Act of 1966," as amended, make application to 3032
the state board of education for assistance. The board shall 3033
administer the allocation and distribution of all state and 3034
federal funds for these programs. 3035

(C) The state board of education shall require the board of 3036
education of each school district to establish and maintain a 3037
school breakfast, lunch, and summer food service program pursuant 3038
to the "National School Lunch Act" and the "Child Nutrition Act of 3039
1966," as described in divisions (C)(1) to (4) of this section. 3040

(1) The state board shall require the board of education in 3041
each school district to establish a breakfast program in every 3042
school where at least one-fifth of the pupils in the school are 3043
eligible under federal requirements for free breakfasts and to 3044
establish a lunch program in every school where at least one-fifth 3045
of the pupils are eligible for free lunches. The board of 3046
education required to establish a breakfast program under this 3047
division may make a charge in accordance with federal requirements 3048
for each reduced price breakfast or paid breakfast to cover the 3049
cost incurred in providing that meal. 3050

(2) The state board shall require the board of education in 3051
each school district to establish a breakfast program in every 3052

school in which the parents of at least one-half of the children 3053
enrolled in the school have requested that the breakfast program 3054
be established. The board of education required to establish a 3055
program under this division may make a charge in accordance with 3056
federal requirements for each meal to cover all or part of the 3057
costs incurred in establishing such a program. 3058

(3) The state board shall require the board of education in 3059
each school district to establish one of the following for summer 3060
intervention services described in division (D) of section 3061
3301.0711 ~~and~~ or provided under section 3313.608 of the Revised 3062
Code, and any other summer intervention program required by law: 3063

(a) An extension of the school breakfast program pursuant to 3064
the "National School Lunch Act" and the "Child Nutrition Act of 3065
1966"; 3066

(b) An extension of the school lunch program pursuant to 3067
those acts; 3068

(c) A summer food service program pursuant to those acts. 3069

(4)(a) If the board of education of a school district 3070
determines that, for financial reasons, it cannot comply with 3071
division (C)(1) or (3) of this section, the district board may 3072
choose not to comply with either or both divisions, except as 3073
provided in division (C)(4)(b) of this section. The district board 3074
publicly shall communicate to the residents of the district, in 3075
the manner it determines appropriate, its decision not to comply. 3076

(b) If a district board chooses not to comply with division 3077
(C)(1) of this section, the state board nevertheless shall require 3078
the district board to establish a breakfast program in every 3079
school where at least one-third of the pupils in the school are 3080
eligible under federal requirements for free breakfasts and to 3081
establish a lunch program in every school where at least one-third 3082
of the pupils are eligible for free lunches. The district board 3083

may make a charge in accordance with federal requirements for each 3084
reduced price breakfast or paid breakfast to cover the cost 3085
incurred in providing that meal. 3086

(c) If a school district cannot for good cause comply with 3087
the requirements of division (C)(2) or (4)(b) of this section at 3088
the time the state board determines that a district is subject to 3089
these requirements, the state board shall grant a reasonable 3090
extension of time. Good cause for an extension of time shall 3091
include, but need not be limited to, economic impossibility of 3092
compliance with the requirements at the time the state board 3093
determines that a district is subject to them. 3094

(D)(1) The state board shall accept the application of any 3095
outdoor education center in the state making application for 3096
participation in a program pursuant to division (B) of this 3097
section. 3098

(2) For purposes of participation in any program pursuant to 3099
this section, the board shall certify any outdoor education center 3100
making application as an educational unit that is part of the 3101
educational system of the state, if the center: 3102

(a) Meets the definition of an outdoor education center; 3103

(b) Provides its outdoor education curriculum to pupils on an 3104
overnight basis so that pupils are in residence at the center for 3105
more than twenty-four consecutive hours; 3106

(c) Operates under public or nonprofit private ownership in a 3107
single building or complex of buildings. 3108

(3) The board shall approve any outdoor education center 3109
certified under this division for participation in the program for 3110
which the center is making application on the same basis as any 3111
other applicant for that program. 3112

(E) Any school district board of education or chartered 3113

nonpublic school that participates in a breakfast program pursuant 3114
to this section may offer breakfast to pupils in their classrooms 3115
during the school day. 3116

(F) Notwithstanding anything in this section to the contrary, 3117
in each fiscal year in which the general assembly appropriates 3118
funds for purposes of this division, the board of education of 3119
each school district and each chartered nonpublic school that 3120
participates in a breakfast program pursuant to this section shall 3121
provide a breakfast free of charge to each pupil who is eligible 3122
under federal requirements for a reduced price breakfast. 3123

Sec. 3313.816. No public or chartered nonpublic school shall 3124
permit the sale of a la carte beverage items other than the 3125
following during the regular and extended school day: 3126

(A) For a school in which the majority of grades offered are 3127
in the range from kindergarten to grade four: 3128

(1) Water; 3129

(2) Milk; 3130

(3) Eight ounces or less of one hundred per cent fruit juice, 3131
or a one hundred per cent fruit juice and water blend with no 3132
added sweeteners, that contains not more than one hundred sixty 3133
calories per eight ounces. 3134

(B) For a school in which the majority of grades offered are 3135
in the range from grade five to grade eight: 3136

(1) Water; 3137

(2) Milk; 3138

(3) Ten ounces or less of one hundred per cent fruit juice, 3139
or a one hundred per cent fruit juice and water blend with no 3140
added sweeteners, that contains not more than one hundred sixty 3141
calories per eight ounces. 3142

(C) For a school in which the majority of grades offered are	3143
in the range from grade nine to grade twelve:	3144
(1) Water;	3145
(2) Milk;	3146
(3) Twelve ounces or less of one hundred per cent fruit	3147
juice, or a one hundred per cent fruit juice and water blend with	3148
no added sweeteners, that contains not more than one hundred sixty	3149
calories per eight ounces;	3150
(4) Twelve ounces or less of any beverage that contains not	3151
more than sixty-six calories per eight ounces;	3152
(5) Any size of a beverage that contains not more than ten	3153
calories per eight ounces, which may include caffeinated beverages	3154
and beverages with added sweeteners, carbonation, or artificial	3155
flavoring.	3156
(D) Each public and chartered nonpublic school shall require	3157
at least fifty per cent of the a la carte beverage items, <u>other</u>	3158
<u>than milk</u> , available for sale from each of the following sources	3159
during the regular and extended school day to be water or other	3160
beverages that contain not more than ten calories per eight	3161
ounces:	3162
(1) A school food service program;	3163
(2) A vending machine located on school property that does	3164
not sell only milk or reimbursable meals;	3165
(3) A store operated by the school, a student association, or	3166
other school-sponsored organization.	3167
Sec. 3313.842. (A) The boards of education or governing	3169
authorities of any two or more school districts or community	3170
schools may enter into an agreement for joint or cooperative	3171
establishment and operation of any educational program including	3172

any class, course, or program that may be included in a school 3173
district's or community school's graded course of study and staff 3174
development programs for teaching and nonteaching school 3175
employees. Each school district or community school that is party 3176
to such an agreement may contribute funds of the district or 3177
school in support of the agreement and for the establishment and 3178
operation of any educational program established under the 3179
agreement. The agreement shall designate one of the districts or 3180
community schools as responsible for receiving and disbursing the 3181
funds contributed by the parties to the agreement. 3182

(B) Notwithstanding sections 3313.48 and 3313.64 of the 3183
Revised Code, any school district that is party to an agreement 3184
for joint or cooperative establishment and operation of an 3185
educational program may charge fees or tuition for students who 3186
participate in the program and are entitled to attend school in 3187
the district under section 3313.64 or 3313.65 of the Revised Code. 3188
Except as otherwise provided in division ~~(H)~~(G) of section 3321.01 3189
of the Revised Code, no community school that is party to the 3190
agreement shall charge fees or tuition for students who 3191
participate in the program and are reported by the school under 3192
division (B)(2) of section 3314.08 of the Revised Code. 3193

Sec. 3313.843. (A) Notwithstanding division (D) of section 3194
3311.52 of the Revised Code, this section does not apply to any 3195
cooperative education school district. 3196

(B)(1) The board of education of each city, exempted village, 3197
or local school district with an average daily student enrollment 3198
of sixteen thousand or less, reported for the district on the most 3199
recent report card issued under section 3302.03 of the Revised 3200
Code, shall enter into an agreement with the governing board of an 3201
educational service center, under which the educational service 3202
center governing board will provide services to the district. 3203

(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in the agreement shall be provided to the district in the manner specified in the agreement. The district board of education shall reimburse the educational service center governing board pursuant to section 3317.11 of the Revised Code.

Beginning with the 2012-2013 school year, the board of any district described in division (B)(2) of this section may elect not to receive the supervisory services for which supervisory units are paid under division (B) of section 3317.11 of the Revised Code, provided that election is specified in the agreement.

(C) Any agreement entered into pursuant to this section shall be filed with the department of education by the first day of July of the school year for which the agreement is in effect.

(D)(1) An agreement for services from an educational service

center entered into under this section may be terminated by the 3236
school district board of education, at its option, by notifying 3237
the governing board of the service center by March 1, 2012, or by 3238
the first day of January of any odd-numbered year thereafter, that 3239
the district board intends to terminate the agreement in that 3240
year, and that termination shall be effective on the thirtieth day 3241
of June of that year. The failure of a district board to notify an 3242
educational service center of its intent to terminate an agreement 3243
by March 1, 2012, shall result in renewal of the existing 3244
agreement for the following school year. Thereafter, the failure 3245
of a district board to notify an educational service center of its 3246
intent to terminate an agreement by the first day of January of an 3247
odd-numbered year shall result in renewal of the existing 3248
agreement for the following two school years. 3249

(2) If the school district that terminates an agreement for 3250
services under division (D)(1) of this section is also subject to 3251
the requirement of division (B)(1) of this section, the district 3252
board shall enter into a new agreement with ~~a different~~ any 3253
educational service center so that the new agreement is effective 3254
on the first day of July of that same year. 3255

Sec. 3313.845. The board of education of a city, exempted 3256
village, or local school district and the governing board of an 3257
educational service center may enter into an agreement under which 3258
the educational service center will provide services to the school 3259
district. Services provided under the agreement and the amount to 3260
be paid for such services shall be mutually agreed to by the 3261
district board of education and the service center governing 3262
board, and shall be specified in the agreement. Payment for 3263
services specified in the agreement shall be made pursuant to 3264
division (D) of section 3317.11 of the Revised Code and shall not 3265
include any deduction under division (B), (C), or (F) of that 3266
section. Any agreement entered into pursuant to this section shall 3267

be valid only if a copy is filed with the department of education 3268
~~by the first day of the school year for which the agreement is in~~ 3269
~~effect.~~ 3270

The authority granted under this section to the boards of 3271
education of city, exempted village, and local school districts is 3272
in addition to the authority granted to such boards under section 3273
3313.843 of the Revised Code. 3274

Sec. 3313.847. In the case of a child placed in the custody 3275
of a juvenile facility established under section 2151.65 or a 3276
detention facility established under section 2152.41 of the 3277
Revised Code, if that facility contracts directly with an 3278
educational service center for services for that child, the 3279
service center may submit its request for payment for services for 3280
the child directly to the school district that is responsible to 3281
bear the cost of educating the child, as determined under section 3282
2151.362 of the Revised Code. That district shall pay the service 3283
center directly for those services. Notwithstanding anything to 3284
the contrary in section 3317.03 of the Revised Code, the district 3285
that pays a service center for services for a particular child 3286
under this section shall include that child in the district's 3287
average daily membership as reported under division (A) of section 3288
3317.03 of the Revised Code. No other district shall include the 3289
child in its average daily membership. 3290

Sec. 3313.978. (A) Annually by the first day of November, the 3291
superintendent of public instruction shall notify the pilot 3292
project school district of the number of initial scholarships that 3293
the state superintendent will be awarding in each of grades 3294
kindergarten through twelve. 3295

The state superintendent shall provide information about the 3296
scholarship program to all students residing in the district, 3297

shall accept applications from any such students until such date 3298
as shall be established by the state superintendent as a deadline 3299
for applications, and shall establish criteria for the selection 3300
of students to receive scholarships from among all those applying 3301
prior to the deadline, which criteria shall give preference to 3302
students from low-income families. For each student selected, the 3303
state superintendent shall also determine whether the student 3304
qualifies for seventy-five or ninety per cent of the scholarship 3305
amount. Students whose family income is at or above two hundred 3306
per cent of the maximum income level established by the state 3307
superintendent for low-income families shall qualify for 3308
seventy-five per cent of the scholarship amount and students whose 3309
family income is below two hundred per cent of that maximum income 3310
level shall qualify for ninety per cent of the scholarship amount. 3311
The state superintendent shall notify students of their selection 3312
prior to the fifteenth day of January and whether they qualify for 3313
seventy-five or ninety per cent of the scholarship amount. 3314

(1) A student receiving a pilot project scholarship may 3315
utilize it at an alternative public school by notifying the 3316
district superintendent, at any time before the beginning of the 3317
school year, of the name of the public school in an adjacent 3318
school district to which the student has been accepted pursuant to 3319
section 3327.06 of the Revised Code. 3320

(2) A student may decide to utilize a pilot project 3321
scholarship at a registered private school in the district if all 3322
of the following conditions are met: 3323

(a) By the fifteenth day of February of the preceding school 3324
year, or at any time prior to the start of the school year, the 3325
parent makes an application on behalf of the student to a 3326
registered private school. 3327

(b) The registered private school notifies the parent and the 3328
state superintendent as follows that the student has been 3329

admitted: 3330

(i) By the fifteenth day of March of the preceding school 3331
year if the student filed an application by the fifteenth day of 3332
February and was admitted by the school pursuant to division (A) 3333
of section 3313.977 of the Revised Code; 3334

(ii) Within one week of the decision to admit the student if 3335
the student is admitted pursuant to division (C) of section 3336
3313.977 of the Revised Code. 3337

(c) The student actually enrolls in the registered private 3338
school to which the student was first admitted or in another 3339
registered private school in the district or in a public school in 3340
an adjacent school district. 3341

(B) The state superintendent shall also award in any school 3342
year tutorial assistance grants to a number of students equal to 3343
the number of students who receive scholarships under division (A) 3344
of this section. Tutorial assistance grants shall be awarded 3345
solely to students who are enrolled in the public schools of the 3346
district in a grade level covered by the pilot project. Tutorial 3347
assistance grants may be used solely to obtain tutorial assistance 3348
from a provider approved pursuant to division (D) of section 3349
3313.976 of the Revised Code. 3350

All students wishing to obtain tutorial assistance grants 3351
shall make application to the state superintendent by the first 3352
day of the school year in which the assistance will be used. The 3353
state superintendent shall award assistance grants in accordance 3354
with criteria the superintendent shall establish. For each student 3355
awarded a grant, the state superintendent shall also determine 3356
whether the student qualifies for seventy-five or ninety per cent 3357
of the grant amount and so notify the student. Students whose 3358
family income is at or above two hundred per cent of the maximum 3359
income level established by the state superintendent for 3360

low-income families shall qualify for seventy-five per cent of the 3361
grant amount and students whose family income is below two hundred 3362
per cent of that maximum income level shall qualify for ninety per 3363
cent of the grant amount. 3364

(C)(1) In the case of basic scholarships for students in 3365
grades kindergarten through eight, the scholarship amount shall 3366
not exceed the lesser of the tuition charges of the alternative 3367
school the scholarship recipient attends or three thousand dollars 3368
before fiscal year 2007, three thousand four hundred fifty dollars 3369
in fiscal year 2007 through fiscal year 2011, and four thousand 3370
two hundred fifty dollars in fiscal year 2012 and thereafter. 3371

In the case of basic scholarships for students in grades nine 3372
through twelve, the scholarship amount shall not exceed the lesser 3373
of the tuition charges of the alternative school the scholarship 3374
recipient attends or two thousand seven hundred dollars before 3375
fiscal year 2007, three thousand four hundred fifty dollars in 3376
fiscal year 2007 through fiscal year 2011, and five thousand 3377
dollars in fiscal year 2012 and thereafter. 3378

(2) The state superintendent shall provide for an increase in 3379
the basic scholarship amount in the case of any student who is a 3380
mainstreamed student with a disability and shall further increase 3381
such amount in the case of any separately educated student with a 3382
disability. Such increases shall take into account the 3383
instruction, related services, and transportation costs of 3384
educating such students. 3385

(3) In the case of tutorial assistance grants, the grant 3386
amount shall not exceed the lesser of the provider's actual 3387
charges for such assistance or: 3388

(a) Before fiscal year 2007, a percentage established by the 3389
state superintendent, not to exceed twenty per cent, of the amount 3390
of the pilot project school district's average basic scholarship 3391

amount; 3392

(b) In fiscal year 2007 and thereafter, four hundred dollars. 3393

(4) No scholarship or tutorial assistance grant shall be 3394
awarded unless the state superintendent determines that 3395
twenty-five or ten per cent, as applicable, of the amount 3396
specified for such scholarship or grant pursuant to division 3397
(C)(1), (2), or (3) of this section will be furnished by a 3398
political subdivision, a private nonprofit or for profit entity, 3399
or another person. Only seventy-five or ninety per cent of such 3400
amounts, as applicable, shall be paid from state funds pursuant to 3401
section 3313.979 of the Revised Code. 3402

(D)(1) Annually by the first day of November, the state 3403
superintendent shall estimate the maximum per-pupil scholarship 3404
amounts for the ensuing school year. The state superintendent 3405
shall make this estimate available to the general public at the 3406
offices of the district board of education together with the forms 3407
required by division (D)(2) of this section. 3408

(2) Annually by the fifteenth day of January, the chief 3409
administrator of each registered private school located in the 3410
pilot project district and the principal of each public school in 3411
such district shall complete a parental information form and 3412
forward it to the president of the board of education. The 3413
parental information form shall be prescribed by the department of 3414
education and shall provide information about the grade levels 3415
offered, the numbers of students, tuition amounts, achievement 3416
test results, and any sectarian or other organizational 3417
affiliations. 3418

(E)(1) Only for the purpose of administering the pilot 3419
project scholarship program, the department may request from any 3420
of the following entities the data verification code assigned 3421
under division (D)(2) of section 3301.0714 of the Revised Code to 3422

any student who is seeking a scholarship under the program: 3423

(a) The school district in which the student is entitled to 3424
attend school under section 3313.64 or 3313.65 of the Revised 3425
Code; 3426

(b) If applicable, the community school in which the student 3427
is enrolled; 3428

(c) The independent contractor engaged to create and maintain 3429
data verification codes. 3430

(2) Upon a request by the department under division (E)(1) of 3431
this section for the data verification code of a student seeking a 3432
scholarship or a request by the student's parent for that code, 3433
the school district or community school shall submit that code to 3434
the department or parent in the manner specified by the 3435
department. If the student has not been assigned a code, because 3436
the student will be entering kindergarten during the school year 3437
for which the scholarship is sought, the district shall assign a 3438
code to that student and submit the code to the department or 3439
parent by a date specified by the department. If the district does 3440
not assign a code to the student by the specified date, the 3441
department shall assign a code to the student. 3442

The department annually shall submit to each school district 3443
the name and data verification code of each student residing in 3444
the district who is entering kindergarten, who has been awarded a 3445
scholarship under the program, and for whom the department has 3446
assigned a code under this division. 3447

(3) The department shall not release any data verification 3448
code that it receives under division (E) of this section to any 3449
person except as provided by law. 3450

(F) Any document relative to the pilot project scholarship 3451
program that the department holds in its files that contains both 3452
a student's name or other personally identifiable information and 3453

the student's data verification code shall not be a public record 3454
under section 149.43 of the Revised Code. 3455

(G)(1) The department annually shall compile the scores 3456
attained by scholarship students enrolled in registered private 3457
schools on the assessments administered to the students pursuant 3458
to division (A)(11) of section 3313.976 of the Revised Code. The 3459
scores shall be aggregated as follows: 3460

(a) By school district, which shall include all scholarship 3461
students residing in the pilot project school district who are 3462
enrolled in a registered private school and were required to take 3463
an assessment pursuant to division (A)(11) of section 3313.976 of 3464
the Revised Code; 3465

(b) By registered private school, which shall include all 3466
scholarship students enrolled in that school who were required to 3467
take an assessment pursuant to division (A)(11) of section 3468
3313.976 of the Revised Code. 3469

(2) The department shall disaggregate the student performance 3470
data described in division (G)(1) of this section according to the 3471
following categories: 3472

(a) ~~Age~~ Grade level; 3473

(b) Race and ethnicity; 3474

(c) Gender; 3475

(d) Students who have participated in the scholarship program 3476
for three or more years; 3477

(e) Students who have participated in the scholarship program 3478
for more than one year and less than three years; 3479

(f) Students who have participated in the scholarship program 3480
for one year or less; 3481

(g) Economically disadvantaged students. 3482

(3) The department shall post the student performance data 3483
required under divisions (G)(1) and (2) of this section on its web 3484
site and shall include that data in the information about the 3485
scholarship program provided to students under division (A) of 3486
this section. In reporting student performance data under this 3487
division, the department shall not include any data that is 3488
statistically unreliable or that could result in the 3489
identification of individual students. For this purpose, the 3490
department shall not report performance data for any group that 3491
contains less than ten students. 3492

(4) The department shall provide the parent of each 3493
scholarship student enrolled in a registered private school with 3494
information comparing the student's performance on the assessments 3495
administered pursuant to division (A)(11) of section 3313.976 of 3496
the Revised Code with the average performance of similar students 3497
enrolled in the building operated by the pilot project school 3498
district that the scholarship student would otherwise attend. In 3499
calculating the performance of similar students, the department 3500
shall consider age, grade, race and ethnicity, gender, and 3501
socioeconomic status. 3502

Sec. 3314.015. (A) The department of education shall be 3503
responsible for the oversight of any and all sponsors of the 3504
community schools established under this chapter and shall provide 3505
technical assistance to schools and sponsors in their compliance 3506
with applicable laws and the terms of the contracts entered into 3507
under section 3314.03 of the Revised Code and in the development 3508
and start-up activities of those schools. In carrying out its 3509
duties under this section, the department shall do all of the 3510
following: 3511

(1) In providing technical assistance to proposing parties, 3512
governing authorities, and sponsors, conduct training sessions and 3513

distribute informational materials;	3514
(2) Approve entities to be sponsors of community schools;	3515
(3) Monitor the effectiveness of any and all sponsors in their oversight of the schools with which they have contracted;	3516 3517
(4) By December thirty-first of each year, issue a report to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate committees principally responsible for education matters regarding the effectiveness of academic programs, operations, and legal compliance and of the financial condition of all community schools established under this chapter and on the performance of community school sponsors;	3518 3519 3520 3521 3522 3523 3524 3525
(5) From time to time, make legislative recommendations to the general assembly designed to enhance the operation and performance of community schools.	3526 3527 3528
(B)(1) Except as provided in sections 3314.021 and 3314.027 of the Revised Code, no entity listed in division (C)(1) of section 3314.02 of the Revised Code shall enter into a preliminary agreement under division (C)(2) of section 3314.02 of the Revised Code until it has received approval from the department of education to sponsor community schools under this chapter and has entered into a written agreement with the department regarding the manner in which the entity will conduct such sponsorship. The department shall adopt in accordance with Chapter 119. of the Revised Code rules containing criteria, procedures, and deadlines for processing applications for such approval, for oversight of sponsors, for revocation of the approval of sponsors, and for entering into written agreements with sponsors. The rules shall require an entity to submit evidence of the entity's ability and willingness to comply with the provisions of division (D) of section 3314.03 of the Revised Code. The rules also shall require	3529 3530 3531 3532 3533 3534 3535 3536 3537 3538 3539 3540 3541 3542 3543 3544

entities approved as sponsors on and after June 30, 2005, to 3545
demonstrate a record of financial responsibility and successful 3546
implementation of educational programs. If an entity seeking 3547
approval on or after June 30, 2005, to sponsor community schools 3548
in this state sponsors or operates schools in another state, at 3549
least one of the schools sponsored or operated by the entity must 3550
be comparable to or better than the performance of Ohio schools in 3551
need of continuous improvement under section 3302.03 of the 3552
Revised Code, as determined by the department. 3553

Subject to section 3314.016 of the Revised Code, an entity 3554
that sponsors community schools may enter into preliminary 3555
agreements and sponsor up to one hundred schools, provided each 3556
school and the contract for sponsorship meets the requirements of 3557
this chapter. 3558

(2) The department of education shall determine, pursuant to 3559
criteria adopted by rule of the department, whether the mission 3560
proposed to be specified in the contract of a community school to 3561
be sponsored by a state university board of trustees or the 3562
board's designee under division (C)(1)(e) of section 3314.02 of 3563
the Revised Code complies with the requirements of that division. 3564
Such determination of the department is final. 3565

(3) The department of education shall determine, pursuant to 3566
criteria adopted by rule of the department, if any tax-exempt 3567
entity under section 501(c)(3) of the Internal Revenue Code that 3568
is proposed to be a sponsor of a community school is an 3569
education-oriented entity for purpose of satisfying the condition 3570
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 3571
Revised Code. Such determination of the department is final. 3572

(C) If at any time the state board of education finds that a 3573
sponsor is not in compliance or is no longer willing to comply 3574
with its contract with any community school or with the 3575
department's rules for sponsorship, the state board or designee 3576

shall conduct a hearing in accordance with Chapter 119. of the 3577
Revised Code on that matter. If after the hearing, the state board 3578
or designee has confirmed the original finding, the department of 3579
education may revoke the sponsor's approval to sponsor community 3580
schools ~~and~~. In that case, the department's office of Ohio school 3581
sponsorship, established under section 3314.029 of the Revised 3582
Code, may assume the sponsorship of any schools with which the 3583
sponsor has contracted until the earlier of the expiration of two 3584
school years or until a new sponsor as described in division 3585
(C)(1) of section 3314.02 of the Revised Code is secured by the 3586
school's governing authority. The ~~department~~ office of Ohio school 3587
sponsorship may extend the term of the contract in the case of a 3588
school for which it has assumed sponsorship under this division as 3589
necessary to accommodate the term of the department's 3590
authorization to sponsor the school specified in this division. 3591
Community schools sponsored under this division shall not apply to 3592
the limit on directly authorized community schools under division 3593
(A)(3) of section 3314.029 of the Revised Code. However, nothing 3594
in this division shall preclude a community school affected by 3595
this division from applying for sponsorship under that section. 3596

(D) The decision of the department to disapprove an entity 3597
for sponsorship of a community school or to revoke approval for 3598
such sponsorship under division (C) of this section, may be 3599
appealed by the entity in accordance with section 119.12 of the 3600
Revised Code. 3601

(E) The department shall adopt procedures for use by a 3602
community school governing authority and sponsor when the school 3603
permanently closes and ceases operation, which shall include at 3604
least procedures for data reporting to the department, handling of 3605
student records, distribution of assets in accordance with section 3606
3314.074 of the Revised Code, and other matters related to ceasing 3607
operation of the school. 3608

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

Sec. 3314.016. This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be ranked under division (B) of this section, but divisions (A) and (C) of this section do not apply to the office.

(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets both of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education.

(2) The entity is not ranked in the lowest twenty per cent of community school sponsors on the ranking prescribed by division (B) of this section.

(B)(1) For purposes of this section, the department shall develop a composite performance index score, as defined in section 3302.01 of the Revised Code, that measures the academic performance of students enrolled in community schools sponsored by the same entity. ~~In~~

(2) In calculating the an entity's composite performance index score, the department shall exclude all of the following:

(a) All community schools that have been in operation for 3639
less than two full school years; 3640

(b) All community schools described in division (A)(3) of 3641
section 3314.35 of the Revised Code, but the department shall 3642
cease to exclude ~~those~~ the schools ~~beginning January 1, 2013, if~~ 3643
~~the general assembly does not enact by that date separate~~ 3644
~~performance standards for community schools that operate dropout~~ 3645
~~prevention and recovery programs and for community schools that~~ 3646
~~serve students with disabilities~~ described in division (A)(3)(a) 3647
of that section if those schools become subject to closure under 3648
division (D) of that section. The 3649

(3) The department annually shall rank all entities that 3650
sponsor community schools from highest to lowest according to the 3651
entities' composite performance index scores and shall publish the 3652
rankings between the first day of October and the fifteenth day of 3653
October. 3654

(C) If the governing authority of a community school enters 3655
into a contract with a sponsor prior to the date on which the 3656
sponsor is prohibited from sponsoring additional schools under 3657
division (A) of this section and the school has not opened for 3658
operation as of that date, that contract shall be void and the 3659
school shall not open until the governing authority secures a new 3660
sponsor by entering into a contract with the new sponsor under 3661
section 3314.03 of the Revised Code. 3662

Sec. 3314.02. (A) As used in this chapter: 3663

(1) "Sponsor" means the board of education of a school 3664
district or the governing board of an educational service center 3665
that agrees to the conversion of all or part of a school or 3666
building under division (B) of this section, or an entity listed 3667
in division (C)(1) of this section, which either has been approved 3668
by the department of education to sponsor community schools or is 3669

exempted by section 3314.021 or 3314.027 of the Revised Code from 3670
obtaining approval, and with which the governing authority of ~~the~~ 3671
~~proposed~~ a community school enters into a contract ~~pursuant to~~ 3672
~~this~~ under section 3314.03 of the Revised Code. 3673

(2) "Pilot project area" means the school districts included 3674
in the territory of the former community school pilot project 3675
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 3676
the 122nd general assembly. 3677

(3) "Challenged school district" means any of the following: 3678

(a) A school district that is part of the pilot project area; 3679

(b) A school district that is either in a state of academic 3680
emergency or in a state of academic watch under section 3302.03 of 3681
the Revised Code; 3682

(c) A big eight school district; 3683

(d) A school district ranked in the lowest five per cent of 3684
school districts according to performance index score under 3685
section 3302.21 of the Revised Code. 3686

(4) "Big eight school district" means a school district that 3687
for fiscal year 1997 had both of the following: 3688

(a) A percentage of children residing in the district and 3689
participating in the predecessor of Ohio works first greater than 3690
thirty per cent, as reported pursuant to section 3317.10 of the 3691
Revised Code; 3692

(b) An average daily membership greater than twelve thousand, 3693
as reported pursuant to former division (A) of section 3317.03 of 3694
the Revised Code. 3695

(5) "New start-up school" means a community school other than 3696
one created by converting all or part of an existing public school 3697
or educational service center building, as designated in the 3698
school's contract pursuant to division (A)(17) of section 3314.03 3699

of the Revised Code. 3700

(6) "Urban school district" means one of the state's 3701
twenty-one urban school districts as defined in division (O) of 3702
section 3317.02 of the Revised Code as that section existed prior 3703
to July 1, 1998. 3704

(7) "Internet- or computer-based community school" means a 3705
community school established under this chapter in which the 3706
enrolled students work primarily from their residences on 3707
assignments in nonclassroom-based learning opportunities provided 3708
via an internet- or other computer-based instructional method that 3709
does not rely on regular classroom instruction or via 3710
comprehensive instructional methods that include internet-based, 3711
other computer-based, and noncomputer-based learning 3712
opportunities. 3713

(8) "Operator" means either of the following: 3714

(a) An individual or organization that manages the daily 3715
operations of a community school pursuant to a contract between 3716
the operator and the school's governing authority; 3717

(b) A nonprofit organization that provides programmatic 3718
oversight and support to a community school under a contract with 3719
the school's governing authority and that retains the right to 3720
terminate its affiliation with the school if the school fails to 3721
meet the organization's quality standards. 3722

(B) Any person or group of individuals may initially propose 3723
under this division the conversion of all or a portion of a public 3724
school or a building operated by an educational service center to 3725
a community school. The proposal shall be made to the board of 3726
education of the city, local, exempted village, or joint 3727
vocational school district in which the public school is proposed 3728
to be converted or, in the case of the conversion of a building 3729
operated by an educational service center, to the governing board 3730

of the service center. Upon receipt of a proposal, a board may 3731
enter into a preliminary agreement with the person or group 3732
proposing the conversion of the public school or service center 3733
building, indicating the intention of the board to support the 3734
conversion to a community school. A proposing person or group that 3735
has a preliminary agreement under this division may proceed to 3736
finalize plans for the school, establish a governing authority for 3737
the school, and negotiate a contract with the board. Provided the 3738
proposing person or group adheres to the preliminary agreement and 3739
all provisions of this chapter, the board shall negotiate in good 3740
faith to enter into a contract in accordance with section 3314.03 3741
of the Revised Code and division (C) of this section. 3742

(C)(1) Any person or group of individuals may propose under 3743
this division the establishment of a new start-up school to be 3744
located in a challenged school district. The proposal may be made 3745
to any of the following entities: 3746

(a) The board of education of the district in which the 3747
school is proposed to be located; 3748

(b) The board of education of any joint vocational school 3749
district with territory in the county in which is located the 3750
majority of the territory of the district in which the school is 3751
proposed to be located; 3752

(c) The board of education of any other city, local, or 3753
exempted village school district having territory in the same 3754
county where the district in which the school is proposed to be 3755
located has the major portion of its territory; 3756

(d) The governing board of any educational service center, as 3757
long as the proposed school will be located in a county within the 3758
territory of the service center or in a county contiguous to such 3759
county; 3760

(e) A sponsoring authority designated by the board of 3761

trustees of any of the thirteen state universities listed in 3762
section 3345.011 of the Revised Code or the board of trustees 3763
itself as long as a mission of the proposed school to be specified 3764
in the contract under division (A)(2) of section 3314.03 of the 3765
Revised Code and as approved by the department of education under 3766
division (B)(2) of section 3314.015 of the Revised Code will be 3767
the practical demonstration of teaching methods, educational 3768
technology, or other teaching practices that are included in the 3769
curriculum of the university's teacher preparation program 3770
approved by the state board of education; 3771

(f) Any qualified tax-exempt entity under section 501(c)(3) 3772
of the Internal Revenue Code as long as all of the following 3773
conditions are satisfied: 3774

(i) The entity has been in operation for at least five years 3775
prior to applying to be a community school sponsor. 3776

(ii) The entity has assets of at least five hundred thousand 3777
dollars and a demonstrated record of financial responsibility. 3778

(iii) The department of education has determined that the 3779
entity is an education-oriented entity under division (B)(3) of 3780
section 3314.015 of the Revised Code and the entity has a 3781
demonstrated record of successful implementation of educational 3782
programs. 3783

(iv) The entity is not a community school. 3784

Any entity described in division (C)(1) of this section may 3785
enter into a preliminary agreement pursuant to division (C)(2) of 3786
this section with the proposing person or group. 3787

(2) A preliminary agreement indicates the intention of an 3788
entity described in division (C)(1) of this section to sponsor the 3789
community school. A proposing person or group that has such a 3790
preliminary agreement may proceed to finalize plans for the 3791
school, establish a governing authority as described in division 3792

(E) of this section for the school, and negotiate a contract with 3793
the entity. Provided the proposing person or group adheres to the 3794
preliminary agreement and all provisions of this chapter, the 3795
entity shall negotiate in good faith to enter into a contract in 3796
accordance with section 3314.03 of the Revised Code. 3797

(3) A new start-up school that is established in a school 3798
district while that district is either in a state of academic 3799
emergency or in a state of academic watch under section 3302.03 of 3800
the Revised Code or ranked in the lowest five per cent according 3801
to performance index score under section 3302.21 of the Revised 3802
Code may continue in existence once the school district is no 3803
longer in a state of academic emergency or academic watch or 3804
ranked in the lowest five per cent according to performance index 3805
score, provided there is a valid contract between the school and a 3806
sponsor. 3807

(4) A copy of every preliminary agreement entered into under 3808
this division shall be filed with the superintendent of public 3809
instruction. 3810

(D) A majority vote of the board of a sponsoring entity and a 3811
majority vote of the members of the governing authority of a 3812
community school shall be required to adopt a contract and convert 3813
the public school or educational service center building to a 3814
community school or establish the new start-up school. Beginning 3815
September 29, 2005, adoption of the contract shall occur not later 3816
than the fifteenth day of March, and signing of the contract shall 3817
occur not later than the fifteenth day of May, prior to the school 3818
year in which the school will open. The governing authority shall 3819
notify the department of education when the contract has been 3820
signed. Subject to sections 3314.013 and 3314.016 of the Revised 3821
Code, an unlimited number of community schools may be established 3822
in any school district provided that a contract is entered into 3823
for each community school pursuant to this chapter. 3824

(E)(1) As used in this division, "immediate relatives" are 3825
limited to spouses, children, parents, grandparents, siblings, and 3826
in-laws. 3827

Each new start-up community school established under this 3828
chapter shall be under the direction of a governing authority 3829
which shall consist of a board of not less than five individuals. 3830

No person shall serve on the governing authority or operate 3831
the community school under contract with the governing authority 3832
so long as the person owes the state any money or is in a dispute 3833
over whether the person owes the state any money concerning the 3834
operation of a community school that has closed. 3835

(2) No person shall serve on the governing authorities of 3836
more than ~~two~~ five start-up community schools at the same time. 3837

(3) No present or former member, or immediate relative of a 3838
present or former member, of the governing authority of any 3839
community school established under this chapter shall be an owner, 3840
employee, or consultant of any sponsor or operator of a community 3841
school, unless at least one year has elapsed since the conclusion 3842
of the person's membership. 3843

(4) The governing authority of a start-up community school 3844
may provide by resolution for the compensation of its members. 3845
However, no individual who serves on the governing authority of a 3846
start-up community school shall be compensated more than four 3847
hundred twenty-five dollars per meeting of that governing 3848
authority and no such individual shall be compensated more than a 3849
total amount of five thousand dollars per year for all governing 3850
authorities upon which the individual serves. 3851

(F)(1) A new start-up school that is established prior to 3852
August 15, 2003, in an urban school district that is not also a 3853
big-eight school district may continue to operate after that date 3854
and the contract between the school's governing authority and the 3855

school's sponsor may be renewed, as provided under this chapter, 3856
after that date, but no additional new start-up schools may be 3857
established in such a district unless the district is a challenged 3858
school district as defined in this section as it exists on and 3859
after that date. 3860

(2) A community school that was established prior to June 29, 3861
1999, and is located in a county contiguous to the pilot project 3862
area and in a school district that is not a challenged school 3863
district may continue to operate after that date, provided the 3864
school complies with all provisions of this chapter. The contract 3865
between the school's governing authority and the school's sponsor 3866
may be renewed, but no additional start-up community school may be 3867
established in that district unless the district is a challenged 3868
school district. 3869

(3) Any educational service center that, on June 30, 2007, 3870
sponsors a community school that is not located in a county within 3871
the territory of the service center or in a county contiguous to 3872
such county may continue to sponsor that community school on and 3873
after June 30, 2007, and may renew its contract with the school. 3874
However, the educational service center shall not enter into a 3875
contract with any additional community school unless the school is 3876
located in a county within the territory of the service center or 3877
in a county contiguous to such county. 3878

Sec. 3314.029. This section establishes the Ohio school 3879
sponsorship program. The department of education shall establish 3880
an office of Ohio school sponsorship to perform the department's 3881
duties prescribed by this section. 3882

(A)(1) Notwithstanding anything to the contrary in this 3883
chapter, but subject to section 3314.20 of the Revised Code, any 3884
person, group of individuals, or entity may apply to the 3885
department for direct authorization to establish a community 3886

school and, upon approval of the application, may establish the 3887
school. Notwithstanding anything to the contrary in this chapter, 3888
the governing authority of an existing community school, upon the 3889
expiration or termination of its contract with the school's 3890
sponsor entered into under section 3314.03 of the Revised Code, 3891
may apply to the department for direct authorization to continue 3892
operating the school and, upon approval of the application, may 3893
continue to operate the school. 3894

Each application submitted to the department shall include 3895
the following: 3896

(a) Evidence that the applicant will be able to comply with 3897
division (C) of this section; 3898

(b) A statement indicating that the applicant agrees to 3899
comply with all applicable provisions of this chapter, including 3900
the requirement to be established as a nonprofit corporation or 3901
public benefit corporation in accordance with division (A)(1) of 3902
section 3314.03 of the Revised Code; 3903

(c) A statement attesting that no unresolved finding of 3904
recovery has been issued by the auditor of state against any 3905
person, group of individuals, or entity that is a party to the 3906
application and that no person who is party to the application has 3907
been a member of the governing authority of any community school 3908
that has permanently closed and against which an unresolved 3909
finding of recovery has been issued by the auditor of state. In 3910
the case of an application submitted by the governing authority of 3911
an existing community school, a person who is party to the 3912
application shall include each individual member of that governing 3913
authority. 3914

(d) A statement that the school will be nonsectarian in its 3915
programs, admission policies, employment practices, and all other 3916
operations, and will not be operated by a sectarian school or 3917

religious institution; 3918

(e) A statement of whether the school is to be created by 3919
converting all or part of an existing public school or educational 3920
service center building or is to be a new start-up school. If it 3921
is a converted public school or service center building, the 3922
statement shall include a specification of any duties or 3923
responsibilities of an employer that the board of education or 3924
service center governing board that operated the school or 3925
building before conversion is delegating to the governing 3926
authority of the community school with respect to all or any 3927
specified group of employees, provided the delegation is not 3928
prohibited by a collective bargaining agreement applicable to such 3929
employees. 3930

(f) A statement that the school's teachers will be licensed 3931
in the manner prescribed by division (A)(10) of section 3314.03 of 3932
the Revised Code; 3933

(g) A statement that the school will comply with all of the 3934
provisions of law enumerated in divisions (A)(11)(d) and (e) of 3935
section 3314.03 of the Revised Code and of division (A)(11)(h) of 3936
that section, if applicable; 3937

(h) A statement that the school's graduation and curriculum 3938
requirements will comply with division (A)(11)(f) of section 3939
3314.03 of the Revised Code; 3940

(i) A description of each of the following: 3941

(i) The school's mission and educational program, the 3942
characteristics of the students the school is expected to attract, 3943
the ages and grade levels of students, and the focus of the 3944
curriculum; 3945

(ii) The school's governing authority, which shall be in 3946
compliance with division (E) of section 3314.02 of the Revised 3947
Code; 3948

(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code; 3949
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(iv) The school's business plan, including a five-year financial forecast; 3952
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(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school; 3954
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(vi) The school's 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; 3957
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(vii) The facilities to be used by the school and their locations; 3961
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(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code. 3963
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(2) Subject to division (A)(3) of this section, the department shall approve each application, unless, within thirty days after receipt of the application, the department determines that the application does not satisfy the requirements of division (A)(1) of this section and provides the applicant a written explanation of the reasons for the determination. In that case, the department shall grant the applicant thirty days to correct the insufficiencies in the application. If the department determines that the insufficiencies have been corrected, it shall approve the application. If the department determines that the insufficiencies have not been corrected, it shall deny the 3969
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application and provide the applicant with a written explanation 3980
of the reasons for the denial. The denial of an application may be 3981
appealed in accordance with section 119.12 of the Revised Code. 3982

(3) For each of five school years, beginning with the school 3983
year that begins in the calendar year in which this section takes 3984
effect, the department may approve up to twenty applications for 3985
community schools to be established or to continue operation under 3986
division (A) of this section; however, of the twenty applications 3987
that may be approved each school year, only up to five may be for 3988
the establishment of new schools. 3989

(4) Notwithstanding division (A)(2) of this section, the 3990
department may deny an application submitted by the governing 3991
authority of an existing community school, if a previous sponsor 3992
of that school did not renew its contract with the school entered 3993
into under section 3314.03 of the Revised Code. 3994

(B) The department and the governing authority of each 3995
community school authorized under this section shall enter into a 3996
contract under section 3314.03 of the Revised Code. 3997
Notwithstanding division (A)(13) of that section, the contract 3998
with an existing community school may begin at any time during the 3999
academic year. The length of the initial contract of any community 4000
school under this section may be for any term up to five years. 4001
The contract may be renewed in accordance with division (E) of 4002
that section. The contract may provide for the school's governing 4003
authority to pay a fee for oversight and monitoring of the school 4004
that does not exceed three per cent of the total amount of 4005
payments for operating expenses that the school receives from the 4006
state. 4007

(C) The department may require a community school authorized 4008
under this section to post and file with the superintendent of 4009
public instruction a bond payable to the state or to file with the 4010
state superintendent a guarantee, which shall be used to pay the 4011

state any moneys owed by the community school in the event the school closes.

(D) Except as otherwise provided in this section, a community school authorized under this section shall comply with all applicable provisions of this chapter. The department may take any action that a sponsor may take under this chapter to enforce the school's compliance with this division and the terms of the contract entered into under division (B) of this section.

(E) Not later than December 31, 2012, and annually thereafter, the department shall issue a report on the program, including information about the number of community schools participating in the program and their compliance with the provisions of this chapter. In its fifth report, the department shall include a complete evaluation of the program and recommendations regarding the program's continuation. Each report shall be provided to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

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

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

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

(b) A public benefit corporation established under Chapter

1702. of the Revised Code, if established after April 8, 2003.	4042
(2) The education program of the school, including the	4043
school's mission, the characteristics of the students the school	4044
is expected to attract, the ages and grades of students, and the	4045
focus of the curriculum;	4046
(3) The academic goals to be achieved and the method of	4047
measurement that will be used to determine progress toward those	4048
goals, which shall include the statewide achievement assessments;	4049
(4) Performance standards by which the success of the school	4050
will be evaluated by the sponsor;	4051
(5) The admission standards of section 3314.06 of the Revised	4052
Code and, if applicable, section 3314.061 of the Revised Code;	4053
(6)(a) Dismissal procedures;	4054
(b) A requirement that the governing authority adopt an	4055
attendance policy that includes a procedure for automatically	4056
withdrawing a student from the school if the student without a	4057
legitimate excuse fails to participate in one hundred five	4058
consecutive hours of the learning opportunities offered to the	4059
student.	4060
(7) The ways by which the school will achieve racial and	4061
ethnic balance reflective of the community it serves;	4062
(8) Requirements for financial audits by the auditor of	4063
state. The contract shall require financial records of the school	4064
to be maintained in the same manner as are financial records of	4065
school districts, pursuant to rules of the auditor of state.	4066
Audits shall be conducted in accordance with section 117.10 of the	4067
Revised Code.	4068
(9) The facilities to be used and their locations;	4069
(10) Qualifications of teachers, including the following:	4070
(a) A requirement that the school's classroom teachers be	4071

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;

(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.

(11) That the school will comply with the following requirements:

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

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

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and

Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 4103
and 4167. of the Revised Code as if it were a school district and 4104
will comply with section 3301.0714 of the Revised Code in the 4105
manner specified in section 3314.17 of the Revised Code. 4106

(e) The school shall comply with Chapter 102. and section 4107
2921.42 of the Revised Code. 4108

(f) The school will comply with sections 3313.61, 3313.611, 4109
and 3313.614 of the Revised Code, except that for students who 4110
enter ninth grade for the first time before July 1, 2010, the 4111
requirement in sections 3313.61 and 3313.611 of the Revised Code 4112
that a person must successfully complete the curriculum in any 4113
high school prior to receiving a high school diploma may be met by 4114
completing the curriculum adopted by the governing authority of 4115
the community school rather than the curriculum specified in Title 4116
XXXIII of the Revised Code or any rules of the state board of 4117
education. Beginning with students who enter ninth grade for the 4118
first time on or after July 1, 2010, the requirement in sections 4119
3313.61 and 3313.611 of the Revised Code that a person must 4120
successfully complete the curriculum of a high school prior to 4121
receiving a high school diploma shall be met by completing the 4122
Ohio core curriculum prescribed in division (C) of section 4123
3313.603 of the Revised Code, unless the person qualifies under 4124
division (D) or (F) of that section. Each school shall comply with 4125
the plan for awarding high school credit based on demonstration of 4126
subject area competency, adopted by the state board of education 4127
under division (J) of section 3313.603 of the Revised Code. 4128

(g) The school governing authority will submit within four 4129
months after the end of each school year a report of its 4130
activities and progress in meeting the goals and standards of 4131
divisions (A)(3) and (4) of this section and its financial status 4132
to the sponsor and the parents of all students enrolled in the 4133
school. 4134

(h) The school, unless it is an internet- or computer-based 4135
community school, will comply with ~~sections 3313.674 and section~~ 4136
3313.801 of the Revised Code as if it were a school district. 4137

(i) If the school is the recipient of moneys from a grant 4138
awarded under the federal race to the top program, Division (A), 4139
Title XIV, Sections 14005 and 14006 of the "American Recovery and 4140
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 4141
school will pay teachers based upon performance in accordance with 4142
section 3317.141 and will comply with section 3319.111 of the 4143
Revised Code as if it were a school district. 4144

(12) Arrangements for providing health and other benefits to 4145
employees; 4146

(13) The length of the contract, which shall begin at the 4147
beginning of an academic year. No contract shall exceed five years 4148
unless such contract has been renewed pursuant to division (E) of 4149
this section. 4150

(14) The governing authority of the school, which shall be 4151
responsible for carrying out the provisions of the contract; 4152

(15) A financial plan detailing an estimated school budget 4153
for each year of the period of the contract and specifying the 4154
total estimated per pupil expenditure amount for each such year. 4155
The plan shall specify for each year the base formula amount that 4156
will be used for purposes of funding calculations under section 4157
3314.08 of the Revised Code. This base formula amount for any year 4158
shall not exceed the formula amount defined under section 3317.02 4159
of the Revised Code. The plan may also specify for any year a 4160
percentage figure to be used for reducing the per pupil amount of 4161
the subsidy calculated pursuant to section 3317.029 of the Revised 4162
Code the school is to receive that year under section 3314.08 of 4163
the Revised Code. 4164

(16) Requirements and procedures regarding the disposition of 4165

employees of the school in the event the contract is terminated or 4166
not renewed pursuant to section 3314.07 of the Revised Code; 4167

(17) Whether the school is to be created by converting all or 4168
part of an existing public school or educational service center 4169
building or is to be a new start-up school, and if it is a 4170
converted public school or service center building, specification 4171
of any duties or responsibilities of an employer that the board of 4172
education or service center governing board that operated the 4173
school or building before conversion is delegating to the 4174
governing authority of the community school with respect to all or 4175
any specified group of employees provided the delegation is not 4176
prohibited by a collective bargaining agreement applicable to such 4177
employees; 4178

(18) Provisions establishing procedures for resolving 4179
disputes or differences of opinion between the sponsor and the 4180
governing authority of the community school; 4181

(19) A provision requiring the governing authority to adopt a 4182
policy regarding the admission of students who reside outside the 4183
district in which the school is located. That policy shall comply 4184
with the admissions procedures specified in sections 3314.06 and 4185
3314.061 of the Revised Code and, at the sole discretion of the 4186
authority, shall do one of the following: 4187

(a) Prohibit the enrollment of students who reside outside 4188
the district in which the school is located; 4189

(b) Permit the enrollment of students who reside in districts 4190
adjacent to the district in which the school is located; 4191

(c) Permit the enrollment of students who reside in any other 4192
district in the state. 4193

(20) A provision recognizing the authority of the department 4194
of education to take over the sponsorship of the school in 4195
accordance with the provisions of division (C) of section 3314.015 4196

of the Revised Code;	4197
(21) A provision recognizing the sponsor's authority to	4198
assume the operation of a school under the conditions specified in	4199
division (B) of section 3314.073 of the Revised Code;	4200
(22) A provision recognizing both of the following:	4201
(a) The authority of public health and safety officials to	4202
inspect the facilities of the school and to order the facilities	4203
closed if those officials find that the facilities are not in	4204
compliance with health and safety laws and regulations;	4205
(b) The authority of the department of education as the	4206
community school oversight body to suspend the operation of the	4207
school under section 3314.072 of the Revised Code if the	4208
department has evidence of conditions or violations of law at the	4209
school that pose an imminent danger to the health and safety of	4210
the school's students and employees and the sponsor refuses to	4211
take such action.	4212
(23) A description of the learning opportunities that will be	4213
offered to students including both classroom-based and	4214
non-classroom-based learning opportunities that is in compliance	4215
with criteria for student participation established by the	4216
department under division (L)(2) of section 3314.08 of the Revised	4217
Code;	4218
(24) The school will comply with sections 3302.04 and	4219
3302.041 of the Revised Code, except that any action required to	4220
be taken by a school district pursuant to those sections shall be	4221
taken by the sponsor of the school. However, the sponsor shall not	4222
be required to take any action described in division (F) of	4223
section 3302.04 of the Revised Code.	4224
(25) Beginning in the 2006-2007 school year, the school will	4225
open for operation not later than the thirtieth day of September	4226
each school year, unless the mission of the school as specified	4227

under division (A)(2) of this section is solely to serve dropouts. 4228
In its initial year of operation, if the school fails to open by 4229
the thirtieth day of September, or within one year after the 4230
adoption of the contract pursuant to division (D) of section 4231
3314.02 of the Revised Code if the mission of the school is solely 4232
to serve dropouts, the contract shall be void. 4233

(B) The community school shall also submit to the sponsor a 4234
comprehensive plan for the school. The plan shall specify the 4235
following: 4236

(1) The process by which the governing authority of the 4237
school will be selected in the future; 4238

(2) The management and administration of the school; 4239

(3) If the community school is a currently existing public 4240
school or educational service center building, alternative 4241
arrangements for current public school students who choose not to 4242
attend the converted school and for teachers who choose not to 4243
teach in the school or building after conversion; 4244

(4) The instructional program and educational philosophy of 4245
the school; 4246

(5) Internal financial controls. 4247

(C) A contract entered into under section 3314.02 of the 4248
Revised Code between a sponsor and the governing authority of a 4249
community school may provide for the community school governing 4250
authority to make payments to the sponsor, which is hereby 4251
authorized to receive such payments as set forth in the contract 4252
between the governing authority and the sponsor. The total amount 4253
of such payments for oversight and monitoring of the school shall 4254
not exceed three per cent of the total amount of payments for 4255
operating expenses that the school receives from the state. 4256

(D) The contract shall specify the duties of the sponsor 4257

which shall be in accordance with the written agreement entered 4258
into with the department of education under division (B) of 4259
section 3314.015 of the Revised Code and shall include the 4260
following: 4261

(1) Monitor the community school's compliance with all laws 4262
applicable to the school and with the terms of the contract; 4263

(2) Monitor and evaluate the academic and fiscal performance 4264
and the organization and operation of the community school on at 4265
least an annual basis; 4266

(3) Report on an annual basis the results of the evaluation 4267
conducted under division (D)(2) of this section to the department 4268
of education and to the parents of students enrolled in the 4269
community school; 4270

(4) Provide technical assistance to the community school in 4271
complying with laws applicable to the school and terms of the 4272
contract; 4273

(5) Take steps to intervene in the school's operation to 4274
correct problems in the school's overall performance, declare the 4275
school to be on probationary status pursuant to section 3314.073 4276
of the Revised Code, suspend the operation of the school pursuant 4277
to section 3314.072 of the Revised Code, or terminate the contract 4278
of the school pursuant to section 3314.07 of the Revised Code as 4279
determined necessary by the sponsor; 4280

(6) Have in place a plan of action to be undertaken in the 4281
event the community school experiences financial difficulties or 4282
closes prior to the end of a school year. 4283

(E) Upon the expiration of a contract entered into under this 4284
section, the sponsor of a community school may, with the approval 4285
of the governing authority of the school, renew that contract for 4286
a period of time determined by the sponsor, but not ending earlier 4287
than the end of any school year, if the sponsor finds that the 4288

school's compliance with applicable laws and terms of the contract 4289
and the school's progress in meeting the academic goals prescribed 4290
in the contract have been satisfactory. Any contract that is 4291
renewed under this division remains subject to the provisions of 4292
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 4293

(F) If a community school fails to open for operation within 4294
one year after the contract entered into under this section is 4295
adopted pursuant to division (D) of section 3314.02 of the Revised 4296
Code or permanently closes prior to the expiration of the 4297
contract, the contract shall be void and the school shall not 4298
enter into a contract with any other sponsor. A school shall not 4299
be considered permanently closed because the operations of the 4300
school have been suspended pursuant to section 3314.072 of the 4301
Revised Code. 4302

Sec. 3314.06. The governing authority of each community 4303
school established under this chapter shall adopt admission 4304
procedures that specify the following: 4305

(A) That, except as otherwise provided in this section, 4306
admission to the school shall be open to any individual age five 4307
to twenty-two entitled to attend school pursuant to section 4308
3313.64 or 3313.65 of the Revised Code in a school district in the 4309
state. 4310

An individual younger than five years of age may be admitted 4311
to the school in accordance with division (A)(2) of section 4312
3321.01 of the Revised Code. 4313

(B)(1) That admission to the school may be limited to 4314
students who have attained a specific grade level or are within a 4315
specific age group; to students that meet a definition of 4316
"at-risk," as defined in the contract; to residents of a specific 4317
geographic area within the district, as defined in the contract; 4318
or to separate groups of autistic students and nondisabled 4319

students, as authorized in section 3314.061 of the Revised Code 4320
and as defined in the contract. 4321

(2) For purposes of division (B)(1) of this section, 4322
"at-risk" students may include those students identified as gifted 4323
students under section 3324.03 of the Revised Code. 4324

(C) Whether enrollment is limited to students who reside in 4325
the district in which the school is located or is open to 4326
residents of other districts, as provided in the policy adopted 4327
pursuant to the contract. 4328

(D)(1) That there will be no discrimination in the admission 4329
of students to the school on the basis of race, creed, color, 4330
disability, or sex except that: 4331

(a) The governing authority may ~~establish single-gender~~ 4332
~~schools~~ do either of the following for the purpose described in 4333
division (G) of this section: 4334

(i) Establish a single-gender school for either sex; 4335

(ii) Establish single-gender schools for each sex under the 4336
same contract, provided ~~comparable~~ substantially equal facilities 4337
and learning opportunities are offered for both boys and girls. 4338
Such ~~comparable~~ facilities and opportunities may be offered for 4339
each sex at separate locations. 4340

(b) The governing authority may establish a school that 4341
simultaneously serves a group of students identified as autistic 4342
and a group of students who are not disabled, as authorized in 4343
section 3314.061 of the Revised Code. However, unless the total 4344
capacity established for the school has been filled, no student 4345
with any disability shall be denied admission on the basis of that 4346
disability. 4347

(2) That upon admission of any student with a disability, the 4348
community school will comply with all federal and state laws 4349

regarding the education of students with disabilities. 4350

(E) That the school may not limit admission to students on 4351
the basis of intellectual ability, measures of achievement or 4352
aptitude, or athletic ability, except that a school may limit its 4353
enrollment to students as described in division (B) of this 4354
section. 4355

(F) That the community school will admit the number of 4356
students that does not exceed the capacity of the school's 4357
programs, classes, grade levels, or facilities. 4358

(G) That the purpose of single-gender schools that are 4359
established shall be to take advantage of the academic benefits 4360
some students realize from single-gender instruction and 4361
facilities and to offer students and parents residing in the 4362
district the option of a single-gender education. 4363

(H) That, except as otherwise provided under division (B) of 4364
this section or section 3314.061 of the Revised Code, if the 4365
number of applicants exceeds the capacity restrictions of division 4366
(F) of this section, students shall be admitted by lot from all 4367
those submitting applications, except preference shall be given to 4368
students attending the school the previous year and to students 4369
who reside in the district in which the school is located. 4370
Preference may be given to siblings of students attending the 4371
school the previous year. 4372

Notwithstanding divisions (A) to (H) of this section, in the 4373
event the racial composition of the enrollment of the community 4374
school is violative of a federal desegregation order, the 4375
community school shall take any and all corrective measures to 4376
comply with the desegregation order. 4377

Sec. 3314.08. The deductions under division (C) and the 4378
payments under division (D) of this section for fiscal years 2012 4379

and 2013 shall be made in accordance with section 3314.088 of the Revised Code.

(A) As used in this section:

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

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

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

(4) "Applicable vocational education weight" means:

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

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

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

(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. 4410

(8) "All-day kindergarten" has the same meaning as in section 4411
3321.05 of the Revised Code. 4412

(9) "State education aid" has the same meaning as in section 4413
5751.20 of the Revised Code. 4414

(B) The state board of education shall adopt rules requiring 4415
both of the following: 4416

(1) The board of education of each city, exempted village, 4417
and local school district to annually report the number of 4418
students entitled to attend school in the district who are 4419
enrolled in grades one through twelve in a community school 4420
established under this chapter, the number of students entitled to 4421
attend school in the district who are enrolled in kindergarten in 4422
a community school, the number of those kindergartners who are 4423
enrolled in all-day kindergarten in their community school, and 4424
for each child, the community school in which the child is 4425
enrolled. 4426

(2) The governing authority of each community school 4427
established under this chapter to annually report all of the 4428
following: 4429

(a) The number of students enrolled in grades one through 4430
twelve and the number of students enrolled in kindergarten in the 4431
school who are not receiving special education and related 4432
services pursuant to an IEP; 4433

(b) The number of enrolled students in grades one through 4434
twelve and the number of enrolled students in kindergarten, who 4435
are receiving special education and related services pursuant to 4436
an IEP; 4437

(c) The number of students reported under division (B)(2)(b) 4438
of this section receiving special education and related services 4439

pursuant to an IEP for a disability described in each of divisions 4440
(A) to (F) of section 3317.013 of the Revised Code; 4441

(d) The full-time equivalent number of students reported 4442
under divisions (B)(2)(a) and (b) of this section who are enrolled 4443
in vocational education programs or classes described in each of 4444
divisions (A) and (B) of section 3317.014 of the Revised Code that 4445
are provided by the community school; 4446

(e) Twenty per cent of the number of students reported under 4447
divisions (B)(2)(a) and (b) of this section who are not reported 4448
under division (B)(2)(d) of this section but who are enrolled in 4449
vocational education programs or classes described in each of 4450
divisions (A) and (B) of section 3317.014 of the Revised Code at a 4451
joint vocational school district under a contract between the 4452
community school and the joint vocational school district and are 4453
entitled to attend school in a city, local, or exempted village 4454
school district whose territory is part of the territory of the 4455
joint vocational school district; 4456

(f) The number of enrolled preschool children with 4457
disabilities receiving special education services in a 4458
state-funded unit; 4459

(g) The community school's base formula amount; 4460

(h) For each student, the city, exempted village, or local 4461
school district in which the student is entitled to attend school; 4462

(i) Any poverty-based assistance reduction factor that 4463
applies to a school year. 4464

A school district board and a community school governing 4465
authority shall include in their respective reports under division 4466
(B) of this section any child admitted in accordance with division 4467
(A)(2) of section 3321.01 of the Revised Code. 4468

(C) From the state education aid calculated for a city, 4469

exempted village, or local school district and, if necessary, from 4470
the payment made to the district under sections 321.24 and 323.156 4471
of the Revised Code, the department of education shall annually 4472
subtract the sum of the amounts described in divisions (C)(1) to 4473
(9) of this section. However, when deducting payments on behalf of 4474
students enrolled in internet- or computer-based community 4475
schools, the department shall deduct only those amounts described 4476
in divisions (C)(1) and (2) of this section. Furthermore, the 4477
aggregate amount deducted under this division shall not exceed the 4478
sum of the district's state education aid and its payment under 4479
sections 321.24 and 323.156 of the Revised Code. 4480

(1) An amount equal to the sum of the amounts obtained when, 4481
for each community school where the district's students are 4482
enrolled, the number of the district's students reported under 4483
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 4484
in grades one through twelve, and one-half the number of students 4485
reported under those divisions who are enrolled in kindergarten, 4486
in that community school is multiplied by the sum of the base 4487
formula amount of that community school plus the per pupil amount 4488
of the base funding supplements specified in divisions (C)(1) to 4489
(4) of section 3317.012 of the Revised Code. 4490

(2) The sum of the amounts calculated under divisions 4491
(C)(2)(a) and (b) of this section: 4492

(a) For each of the district's students reported under 4493
division (B)(2)(c) of this section as enrolled in a community 4494
school in grades one through twelve and receiving special 4495
education and related services pursuant to an IEP for a disability 4496
described in section 3317.013 of the Revised Code, the product of 4497
the applicable special education weight times the community 4498
school's base formula amount; 4499

(b) For each of the district's students reported under 4500
division (B)(2)(c) of this section as enrolled in kindergarten in 4501

a community school and receiving special education and related 4502
services pursuant to an IEP for a disability described in section 4503
3317.013 of the Revised Code, one-half of the amount calculated as 4504
prescribed in division (C)(2)(a) of this section. 4505

(3) For each of the district's students reported under 4506
division (B)(2)(d) of this section for whom payment is made under 4507
division (D)(4) of this section, the amount of that payment; 4508

(4) An amount equal to the sum of the amounts obtained when, 4509
for each community school where the district's students are 4510
enrolled, the number of the district's students enrolled in that 4511
community school who are included in the district's poverty 4512
student count is multiplied by the per pupil amount of 4513
poverty-based assistance the school district receives that year 4514
pursuant to division (C) of section 3317.029 of the Revised Code, 4515
as adjusted by any poverty-based assistance reduction factor of 4516
that community school. The per pupil amount of that aid for the 4517
district shall be calculated by the department. 4518

(5) An amount equal to the sum of the amounts obtained when, 4519
for each community school where the district's students are 4520
enrolled, the district's per pupil amount of aid received under 4521
division (E) of section 3317.029 of the Revised Code, as adjusted 4522
by any poverty-based assistance reduction factor of the community 4523
school, is multiplied by the sum of the following: 4524

(a) The number of the district's students reported under 4525
division (B)(2)(a) of this section who are enrolled in grades one 4526
to three in that community school and who are not receiving 4527
special education and related services pursuant to an IEP; 4528

(b) One-half of the district's students who are enrolled in 4529
all-day or any other kindergarten class in that community school 4530
and who are not receiving special education and related services 4531
pursuant to an IEP; 4532

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

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

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

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

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

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

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

(8) An amount equal to the sum of the amounts obtained when, 4564
for each community school where the district's students are 4565
enrolled, the district's per pupil amount received under divisions 4566
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 4567
by any poverty-based assistance reduction factor of that community 4568
school, is multiplied by the sum of the following: 4569

(a) The number of the district's students enrolled in grades 4570
one through twelve in that community school; 4571

(b) One-half of the number of the district's students 4572
enrolled in kindergarten in that community school. 4573

The district's per pupil amount under divisions (H) and (I) 4574
of section 3317.029 of the Revised Code is the amount calculated 4575
under each division divided by the district's formula ADM, as 4576
defined in section 3317.02 of the Revised Code. 4577

(9) An amount equal to the per pupil state parity aid funding 4578
calculated for the school district under either division (C) or 4579
(D) of section 3317.0217 of the Revised Code multiplied by the sum 4580
of the number of students in grades one through twelve, and 4581
one-half of the number of students in kindergarten, who are 4582
entitled to attend school in the district and are enrolled in a 4583
community school as reported under division (B)(1) of this 4584
section. 4585

(D) The department shall annually pay to a community school 4586
established under this chapter the sum of the amounts described in 4587
divisions (D)(1) to (10) of this section. However, the department 4588
shall calculate and pay to each internet- or computer-based 4589
community school only the amounts described in divisions (D)(1) to 4590
(3) of this section. Furthermore, the sum of the payments to all 4591
community schools under divisions (D)(1), (2), and (4) to (10) of 4592
this section for the students entitled to attend school in any 4593
particular school district shall not exceed the sum of that 4594

district's state education aid and its payment under sections 4595
321.24 and 323.156 of the Revised Code. If the sum of the payments 4596
calculated under those divisions for the students entitled to 4597
attend school in a particular school district exceeds the sum of 4598
that district's state education aid and its payment under sections 4599
321.24 and 323.156 of the Revised Code, the department shall 4600
calculate and apply a proration factor to the payments to all 4601
community schools under those divisions for the students entitled 4602
to attend school in that district. 4603

(1) An amount equal to the sum of the amounts obtained when 4604
the number of students enrolled in grades one through twelve, plus 4605
one-half of the kindergarten students in the school, reported 4606
under divisions (B)(2)(a), (b), and (e) of this section who are 4607
not receiving special education and related services pursuant to 4608
an IEP for a disability described in section 3317.013 of the 4609
Revised Code is multiplied by the sum of the community school's 4610
base formula amount plus the per pupil amount of the base funding 4611
supplements specified in divisions (C)(1) to (4) of section 4612
3317.012 of the Revised Code. 4613

(2) The sum of the following amounts: 4614

(a) For each student reported under division (B)(2)(c) of 4615
this section as enrolled in the school in grades one through 4616
twelve and receiving special education and related services 4617
pursuant to an IEP for a disability described in section 3317.013 4618
of the Revised Code, the following amount: 4619

(the school's base formula amount plus 4620
the per pupil amount of the base funding supplements specified in 4621
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 4622
+ (the applicable special education weight X the 4623
community school's base formula amount); 4624

(b) For each student reported under division (B)(2)(c) of 4625
this section as enrolled in kindergarten and receiving special 4626

education and related services pursuant to an IEP for a disability 4627
described in section 3317.013 of the Revised Code, one-half of the 4628
amount calculated under the formula prescribed in division 4629
(D)(2)(a) of this section. 4630

(3) An amount received from federal funds to provide special 4631
education and related services to students in the community 4632
school, as determined by the superintendent of public instruction. 4633

(4) For each student reported under division (B)(2)(d) of 4634
this section as enrolled in vocational education programs or 4635
classes that are described in section 3317.014 of the Revised 4636
Code, are provided by the community school, and are comparable as 4637
determined by the superintendent of public instruction to school 4638
district vocational education programs and classes eligible for 4639
state weighted funding under section 3317.014 of the Revised Code, 4640
an amount equal to the applicable vocational education weight 4641
times the community school's base formula amount times the 4642
percentage of time the student spends in the vocational education 4643
programs or classes. 4644

(5) An amount equal to the sum of the amounts obtained when, 4645
for each school district where the community school's students are 4646
entitled to attend school, the number of that district's students 4647
enrolled in the community school who are included in the 4648
district's poverty student count is multiplied by the per pupil 4649
amount of poverty-based assistance that school district receives 4650
that year pursuant to division (C) of section 3317.029 of the 4651
Revised Code, as adjusted by any poverty-based assistance 4652
reduction factor of the community school. The per pupil amount of 4653
aid shall be determined as described in division (C)(4) of this 4654
section. 4655

(6) An amount equal to the sum of the amounts obtained when, 4656
for each school district where the community school's students are 4657
entitled to attend school, the district's per pupil amount of aid 4658

received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

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

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

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

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

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

(8) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under division (G) of section 3317.029 of the Revised

Code, as adjusted by any poverty-based assistance reduction factor 4690
of the community school, is multiplied by the sum of the 4691
following: 4692

(a) The number of the district's students enrolled in grades 4693
one through twelve in that community school; 4694

(b) One-half of the number of the district's students 4695
enrolled in kindergarten in that community school. 4696

The district's per pupil amount under division (G) of section 4697
3317.029 of the Revised Code shall be determined as described in 4698
division (C)(7) of this section. 4699

(9) An amount equal to the sum of the amounts obtained when, 4700
for each school district where the community school's students are 4701
entitled to attend school, the district's per pupil amount 4702
received under divisions (H) and (I) of section 3317.029 of the 4703
Revised Code, as adjusted by any poverty-based assistance 4704
reduction factor of the community school, is multiplied by the sum 4705
of the following: 4706

(a) The number of the district's students enrolled in grades 4707
one through twelve in that community school; 4708

(b) One-half of the number of the district's students 4709
enrolled in kindergarten in that community school. 4710

The district's per pupil amount under divisions (H) and (I) 4711
of section 3317.029 of the Revised Code shall be determined as 4712
described in division (C)(8) of this section. 4713

(10) An amount equal to the sum of the amounts obtained when, 4714
for each school district where the community school's students are 4715
entitled to attend school, the district's per pupil amount of 4716
state parity aid funding calculated under either division (C) or 4717
(D) of section 3317.0217 of the Revised Code is multiplied by the 4718
sum of the number of that district's students enrolled in grades 4719

one through twelve, and one-half of the number of that district's 4720
students enrolled in kindergarten, in the community school as 4721
reported under divisions (B)(2)(a) and (b) of this section. 4722

(E)(1) If a community school's costs for a fiscal year for a 4723
student receiving special education and related services pursuant 4724
to an IEP for a disability described in divisions (B) to (F) of 4725
section 3317.013 of the Revised Code exceed the threshold 4726
catastrophic cost for serving the student as specified in division 4727
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 4728
submit to the superintendent of public instruction documentation, 4729
as prescribed by the superintendent, of all its costs for that 4730
student. Upon submission of documentation for a student of the 4731
type and in the manner prescribed, the department shall pay to the 4732
community school an amount equal to the school's costs for the 4733
student in excess of the threshold catastrophic costs. 4734

(2) The community school shall only report under division 4735
(E)(1) of this section, and the department shall only pay for, the 4736
costs of educational expenses and the related services provided to 4737
the student in accordance with the student's individualized 4738
education program. Any legal fees, court costs, or other costs 4739
associated with any cause of action relating to the student may 4740
not be included in the amount. 4741

(F) A community school may apply to the department of 4742
education for preschool children with disabilities unit funding 4743
the school would receive if it were a school district. Upon 4744
request of its governing authority, a community school that 4745
received such unit funding as a school district-operated school 4746
before it became a community school shall retain any units awarded 4747
to it as a school district-operated school provided the school 4748
continues to meet eligibility standards for the unit. 4749

A community school shall be considered a school district and 4750
its governing authority shall be considered a board of education 4751

for the purpose of applying to any state or federal agency for 4752
grants that a school district may receive under federal or state 4753
law or any appropriations act of the general assembly. The 4754
governing authority of a community school may apply to any private 4755
entity for additional funds. 4756

(G) A board of education sponsoring a community school may 4757
utilize local funds to make enhancement grants to the school or 4758
may agree, either as part of the contract or separately, to 4759
provide any specific services to the community school at no cost 4760
to the school. 4761

(H) A community school may not levy taxes or issue bonds 4762
secured by tax revenues. 4763

(I) No community school shall charge tuition for the 4764
enrollment of any student. 4765

(J)(1)(a) A community school may borrow money to pay any 4766
necessary and actual expenses of the school in anticipation of the 4767
receipt of any portion of the payments to be received by the 4768
school pursuant to division (D) of this section. The school may 4769
issue notes to evidence such borrowing. The proceeds of the notes 4770
shall be used only for the purposes for which the anticipated 4771
receipts may be lawfully expended by the school. 4772

(b) A school may also borrow money for a term not to exceed 4773
fifteen years for the purpose of acquiring facilities. 4774

(2) Except for any amount guaranteed under section 3318.50 of 4775
the Revised Code, the state is not liable for debt incurred by the 4776
governing authority of a community school. 4777

(K) For purposes of determining the number of students for 4778
which divisions (D)(5) and (6) of this section applies in any 4779
school year, a community school may submit to the department of 4780
job and family services, no later than the first day of March, a 4781
list of the students enrolled in the school. For each student on 4782

the list, the community school shall indicate the student's name, 4783
address, and date of birth and the school district where the 4784
student is entitled to attend school. Upon receipt of a list under 4785
this division, the department of job and family services shall 4786
determine, for each school district where one or more students on 4787
the list is entitled to attend school, the number of students 4788
residing in that school district who were included in the 4789
department's report under section 3317.10 of the Revised Code. The 4790
department shall make this determination on the basis of 4791
information readily available to it. Upon making this 4792
determination and no later than ninety days after submission of 4793
the list by the community school, the department shall report to 4794
the state department of education the number of students on the 4795
list who reside in each school district who were included in the 4796
department's report under section 3317.10 of the Revised Code. In 4797
complying with this division, the department of job and family 4798
services shall not report to the state department of education any 4799
personally identifiable information on any student. 4800

(L) The department of education shall adjust the amounts 4801
subtracted and paid under divisions (C) and (D) of this section to 4802
reflect any enrollment of students in community schools for less 4803
than the equivalent of a full school year. The state board of 4804
education within ninety days after April 8, 2003, shall adopt in 4805
accordance with Chapter 119. of the Revised Code rules governing 4806
the payments to community schools under this section and section 4807
3314.13 of the Revised Code including initial payments in a school 4808
year and adjustments and reductions made in subsequent periodic 4809
payments to community schools and corresponding deductions from 4810
school district accounts as provided under divisions (C) and (D) 4811
of this section and section 3314.13 of the Revised Code. For 4812
purposes of this section and section 3314.13 of the Revised Code: 4813

(1) A student shall be considered enrolled in the community 4814

school for any portion of the school year the student is 4815
participating at a college under Chapter 3365. of the Revised 4816
Code. 4817

(2) A student shall be considered to be enrolled in a 4818
community school for the period of time beginning on the later of 4819
the date on which the school both has received documentation of 4820
the student's enrollment from a parent and the student has 4821
commenced participation in learning opportunities as defined in 4822
the contract with the sponsor, or thirty days prior to the date on 4823
which the student is entered into the education management 4824
information system established under section 3301.0714 of the 4825
Revised Code. For purposes of applying this division and divisions 4826
(L)(3) and (4) of this section to a community school student, 4827
"learning opportunities" shall be defined in the contract, which 4828
shall describe both classroom-based and non-classroom-based 4829
learning opportunities and shall be in compliance with criteria 4830
and documentation requirements for student participation which 4831
shall be established by the department. Any student's instruction 4832
time in non-classroom-based learning opportunities shall be 4833
certified by an employee of the community school. A student's 4834
enrollment shall be considered to cease on the date on which any 4835
of the following occur: 4836

(a) The community school receives documentation from a parent 4837
terminating enrollment of the student. 4838

(b) The community school is provided documentation of a 4839
student's enrollment in another public or private school. 4840

(c) The community school ceases to offer learning 4841
opportunities to the student pursuant to the terms of the contract 4842
with the sponsor or the operation of any provision of this 4843
chapter. 4844

Except as otherwise specified in this paragraph, beginning in 4845

the 2011-2012 school year, any student who completed the prior 4846
school year in an internet- or computer-based community school 4847
shall be considered to be enrolled in the same school in the 4848
subsequent school year until the student's enrollment has ceased 4849
as specified in division (L)(2) of this section. The department 4850
shall continue subtracting and paying amounts for the student 4851
under divisions (C) and (D) of this section without interruption 4852
at the start of the subsequent school year. However, if the 4853
student without a legitimate excuse fails to participate in the 4854
first one hundred five consecutive hours of learning opportunities 4855
offered to the student in that subsequent school year, the student 4856
shall be considered not to have re-enrolled in the school for that 4857
school year and the department shall recalculate the payments to 4858
the school for that school year to account for the fact that the 4859
student is not enrolled. 4860

(3) The department shall determine each community school 4861
student's percentage of full-time equivalency based on the 4862
percentage of learning opportunities offered by the community 4863
school to that student, reported either as number of hours or 4864
number of days, is of the total learning opportunities offered by 4865
the community school to a student who attends for the school's 4866
entire school year. However, no internet- or computer-based 4867
community school shall be credited for any time a student spends 4868
participating in learning opportunities beyond ten hours within 4869
any period of twenty-four consecutive hours. Whether it reports 4870
hours or days of learning opportunities, each community school 4871
shall offer not less than nine hundred twenty hours of learning 4872
opportunities during the school year. 4873

(4) With respect to the calculation of full-time equivalency 4874
under division (L)(3) of this section, the department shall waive 4875
the number of hours or days of learning opportunities not offered 4876
to a student because the community school was closed during the 4877

school year due to disease epidemic, hazardous weather conditions, 4878
law enforcement emergencies, inoperability of school buses or 4879
other equipment necessary to the school's operation, damage to a 4880
school building, or other temporary circumstances due to utility 4881
failure rendering the school building unfit for school use, so 4882
long as the school was actually open for instruction with students 4883
in attendance during that school year for not less than the 4884
minimum number of hours required by this chapter. The department 4885
shall treat the school as if it were open for instruction with 4886
students in attendance during the hours or days waived under this 4887
division. 4888

(M) The department of education shall reduce the amounts paid 4889
under division (D) of this section to reflect payments made to 4890
colleges under division (B) of section 3365.07 of the Revised Code 4891
or through alternative funding agreements entered into under rules 4892
adopted under section 3365.12 of the Revised Code. 4893

(N)(1) No student shall be considered enrolled in any 4894
internet- or computer-based community school or, if applicable to 4895
the student, in any community school that is required to provide 4896
the student with a computer pursuant to division (C) of section 4897
3314.22 of the Revised Code, unless both of the following 4898
conditions are satisfied: 4899

(a) The student possesses or has been provided with all 4900
required hardware and software materials and all such materials 4901
are operational so that the student is capable of fully 4902
participating in the learning opportunities specified in the 4903
contract between the school and the school's sponsor as required 4904
by division (A)(23) of section 3314.03 of the Revised Code; 4905

(b) The school is in compliance with division (A) of section 4906
3314.22 of the Revised Code, relative to such student. 4907

(2) In accordance with policies adopted jointly by the 4908

superintendent of public instruction and the auditor of state, the 4909
department shall reduce the amounts otherwise payable under 4910
division (D) of this section to any community school that includes 4911
in its program the provision of computer hardware and software 4912
materials to any student, if such hardware and software materials 4913
have not been delivered, installed, and activated for each such 4914
student in a timely manner or other educational materials or 4915
services have not been provided according to the contract between 4916
the individual community school and its sponsor. 4917

The superintendent of public instruction and the auditor of 4918
state shall jointly establish a method for auditing any community 4919
school to which this division pertains to ensure compliance with 4920
this section. 4921

The superintendent, auditor of state, and the governor shall 4922
jointly make recommendations to the general assembly for 4923
legislative changes that may be required to assure fiscal and 4924
academic accountability for such schools. 4925

(O)(1) If the department determines that a review of a 4926
community school's enrollment is necessary, such review shall be 4927
completed and written notice of the findings shall be provided to 4928
the governing authority of the community school and its sponsor 4929
within ninety days of the end of the community school's fiscal 4930
year, unless extended for a period not to exceed thirty additional 4931
days for one of the following reasons: 4932

(a) The department and the community school mutually agree to 4933
the extension. 4934

(b) Delays in data submission caused by either a community 4935
school or its sponsor. 4936

(2) If the review results in a finding that additional 4937
funding is owed to the school, such payment shall be made within 4938
thirty days of the written notice. If the review results in a 4939

finding that the community school owes moneys to the state, the 4940
following procedure shall apply: 4941

(a) Within ten business days of the receipt of the notice of 4942
findings, the community school may appeal the department's 4943
determination to the state board of education or its designee. 4944

(b) The board or its designee shall conduct an informal 4945
hearing on the matter within thirty days of receipt of such an 4946
appeal and shall issue a decision within fifteen days of the 4947
conclusion of the hearing. 4948

(c) If the board has enlisted a designee to conduct the 4949
hearing, the designee shall certify its decision to the board. The 4950
board may accept the decision of the designee or may reject the 4951
decision of the designee and issue its own decision on the matter. 4952

(d) Any decision made by the board under this division is 4953
final. 4954

(3) If it is decided that the community school owes moneys to 4955
the state, the department shall deduct such amount from the 4956
school's future payments in accordance with guidelines issued by 4957
the superintendent of public instruction. 4958

(P) The department shall not subtract from a school 4959
district's state aid account under division (C) of this section 4960
and shall not pay to a community school under division (D) of this 4961
section any amount for any of the following: 4962

(1) Any student who has graduated from the twelfth grade of a 4963
public or nonpublic high school; 4964

(2) Any student who is not a resident of the state; 4965

(3) Any student who was enrolled in the community school 4966
during the previous school year when assessments were administered 4967
under section 3301.0711 of the Revised Code but did not take one 4968
or more of the assessments required by that section and was not 4969

excused pursuant to division (C)(1) or (3) of that section, unless 4970
the superintendent of public instruction grants the student a 4971
waiver from the requirement to take the assessment and a parent is 4972
not paying tuition for the student pursuant to section 3314.26 of 4973
the Revised Code. The superintendent may grant a waiver only for 4974
good cause in accordance with rules adopted by the state board of 4975
education. 4976

(4) Any student who has attained the age of twenty-two years, 4977
except for veterans of the armed services whose attendance was 4978
interrupted before completing the recognized twelve-year course of 4979
the public schools by reason of induction or enlistment in the 4980
armed forces and who apply for enrollment in a community school 4981
not later than four years after termination of war or their 4982
honorable discharge. If, however, any such veteran elects to 4983
enroll in special courses organized for veterans for whom tuition 4984
is paid under federal law, or otherwise, the department shall not 4985
subtract from a school district's state aid account under division 4986
(C) of this section and shall not pay to a community school under 4987
division (D) of this section any amount for that veteran. 4988

Sec. 3314.11. (A) The board of education of each city, 4989
exempted village, and local school district monthly shall review 4990
enrollment for students enrolled in community schools established 4991
under this chapter and entitled to attend school in the district 4992
under section 3313.64 or 3313.65 of the Revised Code. For each 4993
student, the district shall verify to the department of education 4994
both of the following: 4995

(1) The community school in which the student is enrolled; 4996

(2) That the student is entitled to attend school in the 4997
district under section 3313.64 or 3313.65 of the Revised Code. 4998

(B) For purposes of its initial reporting of the school 4999
districts its students are entitled to attend, the governing 5000

authority of a community school may adopt a policy that prescribes 5001
the number of documents listed in division (E) of this section 5002
required to verify a student's residency. This policy, if adopted, 5003
shall supersede any policy concerning the number of documents for 5004
initial residency verification adopted by the district the student 5005
is entitled to attend. If a community school does not adopt a 5006
policy under this division, the policy of the school district in 5007
which the student is entitled to attend shall prevail. 5008

(C) In making the determinations under this section, the 5009
school district in which a parent or child resides is the location 5010
the parent or student has established as the primary residence and 5011
where substantial family activity takes place. 5012

(D) If a district's determination under division (A) of this 5013
section of the school district a student is entitled to attend 5014
under section 3313.64 or 3313.65 of the Revised Code differs from 5015
a community school's determination under division (B) of this 5016
section, the community school shall provide the school district 5017
that made the determination under division (A) of this section 5018
with documentation of the student's residency and shall make a 5019
good faith effort to accurately identify the correct residence of 5020
the student. 5021

(E) For purposes of this section, the following documents may 5022
serve as evidence of primary residence: 5023

(1) A deed, mortgage, lease, current home owner's or renter's 5024
insurance declaration page, or current real property tax bill; 5025

(2) A utility bill or receipt of utility installation issued 5026
within ninety days of enrollment; 5027

(3) A paycheck or paystub issued to the parent or student 5028
within ninety days of the date of enrollment that includes the 5029
address of the parent's or student's primary residence; 5030

(4) The most current available bank statement issued to the 5031

parent or student that includes the address of the parent's or 5032
student's primary residence; 5033

(5) Any other official document issued to the parent or 5034
student that includes the address of the parent's or student's 5035
primary residence. The superintendent of public instruction shall 5036
develop guidelines for determining what qualifies as an "official 5037
document" under this division. 5038

(F) When a student loses permanent housing and becomes a 5039
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 5040
child who is such a homeless child or youth changes temporary 5041
living arrangements, the district in which the student is entitled 5042
to attend school shall be determined in accordance with division 5043
(F)(13) of section 3313.64 of the Revised Code and the 5044
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 5045

(G) In the event of a disagreement as to which school 5046
district a student is entitled to attend, the community school, 5047
after complying with division (D) of this section, but not more 5048
than sixty days after the monthly deadline established by the 5049
department of education for reporting of community school 5050
enrollment, may present the matter to the superintendent of public 5051
instruction. Not later than thirty days after the community school 5052
presents the matter, the state superintendent, or the state 5053
superintendent's designee, shall determine which district the 5054
student is entitled to attend and shall direct any necessary 5055
adjustments to payments and deductions under sections 3314.08 and 5056
3314.13 of the Revised Code based on that determination. 5057

Sec. 3314.15. The governing authority of a community school, 5058
other than an internet- or computer-based community school, may 5059
screen students for body mass index and weight status category. If 5060
a governing authority elects to require the screenings, it shall 5061
comply with section 3313.674 of the Revised Code in the same 5062

manner required of a school district board of education. 5063

Sec. 3314.17. (A) Each community school established under 5064
this chapter shall participate in the statewide education 5065
management information system established under section 3301.0714 5066
of the Revised Code. All provisions of that section and the rules 5067
adopted under that section apply to each community school as if it 5068
were a school district, except as modified for community schools 5069
under division (B) of this section. Each community school shall 5070
comply with division ~~(B)~~(C) of section 3301.0723 of the Revised 5071
Code. 5072

(B) The rules adopted by the state board of education under 5073
section 3301.0714 of the Revised Code may distinguish methods and 5074
timelines for community schools to annually report data, which 5075
methods and timelines differ from those prescribed for school 5076
districts. Any methods and timelines prescribed for community 5077
schools shall be appropriate to the academic schedule and 5078
financing of community schools. The guidelines, however, shall not 5079
modify the actual data required to be reported under that section. 5080

(C) Each fiscal officer appointed under section 3314.011 of 5081
the Revised Code is responsible for annually reporting the 5082
community school's data under section 3301.0714 of the Revised 5083
Code. If the superintendent of public instruction determines that 5084
a community school fiscal officer has willfully failed to report 5085
data or has willfully reported erroneous, inaccurate, or 5086
incomplete data in any year, or has negligently reported 5087
erroneous, inaccurate, or incomplete data in the current and any 5088
previous year, the superintendent may impose a civil penalty of 5089
one hundred dollars on the fiscal officer after providing the 5090
officer with notice and an opportunity for a hearing in accordance 5091
with Chapter 119. of the Revised Code. The superintendent's 5092
authority to impose civil penalties under this division does not 5093

preclude the state board of education from suspending or revoking 5094
the license of a community school employee under division (N) of 5095
section 3301.0714 of the Revised Code. 5096

(D) No community school shall acquire, change, or update its 5097
student administration software package to manage and report data 5098
required to be reported to the department unless it converts to a 5099
student software package that is certified by the department. 5100

Sec. 3314.18. (A) Subject to division (C) of this section, 5101
the governing authority of each community school shall establish a 5102
breakfast program pursuant to the "National School Lunch Act," 60 5103
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 5104
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 5105
if at least one-fifth of the pupils in the school are eligible 5106
under federal requirements for free breakfasts, and shall 5107
establish a lunch program pursuant to those acts if at least 5108
one-fifth of the pupils are eligible for free lunches. The 5109
governing authority required to establish a breakfast program 5110
under this division may make a charge in accordance with federal 5111
requirements for each reduced price breakfast or paid breakfast to 5112
cover the cost incurred in providing that meal. 5113

(B) Subject to division (C) of this section, the governing 5114
authority of each community school shall establish one of the 5115
following for summer intervention services described in division 5116
(D) of section 3301.0711 ~~and~~ or provided under section 3313.608 of 5117
the Revised Code, and any other summer intervention program 5118
required by law: 5119

(1) An extension of the school breakfast program pursuant to 5120
the "National School Lunch Act" and the "Child Nutrition Act of 5121
1966"; 5122

(2) An extension of the school lunch program pursuant to 5123
those acts; 5124

(3) A summer food service program pursuant to those acts. 5125

(C) If the governing authority of a community school 5126
determines that, for financial reasons, it cannot comply with 5127
division (A) or (B) of this section, the governing authority may 5128
choose not to comply with either or both divisions. In that case, 5129
the governing authority shall communicate to the parents of its 5130
students, in the manner it determines appropriate, its decision 5131
not to comply. 5132

(D) The governing authority of each community school required 5133
to establish a school breakfast, school lunch, or summer food 5134
service program under this section shall apply for state and 5135
federal funds allocated by the state board of education under 5136
division (B) of section 3313.813 of the Revised Code and shall 5137
comply with the state board's standards adopted under that 5138
division. 5139

(E) The governing authority of any community school required 5140
to establish a breakfast program under this section or that elects 5141
to participate in a breakfast program pursuant to the "National 5142
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 5143
breakfast to pupils in their classrooms during the school day. 5144

(F) Notwithstanding anything in this section to the contrary, 5145
in each fiscal year in which the general assembly appropriates 5146
funds for purposes of this division, the governing authority of 5147
each community school required to establish a breakfast program 5148
under this section or that elects to participate in a breakfast 5149
program pursuant to the "National School Lunch Act" and the "Child 5150
Nutrition Act of 1966" shall provide a breakfast free of charge to 5151
each pupil who is eligible under federal requirements for a 5152
reduced price breakfast. 5153

(G) This section does not apply to internet- or 5154
computer-based community schools. 5155

Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of 5156
this section, this section applies to any community school that 5157
meets one of the following criteria after July 1, 2009, but before 5158
July 1, 2011: 5159

(a) The school does not offer a grade level higher than three 5160
and has been declared to be in a state of academic emergency under 5161
section 3302.03 of the Revised Code for three of the four most 5162
recent school years. 5163

(b) The school satisfies all of the following conditions: 5164

(i) The school offers any of grade levels four to eight but 5165
does not offer a grade level higher than nine. 5166

(ii) The school has been declared to be in a state of 5167
academic emergency under section 3302.03 of the Revised Code for 5168
two of the three most recent school years. 5169

(iii) In at least two of the three most recent school years, 5170
the school showed less than one standard year of academic growth 5171
in either reading or mathematics, as determined by the department 5172
of education in accordance with rules adopted under division (A) 5173
of section 3302.021 of the Revised Code. 5174

(c) The school offers any of grade levels ten to twelve and 5175
has been declared to be in a state of academic emergency under 5176
section 3302.03 of the Revised Code for three of the four most 5177
recent school years. 5178

(2) Except as provided in division (A)(3) of this section, 5179
this section applies to any community school that meets one of the 5180
following criteria after July 1, 2011: 5181

(a) The school does not offer a grade level higher than three 5182
and has been declared to be in a state of academic emergency under 5183
section 3302.03 of the Revised Code for two of the three most 5184
recent school years. 5185

(b) The school satisfies all of the following conditions:	5186
(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.	5187 5188
(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.	5189 5190 5191
(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 in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.	5192 5193 5194 5195 5196
(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 two of the three most recent school years.	5197 5198 5199 5200
(3) This section does not apply to either of the following:	5201
(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code;	5202 5203 5204 5205
(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.	5206 5207 5208 5209
(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The	5210 5211 5212 5213 5214 5215

governing authority of the school shall not enter into a contract 5216
with any other sponsor under section 3314.03 of the Revised Code 5217
after the school closes. 5218

(C) In accordance with division (B) of section 3314.012 of 5219
the Revised Code, the department shall not consider the 5220
performance ratings assigned to a community school for its first 5221
two years of operation when determining whether the school meets 5222
the criteria prescribed by division (A)(1) or (2) of this section. 5223

(D) Notwithstanding division (A)(3)(a) of this section, if, 5224
by March 31, 2013, the general assembly does not enact for 5225
community schools described in that division performance 5226
standards, a report card rating system, and criteria for closure, 5227
those schools shall be required to permanently close upon meeting 5228
the criteria prescribed in division (A)(2) of this section, except 5229
that, subject to division (C) of this section, only the 5230
performance ratings issued for the 2012-2013 school year and later 5231
shall count in determining if the criteria are met. 5232

Sec. 3314.36. (A) ~~Section~~ Except as otherwise provided in 5233
division (D) of section 3314.35 of the Revised Code, that section 5234
does not apply to any community school in which a majority of the 5235
students are enrolled in a dropout prevention and recovery program 5236
that is operated by the school and that has been granted a waiver 5237
by the department of education. The department shall grant a 5238
waiver to a dropout prevention and recovery program, within sixty 5239
days after the program applies for the waiver, if the program 5240
meets all of the following conditions: 5241

(1) The program serves only students not younger than sixteen 5242
years of age and not older than twenty-one years of age. 5243

(2) The program enrolls students who, at the time of their 5244
initial enrollment, either, or both, are at least one grade level 5245
behind their cohort age groups or experience crises that 5246

significantly interfere with their academic progress such that 5247
they are prevented from continuing their traditional programs. 5248

(3) The program requires students to attain at least the 5249
applicable score designated for each of the assessments prescribed 5250
under division (B)(1) of section 3301.0710 of the Revised Code or, 5251
to the extent prescribed by rule of the state board of education 5252
under division (D)(6) of section 3301.0712 of the Revised Code, 5253
division (B)(2) of that section. 5254

(4) The program develops an individual career plan for the 5255
student that specifies the student's matriculating to a two-year 5256
degree program, acquiring a business and industry credential, or 5257
entering an apprenticeship. 5258

(5) The program provides counseling and support for the 5259
student related to the plan developed under division (A)(4) of 5260
this section during the remainder of the student's high school 5261
experience. 5262

(6) Prior to receiving the waiver, the program has submitted 5263
to the department an instructional plan that demonstrates how the 5264
academic content standards adopted by the state board of education 5265
under section 3301.079 of the Revised Code will be taught and 5266
assessed. 5267

If the department does not act either to grant the waiver or 5268
to reject the program application for the waiver within sixty days 5269
as required under this section, the waiver shall be considered to 5270
be granted. 5271

(B) Notwithstanding division (A) of this section, the 5272
department shall not grant a waiver to any community school that 5273
did not qualify for a waiver under this section when it initially 5274
began operations, unless the state board of education approves the 5275
waiver. 5276

Sec. 3317.01. As used in this section, "school district," 5277
unless otherwise specified, means any city, local, exempted 5278
village, joint vocational, or cooperative education school 5279
district and any educational service center. 5280

This chapter shall be administered by the state board of 5281
education. The superintendent of public instruction shall 5282
calculate the amounts payable to each school district and shall 5283
certify the amounts payable to each eligible district to the 5284
treasurer of the district as provided by this chapter. As soon as 5285
possible after such amounts are calculated, the superintendent 5286
shall certify to the treasurer of each school district the 5287
district's adjusted charge-off increase, as defined in section 5288
5705.211 of the Revised Code. No moneys shall be distributed 5289
pursuant to this chapter without the approval of the controlling 5290
board. 5291

The state board of education shall, in accordance with 5292
appropriations made by the general assembly, meet the financial 5293
obligations of this chapter. 5294

Moneys distributed pursuant to this chapter shall be 5295
calculated and paid on a fiscal year basis, beginning with the 5296
first day of July and extending through the thirtieth day of June. 5297
The moneys appropriated for each fiscal year shall be distributed 5298
periodically to each school district unless otherwise provided 5299
for. The state board, in June of each year, shall submit to the 5300
controlling board the state board's year-end distributions 5301
pursuant to this chapter. 5302

Except as otherwise provided, payments under this chapter 5303
shall be made only to those school districts in which: 5304

(A) The school district, except for any educational service 5305
center and any joint vocational or cooperative education school 5306
district, levies for current operating expenses at least twenty 5307

mills. Levies for joint vocational or cooperative education school 5308
districts or county school financing districts, limited to or to 5309
the extent apportioned to current expenses, shall be included in 5310
this qualification requirement. School district income tax levies 5311
under Chapter 5748. of the Revised Code, limited to or to the 5312
extent apportioned to current operating expenses, shall be 5313
included in this qualification requirement to the extent 5314
determined by the tax commissioner under division (D) of section 5315
3317.021 of the Revised Code. 5316

(B) The school year next preceding the fiscal year for which 5317
such payments are authorized meets the requirement of section 5318
3313.48 or 3313.481 of the Revised Code, with regard to the 5319
minimum number of days or hours school must be open for 5320
instruction with pupils in attendance, for individualized 5321
parent-teacher conference and reporting periods, and for 5322
professional meetings of teachers. This requirement shall be 5323
waived by the superintendent of public instruction if it had been 5324
necessary for a school to be closed because of disease epidemic, 5325
hazardous weather conditions, law enforcement emergencies, 5326
inoperability of school buses or other equipment necessary to the 5327
school's operation, damage to a school building, or other 5328
temporary circumstances due to utility failure rendering the 5329
school building unfit for school use, provided that for those 5330
school districts operating pursuant to section 3313.48 of the 5331
Revised Code the number of days the school was actually open for 5332
instruction with pupils in attendance and for individualized 5333
parent-teacher conference and reporting periods is not less than 5334
one hundred seventy-five, or for those school districts operating 5335
on a trimester plan the number of days the school was actually 5336
open for instruction with pupils in attendance not less than 5337
seventy-nine days in any trimester, for those school districts 5338
operating on a quarterly plan the number of days the school was 5339
actually open for instruction with pupils in attendance not less 5340

than fifty-nine days in any quarter, or for those school districts 5341
operating on a pentamester plan the number of days the school was 5342
actually open for instruction with pupils in attendance not less 5343
than forty-four days in any pentamester. 5344

A school district shall not be considered to have failed to 5345
comply with this division or section 3313.481 of the Revised Code 5346
because schools were open for instruction but either twelfth grade 5347
students were excused from attendance for up to three days or only 5348
a portion of the kindergarten students were in attendance for up 5349
to three days in order to allow for the gradual orientation to 5350
school of such students. 5351

The superintendent of public instruction shall waive the 5352
requirements of this section with reference to the minimum number 5353
of days or hours school must be in session with pupils in 5354
attendance for the school year succeeding the school year in which 5355
a board of education initiates a plan of operation pursuant to 5356
section 3313.481 of the Revised Code. The minimum requirements of 5357
this section shall again be applicable to such a district 5358
beginning with the school year commencing the second July 5359
succeeding the initiation of one such plan, and for each school 5360
year thereafter. 5361

A school district shall not be considered to have failed to 5362
comply with this division or section 3313.48 or 3313.481 of the 5363
Revised Code because schools were open for instruction but the 5364
length of the regularly scheduled school day, for any number of 5365
days during the school year, was reduced by not more than two 5366
hours due to hazardous weather conditions. 5367

A board of education or governing board of an educational 5368
service center which has not conformed with other law and the 5369
rules pursuant thereto, shall not participate in the distribution 5370
of funds authorized by this chapter, except for good and 5371
sufficient reason established to the satisfaction of the state 5372

board of education and the state controlling board. 5373

All funds allocated to school districts under this chapter, 5374
except those specifically allocated for other purposes, shall be 5375
used to pay current operating expenses only. 5376

Sec. 3317.11. (A) As used in this section: 5377

(1) "Client school district" means a city, exempted village, 5378
or local school district that has entered into an agreement under 5379
section 3313.843 of the Revised Code to receive any services from 5380
an educational service center. 5381

(2) "Service center ADM" means the sum of the total student 5382
counts of all of an educational service center's client school 5383
districts. 5384

(3) "STEM school" means a science, technology, engineering, 5385
and mathematics school established under Chapter 3326. of the 5386
Revised Code. 5387

(4) "Total student count" has the same meaning as in section 5388
3301.011 of the Revised Code. 5389

(B)~~(1)~~ Beginning with the 2012-2013 school year, this 5390
division shall not apply to any client school district that has 5391
elected not to receive supervisory services under this division, 5392
as specified in the district's agreement under section 3313.843 of 5393
the Revised Code, and the department of education shall not make 5394
any deductions for the district under this division. 5395

(1) The governing board of each educational service center 5396
shall provide supervisory services to each of its client school 5397
districts. Except as provided in division (B)(2) of this section, 5398
the supervisory services shall not exceed one supervisory teacher 5399
for the first fifty classroom teachers required to be employed in 5400
the districts, as calculated in the manner prescribed under former 5401
division (B) of section 3317.023 of the Revised Code, as that 5402

division existed prior to June 30, 2011, and one for each 5403
additional one hundred required classroom teachers, as so 5404
calculated. 5405

The supervisory services shall be financed annually through 5406
supervisory units. Except as provided in division (B)(2) of this 5407
section, the number of supervisory units assigned to each district 5408
shall not exceed one unit for the first fifty classroom teachers 5409
required to be employed in the district, as calculated in the 5410
manner prescribed under former division (B) of section 3317.023 of 5411
the Revised Code, as that division existed prior to June 30, 2011, 5412
and one for each additional one hundred required classroom 5413
teachers, as so calculated. The cost of each supervisory unit 5414
shall be the sum of: 5415

(a) The minimum salary prescribed by section 3317.13 of the 5416
Revised Code for the licensed supervisory employee of the 5417
governing board; 5418

(b) An amount equal to fifteen per cent of that salary; 5419

(c) An allowance for necessary travel expenses, limited to 5420
the lesser of two hundred twenty-three dollars and sixteen cents 5421
per month or two thousand six hundred seventy-eight dollars per 5422
year. 5423

(2) If a majority of the boards of education, or 5424
superintendents acting on behalf of the boards, of the client 5425
school districts receiving services from the educational service 5426
center agree to receive additional supervisory services and to pay 5427
the cost of a corresponding number of supervisory units in excess 5428
of the services and units specified in division (B)(1) of this 5429
section, the service center shall provide the additional services 5430
as agreed to by the majority of districts to, and the department 5431
~~of education~~ shall apportion the cost of the corresponding number 5432
of additional supervisory units pursuant to division (B)(3) of 5433

this section among, all of the service center's client school 5434
districts. 5435

(3) The department shall apportion the total cost for all 5436
supervisory units among the service center's client school 5437
districts based on each district's total student count. The 5438
department shall deduct each district's apportioned share pursuant 5439
to division (B) of section 3317.023 of the Revised Code and pay 5440
the apportioned share to the service center. 5441

(C) The department annually shall deduct from each client 5442
school district of each educational service center, pursuant to 5443
division (B) of section 3317.023 of the Revised Code, and pay to 5444
the service center an amount equal to six dollars and fifty cents 5445
times the school district's total student count. The board of 5446
education, or the superintendent acting on behalf of the board, of 5447
any client school district may agree to pay an amount in excess of 5448
six dollars and fifty cents per student in total student count. If 5449
a majority of the boards of education, or superintendents acting 5450
on behalf of the boards, of the service center's client school 5451
districts approve an amount in excess of six dollars and fifty 5452
cents per student in total student count, the department shall 5453
deduct the approved excess per student amount from all of the 5454
service center's client school districts and pay the excess amount 5455
to the service center. 5456

(D) The department shall pay each educational service center 5457
the amounts due to it from school districts pursuant to contracts, 5458
compacts, or agreements under which the service center furnishes 5459
services to the districts or their students. In order to receive 5460
payment under this division, an educational service center shall 5461
furnish either a copy of the contract, compact, or agreement 5462
clearly indicating the amounts of the payments, or a written 5463
statement that clearly indicates the payments owed and is signed 5464
by the superintendent or treasurer of the responsible school 5465

district. The amounts paid to service centers under this division 5466
shall be deducted from payments to school districts pursuant to 5467
division (H)(3) of section 3317.023 of the Revised Code. 5468

(E) Each school district's deduction under this section and 5469
divisions (B) and (H)(3) of section 3317.023 of the Revised Code 5470
shall be made from the total payment computed for the district 5471
under this chapter, after making any other adjustments in that 5472
payment required by law. 5473

(F)(1) Except as provided in division (F)(2) of this section, 5474
the department annually shall pay the governing board of each 5475
educational service center state funds equal to thirty-seven 5476
dollars times its service center ADM. 5477

(2) The department annually shall pay state funds equal to 5478
forty dollars and fifty-two cents times the service center ADM to 5479
each educational service center comprising territory that was 5480
included in the territory of at least three former service centers 5481
or county school districts, which former centers or districts 5482
engaged in one or more mergers under section 3311.053 of the 5483
Revised Code to form the present center. 5484

(G) Each city, exempted village, local, joint vocational, or 5485
cooperative education school district shall pay to the governing 5486
board of an educational service center any amounts agreed to for 5487
each child enrolled in the district who receives special education 5488
and related services or career-technical education from the 5489
educational service center, unless these educational services are 5490
provided pursuant to a contract, compact, or agreement for which 5491
the department deducts and transfers payments under division (D) 5492
of this section and division (H)(3) of section 3317.023 of the 5493
Revised Code. 5494

(H) The department annually shall pay the governing board of 5495
each educational service center that has entered into a contract 5496

with a STEM school for the provision of services described in 5497
division (B) of section 3326.45 of the Revised Code state funds 5498
equal to the per-pupil amount specified in the contract for the 5499
provision of those services times the number of students enrolled 5500
in the STEM school. 5501

(I) An educational service center: 5502

(1) May provide special education and career-technical 5503
education to students in its client school districts; 5504

(2) Is eligible for transportation funding under division (C) 5505
of section 3317.024 of the Revised Code; 5506

(3) May apply for and receive gifted education units and 5507
provide gifted education services to students in its client school 5508
districts; 5509

(4) May conduct driver education for high school students in 5510
accordance with Chapter 4508. of the Revised Code. 5511

Sec. 3318.034. (A) This section applies to both of the 5512
following: 5513

(1) Any school district that has not executed an agreement 5514
for a project under sections 3318.01 to 3318.20 of the Revised 5515
Code prior to June 24, 2008; 5516

(2) Any school district that is eligible for additional 5517
assistance under sections 3318.01 to 3318.20 of the Revised Code 5518
pursuant to division (B)(2) of section 3318.04 of the Revised 5519
Code. 5520

Notwithstanding any provision of this chapter to the 5521
contrary, with the approval of the Ohio school facilities 5522
commission, any school district to which this section applies may 5523
opt to divide the district's entire classroom facilities needs, as 5524
those needs are jointly determined by the staff of the commission 5525
and the school district, into discrete segments and shall comply 5526

with all of the provisions of those sections unless otherwise 5527
provided in this section. 5528

(B) Except as provided in division (C) of this section, each 5529
segment shall comply with all of the following: 5530

(1) The segment shall consist of the new construction of one 5531
or more entire buildings or the complete renovation of one or more 5532
entire existing buildings, with any necessary additions to that 5533
building. 5534

(2) The segment shall not include any construction of or 5535
renovation or repair to any building that does not complete the 5536
needs of the district with respect to that particular building at 5537
the time the segment is completed. 5538

(3) The segment shall consist of new construction, 5539
renovations, additions, reconstruction, or repair of classroom 5540
facilities to the extent that the school district portion, as 5541
determined under section 3318.032 of the Revised Code, is an 5542
amount not less than the product of ~~0.040~~ 0.020 times the 5543
district's valuation at the time the agreement for the segment is 5544
executed, unless the district previously has undertaken a segment 5545
under this section and the district's portion of the estimated 5546
basic project cost of the remainder of its entire classroom 5547
facilities needs, as determined jointly by the staff of the 5548
commission and the district, is less than the amount otherwise 5549
required by this division. 5550

(C) A district described in division (A)(2) of this section 5551
that has not received the additional assistance authorized under 5552
division (B)(2) of section 3318.04 of the Revised Code may 5553
undertake a segment, with commission approval, for the purpose of 5554
renovating or replacing work performed on a facility under the 5555
district's prior project. The commission may approve that segment 5556
if the commission determines that the renovation or replacement is 5557

necessary to protect the facility. The basic project cost of the 5558
segment shall be allocated between the state and the district in 5559
accordance with section 3318.032 of the Revised Code. However, the 5560
requirements of division (B) of this section shall not apply to a 5561
segment undertaken under this division. 5562

(D) The commission shall conditionally approve and seek 5563
controlling board approval in accordance with division (A) of 5564
section 3318.04 of the Revised Code of each segment. 5565

(E) The school district's maintenance levy requirement, as 5566
defined in section 3318.18 of the Revised Code, shall run for 5567
twenty-three years from the date the first segment is undertaken; 5568
however, the maintenance levy requirement does not apply to a 5569
segment undertaken under division (C) of this section. 5570

Sec. 3318.36. (A)(1) As used in this section: 5571

(a) "Ohio school facilities commission," "classroom 5572
facilities," "school district," "school district board," "net 5573
bonded indebtedness," "required percentage of the basic project 5574
costs," "basic project cost," "valuation," and "percentile" have 5575
the same meanings as in section 3318.01 of the Revised Code. 5576

(b) "Required level of indebtedness" means five per cent of 5577
the school district's valuation for the year preceding the year in 5578
which the commission and school district enter into an agreement 5579
under division (B) of this section, plus [two one-hundredths of 5580
one per cent multiplied by (the percentile in which the district 5581
ranks minus one)]. 5582

(c) "Local resources" means any moneys generated in any 5583
manner permitted for a school district board to raise the school 5584
district portion of a project undertaken with assistance under 5585
sections 3318.01 to 3318.20 of the Revised Code. 5586

(2) For purposes of determining the required level of 5587

indebtedness, the required percentage of the basic project costs 5588
under division (C)(1) of this section, and priority for assistance 5589
under sections 3318.01 to 3318.20 of the Revised Code, the 5590
percentile ranking of a school district with which the commission 5591
has entered into an agreement under this section between the first 5592
day of July and the thirty-first day of August in each fiscal year 5593
is the percentile ranking calculated for that district for the 5594
immediately preceding fiscal year, and the percentile ranking of a 5595
school district with which the commission has entered into such 5596
agreement between the first day of September and the thirtieth day 5597
of June in each fiscal year is the percentile ranking calculated 5598
for that district for the current fiscal year. 5599

(B)(1) There is hereby established the school building 5600
assistance expedited local partnership program. Under the program, 5601
the Ohio school facilities commission may enter into an agreement 5602
with the ~~school district~~ board of any school district under which 5603
the ~~school district~~ board may proceed with the new construction or 5604
major repairs of a part of the ~~school~~ district's classroom 5605
facilities needs, as determined under sections 3318.01 to 3318.20 5606
of the Revised Code, through the expenditure of local resources 5607
prior to the school district's eligibility for state assistance 5608
under those sections, and may apply that expenditure toward 5609
meeting the school district's portion of the basic project cost of 5610
the total of the ~~school~~ district's classroom facilities needs, ~~as~~ 5611
~~determined under sections 3318.01 to 3318.20 of the Revised Code~~ 5612
~~and~~ as recalculated under division (E) of this section, ~~that are~~ 5613
when the district becomes eligible for state assistance under 5614
sections 3318.01 to 3318.20 or section 3318.364 of the Revised 5615
Code ~~when the school district becomes eligible for that~~ 5616
~~assistance~~. Any school district that is reasonably expected to 5617
receive assistance under sections 3318.01 to 3318.20 of the 5618
Revised Code within two fiscal years from the date the school 5619
district adopts its resolution under division (B) of this section 5620

shall not be eligible to participate in the program established 5621
under this section. 5622

(2) To participate in the program, a school district board 5623
shall first adopt a resolution certifying to the commission the 5624
board's intent to participate in the program. 5625

The resolution shall specify the approximate date that the 5626
board intends to seek elector approval of any bond or tax measures 5627
or to apply other local resources to use to pay the cost of 5628
classroom facilities to be constructed under this section. The 5629
resolution may specify the application of local resources or 5630
elector-approved bond or tax measures after the resolution is 5631
adopted by the board, and in such case the board may proceed with 5632
a discrete portion of its project under this section as soon as 5633
the commission and the controlling board have approved the basic 5634
project cost of the district's classroom facilities needs as 5635
specified in division (D) of this section. The board shall submit 5636
its resolution to the commission not later than ten days after the 5637
date the resolution is adopted by the board. 5638

The commission shall not consider any resolution that is 5639
submitted pursuant to division (B)(2) of this section, as amended 5640
by this amendment, sooner than September 14, 2000. 5641

(3) For purposes of determining when a district that enters 5642
into an agreement under this section becomes eligible for 5643
assistance under sections 3318.01 to 3318.20 of the Revised Code 5644
or priority for assistance under section 3318.364 of the Revised 5645
Code, the commission shall use the district's percentile ranking 5646
determined at the time the district entered into the agreement 5647
under this section, as prescribed by division (A)(2) of this 5648
section. 5649

(4) Any project under this section shall comply with section 5650
3318.03 of the Revised Code and with any specifications for plans 5651

and materials for classroom facilities adopted by the commission 5652
under section 3318.04 of the Revised Code. 5653

(5) If a school district that enters into an agreement under 5654
this section has not begun a project applying local resources as 5655
provided for under that agreement at the time the district is 5656
notified by the commission that it is eligible to receive state 5657
assistance under sections 3318.01 to 3318.20 of the Revised Code, 5658
all assessment and agreement documents entered into under this 5659
section are void. 5660

(6) Only construction of or repairs to classroom facilities 5661
that have been approved by the commission and have been therefore 5662
included as part of a district's basic project cost qualify for 5663
application of local resources under this section. 5664

(C) Based on the results of on-site visits and assessment, 5665
the commission shall determine the basic project cost of the 5666
school district's classroom facilities needs. The commission shall 5667
determine the school district's portion of such basic project 5668
cost, which shall be the greater of: 5669

(1) The required percentage of the basic project costs, 5670
determined based on the school district's percentile ranking; 5671

(2) An amount necessary to raise the school district's net 5672
bonded indebtedness, as of the fiscal year the commission and the 5673
school district enter into the agreement under division (B) of 5674
this section, to within five thousand dollars of the required 5675
level of indebtedness. 5676

(D)(1) When the commission determines the basic project cost 5677
of the classroom facilities needs of a school district and the 5678
school district's portion of that basic project cost under 5679
division (C) of this section, the project shall be conditionally 5680
approved. Such conditional approval shall be submitted to the 5681
controlling board for approval thereof. The controlling board 5682

shall forthwith approve or reject the commission's determination, 5683
conditional approval, and the amount of the state's portion of the 5684
basic project cost; however, no state funds shall be encumbered 5685
under this section. Upon approval by the controlling board, the 5686
school district board may identify a discrete part of its 5687
classroom facilities needs, which shall include only new 5688
construction of or additions or major repairs to a particular 5689
building, to address with local resources. Upon identifying a part 5690
of the school district's basic project cost to address with local 5691
resources, the school district board may allocate any available 5692
school district moneys to pay the cost of that identified part, 5693
including the proceeds of an issuance of bonds if approved by the 5694
electors of the school district. 5695

All local resources utilized under this division shall first 5696
be deposited in the project construction account required under 5697
section 3318.08 of the Revised Code. 5698

(2) Unless the school district board exercises its option 5699
under division (D)(3) of this section, for a school district to 5700
qualify for participation in the program authorized under this 5701
section, one of the following conditions shall be satisfied: 5702

(a) The electors of the school district by a majority vote 5703
shall approve the levy of taxes outside the ten-mill limitation 5704
for a period of twenty-three years at the rate of not less than 5705
one-half mill for each dollar of valuation to be used to pay the 5706
cost of maintaining the classroom facilities included in the basic 5707
project cost as determined by the commission. The form of the 5708
ballot to be used to submit the question whether to approve the 5709
tax required under this division to the electors of the school 5710
district shall be the form for an additional levy of taxes 5711
prescribed in section 3318.361 of the Revised Code, which may be 5712
combined in a single ballot question with the questions prescribed 5713
under section 5705.218 of the Revised Code. 5714

(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section 3318.05 of the Revised Code the amount prescribed in section 3318.051 of the Revised Code in lieu of the tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the

school district becomes eligible for state assistance under 5747
sections 3318.01 to 3318.20 of the Revised Code. In order to 5748
exercise this option, the board shall certify to the commission a 5749
resolution indicating the board's intent to do so prior to 5750
entering into an agreement under division (B) of this section. 5751

(4) If pursuant to division (D)(3) of this section a district 5752
board opts to delay levying an additional tax until the district 5753
becomes eligible for state assistance, it shall submit the 5754
question of levying that tax to the district electors as follows: 5755

(a) In accordance with section 3318.06 of the Revised Code if 5756
it will also be necessary pursuant to division (E) of this section 5757
to submit a proposal for approval of a bond issue; 5758

(b) In accordance with section 3318.361 of the Revised Code 5759
if it is not necessary to also submit a proposal for approval of a 5760
bond issue pursuant to division (E) of this section. 5761

(5) No state assistance under sections 3318.01 to 3318.20 of 5762
the Revised Code shall be released until a school district board 5763
that adopts and certifies a resolution under division (D) of this 5764
section also demonstrates to the satisfaction of the commission 5765
compliance with the provisions of division (D)(2) of this section. 5766

Any amount required for maintenance under division (D)(2) of 5767
this section shall be deposited into a separate fund as specified 5768
in division (B) of section 3318.05 of the Revised Code. 5769

(E)(1) If the school district becomes eligible for state 5770
assistance under sections 3318.01 to 3318.20 of the Revised Code 5771
based on its percentile ranking under division (B)(3) of this 5772
section or is offered assistance under section 3318.364 of the 5773
Revised Code, the commission shall conduct a new assessment of the 5774
school district's classroom facilities needs and shall recalculate 5775
the basic project cost based on this new assessment. The basic 5776
project cost recalculated under this division shall include the 5777

amount of expenditures made by the school district board under 5778
division (D)(1) of this section. The commission shall then 5779
recalculate the school district's portion of the new basic project 5780
cost, which shall be the percentage of the original basic project 5781
cost assigned to the school district as its portion under division 5782
(C) of this section. The commission shall deduct the expenditure 5783
of school district moneys made under division (D)(1) of this 5784
section from the school district's portion of the basic project 5785
cost as recalculated under this division. If the amount of school 5786
district resources applied by the school district board to the 5787
school district's portion of the basic project cost under this 5788
section is less than the total amount of such portion as 5789
recalculated under this division, the school district board by a 5790
majority vote of all of its members shall, if it desires to seek 5791
state assistance under sections 3318.01 to 3318.20 of the Revised 5792
Code, adopt a resolution as specified in section 3318.06 of the 5793
Revised Code to submit to the electors of the school district the 5794
question of approval of a bond issue in order to pay any 5795
additional amount of school district portion required for state 5796
assistance. Any tax levy approved under division (D) of this 5797
section satisfies the requirements to levy the additional tax 5798
under section 3318.06 of the Revised Code. 5799

(2) If the amount of school district resources applied by the 5800
school district board to the school district's portion of the 5801
basic project cost under this section is more than the total 5802
amount of such portion as recalculated under this division, within 5803
one year after the school district's portion is recalculated under 5804
division (E)(1) of this section the commission may grant to the 5805
school district the difference between the two calculated 5806
portions, but at no time shall the commission expend any state 5807
funds on a project in an amount greater than the state's portion 5808
of the basic project cost as recalculated under this division. 5809

Any reimbursement under this division shall be only for local 5810
resources the school district has applied toward construction cost 5811
expenditures for the classroom facilities approved by the 5812
commission, which shall not include any financing costs associated 5813
with that construction. 5814

The school district board shall use any moneys reimbursed to 5815
the district under this division to pay off any debt service the 5816
district owes for classroom facilities constructed under its 5817
project under this section before such moneys are applied to any 5818
other purpose. However, the district board first may deposit 5819
moneys reimbursed under this division into the district's general 5820
fund or a permanent improvement fund to replace local resources 5821
the district withdrew from those funds, as long as, and to the 5822
extent that, those local resources were used by the district for 5823
constructing classroom facilities included in the district's basic 5824
project cost. 5825

Sec. 3318.364. In any fiscal year, the Ohio school facilities 5826
commission may, at its discretion, provide assistance under 5827
sections 3318.01 to 3318.20 of the Revised Code to a school 5828
district that has entered into an expedited local partnership 5829
agreement under section 3318.36 of the Revised Code before the 5830
district is otherwise eligible for that assistance based on its 5831
percentile rank, if the commission determines all of the 5832
following: 5833

(A) The district has made an expenditure of local resources 5834
under its expedited local partnership agreement on a discrete part 5835
of its district-wide project. 5836

(B) The district is ready to complete its district-wide 5837
project or a segment of the project, in accordance with section 5838
3318.034 of the Revised Code. 5839

(C) The district is in compliance with division (D)(2) of 5840

section 3318.36 of the Revised Code. 5841

(D) Sufficient state funds have been appropriated for 5842
classroom facilities projects for the fiscal year to pay the state 5843
share of the district's project or segment after paying the state 5844
share of projects for all of the following: 5845

(1) Districts that previously had their conditional approval 5846
lapse pursuant to section 3318.05 of the Revised Code; 5847

(2) Districts eligible for assistance under division (B)(2) 5848
of section 3318.04 of the Revised Code; 5849

(3) Districts participating in the exceptional needs school 5850
facilities assistance program under section 3318.37 or 3318.371 of 5851
the Revised Code; 5852

(4) Districts participating in the accelerated urban school 5853
building assistance program under section 3318.38 of the Revised 5854
Code. 5855

Assistance under this section shall be offered to eligible 5856
districts in the order of their percentile rankings at the time 5857
they entered into their expedited local partnership agreements, 5858
from lowest to highest percentile. In the event that more than one 5859
district has the same percentile ranking, those districts shall be 5860
offered assistance in the order of the date they entered into 5861
their expedited local partnership agreements, from earliest to 5862
latest date. 5863

As used in this section, "local resources" and "percentile" 5864
have the same meanings as in section 3318.36 of the Revised Code. 5865

Sec. 3318.37. (A)(1) As used in this section: 5866

~~(a) "Large land area school district" means a school district~~ 5867
~~with a territory of greater than three hundred square miles in any~~ 5868
~~percentile as determined under section 3318.011 of the Revised~~ 5869
~~Code.~~ 5870

~~(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.~~

~~(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.~~

(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:

(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.

(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.

(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.

(2)(a) After consulting with education and construction experts, the commission shall adopt guidelines for identifying

school districts with an exceptional need for immediate classroom 5902
facilities assistance. 5903

(b) The guidelines shall include application forms and 5904
instructions for school districts to use in applying for 5905
assistance under this section. 5906

(3) The commission shall evaluate the classroom facilities, 5907
and the need for replacement classroom facilities from the 5908
applications received under this section. The commission, 5909
utilizing the guidelines adopted under division (B)(2)(a) of this 5910
section, shall prioritize the school districts to be assessed. 5911

Notwithstanding section 3318.02 of the Revised Code, the 5912
commission may conduct on-site evaluation of the school districts 5913
prioritized under this section and approve and award funds until 5914
such time as all funds set aside under division (B)(1) of this 5915
section have been encumbered. However, the commission need not 5916
conduct the evaluation of facilities if the commission determines 5917
that a district's assessment conducted under section 3318.36 of 5918
the Revised Code is sufficient for purposes of this section. 5919

(4) Notwithstanding division (A) of section 3318.05 of the 5920
Revised Code, the school district's portion of the basic project 5921
cost under this section shall be the "required percentage of the 5922
basic project costs," as defined in division (K) of section 5923
3318.01 of the Revised Code. 5924

(5) Except as otherwise specified in this section, any 5925
project undertaken with assistance under this section shall comply 5926
with all provisions of sections 3318.01 to 3318.20 of the Revised 5927
Code. A school district may receive assistance under sections 5928
3318.01 to 3318.20 of the Revised Code for the remainder of the 5929
district's classroom facilities needs as assessed under this 5930
section when the district is eligible for such assistance pursuant 5931
to section 3318.02 of the Revised Code, but any classroom facility 5932

constructed with assistance under this section shall not be 5933
included in a district's project at that time unless the 5934
commission determines the district has experienced the increased 5935
enrollment specified in division (B)(1) of section 3318.04 of the 5936
Revised Code. 5937

(C) No school district shall receive assistance under this 5938
section for a classroom facility that has been included in the 5939
discrete part of the district's classroom facilities needs 5940
identified and addressed in the district's project pursuant to an 5941
agreement entered into under section 3318.36 of the Revised Code, 5942
unless the district's entire classroom facilities plan consists of 5943
only a single building designed to house grades kindergarten 5944
through twelve. 5945

Sec. 3318.371. The Ohio school facilities commission may 5946
provide assistance under the exceptional needs school facilities 5947
program established by section 3318.37 of the Revised Code to any 5948
school district for the purpose of the relocation or replacement 5949
of classroom facilities required as a result of any contamination 5950
of air, soil, or water that impacts the occupants of the facility. 5951
~~Assistance under this section is not limited to school districts 5952~~
~~in the first through seventy fifth percentiles as determined under 5953~~
~~section 3318.011 of the Revised Code. 5954~~

The commission shall make a determination in accordance with 5955
guidelines adopted by the commission regarding eligibility and 5956
funding for projects under this section. The commission may 5957
contract with an independent environmental consultant to conduct a 5958
study to assist the commission in making the determination. 5959

If the federal government or other public or private entity 5960
provides funds for restitution of costs incurred by the state or 5961
school district in the relocation or replacement of the classroom 5962
facilities, the school district shall use such funds in excess of 5963

the school district's share to refund the state for the state's 5964
contribution to the environmental contamination portion of the 5965
project. The school district may apply an amount of such 5966
restitution funds up to an amount equal to the school district's 5967
portion of the project, as defined by the commission, toward 5968
paying its portion of that project to reduce the amount of bonds 5969
the school district otherwise must issue to receive state 5970
assistance under sections 3318.01 to 3318.20 of the Revised Code. 5971

Sec. 3318.70. (A) As used in this section: 5972

(1) "Acquisition of classroom facilities" has the same 5973
meaning as in section 3318.40 of the Revised Code. 5974

(2) "Classroom facilities" has the same meaning as in section 5975
3318.01 of the Revised Code. 5976

(3) "STEM school" means a science, technology, engineering, 5977
and mathematics school established under Chapter 3326. of the 5978
Revised Code that is not governed by a single school district 5979
board of education, as prescribed by section 3326.51 of the 5980
Revised Code. 5981

(B) Upon receipt of a written proposal by the governing body 5982
of a STEM school, the Ohio school facilities commission, subject 5983
to approval of the controlling board, may provide funding to 5984
assist that STEM school in the acquisition of classroom 5985
facilities. The proposal of the governing body shall be submitted 5986
in a form and in the manner prescribed by the commission and shall 5987
indicate both the total amount of state funding requested and the 5988
amount of nonstate funding pledged for the acquisition of the 5989
classroom facilities, which shall not be less than the total 5990
amount of state funding requested. If the commission decides in 5991
favor of providing funding for the classroom facilities and if the 5992
controlling board approves that funding, the commission shall 5993
enter into an agreement with the governing body for the 5994

acquisition of the classroom facilities and shall encumber, in 5995
accordance with section 3318.11 of the Revised Code, the approved 5996
funding from the amounts appropriated to the commission for 5997
classroom facilities assistance projects. The agreement shall 5998
include a stipulation of the ownership of the classroom facilities 5999
in the event the STEM school permanently closes at any time. 6000

(C) In the case of the governing body of a group of STEM 6001
schools, as prescribed by section 3326.031 of the Revised Code, 6002
the governing body shall submit a proposal for each school under 6003
its direction separately, and the commission shall consider each 6004
proposal separately. 6005

Sec. 3319.02. (A)(1) As used in this section, "other 6006
administrator" means any of the following: 6007

(a) Except as provided in division (A)(2) of this section, 6008
any employee in a position for which a board of education requires 6009
a license designated by rule of the department of education for 6010
being an administrator issued under section 3319.22 of the Revised 6011
Code, including a professional pupil services employee or 6012
administrative specialist or an equivalent of either one who is 6013
not employed as a school counselor and spends less than fifty per 6014
cent of the time employed teaching or working with students; 6015

(b) Any nonlicensed employee whose job duties enable such 6016
employee to be considered as either a "supervisor" or a 6017
"management level employee," as defined in section 4117.01 of the 6018
Revised Code; 6019

(c) A business manager appointed under section 3319.03 of the 6020
Revised Code. 6021

(2) As used in this section, "other administrator" does not 6022
include a superintendent, assistant superintendent, principal, or 6023
assistant principal. 6024

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

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

The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or more, the term of the contract shall be for not more than five years and, unless the superintendent of the district recommends otherwise, not less than two years. If the superintendent so recommends, the term of the contract of a person who has been employed by the district or service center as an assistant

superintendent, principal, assistant principal, or other 6057
administrator for three years or more may be one year, but all 6058
subsequent contracts granted such person shall be for a term of 6059
not less than two years and not more than five years. When a 6060
teacher with continuing service status becomes an assistant 6061
superintendent, principal, assistant principal, or other 6062
administrator with the district or service center with which the 6063
teacher holds continuing service status, the teacher retains such 6064
status in the teacher's nonadministrative position as provided in 6065
sections 3319.08 and 3319.09 of the Revised Code. 6066

A board of education or governing board may reemploy an 6067
assistant superintendent, principal, assistant principal, or other 6068
administrator at any regular or special meeting held during the 6069
period beginning on the first day of January of the calendar year 6070
immediately preceding the year of expiration of the employment 6071
contract and ending on the ~~last~~ first day of ~~March~~ June of the 6072
year the employment contract expires. 6073

Except by mutual agreement of the parties thereto, no 6074
assistant superintendent, principal, assistant principal, or other 6075
administrator shall be transferred during the life of a contract 6076
to a position of lesser responsibility. No contract may be 6077
terminated by a board except pursuant to section 3319.16 of the 6078
Revised Code. No contract may be suspended except pursuant to 6079
section 3319.17 or 3319.171 of the Revised Code. The salaries and 6080
compensation prescribed by such contracts shall not be reduced by 6081
a board unless such reduction is a part of a uniform plan 6082
affecting the entire district or center. The contract shall 6083
specify the employee's administrative position and duties as 6084
included in the job description adopted under division (D) of this 6085
section, the salary and other compensation to be paid for 6086
performance of duties, the number of days to be worked, the number 6087
of days of vacation leave, if any, and any paid holidays in the 6088

contractual year. 6089

An assistant superintendent, principal, assistant principal, 6090
or other administrator is, at the expiration of the current term 6091
of employment, deemed reemployed at the same salary plus any 6092
increments that may be authorized by the board, unless such 6093
employee notifies the board in writing to the contrary on or 6094
before the ~~first~~ fifteenth day of June, or unless such board, on 6095
or before the ~~last~~ first day of ~~March~~ June of the year in which 6096
the contract of employment expires, either reemploys such employee 6097
for a succeeding term or gives written notice of its intention not 6098
to reemploy the employee. The term of reemployment of a person 6099
reemployed under this paragraph shall be one year, except that if 6100
such person has been employed by the school district or service 6101
center as an assistant superintendent, principal, assistant 6102
principal, or other administrator for three years or more, the 6103
term of reemployment shall be two years. 6104

(D)(1) Each board shall adopt procedures for the evaluation 6105
of all assistant superintendents, principals, assistant 6106
principals, and other administrators and shall evaluate such 6107
employees in accordance with those procedures. The procedures for 6108
the evaluation of principals and assistant principals shall be 6109
based on principles comparable to the teacher evaluation policy 6110
adopted by the board under section 3319.111 of the Revised Code, 6111
but shall be tailored to the duties and responsibilities of 6112
principals and assistant principals and the environment in which 6113
~~principals~~ they work. An evaluation based upon procedures adopted 6114
under this division shall be considered by the board in deciding 6115
whether to renew the contract of employment of an assistant 6116
superintendent, principal, assistant principal, or other 6117
administrator. 6118

(2) The evaluation shall measure each assistant 6119
superintendent's, principal's, assistant principal's, and other 6120

administrator's effectiveness in performing the duties included in 6121
the job description and the evaluation procedures shall provide 6122
for, but not be limited to, the following: 6123

(a) Each assistant superintendent, principal, assistant 6124
principal, and other administrator shall be evaluated annually 6125
through a written evaluation process. 6126

(b) The evaluation shall be conducted by the superintendent 6127
or designee. 6128

(c) In order to provide time to show progress in correcting 6129
the deficiencies identified in the evaluation process, the 6130
evaluation process shall be completed as follows: 6131

(i) In any school year that the employee's contract of 6132
employment is not due to expire, at least one evaluation shall be 6133
completed in that year. A written copy of the evaluation shall be 6134
provided to the employee no later than the end of the employee's 6135
contract year as defined by the employee's annual salary notice. 6136

(ii) In any school year that the employee's contract of 6137
employment is due to expire, at least a preliminary evaluation and 6138
at least a final evaluation shall be completed in that year. A 6139
written copy of the preliminary evaluation shall be provided to 6140
the employee at least sixty days prior to any action by the board 6141
on the employee's contract of employment. The final evaluation 6142
shall indicate the superintendent's intended recommendation to the 6143
board regarding a contract of employment for the employee. A 6144
written copy of the evaluation shall be provided to the employee 6145
at least five days prior to the board's acting to renew or not 6146
renew the contract. 6147

(3) Termination of an assistant superintendent, principal, 6148
assistant principal, or other administrator's contract shall be 6149
pursuant to section 3319.16 of the Revised Code. Suspension of any 6150
such employee shall be pursuant to section 3319.17 or 3319.171 of 6151

the Revised Code. 6152

(4) Before taking action to renew or nonrenew the contract of 6153
an assistant superintendent, principal, assistant principal, or 6154
other administrator under this section and prior to the ~~last~~ first 6155
day of ~~March~~ June of the year in which such employee's contract 6156
expires, the board shall notify each such employee of the date 6157
that the contract expires and that the employee may request a 6158
meeting with the board. Upon request by such an employee, the 6159
board shall grant the employee a meeting in executive session. In 6160
that meeting, the board shall discuss its reasons for considering 6161
renewal or nonrenewal of the contract. The employee shall be 6162
permitted to have a representative, chosen by the employee, 6163
present at the meeting. 6164

(5) The establishment of an evaluation procedure shall not 6165
create an expectancy of continued employment. Nothing in division 6166
(D) of this section shall prevent a board from making the final 6167
determination regarding the renewal or nonrenewal of the contract 6168
of any assistant superintendent, principal, assistant principal, 6169
or other administrator. However, if a board fails to provide 6170
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 6171
section, or if the board fails to provide at the request of the 6172
employee a meeting as prescribed in division (D)(4) of this 6173
section, the employee automatically shall be reemployed at the 6174
same salary plus any increments that may be authorized by the 6175
board for a period of one year, except that if the employee has 6176
been employed by the district or service center as an assistant 6177
superintendent, principal, assistant principal, or other 6178
administrator for three years or more, the period of reemployment 6179
shall be for two years. 6180

(E) On nomination of the superintendent of a service center a 6181
governing board may employ supervisors who shall be employed under 6182
written contracts of employment for terms not to exceed five years 6183

each. Such contracts may be terminated by a governing board 6184
pursuant to section 3319.16 of the Revised Code. Any supervisor 6185
employed pursuant to this division may terminate the contract of 6186
employment at the end of any school year after giving the board at 6187
least thirty days' written notice prior to such termination. On 6188
the recommendation of the superintendent the contract or contracts 6189
of any supervisor employed pursuant to this division may be 6190
suspended for the remainder of the term of any such contract 6191
pursuant to section 3319.17 or 3319.171 of the Revised Code. 6192

(F) A board may establish vacation leave for any individuals 6193
employed under this section. Upon such an individual's separation 6194
from employment, a board that has such leave may compensate such 6195
an individual at the individual's current rate of pay for all 6196
lawfully accrued and unused vacation leave credited at the time of 6197
separation, not to exceed the amount accrued within three years 6198
before the date of separation. In case of the death of an 6199
individual employed under this section, such unused vacation leave 6200
as the board would have paid to the individual upon separation 6201
under this section shall be paid in accordance with section 6202
2113.04 of the Revised Code, or to the estate. 6203

(G) The board of education of any school district may 6204
contract with the governing board of the educational service 6205
center from which it otherwise receives services to conduct 6206
searches and recruitment of candidates for assistant 6207
superintendent, principal, assistant principal, and other 6208
administrator positions authorized under this section. 6209

Sec. 3319.06. (A) The board of education of each city, 6210
exempted village, or local school district may create the position 6211
of internal auditor. Any person employed by the board as an 6212
internal auditor shall hold a valid permit issued under section 6213
4701.10 of the Revised Code to practice as a certified public 6214

accountant or a public accountant. 6215

(B) The board shall execute a written contract of employment 6216
with each internal auditor it employs. The contract shall specify 6217
the internal auditor's duties, the salary and other compensation 6218
to be paid for performance of those duties, the number of days to 6219
be worked, the number of days of vacation leave, if any, and any 6220
paid holidays in the contractual year. The salary and other 6221
compensation prescribed by the contract may be increased by the 6222
board during the term of the contract but shall not be reduced 6223
during that term unless such reduction is part of a uniform plan 6224
affecting employees of the entire district. The term of the 6225
initial contract shall not exceed three years. Any renewal of the 6226
contract shall be for a term of not less than two years and not 6227
more than five years. 6228

The internal auditor shall be directly responsible to the 6229
board for the performance of all duties outlined in the contract. 6230
If the board does not intend to renew the contract upon its 6231
expiration, the board shall provide written notice to the internal 6232
auditor of its intention not to renew the contract not later than 6233
the ~~last~~ first day of ~~March~~ June of the year in which the contract 6234
expires. If the board does not provide such notice by that date, 6235
the internal auditor shall be deemed reemployed for a term of one 6236
year at the same salary plus any increments that may be authorized 6237
by the board. Termination of an internal auditor's contract shall 6238
be pursuant to section 3319.16 of the Revised Code. 6239

(C) Each board that employs an internal auditor shall adopt 6240
procedures for the evaluation of the internal auditor and shall 6241
evaluate the internal auditor in accordance with those procedures. 6242
The evaluation based upon the procedures shall be considered by 6243
the board in deciding whether to renew the internal auditor's 6244
contract of employment. The establishment of an evaluation 6245

procedure shall not create an expectancy of continued employment. 6246
Nothing in this section shall prevent the board from making the 6247
final determination regarding the renewal or nonrenewal of the 6248
contract of an internal auditor. 6249

Sec. 3319.11. (A) As used in this section: 6250

(1) "Evaluation procedures" means the procedures required by 6251
the policy adopted pursuant to division (A) of section 3319.111 of 6252
the Revised Code. 6253

(2) "Limited contract" means a limited contract, as described 6254
in section 3319.08 of the Revised Code, that a school district 6255
board of education or governing board of an educational service 6256
center enters into with a teacher who is not eligible for 6257
continuing service status. 6258

(3) "Extended limited contract" means a limited contract, as 6259
described in section 3319.08 of the Revised Code, that a board of 6260
education or governing board enters into with a teacher who is 6261
eligible for continuing service status. 6262

(B) Teachers eligible for continuing service status in any 6263
city, exempted village, local, or joint vocational school district 6264
or educational service center shall be those teachers qualified as 6265
described in division (D) of section 3319.08 of the Revised Code, 6266
who within the last five years have taught for at least three 6267
years in the district or center, and those teachers who, having 6268
attained continuing contract status elsewhere, have served two 6269
years in the district or center, but the board, upon the 6270
recommendation of the superintendent, may at the time of 6271
employment or at any time within such two-year period, declare any 6272
of the latter teachers eligible. 6273

(1) Upon the recommendation of the superintendent that a 6274
teacher eligible for continuing service status be reemployed, a 6275

continuing contract shall be entered into between the board and 6276
the teacher unless the board by a three-fourths vote of its full 6277
membership rejects the recommendation of the superintendent. If 6278
the board rejects by a three-fourths vote of its full membership 6279
the recommendation of the superintendent that a teacher eligible 6280
for continuing service status be reemployed and the superintendent 6281
makes no recommendation to the board pursuant to division (C) of 6282
this section, the board may declare its intention not to reemploy 6283
the teacher by giving the teacher written notice on or before the 6284
~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy 6285
the teacher. If evaluation procedures have not been complied with 6286
pursuant to section 3319.111 of the Revised Code or the board does 6287
not give the teacher written notice on or before the ~~thirtieth~~ 6288
first day of ~~April~~ June of its intention not to reemploy the 6289
teacher, the teacher is deemed reemployed under an extended 6290
limited contract for a term not to exceed one year at the same 6291
salary plus any increment provided by the salary schedule. The 6292
teacher is presumed to have accepted employment under the extended 6293
limited contract for a term not to exceed one year unless such 6294
teacher notifies the board in writing to the contrary on or before 6295
the ~~first~~ fifteenth day of June, and an extended limited contract 6296
for a term not to exceed one year shall be executed accordingly. 6297
Upon any subsequent reemployment of the teacher only a continuing 6298
contract may be entered into. 6299

(2) If the superintendent recommends that a teacher eligible 6300
for continuing service status not be reemployed, the board may 6301
declare its intention not to reemploy the teacher by giving the 6302
teacher written notice on or before the ~~thirtieth~~ first day of 6303
~~April~~ June of its intention not to reemploy the teacher. If 6304
evaluation procedures have not been complied with pursuant to 6305
section 3319.111 of the Revised Code or the board does not give 6306
the teacher written notice on or before the ~~thirtieth~~ first day of 6307
~~April~~ June of its intention not to reemploy the teacher, the 6308

teacher is deemed reemployed under an extended limited contract 6309
for a term not to exceed one year at the same salary plus any 6310
increment provided by the salary schedule. The teacher is presumed 6311
to have accepted employment under the extended limited contract 6312
for a term not to exceed one year unless such teacher notifies the 6313
board in writing to the contrary on or before the ~~first~~ fifteenth 6314
day of June, and an extended limited contract for a term not to 6315
exceed one year shall be executed accordingly. Upon any subsequent 6316
reemployment of a teacher only a continuing contract may be 6317
entered into. 6318

(3) Any teacher receiving written notice of the intention of 6319
a board not to reemploy such teacher pursuant to this division is 6320
entitled to the hearing provisions of division (G) of this 6321
section. 6322

(C)(1) If a board rejects the recommendation of the 6323
superintendent for reemployment of a teacher pursuant to division 6324
(B)(1) of this section, the superintendent may recommend 6325
reemployment of the teacher, if continuing service status has not 6326
previously been attained elsewhere, under an extended limited 6327
contract for a term not to exceed two years, provided that written 6328
notice of the superintendent's intention to make such 6329
recommendation has been given to the teacher with reasons directed 6330
at the professional improvement of the teacher on or before the 6331
~~thirtieth~~ first day of ~~April~~ June. Upon subsequent reemployment of 6332
the teacher only a continuing contract may be entered into. 6333

(2) If a board of education takes affirmative action on a 6334
superintendent's recommendation, made pursuant to division (C)(1) 6335
of this section, of an extended limited contract for a term not to 6336
exceed two years but the board does not give the teacher written 6337
notice of its affirmative action on the superintendent's 6338
recommendation of an extended limited contract on or before the 6339
~~thirtieth~~ first day of ~~April~~ June, the teacher is deemed 6340

reemployed under a continuing contract at the same salary plus any 6341
increment provided by the salary schedule. The teacher is presumed 6342
to have accepted employment under such continuing contract unless 6343
such teacher notifies the board in writing to the contrary on or 6344
before the ~~first~~ fifteenth day of June, and a continuing contract 6345
shall be executed accordingly. 6346

(3) A board shall not reject a superintendent's 6347
recommendation, made pursuant to division (C)(1) of this section, 6348
of an extended limited contract for a term not to exceed two years 6349
except by a three-fourths vote of its full membership. If a board 6350
rejects by a three-fourths vote of its full membership the 6351
recommendation of the superintendent of an extended limited 6352
contract for a term not to exceed two years, the board may declare 6353
its intention not to reemploy the teacher by giving the teacher 6354
written notice on or before the ~~thirtieth~~ first day of ~~April~~ June 6355
of its intention not to reemploy the teacher. If evaluation 6356
procedures have not been complied with pursuant to section 6357
3319.111 of the Revised Code or if the board does not give the 6358
teacher written notice on or before the ~~thirtieth~~ first day of 6359
~~April~~ June of its intention not to reemploy the teacher, the 6360
teacher is deemed reemployed under an extended limited contract 6361
for a term not to exceed one year at the same salary plus any 6362
increment provided by the salary schedule. The teacher is presumed 6363
to have accepted employment under the extended limited contract 6364
for a term not to exceed one year unless such teacher notifies the 6365
board in writing to the contrary on or before the ~~first~~ fifteenth 6366
day of June, and an extended limited contract for a term not to 6367
exceed one year shall be executed accordingly. Upon any subsequent 6368
reemployment of the teacher only a continuing contract may be 6369
entered into. 6370

Any teacher receiving written notice of the intention of a 6371
board not to reemploy such teacher pursuant to this division is 6372

entitled to the hearing provisions of division (G) of this 6373
section. 6374

(D) A teacher eligible for continuing contract status 6375
employed under an extended limited contract pursuant to division 6376
(B) or (C) of this section, is, at the expiration of such extended 6377
limited contract, deemed reemployed under a continuing contract at 6378
the same salary plus any increment granted by the salary schedule, 6379
unless evaluation procedures have been complied with pursuant to 6380
section 3319.111 of the Revised Code and the employing board, 6381
acting on the superintendent's recommendation that the teacher not 6382
be reemployed, gives the teacher written notice on or before the 6383
~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy 6384
such teacher. A teacher who does not have evaluation procedures 6385
applied in compliance with section 3319.111 of the Revised Code or 6386
who does not receive notice on or before the ~~thirtieth~~ first day 6387
of ~~April~~ June of the intention of the board not to reemploy such 6388
teacher is presumed to have accepted employment under a continuing 6389
contract unless such teacher notifies the board in writing to the 6390
contrary on or before the ~~first~~ fifteenth day of June, and a 6391
continuing contract shall be executed accordingly. 6392

Any teacher receiving a written notice of the intention of a 6393
board not to reemploy such teacher pursuant to this division is 6394
entitled to the hearing provisions of division (G) of this 6395
section. 6396

(E) The board shall enter into a limited contract with each 6397
teacher employed by the board who is not eligible to be considered 6398
for a continuing contract. 6399

Any teacher employed under a limited contract, and not 6400
eligible to be considered for a continuing contract, is, at the 6401
expiration of such limited contract, considered reemployed under 6402
the provisions of this division at the same salary plus any 6403
increment provided by the salary schedule unless evaluation 6404

procedures have been complied with pursuant to section 3319.111 of 6405
the Revised Code and the employing board, acting upon the 6406
superintendent's written recommendation that the teacher not be 6407
reemployed, gives such teacher written notice of its intention not 6408
to reemploy such teacher on or before the ~~thirtieth~~ first day of 6409
~~April~~ June. A teacher who does not have evaluation procedures 6410
applied in compliance with section 3319.111 of the Revised Code or 6411
who does not receive notice of the intention of the board not to 6412
reemploy such teacher on or before the ~~thirtieth~~ first day of 6413
~~April~~ June is presumed to have accepted such employment unless 6414
such teacher notifies the board in writing to the contrary on or 6415
before the ~~first~~ fifteenth day of June, and a written contract for 6416
the succeeding school year shall be executed accordingly. 6417

Any teacher receiving a written notice of the intention of a 6418
board not to reemploy such teacher pursuant to this division is 6419
entitled to the hearing provisions of division (G) of this 6420
section. 6421

(F) The failure of a superintendent to make a recommendation 6422
to the board under any of the conditions set forth in divisions 6423
(B) to (E) of this section, or the failure of the board to give 6424
such teacher a written notice pursuant to divisions (C) to (E) of 6425
this section shall not prejudice or prevent a teacher from being 6426
deemed reemployed under either a limited or continuing contract as 6427
the case may be under the provisions of this section. A failure of 6428
the parties to execute a written contract shall not void any 6429
automatic reemployment provisions of this section. 6430

(G)(1) Any teacher receiving written notice of the intention 6431
of a board of education not to reemploy such teacher pursuant to 6432
division (B), (C)(3), (D), or (E) of this section may, within ten 6433
days of the date of receipt of the notice, file with the treasurer 6434
of the board a written demand for a written statement describing 6435
the circumstances that led to the board's intention not to 6436

reemploy the teacher. 6437

(2) The treasurer of a board, on behalf of the board, shall, 6438
within ten days of the date of receipt of a written demand for a 6439
written statement pursuant to division (G)(1) of this section, 6440
provide to the teacher a written statement describing the 6441
circumstances that led to the board's intention not to reemploy 6442
the teacher. 6443

(3) Any teacher receiving a written statement describing the 6444
circumstances that led to the board's intention not to reemploy 6445
the teacher pursuant to division (G)(2) of this section may, 6446
within five days of the date of receipt of the statement, file 6447
with the treasurer of the board a written demand for a hearing 6448
before the board pursuant to divisions (G)(4) to (6) of this 6449
section. 6450

(4) The treasurer of a board, on behalf of the board, shall, 6451
within ten days of the date of receipt of a written demand for a 6452
hearing pursuant to division (G)(3) of this section, provide to 6453
the teacher a written notice setting forth the time, date, and 6454
place of the hearing. The board shall schedule and conclude the 6455
hearing within forty days of the date on which the treasurer of 6456
the board receives a written demand for a hearing pursuant to 6457
division (G)(3) of this section. 6458

(5) Any hearing conducted pursuant to this division shall be 6459
conducted by a majority of the members of the board. The hearing 6460
shall be held in executive session of the board unless the board 6461
and the teacher agree to hold the hearing in public. The 6462
superintendent, assistant superintendent, the teacher, and any 6463
person designated by either party to take a record of the hearing 6464
may be present at the hearing. The board may be represented by 6465
counsel and the teacher may be represented by counsel or a 6466
designee. A record of the hearing may be taken by either party at 6467
the expense of the party taking the record. 6468

(6) Within ten days of the conclusion of a hearing conducted 6469
pursuant to this division, the board shall issue to the teacher a 6470
written decision containing an order affirming the intention of 6471
the board not to reemploy the teacher reported in the notice given 6472
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 6473
this section or an order vacating the intention not to reemploy 6474
and expunging any record of the intention, notice of the 6475
intention, and the hearing conducted pursuant to this division. 6476

(7) A teacher may appeal an order affirming the intention of 6477
the board not to reemploy the teacher to the court of common pleas 6478
of the county in which the largest portion of the territory of the 6479
school district or service center is located, within thirty days 6480
of the date on which the teacher receives the written decision, on 6481
the grounds that the board has not complied with this section or 6482
section 3319.111 of the Revised Code. 6483

Notwithstanding section 2506.04 of the Revised Code, the 6484
court in an appeal under this division is limited to the 6485
determination of procedural errors and to ordering the correction 6486
of procedural errors and shall have no jurisdiction to order a 6487
board to reemploy a teacher, except that the court may order a 6488
board to reemploy a teacher in compliance with the requirements of 6489
division (B), (C)(3), (D), or (E) of this section when the court 6490
determines that evaluation procedures have not been complied with 6491
pursuant to section 3319.111 of the Revised Code or the board has 6492
not given the teacher written notice on or before the ~~thirtieth~~ 6493
first day of ~~April~~ June of its intention not to reemploy the 6494
teacher pursuant to division (B), (C)(3), (D), or (E) of this 6495
section. Otherwise, the determination whether to reemploy or not 6496
reemploy a teacher is solely a board's determination and not a 6497
proper subject of judicial review and, except as provided in this 6498
division, no decision of a board whether to reemploy or not 6499
reemploy a teacher shall be invalidated by the court on any basis, 6500

including that the decision was not warranted by the results of 6501
any evaluation or was not warranted by any statement given 6502
pursuant to division (G)(2) of this section. 6503

No appeal of an order of a board may be made except as 6504
specified in this division. 6505

(H)(1) In giving a teacher any notice required by division 6506
(B), (C), (D), or (E) of this section, the board or the 6507
superintendent shall do either of the following: 6508

(a) Deliver the notice by personal service upon the teacher; 6509

(b) Deliver the notice by certified mail, return receipt 6510
requested, addressed to the teacher at the teacher's place of 6511
employment and deliver a copy of the notice by certified mail, 6512
return receipt requested, addressed to the teacher at the 6513
teacher's place of residence. 6514

(2) In giving a board any notice required by division (B), 6515
(C), (D), or (E) of this section, the teacher shall do either of 6516
the following: 6517

(a) Deliver the notice by personal delivery to the office of 6518
the superintendent during regular business hours; 6519

(b) Deliver the notice by certified mail, return receipt 6520
requested, addressed to the office of the superintendent and 6521
deliver a copy of the notice by certified mail, return receipt 6522
requested, addressed to the president of the board at the 6523
president's place of residence. 6524

(3) When any notice and copy of the notice are mailed 6525
pursuant to division (H)(1)(b) or (2)(b) of this section, the 6526
notice or copy of the notice with the earlier date of receipt 6527
shall constitute the notice for the purposes of division (B), (C), 6528
(D), or (E) of this section. 6529

(I) The provisions of this section shall not apply to any 6530

supplemental written contracts entered into pursuant to section 6531
3319.08 of the Revised Code. 6532

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 6533
Code, this section applies to any person who is employed under a 6534
teacher license issued under this chapter, or under a professional 6535
or permanent teacher's certificate issued under former section 6536
3319.222 of the Revised Code, and who spends at least fifty per 6537
cent of the time employed providing student instruction. However, 6538
this section does not apply to any person who is employed as a 6539
substitute teacher. 6540

(A) Not later than July 1, 2013, the board of education of 6541
each school district, in consultation with teachers employed by 6542
the board, shall adopt a standards-based teacher evaluation policy 6543
that conforms with the framework for evaluation of teachers 6544
developed under section 3319.112 of the Revised Code. The policy 6545
shall become operative at the expiration of any collective 6546
bargaining agreement covering teachers employed by the board that 6547
is in effect on the effective date of this section and shall be 6548
included in any renewal or extension of such an agreement. 6549

(B) When using measures of student academic growth as a 6550
component of a teacher's evaluation, those measures shall include 6551
the value-added progress dimension prescribed by section 3302.021 6552
of the Revised Code. For teachers of grade levels and subjects for 6553
which the value-added progress dimension is not applicable, the 6554
board shall administer assessments on the list developed under 6555
division (B)(2) of section 3319.112 of the Revised Code. 6556

(C)(1) The board shall conduct an evaluation of each teacher 6557
employed by the board at least once each school year, except as 6558
provided in ~~divisions~~ division (C)(2) ~~and (3)~~ of this section. The 6559
evaluation shall be completed by the first day of ~~April~~ May and 6560
the teacher shall receive a written report of the results of the 6561

evaluation by the tenth day of ~~April~~ May. 6562

~~(2) If the board has entered into a limited contract or 6563
extended limited contract with the teacher pursuant to section 6564
3319.11 of the Revised Code, the board shall evaluate the teacher 6565
at least twice in any school year in which the board may wish to 6566
declare its intention not to re-employ the teacher pursuant to 6567
division (B), (C)(3), (D), or (E) of that section. One evaluation 6568
shall be conducted and completed not later than the fifteenth day 6569
of January and the teacher being evaluated shall receive a written 6570
report of the results of this evaluation not later than the 6571
twenty fifth day of January. One evaluation shall be conducted and 6572
completed between the tenth day of February and the first day of 6573
April and the teacher being evaluated shall receive a written 6574
report of the results of this evaluation not later than the tenth 6575
day of April. 6576~~

~~(3) The board may elect, by adoption of a resolution, to 6577
evaluate each teacher who received a rating of accomplished on the 6578
teacher's most recent evaluation conducted under this section once 6579
every two school years. In that case, the biennial evaluation 6580
shall be completed by the first day of ~~April~~ May of the applicable 6581
school year, and the teacher shall receive a written report of the 6582
results of the evaluation by the tenth day of ~~April~~ May of that 6583
school year. 6584~~

(D) Each evaluation conducted pursuant to this section shall 6585
be conducted by one or more of the following persons who hold a 6586
credential established by the department of education for being an 6587
evaluator: 6588

(1) A person who is under contract with the board pursuant to 6589
section 3319.01 or 3319.02 of the Revised Code and holds a license 6590
designated for being a superintendent, assistant superintendent, 6591
or principal issued under section 3319.22 of the Revised Code; 6592

(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, administrative specialist, 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, including 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, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.

(E) Notwithstanding division (A)(3) of section 3319.112 of the Revised Code:

(1) The board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.

(2) 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 6624
teacher, except when making a decision between teachers who have 6625
comparable evaluations. 6626

~~(F) This section does not apply to superintendents and 6627
administrators subject to evaluation procedures under sections 6628
3319.01 and 3319.02 of the Revised Code or to any teacher employed 6629
as a substitute for less than one hundred twenty days during a 6630
school year pursuant to section 3319.10 of the Revised Code. 6631~~

(G) For purposes of section 3333.0411 of the Revised Code, 6632
the board annually shall report to the department of education the 6633
number of teachers for whom an evaluation was conducted under this 6634
section and the number of teachers assigned each rating prescribed 6635
under division (B)(1) of section 3319.112 of the Revised Code, 6636
aggregated by the teacher preparation programs from which and the 6637
years in which the teachers graduated. The department shall 6638
establish guidelines for reporting the information required by 6639
this division. The guidelines shall not permit or require that the 6640
name of, or any other personally identifiable information about, 6641
any teacher be reported under this division. 6642

(H) Notwithstanding any provision to the contrary in Chapter 6643
4117. of the Revised Code, the requirements of this section 6644
prevail over any conflicting provisions of a collective bargaining 6645
agreement entered into on or after the effective date of this 6646
amendment. 6647

Sec. 3319.112. (A) Not later than December 31, 2011, the 6648
state board of education shall develop a standards-based state 6649
framework for the evaluation of teachers. The state board may 6650
update the framework periodically by adoption of a resolution. The 6651
framework shall establish an evaluation system that does the 6652
following: 6653

(1) Provides for multiple evaluation factors, including 6654

student academic growth which shall account for fifty per cent of 6655
each evaluation+. In calculating student academic growth for an 6656
evaluation, a student shall not be included if the student has 6657
sixty or more unexcused absences for the school year. 6658

(2) Is aligned with the standards for teachers adopted under 6659
section 3319.61 of the Revised Code; 6660

(3) Requires observation of the teacher being evaluated, 6661
including at least two formal observations by the evaluator of at 6662
least thirty minutes each and classroom walkthroughs; 6663

(4) Assigns a rating on each evaluation in accordance with 6664
division (B) of this section; 6665

(5) Requires each teacher to be provided with a written 6666
report of the results of the teacher's evaluation; 6667

(6) Identifies measures of student academic growth for grade 6668
levels and subjects for which the value-added progress dimension 6669
prescribed by section 3302.021 of the Revised Code does not apply; 6670

(7) Implements a classroom-level, value-added program 6671
developed by a nonprofit organization described in division (B) of 6672
section 3302.021 of the Revised Code; 6673

(8) Provides for professional development to accelerate and 6674
continue teacher growth and provide support to poorly performing 6675
teachers; 6676

(9) Provides for the allocation of financial resources to 6677
support professional development. 6678

(B) For purposes of the framework developed under this 6679
section, the state board also shall do the following: 6680

(1) Develop specific standards and criteria that distinguish 6681
between the following levels of performance for teachers and 6682
principals for the purpose of assigning ratings on the evaluations 6683
conducted under sections 3319.02 and 3319.111 of the Revised Code: 6684

(a) Accomplished;	6685
(b) Proficient;	6686
(c) Developing;	6687
(d) Ineffective.	6688
(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.	6689 6690 6691 6692 6693 6694 6695 6696
(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.	6697 6698 6699 6700
(D) To assist school districts in developing evaluation policies under sections 3319.02 and 3319.111 of the Revised Code, the department shall do both of the following:	6701 6702 6703
(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;	6704 6705
(2) Provide technical assistance to districts in creating evaluation policies.	6706 6707
<u>(E) Not later than June 30, 2013, the state board, in consultation with state agencies that employ teachers, shall develop a standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy that conforms with the framework developed under this division. The policy shall become operative at the expiration of any</u>	6708 6709 6710 6711 6712 6713 6714

collective bargaining agreement covering teachers employed by the 6715
agency that is in effect on the effective date of this amendment 6716
and shall be included in any renewal or extension of such an 6717
agreement. 6718

Sec. 3319.58. (A) As used in this section, "core subject 6719
area" has the same meaning as in section 3319.074 of the Revised 6720
Code. 6721

(B) Each year, beginning with the 2015-2016 school year, the 6722
board of education of each city, exempted village, local, and 6723
joint vocational school district shall require each classroom 6724
teacher who is currently teaching in a core subject area and has 6725
received a rating of ineffective on the evaluations conducted 6726
under section 3319.111 of the Revised Code for two of the three 6727
most recent school years to register for and take all written 6728
examinations of content knowledge selected by the department of 6729
education as appropriate to determine expertise to teach that core 6730
subject area and the grade level to which the teacher is assigned. 6731

(C) Each year, beginning with the 2015-2016 school year, the 6732
~~board of education of each city, exempted village, and local~~ 6733
~~school district,~~ governing authority of each community school 6734
established under Chapter 3314. of the Revised Code, and governing 6735
body of each STEM school established under Chapter 3326. of the 6736
Revised Code with a building ranked in the lowest ten per cent of 6737
all public school buildings according to performance index score, 6738
under section 3302.21 of the Revised Code, shall require each 6739
classroom teacher currently teaching in a core subject area in 6740
such a building to register for and take all written examinations 6741
~~prescribed by the state board of education for licensure of~~ 6742
content knowledge selected by the department as appropriate to 6743
determine expertise to teach that core subject area and the grade 6744
level to which the teacher is assigned ~~under section 3319.22 of~~ 6745

the Revised Code. However, if 6746

(D) If a teacher who takes an examination under division (B) 6747
of this section passes that examination and provides proof of that 6748
passage to the teacher's employer, the employer shall require the 6749
teacher, at the teacher's expense, to complete professional 6750
development that is targeted to the deficiencies identified in the 6751
teacher's evaluations conducted under section 3319.111 of the 6752
Revised Code. The receipt by the teacher of a rating of 6753
ineffective on the teacher's next evaluation after completion of 6754
the professional development, or the failure of the teacher to 6755
complete the professional development, shall be grounds for 6756
termination of the teacher under section 3319.16 of the Revised 6757
Code. 6758

(E) If a teacher who takes a ~~prescribed~~ an examination under 6759
this ~~division~~ section passes that examination and provides proof 6760
of that passage to the teacher's employer, the teacher shall not 6761
be required to take the examination again for three years, 6762
regardless of the teacher's evaluation ratings or the performance 6763
index score ranking of the building in which the teacher teaches. 6764
No teacher shall be responsible for the cost of taking an 6765
examination under this ~~division~~ section. 6766

~~(C)~~(F) Each district board of education, each community 6767
school governing authority, and each STEM school governing body 6768
may use the results of a teacher's examinations required under 6769
division (B) or (C) of this section in developing and revising 6770
professional development plans and in deciding whether or not to 6771
continue employing the teacher in accordance with the provisions 6772
of this chapter or Chapter 3314. or 3326. of the Revised Code. 6773
However, no decision to terminate or not to renew a teacher's 6774
employment contract shall be made solely on the basis of the 6775
results of a teacher's examination under this section until and 6776
unless the teacher has not attained a passing score on the same 6777

required examination for at least three consecutive 6778
administrations of that examination. 6779

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 6780
"guardian," or "other person having charge or care of a child" 6781
means either parent unless the parents are separated or divorced 6782
or their marriage has been dissolved or annulled, in which case 6783
"parent" means the parent who is the residential parent and legal 6784
custodian of the child. If the child is in the legal or permanent 6785
custody of a person or government agency, "parent" means that 6786
person or government agency. When a child is a resident of a home, 6787
as defined in section 3313.64 of the Revised Code, and the child's 6788
parent is not a resident of this state, "parent," "guardian," or 6789
"other person having charge or care of a child" means the head of 6790
the home. 6791

A child between six and eighteen years of age is "of 6792
compulsory school age" for the purpose of sections 3321.01 to 6793
3321.13 of the Revised Code. A child under six years of age who 6794
has been enrolled in kindergarten also shall be considered "of 6795
compulsory school age" for the purpose of sections 3321.01 to 6796
3321.13 of the Revised Code unless at any time the child's parent 6797
or guardian, at the parent's or guardian's discretion and in 6798
consultation with the child's teacher and principal, formally 6799
withdraws the child from kindergarten. The compulsory school age 6800
of a child shall not commence until the beginning of the term of 6801
such schools, or other time in the school year fixed by the rules 6802
of the board of the district in which the child resides. 6803

(2) No child shall be admitted to a kindergarten or a first 6804
grade of a public school in a district in which all children are 6805
admitted to kindergarten and the first grade in August or 6806
September unless the child is five or six years of age, 6807
respectively, by the thirtieth day of September of the year of 6808

admittance, or by the first day of a term or semester other than 6809
one beginning in August or September in school districts granting 6810
admittance at the beginning of such term or semester, ~~except that~~ 6811
~~in those school districts using or obtaining educationally~~ 6812
~~accepted standardized testing programs for determining entrance,~~ 6813
~~as approved by the board of education of such districts, the board~~ 6814
~~shall admit a child to kindergarten or the first grade who fails~~ 6815
~~to meet the age requirement, provided the child meets necessary~~ 6816
~~standards as determined by such standardized testing programs. If~~ 6817
~~the board of education has not established a standardized testing~~ 6818
~~program, the board shall designate the necessary standards and a~~ 6819
~~testing program it will accept for the purpose of admitting a~~ 6820
~~child to kindergarten or first grade who fails to meet the age~~ 6821
~~requirement. Each child who will be the proper age for entrance to~~ 6822
~~kindergarten or first grade by the first day of January of the~~ 6823
~~school year for which admission is requested shall be so tested~~ 6824
~~upon the request of the child's parent unless the child has been~~ 6825
recommended for early admittance in accordance with the district's 6826
acceleration policy adopted under section 3324.10 of the Revised 6827
Code. A child who does not meet the age requirement for admittance 6828
to kindergarten or first grade shall be evaluated for early 6829
admittance upon referral by the child's parent or guardian, an 6830
educator employed by the district, a preschool educator who knows 6831
the child, or a pediatrician or psychologist who knows the child. 6832

(3) Notwithstanding ~~divisions~~ division (A)(2) ~~and (D)~~ of this 6833
section, beginning with the school year that starts in 2001 and 6834
continuing thereafter the board of education of any district may 6835
adopt a resolution establishing the first day of August in lieu of 6836
the thirtieth day of September as the required date by which 6837
students must have attained the age specified in ~~those divisions~~ 6838
that division. 6839

(4) After a student has been admitted to kindergarten in a 6840

school district or chartered nonpublic school, no board of 6841
education of a school district to which the student transfers 6842
shall deny that student admission based on the student's age. 6843

(B) As used in ~~divisions~~ division (C) ~~and (D)~~ of this 6844
section, "successfully completed kindergarten" ~~and "successful~~ 6845
~~completion of kindergarten" mean~~ means that the child has 6846
completed the kindergarten requirements at one of the following: 6847

(1) A public or chartered nonpublic school; 6848

(2) A kindergarten class that is both of the following: 6849

(a) Offered by a day-care provider licensed under Chapter 6850
5104. of the Revised Code; 6851

(b) If offered after July 1, 1991, is directly taught by a 6852
teacher who holds one of the following: 6853

(i) A valid educator license issued under section 3319.22 of 6854
the Revised Code; 6855

(ii) A Montessori preprimary credential or age-appropriate 6856
diploma granted by the American Montessori society or the 6857
association Montessori internationale; 6858

(iii) Certification determined under division ~~(C)~~(F) of this 6859
section to be equivalent to that described in division 6860
(B)(2)(b)(ii) of this section; 6861

(iv) Certification for teachers in nontax-supported schools 6862
pursuant to section 3301.071 of the Revised Code. 6863

(C) Except as provided in division ~~(D)~~(A)(2) of this section, 6864
no school district shall admit to the first grade any child who 6865
has not successfully completed kindergarten. 6866

~~(D) Upon request of a parent, the requirement of division (C)~~ 6867
~~of this section may be waived by the district's pupil personnel~~ 6868
~~services committee in the case of a child who is at least six~~ 6869
~~years of age by the thirtieth day of September of the year of~~ 6870

~~admittance and who demonstrates to the satisfaction of the 6871
committee the possession of the social, emotional, and cognitive 6872
skills necessary for first grade. 6873~~

~~The board of education of each city, local, and exempted 6874
village school district shall establish a pupil personnel services 6875
committee. The committee shall be composed of all of the following 6876
to the extent such personnel are either employed by the district 6877
or employed by the governing board of the educational service 6878
center within whose territory the district is located and the 6879
educational service center generally furnishes the services of 6880
such personnel to the district: 6881~~

~~(1) The director of pupil personnel services; 6882~~

~~(2) An elementary school counselor; 6883~~

~~(3) An elementary school principal; 6884~~

~~(4) A school psychologist; 6885~~

~~(5) A teacher assigned to teach first grade; 6886~~

~~(6) A gifted coordinator. 6887~~

~~The responsibilities of the pupil personnel services 6888
committee shall be limited to the issuing of waivers allowing 6889
admittance to the first grade without the successful completion of 6890
kindergarten. The committee shall have no other authority except 6891
as specified in this section. 6892~~

~~(E) The scheduling of times for kindergarten classes and 6893
length of the school day for kindergarten shall be determined by 6894
the board of education of a city, exempted village, or local 6895
school district. 6896~~

~~(F)(E) Any kindergarten class offered by a day-care provider 6897
or school described by division (B)(1) or (B)(2)(a) of this 6898
section shall be developmentally appropriate. 6899~~

~~(G)(F) Upon written request of a day-care provider described 6900~~

by division (B)(2)(a) of this section, the department of education 6901
shall determine whether certification held by a teacher employed 6902
by the provider meets the requirement of division (B)(2)(b)(iii) 6903
of this section and, if so, shall furnish the provider a statement 6904
to that effect. 6905

~~(H)~~(G) As used in this division, "all-day kindergarten" has 6906
the same meaning as in section 3321.05 of the Revised Code. 6907

(1) Any school district that did not receive for fiscal year 6908
2009 poverty-based assistance for all-day kindergarten under 6909
division (D) of section 3317.029 of the Revised Code may charge 6910
fees or tuition for students enrolled in all-day kindergarten. If 6911
a district charges fees or tuition for all-day kindergarten under 6912
this division, the district shall develop a sliding fee scale 6913
based on family incomes. 6914

(2) The department of education shall conduct an annual 6915
survey of each school district described in division ~~(H)~~(G)(1) of 6916
this section to determine the following: 6917

(a) Whether the district charges fees or tuition for students 6918
enrolled in all-day kindergarten; 6919

(b) The amount of the fees or tuition charged; 6920

(c) How many of the students for whom tuition is charged are 6921
eligible for free lunches under the "National School Lunch Act," 6922
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 6923
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 6924
and how many of the students for whom tuition is charged are 6925
eligible for reduced price lunches under those acts; 6926

(d) How many students are enrolled in traditional half-day 6927
kindergarten rather than all-day kindergarten. 6928

Each district shall report to the department, in the manner 6929
prescribed by the department, the information described in 6930

divisions ~~(H)~~(G)(2)(a) to (d) of this section. 6931

The department shall issue an annual report on the results of 6932
the survey and shall post the report on its web site. The 6933
department shall issue the first report not later than April 30, 6934
2008, and shall issue a report not later than the thirtieth day of 6935
April each year thereafter. 6936

Sec. 3323.011. As used in this chapter, "individualized 6937
education program" or "IEP" means a written statement for each 6938
child with a disability that is developed, reviewed, and revised 6939
in accordance with this definition and that includes: 6940

(A) A statement of the child's present levels of academic 6941
achievement and functional performance, including: 6942

(1) How the child's disability affects the child's 6943
involvement and progress in the general education curriculum; 6944

(2) For a preschool child with a disability, as appropriate, 6945
how the disability affects the child's participation in 6946
appropriate activities; 6947

(3) For a child with a disability who is not a preschool 6948
child and who will take alternate assessments aligned to alternate 6949
achievement standards, a description of benchmarks or short-term 6950
objectives. 6951

(B) A statement of measurable annual goals, including 6952
academic and functional goals and, at the discretion of the 6953
department of education, short-term instructional objectives that 6954
are designed to: 6955

(1) Meet the child's needs that result from the child's 6956
disability so as to enable the child to be involved in and make 6957
progress in the general education curriculum; 6958

(2) Meet each of the child's other educational needs that 6959
result from the child's disability. 6960

(C) A description of how the child's progress toward meeting the annual goals described pursuant to division (B) of this section will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided. Such reports may be quarterly or other periodic reports that are issued concurrent with the issuance of regular report cards.

(D) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child so that the child may:

(1) Advance appropriately toward attaining the annual goals described pursuant to division (B) of this section;

(2) Be involved in and make progress in the general education curriculum and participate in extracurricular and other nonacademic activities;

(3) Be educated with and participate with both other children with disabilities and nondisabled children in the specific activities described pursuant to division (D) of this section.

(E) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class, including an early childhood education setting, and in the activities described pursuant to division (D) of this section;

(F) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and districtwide assessments consistent with section 612(a)(16) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412(a)(16). If the IEP team determines that the child shall take

an alternate assessment on a particular state or districtwide 6992
assessment of student achievement, the IEP shall contain a 6993
statement of why the child cannot participate in the regular 6994
assessment and why the particular alternate assessment selected is 6995
appropriate for the child. 6996

(G) The projected date for the beginning of the services and 6997
modifications described pursuant to division (D) of this section 6998
and the anticipated frequency, location, and duration of those 6999
services and modifications; 7000

(H) Beginning not later than the first IEP to be in effect 7001
when the child is ~~sixteen~~ fourteen years of age, and updated 7002
annually thereafter, a statement describing: 7003

(1) Appropriate measurable post-secondary goals based upon 7004
age-appropriate transition assessments related to training, 7005
education, ~~employment~~, and independent living skills; 7006

(2) Appropriate measurable post-secondary goals based on 7007
age-appropriate transition assessments related to employment in a 7008
competitive environment in which workers are integrated regardless 7009
of disability; 7010

(3) The transition services, including courses of study, 7011
needed to assist the child in reaching the goals described in 7012
~~division~~ divisions (H)(1) and (2) of this section. 7013

(I) Beginning not later than one year before the child 7014
reaches eighteen years of age, a statement that the child has been 7015
informed of the child's rights under Title XX of the United States 7016
Code that will transfer to the child on reaching eighteen years of 7017
age in accordance with section 615(m) of the "Individuals with 7018
Disabilities Education Improvement Act of 2004," 20 U.S.C. 7019
1415(m). 7020

Nothing in this section shall be construed to require that 7021
additional information be included in a child's IEP beyond the 7022

items explicitly required by this section and that the IEP team 7023
include information under one component of a child's IEP that is 7024
already contained under another component of the IEP. 7025

Sec. 3323.052. (A) Not later than ~~sixty days after the~~ 7026
~~effective date of this section~~ November 28, 2011, the department 7027
of education shall develop a document that compares a parent's and 7028
child's rights under this chapter and 20 U.S.C. 1400 et seq. with 7029
the parent's and child's rights under the Jon Peterson special 7030
needs scholarship program, established in sections 3310.51 to 7031
3310.64 of the Revised Code, including the deadline for 7032
application for a scholarship or renewal of a scholarship and 7033
notice of that application to the child's school district, 7034
prescribed in division (C) of section 3310.52 of the Revised Code, 7035
and the provisions of divisions (A) and (B) of section 3310.53 of 7036
the Revised Code. The department shall revise that document as 7037
necessary to reflect any pertinent changes in state or federal 7038
statutory law, rule, or regulation enacted or adopted after the 7039
initial document is developed. ~~The~~ 7040

(B) ~~The~~ department and each school district shall ensure that 7041
the document prescribed in division (A) of this section is 7042
included in, appended to, or otherwise distributed in conjunction 7043
with the notice required under 20 U.S.C. 1415(d), and any 7044
provision of the Code of Federal Regulations implementing that 7045
requirement, in the manner and at all the times specified for such 7046
notice in federal law or regulation. ~~As~~ 7047

(C) In addition to the requirement prescribed by division (B) 7048
of this section, each time a child's school district completes an 7049
evaluation for a child with a disability or undertakes the 7050
development, review, or revision of the child's IEP, the district 7051
shall notify the child's parent, by letter or electronic means, 7052
about both the autism scholarship program, under section 3310.41 7053

of the Revised Code, and the Jon Peterson special needs 7054
scholarship program, under sections 3310.51 to 3310.64 of the 7055
Revised Code. The notice shall include the following statement: 7056

"Your child may be eligible for a scholarship under the 7057
Autism Scholarship Program or the Jon Peterson Special Needs 7058
Scholarship Program to attend a special education program that 7059
implements the child's individualized education program and that 7060
is operated by an alternative public provider or by a registered 7061
private provider." 7062

The notice shall include the telephone number of the office 7063
of the department responsible for administering the scholarship 7064
programs and the specific location of scholarship information on 7065
the department's web site. 7066

(D) As used in this section, a "child's school district" 7067
means the school district in which the child is entitled to attend 7068
school under section 3313.64 or 3313.65 of the Revised Code. 7069

Sec. 3323.19. (A) Within three months after a student 7070
identified with disabilities begins receiving services for the 7071
first time under an individualized education program, the school 7072
district in which that student is enrolled shall require the 7073
student to undergo a comprehensive eye examination performed 7074
either by an optometrist licensed under Chapter 4725. of the 7075
Revised Code or by a physician authorized under Chapter 4731. of 7076
the Revised Code to practice medicine and surgery or osteopathic 7077
medicine and surgery who is comprehensively trained and educated 7078
in the treatment of the human eye, eye disease, or comprehensive 7079
vision services, unless the student underwent such an examination 7080
within the nine-month period immediately prior to being identified 7081
with disabilities. 7082

However, no student who has not undergone the eye examination 7083
required under this section shall be prohibited from initiating, 7084

receiving, or continuing to receive services prescribed in the 7085
student's individualized education program. 7086

(B) The superintendent of each school district or the 7087
superintendent's designee may determine fulfillment of the 7088
requirement prescribed in division (A) of this section based on 7089
any special circumstances of the student, the student's parent, 7090
guardian, or family that may prevent the student from undergoing 7091
the eye examination prior to beginning special education services. 7092

(C) Except for a student who may be entitled to a 7093
comprehensive eye examination in the identification of the 7094
student's disabilities, in the development of the student's 7095
individualized education program, or as a related service under 7096
the student's individualized education program, neither the state 7097
nor any school district shall be responsible for paying for the 7098
eye examination required by this section. 7099

(D) The department of education annually shall do both of the 7100
following: 7101

(1) Notify each school district and community school of the 7102
requirements of this section; 7103

(2) Collect from each school district and community school 7104
the total number of students enrolled in the district who were 7105
subject to the requirements of this section and the total number 7106
of students who received the examination, as verified by 7107
documentation received from the district. 7108

Sec. 3326.03. (A) The STEM committee shall authorize the 7109
establishment of and award grants to science, technology, 7110
engineering, and mathematics schools based on proposals submitted 7111
to the committee. 7112

The committee shall determine the criteria for proposals, 7113
establish procedures for the submission of proposals, accept and 7114

evaluate proposals, and choose which proposals to approve to 7115
become a STEM school. In approving proposals for STEM schools, the 7116
committee shall consider locating the schools in diverse 7117
geographic regions of the state so that all students have access 7118
to a STEM school. 7119

The committee may authorize the establishment of a group of 7120
multiple STEM schools to operate from multiple facilities located 7121
in one or more school districts under the direction of a single 7122
governing body in the manner prescribed by section 3326.031 of the 7123
Revised Code. The committee shall consider the merits of each of 7124
the proposed STEM schools within a group and shall authorize each 7125
school separately. Anytime after authorizing a group of STEM 7126
schools to be under the direction of a single governing body, upon 7127
a proposal from the governing body, the committee may authorize 7128
one or more additional schools to operate as part of that group. 7129

The STEM committee may approve one or more STEM schools to 7130
serve only students identified as gifted under Chapter 3324. of 7131
the Revised Code. 7132

(B) Proposals may be submitted only by a partnership of 7133
public and private entities consisting of at least all of the 7134
following: 7135

(1) A city, exempted village, local, or joint vocational 7136
school district; 7137

(2) Higher education entities; 7138

(3) Business organizations. 7139

(C) Each proposal shall include at least the following: 7140

(1) Assurances that the STEM school or group of STEM schools 7141
will be under the oversight of a governing body and a description 7142
of the members of that governing body and how they will be 7143
selected; 7144

(2) Assurances that ~~the~~ each STEM school will operate in 7145
compliance with this chapter and the provisions of the proposal as 7146
accepted by the committee; 7147

(3) Evidence that ~~the~~ each school will offer a rigorous, 7148
diverse, integrated, and project-based curriculum to students in 7149
any of grades six through twelve, with the goal to prepare those 7150
students for college, the workforce, and citizenship, and that 7151
does all of the following: 7152

(a) Emphasizes the role of science, technology, engineering, 7153
and mathematics in promoting innovation and economic progress; 7154

(b) Incorporates scientific inquiry and technological design; 7155

(c) Includes the arts and humanities; 7156

(d) Emphasizes personalized learning and teamwork skills. 7157

(4) Evidence that ~~the~~ each school will attract school leaders 7158
who support the curriculum principles of division (C)(3) of this 7159
section; 7160

(5) A description of how ~~the~~ each school's curriculum will be 7161
developed and approved in accordance with section 3326.09 of the 7162
Revised Code; 7163

(6) Evidence that ~~the~~ each school will utilize an established 7164
capacity to capture and share knowledge for best practices and 7165
innovative professional development; 7166

(7) Evidence that ~~the~~ each school will operate in 7167
collaboration with a partnership that includes institutions of 7168
higher education and businesses; 7169

(8) Assurances that ~~the~~ each school has received commitments 7170
of sustained and verifiable fiscal and in-kind support from 7171
regional education and business entities; 7172

(9) A description of how ~~the~~ each school's assets will be 7173
distributed if the school closes for any reason. 7174

Sec. 3326.031. (A) As authorized by the STEM committee, a 7175
single governing body may direct a group of multiple STEM schools 7176
to operate from multiple facilities located in one or more school 7177
districts to be organized and operated in the manner prescribed 7178
under this chapter except as specified by this section. Each 7179
school within the group shall operate as a separate school but 7180
under the direction of a common governing body. The governing body 7181
may employ a single treasurer, licensed in the manner prescribed 7182
by section 3326.21 of the Revised Code, to manage the fiscal 7183
affairs of all of the schools within the group. Each school shall 7184
have a chief administrative officer, as required by section 7185
3326.08 of the Revised Code, but the governing body may in its 7186
discretion appoint a single individual to be the chief 7187
administrative officer of two or more schools in the group. No 7188
school within the group shall be organized or funded in the manner 7189
prescribed by section 3326.51 of the Revised Code. 7190

(B) The department shall calculate funds under this chapter 7191
for each STEM school within a group separately and shall pay those 7192
funds directly to each school. 7193

(C) In accordance with section 3326.17 of the Revised Code, 7194
the department shall issue a separate report card for each STEM 7195
school within a group. The department also shall compute a rating 7196
for each group of schools and report that rating in a distinct 7197
report card for the group. 7198

Sec. 3326.04. (A) The STEM committee shall award grants to 7199
support the operation of STEM programs of excellence to serve 7200
students in any of grades kindergarten through eight through a 7201
request for proposals. 7202

(B) Proposals may be submitted by any of the following: 7203

(1) The board of education of a city, exempted village, or 7204

local school district; 7205

(2) The governing authority of a community school established 7206
under Chapter 3314. of the Revised Code. 7207

(C) Each proposal shall demonstrate to the satisfaction of 7208
the STEM committee that the program meets at least the following 7209
standards: 7210

(1) ~~The~~ Unless the program is designed to serve only students 7211
identified as gifted under Chapter 3324. of the Revised Code, the 7212
program will serve all students enrolled in the district or school 7213
in the grades for which the program is designed. 7214

(2) The program will offer a rigorous and diverse curriculum 7215
that is based on scientific inquiry and technological design, that 7216
emphasizes personalized learning and teamwork skills, and that 7217
will expose students to advanced scientific concepts within and 7218
outside the classroom. 7219

(3) ~~The~~ Unless the program is designed to serve only students 7220
identified as gifted under Chapter 3324. of the Revised Code, the 7221
program will not limit participation of students on the basis of 7222
intellectual ability, measures of achievement, or aptitude. 7223

(4) The program will utilize an established capacity to 7224
capture and share knowledge for best practices and innovative 7225
professional development. 7226

(5) The program will operate in collaboration with a 7227
partnership that includes institutions of higher education and 7228
businesses. 7229

(6) The program will include teacher professional development 7230
strategies that are augmented by community and business partners. 7231

(D) The STEM committee shall give priority to proposals for 7232
new or expanding innovative programs. 7233

Sec. 3326.10. Each science, technology, engineering, and 7234
mathematics school shall adopt admission procedures that specify 7235
the following: 7236

(A)(1) Admission shall be open to individuals entitled and 7237
eligible to attend school pursuant to section 3313.64 or 3313.65 7238
of the Revised Code in a school district in the state. 7239

(2) Students who are not residents of Ohio shall not be 7240
permitted to enroll in a science, technology, engineering, and 7241
mathematics school. 7242

(B) There will be no discrimination in the admission of 7243
students to the school on the basis of race, creed, color, 7244
disability, or sex. 7245

(C) The school will comply with all federal and state laws 7246
regarding the education of students with disabilities. 7247

(D) ~~The~~ Unless the school serves only students identified as 7248
gifted under Chapter 3324. of the Revised Code, the school will 7249
not limit admission to students on the basis of intellectual 7250
ability, measures of achievement or aptitude, or athletic or 7251
artistic ability; ~~the~~. 7252

(E) The school will assert its best effort to attract a 7253
diverse student body that reflects the community; ~~and~~ the school 7254
will recruit students from disadvantaged and underrepresented 7255
groups. 7256

Sec. 3326.11. Each science, technology, engineering, and 7257
mathematics school established under this chapter and its 7258
governing body shall comply with sections 9.90, 9.91, 109.65, 7259
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 7260
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 7261
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 7262
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 7263

3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 7264
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 7265
3313.67, 3313.671, 3313.672, 3313.673, ~~3313.674~~, 3313.69, 3313.71, 7266
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 7267
3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 3319.21, 7268
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 7269
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 7270
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 7271
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 7272
4123., 4141., and 4167. of the Revised Code as if it were a school 7273
district. 7274

Sec. 3326.17. (A) The department of education shall issue an 7275
annual report card for each science, technology, engineering, and 7276
mathematics school that includes all information applicable to 7277
school buildings under section 3302.03 of the Revised Code. 7278

(B) For each student enrolled in a STEM school, the 7279
department shall combine data regarding the academic performance 7280
of that student with comparable data from the school district in 7281
which the student is entitled to attend school pursuant to section 7282
3313.64 or 3313.65 of the Revised Code for the purpose of 7283
calculating the performance of the district as a whole on the 7284
report card issued for the district under section 3302.03 of the 7285
Revised Code. 7286

(C) The department also shall compute a rating for each group 7287
of STEM schools that is under the direction of the same governing 7288
body, as authorized under section 3326.031 of the Revised Code, 7289
and issue a distinct report card for the group as a whole. 7290

(D) Each STEM school and its governing body shall comply with 7291
sections 3302.04 and 3302.041 of the Revised Code, except that any 7292
action required to be taken by a school district pursuant to those 7293
sections shall be taken by the school. However, the school shall 7294

not be required to take any action described in division (F) of 7295
section 3302.04 of the Revised Code. 7296

Sec. 3326.21. (A) Each Except as provided by section 3326.031 7297
of the Revised Code, each science, technology, engineering, and 7298
mathematics school shall have a treasurer who is licensed under 7299
section 3301.074 of the Revised Code. The governing body of the 7300
school and the treasurer shall comply with sections 3301.072, 7301
3313.22 to 3313.32, 3313.51, and 3315.08 of the Revised Code in 7302
the same manner as a school district board of education and a 7303
district treasurer. 7304

(B) Financial records of each STEM school shall be maintained 7305
in the same manner as are financial records of school districts, 7306
pursuant to rules of the auditor of state. 7307

Sec. 3326.26. The governing body of a science, technology, 7308
engineering, and mathematics school may screen students in ninth 7309
grade for body mass index and weight status category. If a 7310
governing body elects to require the screenings, it shall comply 7311
with section 3313.674 of the Revised Code in the same manner 7312
required of a school district board of education. 7313

Sec. 3328.15. (A) Each college-preparatory boarding school 7314
established under this chapter shall be governed by a board of 7315
trustees consisting of up to twenty-five members. Five of those 7316
members shall be appointed by the governor, with the advice and 7317
consent of the senate. The governor's appointments may be based on 7318
nonbinding recommendations made by the superintendent of public 7319
instruction. Of the remaining members, initial members shall be 7320
appointed by the school's operator and future members shall be 7321
appointed pursuant to the bylaws adopted under section 3328.13 of 7322
the Revised Code. The governor, operator, or any other person or 7323
entity who appoints a member of the board of trustees under this 7324

section or the bylaws adopted under section 3328.13 of the Revised 7325
Code may remove that member from the board at any time. 7326

(B) The terms of office of the initial members shall be as 7327
follows: 7328

(1) Two members appointed by the governor shall serve for an 7329
initial term of three years. 7330

(2) Two members appointed by the governor shall serve for an 7331
initial term of two years. 7332

(3) One member appointed by the governor shall serve for an 7333
initial term of one year. 7334

(4) One-third of the members appointed by the operator, 7335
rounded down to the nearest whole number, shall serve for an 7336
initial term of three years. 7337

(5) One-third of the members appointed by the operator, 7338
rounded down to the nearest whole number, shall serve for an 7339
initial term of two years. 7340

(6) One-third of the members appointed by the operator, 7341
rounded down to the nearest whole number, shall serve for an 7342
initial term of one year. 7343

(7) Any remaining members appointed by the operator shall 7344
serve for an initial term of one year. 7345

Thereafter the terms of office of all members shall be for 7346
three years. 7347

The beginning date and ending date of terms of office shall 7348
be as prescribed by the school's operator, unless modified in the 7349
bylaws adopted under section 3328.13 of the Revised Code. 7350

(C) Vacancies on the board shall be filled in the same manner 7351
as the initial appointments. A member appointed to an unexpired 7352
term shall serve for the remainder of that term and may be 7353

reappointed subject to division (D) of this section. 7354

(D) No member may serve for more than three consecutive 7355
three-year terms. 7356

(E) The officers of the board shall be selected by and from 7357
among the members of the board. 7358

(F) Compensation for the members of the board, if any, shall 7359
be as prescribed in the bylaws adopted under section 3328.13 of 7360
the Revised Code. 7361

Sec. 3328.24. A college-preparatory boarding school 7362
established under this chapter, ~~its operator,~~ and its board of 7363
trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 7364
3301.0712, 3301.0714, 3313.6411, 3319.39, and 3319.391 of the 7365
Revised Code as if the school were a school district and the 7366
school's board of trustees were a district board of education. 7367

Sec. 3333.0411. Not later than December 31, 2012, and 7368
annually thereafter, the chancellor of the Ohio board of regents 7369
shall report aggregate academic growth data for students assigned 7370
to graduates of teacher preparation programs approved under 7371
section 3333.048 of the Revised Code who teach English language 7372
arts or mathematics in any of grades four to eight in a public 7373
school in Ohio. For this purpose, the chancellor shall use the 7374
value-added progress dimension prescribed by section 3302.021 of 7375
the Revised Code. The chancellor shall aggregate the data by 7376
graduating class for each approved teacher preparation program, 7377
except that if a particular class has ten or fewer graduates to 7378
which this section applies, the chancellor shall report the data 7379
for a group of classes over a three-year period. ~~In~~ 7380

Not later than December 31, 2014, and annually thereafter, 7381
the chancellor of the Ohio board of regents shall report for each 7382
approved teacher preparation program, the number and percentage of 7383

all graduates of the program who were rated at each of the 7384
performance levels prescribed by division (B)(1) of section 7385
3319.112 of the Revised Code on an evaluation conducted in 7386
accordance with section 3319.111 of the Revised Code in the 7387
previous school year. 7388

In no case shall the ~~report~~ reports identify any individual 7389
graduate. The department of education shall share any data 7390
necessary for the report with the chancellor. 7391

Sec. 4123.391. (A) For purposes of this section, "learn to 7392
earn program" has the same meaning as in section 4141.293 of the 7393
Revised Code. 7394

(B) Solely for the purpose of providing compensation and 7395
benefits as set forth in this section, a participant in a learn to 7396
earn program is an employee of the department, and not an employee 7397
of the entity conducting the training. 7398

(C) A learn to earn program participant who suffers an injury 7399
or contracts an occupational disease in the course of and arising 7400
out of participation in the learn to earn program is entitled to 7401
compensation and benefits under this chapter. 7402

(D)(1) This chapter is the exclusive remedy for a learn to 7403
earn program participant or the participant's dependents resulting 7404
from the participant's injury or occupational disease received in 7405
the course of and arising out of the participant's participation 7406
in the program. Pursuant to section 4123.74 of the Revised Code, 7407
neither the department nor the designated worksite training 7408
provider shall be liable to respond in damages at common law or by 7409
statute for any injury, occupational disease, or bodily condition 7410
suffered or contracted by a participant in the course of or 7411
arising out of participation in the program. 7412

(2) Notwithstanding division (D)(1) of this section, a 7413

participant or the participant's dependents do not waive any cause 7414
of action for an intentional tort under section 2745.01 of the 7415
Revised Code against the department or the designated worksite 7416
training provider. 7417

(E) The department may include a learn to earn program 7418
participant in its department workers' compensation coverage, or 7419
may establish a separate workers' compensation coverage policy 7420
with the bureau of workers' compensation upon the terms and 7421
conditions for insurance to be established by the bureau 7422
consistent with insurance principles, as is equitable in the view 7423
of degree and hazard. 7424

Sec. 4139.01. As used in ~~sections 4139.01 to 4139.06~~ of the 7425
Revised Code this chapter: 7426

(A) "Apprentice" means a person at least sixteen years of 7427
age, except when a higher minimum age standard is otherwise fixed 7428
by law, who is covered by an in a registered apprenticeship 7429
program to learn a skilled occupation, pursuant to a registered 7430
apprenticeship agreement. 7431

(B) "Apprenticeship agreement" means a written agreement, 7432
registered with the ~~Ohio state~~ apprenticeship council, providing 7433
for not less than two thousand hours of reasonably continuous 7434
employment, and for participation in an approved schedule of work 7435
experience through employment, which shall be supplemented by a 7436
minimum of one hundred forty-four hours per year of related and 7437
supplemental instructions. 7438

(C) "Council office" means the unit of the department of job 7439
and family services that staffs the apprenticeship council and 7440
performs the administrative and oversight functions concerning 7441
this state's registered apprenticeship system. 7442

Sec. 4139.03. The apprenticeship council may ~~establish~~ 7443

recommend minimum standards for apprenticeship programs and may 7444
formulate policies and ~~issue~~ recommend rules as may be necessary 7445
to carry out the purpose of ~~sections 4139.01 to 4139.06 of the~~ 7446
~~Revised Code~~ this chapter. The council shall determine the date 7447
and place of its meetings and shall prescribe its own rules of 7448
procedure. 7449

Sec. 4139.04. The director of job and family services shall 7450
appoint the executive secretary of the ~~apprenticeship~~ council 7451
office, which appointment shall be subject to confirmation by a 7452
majority vote of the apprenticeship council. The director shall 7453
appoint such additional personnel as may be necessary, subject to 7454
Chapter 124. of the Revised Code. 7455

Sec. 4139.05. The executive secretary of the ~~apprenticeship~~ 7456
council office has the following duties: 7457

(A) Encourage the voluntary participation of employers and 7458
employees in the furtherance of the objective of ~~sections 4139.01~~ 7459
~~to 4139.06 of the Revised Code~~ this chapter; 7460

(B) Register any apprenticeship programs and agreements that 7461
meet the minimum standards established by ~~the council~~ federal 7462
regulations and state rules governing the registered 7463
apprenticeship system; 7464

(C) Terminate or cancel ~~on the authority of~~ in consultation 7465
with the apprenticeship council any registered apprenticeship 7466
programs and agreements not in ~~accordance~~ compliance with the 7467
provisions of such standards; 7468

(D) Keep a record of apprenticeship programs and their 7469
disposition; 7470

(E) ~~Issue certificate of completion of apprenticeship in~~ 7471
~~accordance with the council's standards;~~ 7472

~~(F)~~ Devise and implement all ~~necessary~~ procedures and ~~records~~
minimum standards as are necessary for the administration of the
registered apprenticeship system;

(F) Implement administrative rules adopted by the director of
job and family services as necessary for the administration of the
registered apprenticeship system;

(G) Prepare statistical reports regarding apprenticeship
training;

(H) Issue information related to apprenticeship;

(I) Perform such other duties as ~~the council may direct~~
appropriate under the applicable rules and regulations.

Sec. 4141.01. As used in this chapter, unless the context
otherwise requires:

(A)(1) "Employer" means the state, its instrumentalities, its
political subdivisions and their instrumentalities, Indian tribes,
and any individual or type of organization including any
partnership, limited liability company, association, trust,
estate, joint-stock company, insurance company, or corporation,
whether domestic or foreign, or the receiver, trustee in
bankruptcy, trustee, or the successor thereof, or the legal
representative of a deceased person who subsequent to December 31,
1971, or in the case of political subdivisions or their
instrumentalities, subsequent to December 31, 1973:

(a) Had in employment at least one individual, or in the case
of a nonprofit organization, subsequent to December 31, 1973, had
not less than four individuals in employment for some portion of a
day in each of twenty different calendar weeks, in either the
current or the preceding calendar year whether or not the same
individual was in employment in each such day; or

(b) Except for a nonprofit organization, had paid for service

in employment wages of fifteen hundred dollars or more in any 7503
calendar quarter in either the current or preceding calendar year; 7504
or 7505

(c) Had paid, subsequent to December 31, 1977, for employment 7506
in domestic service in a local college club, or local chapter of a 7507
college fraternity or sorority, cash remuneration of one thousand 7508
dollars or more in any calendar quarter in the current calendar 7509
year or the preceding calendar year, or had paid subsequent to 7510
December 31, 1977, for employment in domestic service in a private 7511
home cash remuneration of one thousand dollars in any calendar 7512
quarter in the current calendar year or the preceding calendar 7513
year: 7514

(i) For the purposes of divisions (A)(1)(a) and (b) of this 7515
section, there shall not be taken into account any wages paid to, 7516
or employment of, an individual performing domestic service as 7517
described in this division. 7518

(ii) An employer under this division shall not be an employer 7519
with respect to wages paid for any services other than domestic 7520
service unless the employer is also found to be an employer under 7521
division (A)(1)(a), (b), or (d) of this section. 7522

(d) As a farm operator or a crew leader subsequent to 7523
December 31, 1977, had in employment individuals in agricultural 7524
labor; and 7525

(i) During any calendar quarter in the current calendar year 7526
or the preceding calendar year, paid cash remuneration of twenty 7527
thousand dollars or more for the agricultural labor; or 7528

(ii) Had at least ten individuals in employment in 7529
agricultural labor, not including agricultural workers who are 7530
aliens admitted to the United States to perform agricultural labor 7531
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 7532
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 7533

1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 7534
of the twenty different calendar weeks, in either the current or 7535
preceding calendar year whether or not the same individual was in 7536
employment in each day; or 7537

(e) Is not otherwise an employer as defined under division 7538
(A)(1)(a) or (b) of this section; and 7539

(i) For which, within either the current or preceding 7540
calendar year, service, except for domestic service in a private 7541
home not covered under division (A)(1)(c) of this section, is or 7542
was performed with respect to which such employer is liable for 7543
any federal tax against which credit may be taken for 7544
contributions required to be paid into a state unemployment fund; 7545

(ii) Which, as a condition for approval of this chapter for 7546
full tax credit against the tax imposed by the "Federal 7547
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 7548
required, pursuant to such act to be an employer under this 7549
chapter; or 7550

(iii) Who became an employer by election under division 7551
(A)(4) or (5) of this section and for the duration of such 7552
election; or 7553

(f) In the case of the state, its instrumentalities, its 7554
political subdivisions, and their instrumentalities, and Indian 7555
tribes, had in employment, as defined in divisions (B)(2)(a) and 7556
(B)(2)(1) of this section, at least one individual; 7557

(g) For the purposes of division (A)(1)(a) of this section, 7558
if any week includes both the thirty-first day of December and the 7559
first day of January, the days of that week before the first day 7560
of January shall be considered one calendar week and the days 7561
beginning the first day of January another week. 7562

(2) Each individual employed to perform or to assist in 7563
performing the work of any agent or employee of an employer is 7564

employed by such employer for all the purposes of this chapter, 7565
whether such individual was hired or paid directly by such 7566
employer or by such agent or employee, provided the employer had 7567
actual or constructive knowledge of the work. All individuals 7568
performing services for an employer of any person in this state 7569
who maintains two or more establishments within this state are 7570
employed by a single employer for the purposes of this chapter. 7571

(3) An employer subject to this chapter within any calendar 7572
year is subject to this chapter during the whole of such year and 7573
during the next succeeding calendar year. 7574

(4) An employer not otherwise subject to this chapter who 7575
files with the director of job and family services a written 7576
election to become an employer subject to this chapter for not 7577
less than two calendar years shall, with the written approval of 7578
such election by the director, become an employer subject to this 7579
chapter to the same extent as all other employers as of the date 7580
stated in such approval, and shall cease to be subject to this 7581
chapter as of the first day of January of any calendar year 7582
subsequent to such two calendar years only if at least thirty days 7583
prior to such first day of January the employer has filed with the 7584
director a written notice to that effect. 7585

(5) Any employer for whom services that do not constitute 7586
employment are performed may file with the director a written 7587
election that all such services performed by individuals in the 7588
employer's employ in one or more distinct establishments or places 7589
of business shall be deemed to constitute employment for all the 7590
purposes of this chapter, for not less than two calendar years. 7591
Upon written approval of the election by the director, such 7592
services shall be deemed to constitute employment subject to this 7593
chapter from and after the date stated in such approval. Such 7594
services shall cease to be employment subject to this chapter as 7595
of the first day of January of any calendar year subsequent to 7596

such two calendar years only if at least thirty days prior to such 7597
first day of January such employer has filed with the director a 7598
written notice to that effect. 7599

(B)(1) "Employment" means service performed by an individual 7600
for remuneration under any contract of hire, written or oral, 7601
express or implied, including service performed in interstate 7602
commerce and service performed by an officer of a corporation, 7603
without regard to whether such service is executive, managerial, 7604
or manual in nature, and without regard to whether such officer is 7605
a stockholder or a member of the board of directors of the 7606
corporation, unless it is shown to the satisfaction of the 7607
director that such individual has been and will continue to be 7608
free from direction or control over the performance of such 7609
service, both under a contract of service and in fact. The 7610
director shall adopt rules to define "direction or control." 7611

(2) "Employment" includes: 7612

(a) Service performed after December 31, 1977, by an 7613
individual in the employ of the state or any of its 7614
instrumentalities, or any political subdivision thereof or any of 7615
its instrumentalities or any instrumentality of more than one of 7616
the foregoing or any instrumentality of any of the foregoing and 7617
one or more other states or political subdivisions and without 7618
regard to divisions (A)(1)(a) and (b) of this section, provided 7619
that such service is excluded from employment as defined in the 7620
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 7621
3306(c)(7) and is not excluded under division (B)(3) of this 7622
section; or the services of employees covered by voluntary 7623
election, as provided under divisions (A)(4) and (5) of this 7624
section; 7625

(b) Service performed after December 31, 1971, by an 7626
individual in the employ of a religious, charitable, educational, 7627
or other organization which is excluded from the term "employment" 7628

as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 7629
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 7630
3306(c)(8) of that act and is not excluded under division (B)(3) 7631
of this section; 7632

(c) Domestic service performed after December 31, 1977, for 7633
an employer, as provided in division (A)(1)(c) of this section; 7634

(d) Agricultural labor performed after December 31, 1977, for 7635
a farm operator or a crew leader, as provided in division 7636
(A)(1)(d) of this section; 7637

(e) Service not covered under division (B)(1) of this section 7638
which is performed after December 31, 1971: 7639

(i) As an agent-driver or commission-driver engaged in 7640
distributing meat products, vegetable products, fruit products, 7641
bakery products, beverages other than milk, laundry, or 7642
dry-cleaning services, for the individual's employer or principal; 7643

(ii) As a traveling or city salesperson, other than as an 7644
agent-driver or commission-driver, engaged on a full-time basis in 7645
the solicitation on behalf of and in the transmission to the 7646
salesperson's employer or principal except for sideline sales 7647
activities on behalf of some other person of orders from 7648
wholesalers, retailers, contractors, or operators of hotels, 7649
restaurants, or other similar establishments for merchandise for 7650
resale, or supplies for use in their business operations, provided 7651
that for the purposes of division (B)(2)(e)(ii) of this section, 7652
the services shall be deemed employment if the contract of service 7653
contemplates that substantially all of the services are to be 7654
performed personally by the individual and that the individual 7655
does not have a substantial investment in facilities used in 7656
connection with the performance of the services other than in 7657
facilities for transportation, and the services are not in the 7658
nature of a single transaction that is not a part of a continuing 7659

relationship with the person for whom the services are performed. 7660

(f) An individual's entire service performed within or both 7661
within and without the state if: 7662

(i) The service is localized in this state. 7663

(ii) The service is not localized in any state, but some of 7664
the service is performed in this state and either the base of 7665
operations, or if there is no base of operations then the place 7666
from which such service is directed or controlled, is in this 7667
state or the base of operations or place from which such service 7668
is directed or controlled is not in any state in which some part 7669
of the service is performed but the individual's residence is in 7670
this state. 7671

(g) Service not covered under division (B)(2)(f)(ii) of this 7672
section and performed entirely without this state, with respect to 7673
no part of which contributions are required and paid under an 7674
unemployment compensation law of any other state, the Virgin 7675
Islands, Canada, or of the United States, if the individual 7676
performing such service is a resident of this state and the 7677
director approves the election of the employer for whom such 7678
services are performed; or, if the individual is not a resident of 7679
this state but the place from which the service is directed or 7680
controlled is in this state, the entire services of such 7681
individual shall be deemed to be employment subject to this 7682
chapter, provided service is deemed to be localized within this 7683
state if the service is performed entirely within this state or if 7684
the service is performed both within and without this state but 7685
the service performed without this state is incidental to the 7686
individual's service within the state, for example, is temporary 7687
or transitory in nature or consists of isolated transactions; 7688

(h) Service of an individual who is a citizen of the United 7689
States, performed outside the United States except in Canada after 7690

December 31, 1971, or the Virgin Islands, after December 31, 1971, 7691
and before the first day of January of the year following that in 7692
which the United States secretary of labor approves the Virgin 7693
Islands law for the first time, in the employ of an American 7694
employer, other than service which is "employment" under divisions 7695
(B)(2)(f) and (g) of this section or similar provisions of another 7696
state's law, if: 7697

(i) The employer's principal place of business in the United 7698
States is located in this state; 7699

(ii) The employer has no place of business in the United 7700
States, but the employer is an individual who is a resident of 7701
this state; or the employer is a corporation which is organized 7702
under the laws of this state, or the employer is a partnership or 7703
a trust and the number of partners or trustees who are residents 7704
of this state is greater than the number who are residents of any 7705
other state; or 7706

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 7707
of this section is met but the employer has elected coverage in 7708
this state or the employer having failed to elect coverage in any 7709
state, the individual has filed a claim for benefits, based on 7710
such service, under this chapter. 7711

(i) For the purposes of division (B)(2)(h) of this section, 7712
the term "American employer" means an employer who is an 7713
individual who is a resident of the United States; or a 7714
partnership, if two-thirds or more of the partners are residents 7715
of the United States; or a trust, if all of the trustees are 7716
residents of the United States; or a corporation organized under 7717
the laws of the United States or of any state, provided the term 7718
"United States" includes the states, the District of Columbia, the 7719
Commonwealth of Puerto Rico, and the Virgin Islands. 7720

(j) Notwithstanding any other provisions of divisions (B)(1) 7721

and (2) of this section, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

(i) The employer directs or controls the manner or method by which instructions are given to the individual performing services;

(ii) The employer requires particular training for the individual performing services;

(iii) Services performed by the individual are integrated into the regular functioning of the employer;

(iv) The employer requires that services be provided by a particular individual;

(v) The employer hires, supervises, or pays the wages of the individual performing services;

(vi) A continuing relationship between the employer and the

individual performing services exists which contemplates	7753
continuing or recurring work, even if not full-time work;	7754
(vii) The employer requires the individual to perform	7755
services during established hours;	7756
(viii) The employer requires that the individual performing	7757
services be devoted on a full-time basis to the business of the	7758
employer;	7759
(ix) The employer requires the individual to perform services	7760
on the employer's premises;	7761
(x) The employer requires the individual performing services	7762
to follow the order of work established by the employer;	7763
(xi) The employer requires the individual performing services	7764
to make oral or written reports of progress;	7765
(xii) The employer makes payment to the individual for	7766
services on a regular basis, such as hourly, weekly, or monthly;	7767
(xiii) The employer pays expenses for the individual	7768
performing services;	7769
(xiv) The employer furnishes the tools and materials for use	7770
by the individual to perform services;	7771
(xv) The individual performing services has not invested in	7772
the facilities used to perform services;	7773
(xvi) The individual performing services does not realize a	7774
profit or suffer a loss as a result of the performance of the	7775
services;	7776
(xvii) The individual performing services is not performing	7777
services for more than two employers simultaneously;	7778
(xviii) The individual performing services does not make the	7779
services available to the general public;	7780
(xix) The employer has a right to discharge the individual	7781

performing services; 7782

(xx) The individual performing services has the right to end 7783
the individual's relationship with the employer without incurring 7784
liability pursuant to an employment contract or agreement. 7785

(1) Service performed by an individual in the employ of an 7786
Indian tribe as defined by section 4(e) of the "Indian 7787
Self-Determination and Education Assistance Act," 88 Stat. 2204 7788
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 7789
subsidiary, or business enterprise wholly owned by an Indian tribe 7790
provided that the service is excluded from employment as defined 7791
in the "Federal Unemployment Tax Act," 53 Stat. 1837 (1939), 26 7792
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division 7793
(B)(3) of this section. 7794

(3) "Employment" does not include the following services if 7795
they are found not subject to the "Federal Unemployment Tax Act," 7796
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 7797
are not required to be included under division (B)(2)(j) of this 7798
section: 7799

(a) Service performed after December 31, 1977, in 7800
agricultural labor, except as provided in division (A)(1)(d) of 7801
this section; 7802

(b) Domestic service performed after December 31, 1977, in a 7803
private home, local college club, or local chapter of a college 7804
fraternity or sorority except as provided in division (A)(1)(c) of 7805
this section; 7806

(c) Service performed after December 31, 1977, for this state 7807
or a political subdivision as described in division (B)(2)(a) of 7808
this section when performed: 7809

(i) As a publicly elected official; 7810

(ii) As a member of a legislative body, or a member of the 7811

judiciary;	7812
(iii) As a military member of the Ohio national guard;	7813
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	7814 7815 7816 7817
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	7818 7819 7820 7821 7822
(d) In the employ of any governmental unit or instrumentality of the United States;	7823 7824
(e) Service performed after December 31, 1971:	7825
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	7826 7827 7828 7829 7830
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers+.	7831 7832 7833 7834 7835 7836 7837 7838 7839 7840 7841

(f) Service performed by an individual in the employ of the 7842
individual's son, daughter, or spouse and service performed by a 7843
child under the age of eighteen in the employ of the child's 7844
father or mother; 7845

(g) Service performed for one or more principals by an 7846
individual who is compensated on a commission basis, who in the 7847
performance of the work is master of the individual's own time and 7848
efforts, and whose remuneration is wholly dependent on the amount 7849
of effort the individual chooses to expend, and which service is 7850
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 7851
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 7852
31, 1971: 7853

(i) By an individual for an employer as an insurance agent or 7854
as an insurance solicitor, if all this service is performed for 7855
remuneration solely by way of commission; 7856

(ii) As a home worker performing work, according to 7857
specifications furnished by the employer for whom the services are 7858
performed, on materials or goods furnished by such employer which 7859
are required to be returned to the employer or to a person 7860
designated for that purpose. 7861

(h) Service performed after December 31, 1971: 7862

(i) In the employ of a church or convention or association of 7863
churches, or in an organization which is operated primarily for 7864
religious purposes and which is operated, supervised, controlled, 7865
or principally supported by a church or convention or association 7866
of churches; 7867

(ii) By a duly ordained, commissioned, or licensed minister 7868
of a church in the exercise of the individual's ministry or by a 7869
member of a religious order in the exercise of duties required by 7870
such order; or 7871

(iii) In a facility conducted for the purpose of carrying out 7872

a program of rehabilitation for individuals whose earning capacity 7873
is impaired by age or physical or mental deficiency or injury, or 7874
providing remunerative work for individuals who because of their 7875
impaired physical or mental capacity cannot be readily absorbed in 7876
the competitive labor market, by an individual receiving such 7877
rehabilitation or remunerative work; 7878

(i) Service performed after June 30, 1939, with respect to 7879
which unemployment compensation is payable under the "Railroad 7880
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 7881

(j) Service performed by an individual in the employ of any 7882
organization exempt from income tax under section 501 of the 7883
"Internal Revenue Code of 1954," if the remuneration for such 7884
service does not exceed fifty dollars in any calendar quarter, or 7885
if such service is in connection with the collection of dues or 7886
premiums for a fraternal beneficial society, order, or association 7887
and is performed away from the home office or is ritualistic 7888
service in connection with any such society, order, or 7889
association; 7890

(k) Casual labor not in the course of an employer's trade or 7891
business; incidental service performed by an officer, appraiser, 7892
or member of a finance committee of a bank, building and loan 7893
association, savings and loan association, or savings association 7894
when the remuneration for such incidental service exclusive of the 7895
amount paid or allotted for directors' fees does not exceed sixty 7896
dollars per calendar quarter is casual labor; 7897

(l) Service performed in the employ of a voluntary employees' 7898
beneficial association providing for the payment of life, 7899
sickness, accident, or other benefits to the members of such 7900
association or their dependents or their designated beneficiaries, 7901
if admission to a membership in such association is limited to 7902
individuals who are officers or employees of a municipal or public 7903
corporation, of a political subdivision of the state, or of the 7904

United States and no part of the net earnings of such association 7905
inures, other than through such payments, to the benefit of any 7906
private shareholder or individual; 7907

(m) Service performed by an individual in the employ of a 7908
foreign government, including service as a consular or other 7909
officer or employee or of a nondiplomatic representative; 7910

(n) Service performed in the employ of an instrumentality 7911
wholly owned by a foreign government if the service is of a 7912
character similar to that performed in foreign countries by 7913
employees of the United States or of an instrumentality thereof 7914
and if the director finds that the secretary of state of the 7915
United States has certified to the secretary of the treasury of 7916
the United States that the foreign government, with respect to 7917
whose instrumentality exemption is claimed, grants an equivalent 7918
exemption with respect to similar service performed in the foreign 7919
country by employees of the United States and of instrumentalities 7920
thereof; 7921

(o) Service with respect to which unemployment compensation 7922
is payable under an unemployment compensation system established 7923
by an act of congress; 7924

(p) Service performed as a student nurse in the employ of a 7925
hospital or a nurses' training school by an individual who is 7926
enrolled and is regularly attending classes in a nurses' training 7927
school chartered or approved pursuant to state law, and service 7928
performed as an intern in the employ of a hospital by an 7929
individual who has completed a four years' course in a medical 7930
school chartered or approved pursuant to state law; 7931

(q) Service performed by an individual under the age of 7932
eighteen in the delivery or distribution of newspapers or shopping 7933
news, not including delivery or distribution to any point for 7934
subsequent delivery or distribution; 7935

(r) Service performed in the employ of the United States or
an instrumentality of the United States immune under the
Constitution of the United States from the contributions imposed
by this chapter, except that to the extent that congress permits
states to require any instrumentalities of the United States to
make payments into an unemployment fund under a state unemployment
compensation act, this chapter shall be applicable to such
instrumentalities and to services performed for such
instrumentalities in the same manner, to the same extent, and on
the same terms as to all other employers, individuals, and
services, provided that if this state is not certified for any
year by the proper agency of the United States under section 3304
of the "Internal Revenue Code of 1954," the payments required of
such instrumentalities with respect to such year shall be refunded
by the director from the fund in the same manner and within the
same period as is provided in division (E) of section 4141.09 of
the Revised Code with respect to contributions erroneously
collected;

(s) Service performed by an individual as a member of a band
or orchestra, provided such service does not represent the
principal occupation of such individual, and which service is not
subject to or required to be covered for full tax credit against
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat.
183 (1939), 26 U.S.C.A. 3301 to 3311.

(t) Service performed in the employ of a day camp whose
camping season does not exceed twelve weeks in any calendar year,
and which service is not subject to the "Federal Unemployment Tax
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service
performed after December 31, 1971:

(i) In the employ of a hospital, if the service is performed
by a patient of the hospital, as defined in division (W) of this
section;

(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;	7968 7969
(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.	7970 7971 7972
(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	7973 7974 7975 7976 7977 7978 7979
(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;	7980 7981 7982 7983 7984 7985 7986
(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;	7987 7988 7989 7990 7991
(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;	7992 7993 7994 7995 7996
(y) Service performed by a person committed to a penal institution.	7997 7998

(z) Service performed for an Indian tribe as described in	7999
division (B)(2)(1) of this section when performed in any of the	8000
following manners:	8001
(i) As a publicly elected official;	8002
(ii) As a member of an Indian tribal council;	8003
(iii) As a member of a legislative or judiciary body;	8004
(iv) In a position which, pursuant to Indian tribal law, is	8005
designated as a major nontenured policymaking or advisory	8006
position, or a policymaking or advisory position where the	8007
performance of the duties ordinarily does not require more than	8008
eight hours of time per week;	8009
(v) As an employee serving on a temporary basis in the case	8010
of a fire, storm, snow, earthquake, flood, or similar emergency.	8011
(aa) Service performed after December 31, 1971, for a	8012
nonprofit organization, this state or its instrumentalities, a	8013
political subdivision or its instrumentalities, or an Indian tribe	8014
as part of an unemployment work-relief or work-training program	8015
assisted or financed in whole or in part by any federal agency or	8016
an agency of a state or political subdivision, thereof, by an	8017
individual receiving the work-relief or work-training.	8018
(bb) <u>Participation in a learn to earn program as defined in</u>	8019
<u>section 4141.293 of the Revised Code.</u>	8020
(4) If the services performed during one half or more of any	8021
pay period by an employee for the person employing that employee	8022
constitute employment, all the services of such employee for such	8023
period shall be deemed to be employment; but if the services	8024
performed during more than one half of any such pay period by an	8025
employee for the person employing that employee do not constitute	8026
employment, then none of the services of such employee for such	8027
period shall be deemed to be employment. As used in division	8028

(B)(4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B)(4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B)(3)(o) of this section.

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director.

(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week.

(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim" means any claim other than the first claim for benefits and other than an additional claim.

(G)(1) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of eight thousand two hundred fifty dollars on and after January 1, 1992; eight thousand five hundred dollars on and after January 1, 1993; eight thousand seven hundred fifty dollars on and after January 1, 1994; and nine thousand dollars on and after January 1, 1995. Remuneration in excess of such amounts shall be deemed wages

subject to contribution to the same extent that such remuneration 8060
is defined as wages under the "Federal Unemployment Tax Act," 84 8061
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 8062
remuneration paid an employee by an employer with respect to 8063
employment in another state, upon which contributions were 8064
required and paid by such employer under the unemployment 8065
compensation act of such other state, shall be included as a part 8066
of remuneration in computing the amount specified in this 8067
division. 8068

(2) Notwithstanding division (G)(1) of this section, if, as 8069
of the computation date for any calendar year, the director 8070
determines that the level of the unemployment compensation fund is 8071
sixty per cent or more below the minimum safe level as defined in 8072
section 4141.25 of the Revised Code, then, effective the first day 8073
of January of the following calendar year, wages subject to this 8074
chapter shall not include that part of remuneration paid during 8075
any calendar year to an individual by an employer or such 8076
employer's predecessor in interest in the same business or 8077
enterprise which is in excess of nine thousand dollars. The 8078
increase in the dollar amount of wages subject to this chapter 8079
under this division shall remain in effect from the date of the 8080
director's determination pursuant to division (G)(2) of this 8081
section and thereafter notwithstanding the fact that the level in 8082
the fund may subsequently become less than sixty per cent below 8083
the minimum safe level. 8084

(H)(1) "Remuneration" means all compensation for personal 8085
services, including commissions and bonuses and the cash value of 8086
all compensation in any medium other than cash, except that in the 8087
case of agricultural or domestic service, "remuneration" includes 8088
only cash remuneration. Gratuities customarily received by an 8089
individual in the course of the individual's employment from 8090
persons other than the individual's employer and which are 8091

accounted for by such individual to the individual's employer are 8092
taxable wages. 8093

The reasonable cash value of compensation paid in any medium 8094
other than cash shall be estimated and determined in accordance 8095
with rules prescribed by the director, provided that 8096
"remuneration" does not include: 8097

(a) Payments as provided in divisions (b)(2) to (b)(16) of 8098
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 8099
26 U.S.C.A. 3301 to 3311, as amended; 8100

(b) The payment by an employer, without deduction from the 8101
remuneration of the individual in the employer's employ, of the 8102
tax imposed upon an individual in the employer's employ under 8103
section 3101 of the "Internal Revenue Code of 1954," with respect 8104
to services performed after October 1, 1941. 8105

(2) "Cash remuneration" means all remuneration paid in cash, 8106
including commissions and bonuses, but not including the cash 8107
value of all compensation in any medium other than cash. 8108

(I) "Interested party" means the director and any party to 8109
whom notice of a determination of an application for benefit 8110
rights or a claim for benefits is required to be given under 8111
section 4141.28 of the Revised Code. 8112

(J) "Annual payroll" means the total amount of wages subject 8113
to contributions during a twelve-month period ending with the last 8114
day of the second calendar quarter of any calendar year. 8115

(K) "Average annual payroll" means the average of the last 8116
three annual payrolls of an employer, provided that if, as of any 8117
computation date, the employer has had less than three annual 8118
payrolls in such three-year period, such average shall be based on 8119
the annual payrolls which the employer has had as of such date. 8120

(L)(1) "Contributions" means the money payments to the state 8121

unemployment compensation fund required of employers by section 8122
4141.25 of the Revised Code and of the state and any of its 8123
political subdivisions electing to pay contributions under section 8124
4141.242 of the Revised Code. Employers paying contributions shall 8125
be described as "contributory employers." 8126

(2) "Payments in lieu of contributions" means the money 8127
payments to the state unemployment compensation fund required of 8128
reimbursing employers under sections 4141.241 and 4141.242 of the 8129
Revised Code. 8130

(M) An individual is "totally unemployed" in any week during 8131
which the individual performs no services and with respect to such 8132
week no remuneration is payable to the individual. 8133

(N) An individual is "partially unemployed" in any week if, 8134
due to involuntary loss of work, the total remuneration payable to 8135
the individual for such week is less than the individual's weekly 8136
benefit amount. 8137

(O) "Week" means the calendar week ending at midnight 8138
Saturday unless an equivalent week of seven consecutive calendar 8139
days is prescribed by the director. 8140

(1) "Qualifying week" means any calendar week in an 8141
individual's base period with respect to which the individual 8142
earns or is paid remuneration in employment subject to this 8143
chapter. A calendar week with respect to which an individual earns 8144
remuneration but for which payment was not made within the base 8145
period, when necessary to qualify for benefit rights, may be 8146
considered to be a qualifying week. The number of qualifying weeks 8147
which may be established in a calendar quarter shall not exceed 8148
the number of calendar weeks in the quarter. 8149

(2) "Average weekly wage" means the amount obtained by 8150
dividing an individual's total remuneration for all qualifying 8151
weeks during the base period by the number of such qualifying 8152

weeks, provided that if the computation results in an amount that 8153
is not a multiple of one dollar, such amount shall be rounded to 8154
the next lower multiple of one dollar. 8155

(P) "Weekly benefit amount" means the amount of benefits an 8156
individual would be entitled to receive for one week of total 8157
unemployment. 8158

(Q)(1) "Base period" means the first four of the last five 8159
completed calendar quarters immediately preceding the first day of 8160
an individual's benefit year, except as provided in division 8161
(Q)(2) of this section. 8162

(2) If an individual does not have sufficient qualifying 8163
weeks and wages in the base period to qualify for benefit rights, 8164
the individual's base period shall be the four most recently 8165
completed calendar quarters preceding the first day of the 8166
individual's benefit year. Such base period shall be known as the 8167
"alternate base period." If information as to weeks and wages for 8168
the most recent quarter of the alternate base period is not 8169
available to the director from the regular quarterly reports of 8170
wage information, which are systematically accessible, the 8171
director may, consistent with the provisions of section 4141.28 of 8172
the Revised Code, base the determination of eligibility for 8173
benefits on the affidavit of the claimant with respect to weeks 8174
and wages for that calendar quarter. The claimant shall furnish 8175
payroll documentation, where available, in support of the 8176
affidavit. The determination based upon the alternate base period 8177
as it relates to the claimant's benefit rights, shall be amended 8178
when the quarterly report of wage information from the employer is 8179
timely received and that information causes a change in the 8180
determination. As provided in division (B) of section 4141.28 of 8181
the Revised Code, any benefits paid and charged to an employer's 8182
account, based upon a claimant's affidavit, shall be adjusted 8183
effective as of the beginning of the claimant's benefit year. No 8184

calendar quarter in a base period or alternate base period shall 8185
be used to establish a subsequent benefit year. 8186

(3) The "base period" of a combined wage claim, as described 8187
in division (H) of section 4141.43 of the Revised Code, shall be 8188
the base period prescribed by the law of the state in which the 8189
claim is allowed. 8190

(4) For purposes of determining the weeks that comprise a 8191
completed calendar quarter under this division, only those weeks 8192
ending at midnight Saturday within the calendar quarter shall be 8193
utilized. 8194

(R)(1) "Benefit year" with respect to an individual means the 8195
fifty-two week period beginning with the first day of that week 8196
with respect to which the individual first files a valid 8197
application for determination of benefit rights, and thereafter 8198
the fifty-two week period beginning with the first day of that 8199
week with respect to which the individual next files a valid 8200
application for determination of benefit rights after the 8201
termination of the individual's last preceding benefit year, 8202
except that the application shall not be considered valid unless 8203
the individual has had employment in six weeks that is subject to 8204
this chapter or the unemployment compensation act of another 8205
state, or the United States, and has, since the beginning of the 8206
individual's previous benefit year, in the employment earned three 8207
times the average weekly wage determined for the previous benefit 8208
year. The "benefit year" of a combined wage claim, as described in 8209
division (H) of section 4141.43 of the Revised Code, shall be the 8210
benefit year prescribed by the law of the state in which the claim 8211
is allowed. Any application for determination of benefit rights 8212
made in accordance with section 4141.28 of the Revised Code is 8213
valid if the individual filing such application is unemployed, has 8214
been employed by an employer or employers subject to this chapter 8215
in at least twenty qualifying weeks within the individual's base 8216

period, and has earned or been paid remuneration at an average 8217
weekly wage of not less than twenty-seven and one-half per cent of 8218
the statewide average weekly wage for such weeks. For purposes of 8219
determining whether an individual has had sufficient employment 8220
since the beginning of the individual's previous benefit year to 8221
file a valid application, "employment" means the performance of 8222
services for which remuneration is payable. 8223

(2) Effective for benefit years beginning on and after 8224
December 26, 2004, any application for determination of benefit 8225
rights made in accordance with section 4141.28 of the Revised Code 8226
is valid if the individual satisfies the criteria described in 8227
division (R)(1) of this section, and if the reason for the 8228
individual's separation from employment is not disqualifying 8229
pursuant to division (D)(2) of section 4141.29 or section 4141.291 8230
of the Revised Code. A disqualification imposed pursuant to 8231
division (D)(2) of section 4141.29 or section 4141.291 of the 8232
Revised Code must be removed as provided in those sections as a 8233
requirement of establishing a valid application for benefit years 8234
beginning on and after December 26, 2004. 8235

(3) The statewide average weekly wage shall be calculated by 8236
the director once a year based on the twelve-month period ending 8237
the thirtieth day of June, as set forth in division (B)(3) of 8238
section 4141.30 of the Revised Code, rounded down to the nearest 8239
dollar. Increases or decreases in the amount of remuneration 8240
required to have been earned or paid in order for individuals to 8241
have filed valid applications shall become effective on Sunday of 8242
the calendar week in which the first day of January occurs that 8243
follows the twelve-month period ending the thirtieth day of June 8244
upon which the calculation of the statewide average weekly wage 8245
was based. 8246

(4) As used in this division, an individual is "unemployed" 8247
if, with respect to the calendar week in which such application is 8248

filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this division, means any service performed prior to January 1, 1972, which was agricultural labor as defined in this division prior to that date, and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 U.S.C. 1141j, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one half of the commodity with respect to which such service is performed;

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V)(4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V)(4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other

similar structures used primarily for the raising of agricultural 8311
or horticultural commodities and orchards. 8312

(W) "Hospital" means an institution which has been registered 8313
or licensed by the Ohio department of health as a hospital. 8314

(X) "Nonprofit organization" means an organization, or group 8315
of organizations, described in section 501(c)(3) of the "Internal 8316
Revenue Code of 1954," and exempt from income tax under section 8317
501(a) of that code. 8318

(Y) "Institution of higher education" means a public or 8319
nonprofit educational institution, including an educational 8320
institution operated by an Indian tribe, which: 8321

(1) Admits as regular students only individuals having a 8322
certificate of graduation from a high school, or the recognized 8323
equivalent; 8324

(2) Is legally authorized in this state or by the Indian 8325
tribe to provide a program of education beyond high school; and 8326

(3) Provides an educational program for which it awards a 8327
bachelor's or higher degree, or provides a program which is 8328
acceptable for full credit toward such a degree, a program of 8329
post-graduate or post-doctoral studies, or a program of training 8330
to prepare students for gainful employment in a recognized 8331
occupation. 8332

For the purposes of this division, all colleges and 8333
universities in this state are institutions of higher education. 8334

(Z) For the purposes of this chapter, "states" includes the 8335
District of Columbia, the Commonwealth of Puerto Rico, and the 8336
Virgin Islands. 8337

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 8338
this section, an individual who is an alien admitted to the United 8339
States to perform service in agricultural labor pursuant to 8340

sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 8341
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(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and: 8343
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(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them; 8346
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(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator. 8350
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(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if: 8354
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(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 8358
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(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and 8361
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(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B)(1) of this section. 8365
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(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not 8368
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treated as in the employment of the crew leader under division 8371
(BB)(2) of this section shall be treated as the employee of the 8372
other employer or farm operator and not of the crew leader. The 8373
other employer or farm operator shall be treated as having paid 8374
cash remuneration to the individual in an amount equal to the 8375
amount of cash remuneration paid to the individual by the crew 8376
leader, either on the crew leader's own behalf or on behalf of the 8377
other employer or farm operator, for the service in agricultural 8378
labor performed for the other employer or farm operator. 8379

(CC) "Educational institution" means an institution other 8380
than an institution of higher education as defined in division (Y) 8381
of this section, including an educational institution operated by 8382
an Indian tribe, which: 8383

(1) Offers participants, trainees, or students an organized 8384
course of study or training designed to transfer to them 8385
knowledge, skills, information, doctrines, attitudes, or abilities 8386
from, by, or under the guidance of an instructor or teacher; and 8387

(2) Is approved, chartered, or issued a permit to operate as 8388
a school by the state board of education, other government agency, 8389
or Indian tribe that is authorized within the state to approve, 8390
charter, or issue a permit for the operation of a school. 8391

For the purposes of this division, the courses of study or 8392
training which the institution offers may be academic, technical, 8393
trade, or preparation for gainful employment in a recognized 8394
occupation. 8395

(DD) "Cost savings day" means any unpaid day off from work in 8396
which employees continue to accrue employee benefits which have a 8397
determinable value including, but not limited to, vacation, 8398
pension contribution, sick time, and life and health insurance. 8399

Sec. 4141.29. Each eligible individual shall receive benefits 8400

as compensation for loss of remuneration due to involuntary total 8401
or partial unemployment in the amounts and subject to the 8402
conditions stipulated in this chapter. 8403

(A) No individual is entitled to a waiting period or benefits 8404
for any week unless the individual: 8405

(1) Has filed a valid application for determination of 8406
benefit rights in accordance with section 4141.28 of the Revised 8407
Code; 8408

(2) Has made a claim for benefits in accordance with section 8409
4141.28 of the Revised Code; 8410

(3) Has registered at an employment office or other 8411
registration place maintained or designated by the director of job 8412
and family services. Registration shall be made in accordance with 8413
the time limits, frequency, and manner prescribed by the director. 8414

(4)(a)(i) Is able to work and available for suitable work 8415
and, except as provided in division (A)(4)(a)(ii) of this section, 8416
is actively seeking suitable work either in a locality in which 8417
the individual has earned wages subject to this chapter during the 8418
individual's base period, or if the individual leaves that 8419
locality, then in a locality where suitable work normally is 8420
performed. 8421

(ii) The director may waive the requirement that a claimant 8422
be actively seeking work when the director finds that the 8423
individual has been laid off and the employer who laid the 8424
individual off has notified the director within ten days after the 8425
layoff, that work is expected to be available for the individual 8426
within a specified number of days not to exceed forty-five 8427
calendar days following the last day the individual worked. In the 8428
event the individual is not recalled within the specified period, 8429
this waiver shall cease to be operative with respect to that 8430
layoff. 8431

(b) The individual shall be instructed as to the efforts that 8432
the individual must make in the search for suitable work, except 8433
where the active search for work requirement has been waived under 8434
division (A)(4)(a) of this section, and shall keep a record of 8435
where and when the individual has sought work in complying with 8436
those instructions and, upon request, shall produce that record 8437
for examination by the director. 8438

(c) An individual who is attending a training course approved 8439
by the director meets the requirement of this division, if 8440
attendance was recommended by the director and the individual is 8441
regularly attending the course and is making satisfactory 8442
progress. An individual also meets the requirements of this 8443
division if the individual is participating and advancing in a 8444
training program, as defined in division (P) of section 5709.61 of 8445
the Revised Code, and if an enterprise, defined in division (B) of 8446
section 5709.61 of the Revised Code, is paying all or part of the 8447
cost of the individual's participation in the training program 8448
with the intention of hiring the individual for employment as a 8449
new employee, as defined in division (L) of section 5709.61 of the 8450
Revised Code, for at least ninety days after the individual's 8451
completion of the training program. 8452

(d) An individual who becomes unemployed while attending a 8453
regularly established school and whose base period qualifying 8454
weeks were earned in whole or in part while attending that school, 8455
meets the availability and active search for work requirements of 8456
division (A)(4)(a) of this section if the individual regularly 8457
attends the school during weeks with respect to which the 8458
individual claims unemployment benefits and makes self available 8459
on any shift of hours for suitable employment with the 8460
individual's most recent employer or any other employer in the 8461
individual's base period, or for any other suitable employment to 8462
which the individual is directed, under this chapter. 8463

(e) The director shall adopt any rules that the director 8464
deems necessary for the administration of division (A)(4) of this 8465
section. 8466

(f) Notwithstanding any other provisions of this section, no 8467
otherwise eligible individual shall be denied benefits for any 8468
week because the individual is in training approved under section 8469
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 8470
2296, nor shall that individual be denied benefits by reason of 8471
leaving work to enter such training, provided the work left is not 8472
suitable employment, or because of the application to any week in 8473
training of provisions in this chapter, or any applicable federal 8474
unemployment compensation law, relating to availability for work, 8475
active search for work, or refusal to accept work. 8476

For the purposes of division (A)(4)(f) of this section, 8477
"suitable employment" means with respect to an individual, work of 8478
a substantially equal or higher skill level than the individual's 8479
past adversely affected employment, as defined for the purposes of 8480
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 8481
wages for such work at not less than eighty per cent of the 8482
individual's average weekly wage as determined for the purposes of 8483
that federal act. 8484

(5) Is unable to obtain suitable work. An individual who is 8485
provided temporary work assignments by the individual's employer 8486
under agreed terms and conditions of employment, and who is 8487
required pursuant to those terms and conditions to inquire with 8488
the individual's employer for available work assignments upon the 8489
conclusion of each work assignment, is not considered unable to 8490
obtain suitable employment if suitable work assignments are 8491
available with the employer but the individual fails to contact 8492
the employer to inquire about work assignments. 8493

(6) Participates in reemployment services, such as job search 8494
assistance services, if the individual has been determined to be 8495

likely to exhaust benefits under this chapter, including 8496
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 8497
extended compensation, and needs reemployment services pursuant to 8498
the profiling system established by the director under division 8499
(K) of this section, unless the director determines that: 8500

(a) The individual has completed such services; or 8501

(b) There is justifiable cause for the claimant's failure to 8502
participate in such services. 8503

(B) An individual suffering total or partial unemployment is 8504
eligible for benefits for unemployment occurring subsequent to a 8505
waiting period of one week and no benefits shall be payable during 8506
this required waiting period. Not more than one week of waiting 8507
period shall be required of any individual in any benefit year in 8508
order to establish the individual's eligibility for total or 8509
partial unemployment benefits. 8510

(C) The waiting period for total or partial unemployment 8511
shall commence on the first day of the first week with respect to 8512
which the individual first files a claim for benefits at an 8513
employment office or other place of registration maintained or 8514
designated by the director or on the first day of the first week 8515
with respect to which the individual has otherwise filed a claim 8516
for benefits in accordance with the rules of the department of job 8517
and family services, provided such claim is allowed by the 8518
director. 8519

(D) Notwithstanding division (A) of this section, no 8520
individual may serve a waiting period or be paid benefits under 8521
the following conditions: 8522

(1) For any week with respect to which the director finds 8523
that: 8524

(a) The individual's unemployment was due to a labor dispute 8525
other than a lockout at any factory, establishment, or other 8526

premises located in this or any other state and owned or operated 8527
by the employer by which the individual is or was last employed; 8528
and for so long as the individual's unemployment is due to such 8529
labor dispute. No individual shall be disqualified under this 8530
provision if either of the following applies: 8531

(i) The individual's employment was with such employer at any 8532
factory, establishment, or premises located in this state, owned 8533
or operated by such employer, other than the factory, 8534
establishment, or premises at which the labor dispute exists, if 8535
it is shown that the individual is not financing, participating 8536
in, or directly interested in such labor dispute; 8537

(ii) The individual's employment was with an employer not 8538
involved in the labor dispute but whose place of business was 8539
located within the same premises as the employer engaged in the 8540
dispute, unless the individual's employer is a wholly owned 8541
subsidiary of the employer engaged in the dispute, or unless the 8542
individual actively participates in or voluntarily stops work 8543
because of such dispute. If it is established that the claimant 8544
was laid off for an indefinite period and not recalled to work 8545
prior to the dispute, or was separated by the employer prior to 8546
the dispute for reasons other than the labor dispute, or that the 8547
individual obtained a bona fide job with another employer while 8548
the dispute was still in progress, such labor dispute shall not 8549
render the employee ineligible for benefits. 8550

(b) The individual has been given a disciplinary layoff for 8551
misconduct in connection with the individual's work. 8552

(2) For the duration of the individual's unemployment if the 8553
director finds that: 8554

(a) The individual quit work without just cause or has been 8555
discharged for just cause in connection with the individual's 8556
work, provided division (D)(2) of this section does not apply to 8557

the separation of a person under any of the following 8558
circumstances: 8559

(i) Separation from employment for the purpose of entering 8560
the armed forces of the United States if the individual is 8561
inducted into the armed forces within one of the following 8562
periods: 8563

(I) Thirty days after separation; 8564

(II) One hundred eighty days after separation if the 8565
individual's date of induction is delayed solely at the discretion 8566
of the armed forces. 8567

(ii) Separation from employment pursuant to a 8568
labor-management contract or agreement, or pursuant to an 8569
established employer plan, program, or policy, which permits the 8570
employee, because of lack of work, to accept a separation from 8571
employment; 8572

(iii) The individual has left employment to accept a recall 8573
from a prior employer or, except as provided in division 8574
(D)(2)(a)(iv) of this section, to accept other employment as 8575
provided under section 4141.291 of the Revised Code, or left or 8576
was separated from employment that was concurrent employment at 8577
the time of the most recent separation or within six weeks prior 8578
to the most recent separation where the remuneration, hours, or 8579
other conditions of such concurrent employment were substantially 8580
less favorable than the individual's most recent employment and 8581
where such employment, if offered as new work, would be considered 8582
not suitable under the provisions of divisions (E) and (F) of this 8583
section. Any benefits that would otherwise be chargeable to the 8584
account of the employer from whom an individual has left 8585
employment or was separated from employment that was concurrent 8586
employment under conditions described in division (D)(2)(a)(iii) 8587
of this section, shall instead be charged to the mutualized 8588

account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section shall be charged to the account of the reimbursing employer and not to the mutualized account, except as provided in division (D)(2) of section 4141.24 of the Revised Code.

(iv) When an individual has been issued a definite layoff date by the individual's employer and before the layoff date, the individual quits to accept other employment, the provisions of division (D)(2)(a)(iii) of this section apply and no disqualification shall be imposed under division (D) of this section. However, if the individual fails to meet the employment and earnings requirements of division (A)(2) of section 4141.291 of the Revised Code, then the individual, pursuant to division (A)(5) of this section, shall be ineligible for benefits for any week of unemployment that occurs prior to the layoff date.

(b) The individual has refused without good cause to accept an offer of suitable work when made by an employer either in person or to the individual's last known address, or has refused or failed to investigate a referral to suitable work when directed to do so by a local employment office of this state or another state, provided that this division shall not cause a disqualification for a waiting week or benefits under the following circumstances:

(i) When work is offered by the individual's employer and the individual is not required to accept the offer pursuant to the terms of the labor-management contract or agreement; or

(ii) When the individual is attending a training course pursuant to division (A)(4) of this section except, in the event of a refusal to accept an offer of suitable work or a refusal or failure to investigate a referral, benefits thereafter paid to such individual shall not be charged to the account of any

employer and, except as provided in division (B)(1)(b) of section 8621
4141.241 of the Revised Code, shall be charged to the mutualized 8622
account as provided in division (B) of section 4141.25 of the 8623
Revised Code. 8624

(c) Such individual quit work to marry or because of marital, 8625
parental, filial, or other domestic obligations. 8626

(d) The individual became unemployed by reason of commitment 8627
to any correctional institution. 8628

(e) The individual became unemployed because of dishonesty in 8629
connection with the individual's most recent or any base period 8630
work. Remuneration earned in such work shall be excluded from the 8631
individual's total base period remuneration and qualifying weeks 8632
that otherwise would be credited to the individual for such work 8633
in the individual's base period shall not be credited for the 8634
purpose of determining the total benefits to which the individual 8635
is eligible and the weekly benefit amount to be paid under section 8636
4141.30 of the Revised Code. Such excluded remuneration and 8637
noncredited qualifying weeks shall be excluded from the 8638
calculation of the maximum amount to be charged, under division 8639
(D) of section 4141.24 and section 4141.33 of the Revised Code, 8640
against the accounts of the individual's base period employers. In 8641
addition, no benefits shall thereafter be paid to the individual 8642
based upon such excluded remuneration or noncredited qualifying 8643
weeks. 8644

For purposes of division (D)(2)(e) of this section, 8645
"dishonesty" means the commission of substantive theft, fraud, or 8646
deceitful acts. 8647

(E) No individual otherwise qualified to receive benefits 8648
shall lose the right to benefits by reason of a refusal to accept 8649
new work if: 8650

(1) As a condition of being so employed the individual would 8651

be required to join a company union, or to resign from or refrain 8652
from joining any bona fide labor organization, or would be denied 8653
the right to retain membership in and observe the lawful rules of 8654
any such organization. 8655

(2) The position offered is vacant due directly to a strike, 8656
lockout, or other labor dispute. 8657

(3) The work is at an unreasonable distance from the 8658
individual's residence, having regard to the character of the work 8659
the individual has been accustomed to do, and travel to the place 8660
of work involves expenses substantially greater than that required 8661
for the individual's former work, unless the expense is provided 8662
for. 8663

(4) The remuneration, hours, or other conditions of the work 8664
offered are substantially less favorable to the individual than 8665
those prevailing for similar work in the locality. 8666

(F) Subject to the special exceptions contained in division 8667
(A)(4)(f) of this section and section 4141.301 of the Revised 8668
Code, in determining whether any work is suitable for a claimant 8669
in the administration of this chapter, the director, in addition 8670
to the determination required under division (E) of this section, 8671
shall consider the degree of risk to the claimant's health, 8672
safety, and morals, the individual's physical fitness for the 8673
work, the individual's prior training and experience, the length 8674
of the individual's unemployment, the distance of the available 8675
work from the individual's residence, and the individual's 8676
prospects for obtaining local work. 8677

(G) The "duration of unemployment" as used in this section 8678
means the full period of unemployment next ensuing after a 8679
separation from any base period or subsequent work and until an 8680
individual has become reemployed in employment subject to this 8681
chapter, or the unemployment compensation act of another state, or 8682

of the United States, and until such individual has worked six 8683
weeks and for those weeks has earned or been paid remuneration 8684
equal to six times an average weekly wage of not less than: 8685
eighty-five dollars and ten cents per week beginning on June 26, 8686
1990; and beginning on and after January 1, 1992, twenty-seven and 8687
one-half per cent of the statewide average weekly wage as computed 8688
each first day of January under division (B)(3) of section 4141.30 8689
of the Revised Code, rounded down to the nearest dollar, except 8690
for purposes of division (D)(2)(c) of this section, such term 8691
means the full period of unemployment next ensuing after a 8692
separation from such work and until such individual has become 8693
reemployed subject to the terms set forth above, and has earned 8694
wages equal to one-half of the individual's average weekly wage or 8695
sixty dollars, whichever is less. 8696

(H) If a claimant is disqualified under division (D)(2)(a), 8697
(c), or (d) of this section or found to be qualified under the 8698
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 8699
this section or division (A)(2) of section 4141.291 of the Revised 8700
Code, then benefits that may become payable to such claimant, 8701
which are chargeable to the account of the employer from whom the 8702
individual was separated under such conditions, shall be charged 8703
to the mutualized account provided in section 4141.25 of the 8704
Revised Code, provided that no charge shall be made to the 8705
mutualized account for benefits chargeable to a reimbursing 8706
employer, except as provided in division (D)(2) of section 4141.24 8707
of the Revised Code. In the case of a reimbursing employer, the 8708
director shall refund or credit to the account of the reimbursing 8709
employer any over-paid benefits that are recovered under division 8710
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 8711
other states, the United States, or Canada that are subject to 8712
agreements and arrangements that are established pursuant to 8713
section 4141.43 of the Revised Code shall be credited or 8714
reimbursed according to the agreements and arrangements to which 8715

the chargeable amounts are subject. 8716

(I)(1) Benefits based on service in employment as provided in 8717
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 8718
shall be payable in the same amount, on the same terms, and 8719
subject to the same conditions as benefits payable on the basis of 8720
other service subject to this chapter; except that after December 8721
31, 1977: 8722

(a) Benefits based on service in an instructional, research, 8723
or principal administrative capacity in an institution of higher 8724
education, as defined in division (Y) of section 4141.01 of the 8725
Revised Code; or for an educational institution as defined in 8726
division (CC) of section 4141.01 of the Revised Code, shall not be 8727
paid to any individual for any week of unemployment that begins 8728
during the period between two successive academic years or terms, 8729
or during a similar period between two regular but not successive 8730
terms or during a period of paid sabbatical leave provided for in 8731
the individual's contract, if the individual performs such 8732
services in the first of those academic years or terms and has a 8733
contract or a reasonable assurance that the individual will 8734
perform services in any such capacity for any such institution in 8735
the second of those academic years or terms. 8736

(b) Benefits based on service for an educational institution 8737
or an institution of higher education in other than an 8738
instructional, research, or principal administrative capacity, 8739
shall not be paid to any individual for any week of unemployment 8740
which begins during the period between two successive academic 8741
years or terms of the employing educational institution or 8742
institution of higher education, provided the individual performed 8743
those services for the educational institution or institution of 8744
higher education during the first such academic year or term and, 8745
there is a reasonable assurance that such individual will perform 8746
those services for any educational institution or institution of 8747

higher education in the second of such academic years or terms. 8748

If compensation is denied to any individual for any week 8749
under division (I)(1)(b) of this section and the individual was 8750
not offered an opportunity to perform those services for an 8751
institution of higher education or for an educational institution 8752
for the second of such academic years or terms, the individual is 8753
entitled to a retroactive payment of compensation for each week 8754
for which the individual timely filed a claim for compensation and 8755
for which compensation was denied solely by reason of division 8756
(I)(1)(b) of this section. An application for retroactive benefits 8757
shall be timely filed if received by the director or the 8758
director's deputy within or prior to the end of the fourth full 8759
calendar week after the end of the period for which benefits were 8760
denied because of reasonable assurance of employment. The 8761
provision for the payment of retroactive benefits under division 8762
(I)(1)(b) of this section is applicable to weeks of unemployment 8763
beginning on and after November 18, 1983. The provisions under 8764
division (I)(1)(b) of this section shall be retroactive to 8765
September 5, 1982, only if, as a condition for full tax credit 8766
against the tax imposed by the "Federal Unemployment Tax Act," 53 8767
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 8768
secretary of labor determines that retroactivity is required by 8769
federal law. 8770

(c) With respect to weeks of unemployment beginning after 8771
December 31, 1977, benefits shall be denied to any individual for 8772
any week which commences during an established and customary 8773
vacation period or holiday recess, if the individual performs any 8774
services described in divisions (I)(1)(a) and (b) of this section 8775
in the period immediately before the vacation period or holiday 8776
recess, and there is a reasonable assurance that the individual 8777
will perform any such services in the period immediately following 8778
the vacation period or holiday recess. 8779

(d) With respect to any services described in division 8780
(I)(1)(a), (b), or (c) of this section, benefits payable on the 8781
basis of services in any such capacity shall be denied as 8782
specified in division (I)(1)(a), (b), or (c) of this section to 8783
any individual who performs such services in an educational 8784
institution or institution of higher education while in the employ 8785
of an educational service agency. For this purpose, the term 8786
"educational service agency" means a governmental agency or 8787
governmental entity that is established and operated exclusively 8788
for the purpose of providing services to one or more educational 8789
institutions or one or more institutions of higher education. 8790

(e) Any individual employed by a ~~public school district~~ or a 8791
county board of developmental disabilities shall be notified by 8792
the thirtieth day of April each year if the individual is not to 8793
be reemployed the following academic year. 8794

(f) Any individual employed by a school district shall be 8795
notified by the first day of June each year if the individual is 8796
not to be reemployed the following academic year. 8797

(2) No disqualification will be imposed, between academic 8798
years or terms or during a vacation period or holiday recess under 8799
this division, unless the director or the director's deputy has 8800
received a statement in writing from the educational institution 8801
or institution of higher education that the claimant has a 8802
contract for, or a reasonable assurance of, reemployment for the 8803
ensuing academic year or term. 8804

(3) If an individual has employment with an educational 8805
institution or an institution of higher education and employment 8806
with a noneducational employer, during the base period of the 8807
individual's benefit year, then the individual may become eligible 8808
for benefits during the between-term, or vacation or holiday 8809
recess, disqualification period, based on employment performed for 8810
the noneducational employer, provided that the employment is 8811

sufficient to qualify the individual for benefit rights separately 8812
from the benefit rights based on school employment. The weekly 8813
benefit amount and maximum benefits payable during a 8814
disqualification period shall be computed based solely on the 8815
nonschool employment. 8816

(J) Benefits shall not be paid on the basis of employment 8817
performed by an alien, unless the alien had been lawfully admitted 8818
to the United States for permanent residence at the time the 8819
services were performed, was lawfully present for purposes of 8820
performing the services, or was otherwise permanently residing in 8821
the United States under color of law at the time the services were 8822
performed, under section 212(d)(5) of the "Immigration and 8823
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 8824

(1) Any data or information required of individuals applying 8825
for benefits to determine whether benefits are not payable to them 8826
because of their alien status shall be uniformly required from all 8827
applicants for benefits. 8828

(2) In the case of an individual whose application for 8829
benefits would otherwise be approved, no determination that 8830
benefits to the individual are not payable because of the 8831
individual's alien status shall be made except upon a 8832
preponderance of the evidence that the individual had not, in 8833
fact, been lawfully admitted to the United States. 8834

(K) The director shall establish and utilize a system of 8835
profiling all new claimants under this chapter that: 8836

(1) Identifies which claimants will be likely to exhaust 8837
regular compensation and will need job search assistance services 8838
to make a successful transition to new employment; 8839

(2) Refers claimants identified pursuant to division (K)(1) 8840
of this section to reemployment services, such as job search 8841
assistance services, available under any state or federal law; 8842

(3) Collects follow-up information relating to the services 8843
received by such claimants and the employment outcomes for such 8844
claimant's subsequent to receiving such services and utilizes such 8845
information in making identifications pursuant to division (K)(1) 8846
of this section; and 8847

(4) Meets such other requirements as the United States 8848
secretary of labor determines are appropriate. 8849

Sec. 4141.293. (A) As used in this section, "learn to earn 8850
program" means any program established by the department of job 8851
and family services that offers a structured, supervised training 8852
opportunity to an eligible unemployment compensation claimant with 8853
a designated worksite training provider. 8854

(B) Participation in a learn to earn program is voluntary. 8855

(C) If a learn to earn program participant is otherwise 8856
eligible for unemployment compensation benefits, the participant 8857
shall continue to receive unemployment compensation benefits 8858
pursuant to this chapter during participation in the program. 8859

(D) A participant in a learn to earn program shall be 8860
registered at an employment office or other registration place 8861
maintained or designated by the director of job and family 8862
services according to the procedure set forth in division (A)(3) 8863
of section 4141.29 of the Revised Code. 8864

(E) A learn to earn program participant may participate in a 8865
learn to earn program for a period not to exceed twenty-four hours 8866
a week for a maximum of six weeks. 8867

Sec. 4301.20. This chapter and Chapter 4303. of the Revised 8868
Code do not prevent the following: 8869

(A) The storage of intoxicating liquor in bonded warehouses, 8870
established in accordance with the acts of congress and under the 8871

regulation of the United States, located in this state, or the 8872
transportation of intoxicating liquor to or from bonded warehouses 8873
of the United States wherever located; 8874

(B) A bona fide resident of this state who is the owner of a 8875
warehouse receipt from obtaining or transporting to the resident's 8876
residence for the resident's own consumption and not for resale 8877
spirituous liquor stored in a government bonded warehouse in this 8878
state or in another state prior to December 1933, subject to such 8879
terms as are prescribed by the division of liquor control; 8880

(C) The manufacture of cider from fruit for the purpose of 8881
making vinegar, and nonintoxicating cider and fruit juices for use 8882
and sale; 8883

(D) A licensed physician or dentist from administering or 8884
dispensing intoxicating liquor or alcohol to a patient in good 8885
faith in the actual course of the practice of the physician's or 8886
dentist's profession; 8887

(E) The sale of alcohol to physicians, dentists, druggists, 8888
veterinary surgeons, manufacturers, hospitals, infirmaries, or 8889
medical or educational institutions using the alcohol for 8890
medicinal, mechanical, chemical, or scientific purposes; 8891

(F) The sale, gift, or keeping for sale by druggists and 8892
others of any of the medicinal preparations manufactured in 8893
accordance with the formulas prescribed by the United States 8894
Pharmacopoeia and National Formulary, patent or proprietary 8895
preparations, and other bona fide medicinal and technical 8896
preparations, which contain no more alcohol than is necessary to 8897
hold the medicinal agents in solution and to preserve the same, 8898
which are manufactured and sold as medicine and not as beverages, 8899
are unfit for use for beverage purposes, and the sale of which 8900
does not require the payment of a United States liquor dealer's 8901
tax; 8902

(G) The manufacture and sale of tinctures or of toilet, 8903
medicinal, and antiseptic preparations and solutions not intended 8904
for internal human use nor to be sold as beverages, and which are 8905
unfit for beverage purposes, if upon the outside of each bottle, 8906
box, or package of which there is printed in the English language, 8907
conspicuously and legibly, the quantity by volume of alcohol in 8908
the preparation or solution; 8909

(H) The manufacture and keeping for sale of the food products 8910
known as flavoring extracts when manufactured and sold for 8911
cooking, culinary, or flavoring purposes, and which are unfit for 8912
use for beverage purposes; 8913

(I) The lawful sale of wood alcohol or of ethyl alcohol for 8914
external use when combined with other substances as to make it 8915
unfit for internal use; 8916

(J) The manufacture, sale, and transport of ethanol or ethyl 8917
alcohol for use as fuel. As used in this division, "ethanol" has 8918
the same meaning as in section 5733.46 of the Revised Code. 8919

(K) The purchase and importation into this state or the 8920
purchase at wholesale from A or B permit holders in this state of 8921
beer and intoxicating liquor for use in manufacturing processes of 8922
nonbeverage food products under terms prescribed by the division, 8923
provided that the terms prescribed by the division shall not 8924
increase the cost of the beer or intoxicating liquor to any 8925
person, firm, or corporation purchasing and importing it into this 8926
state or purchasing it from an A or B permit holder for that use; 8927

(L) Any resident of this state or any member of the armed 8928
forces of the United States, who has attained the age of 8929
twenty-one years, from bringing into this state, for personal use 8930
and not for resale, not more than one liter of spirituous liquor, 8931
four and one-half liters of wine, or two hundred eighty-eight 8932
ounces of beer in any thirty-day period, and the same is free of 8933

any tax consent fee when the resident or member of the armed 8934
forces physically possesses and accompanies the spirituous liquor, 8935
wine, or beer on returning from a foreign country, another state, 8936
or an insular possession of the United States; 8937

(M) Persons, at least twenty-one years of age, who collect 8938
ceramic commemorative bottles containing spirituous liquor that 8939
have unbroken federal tax stamps on them from selling or trading 8940
the bottles to other collectors. The bottles shall originally have 8941
been purchased at retail from the division, legally imported under 8942
division (L) of this section, or legally imported pursuant to a 8943
supplier registration issued by the division. The sales shall be 8944
for the purpose of exchanging a ceramic commemorative bottle 8945
between private collectors and shall not be for the purpose of 8946
selling the spirituous liquor for personal consumption. The sale 8947
or exchange authorized by this division shall not occur on the 8948
premises of any permit holder, shall not be made in connection 8949
with the business of any permit holder, and shall not be made in 8950
connection with any mercantile business. 8951

(N) The sale of beer or intoxicating liquor without a liquor 8952
permit at a private residence, not more than five times per 8953
calendar year at a residence address, at an event that has the 8954
following characteristics: 8955

(1) The event is for a charitable, benevolent, or political 8956
purpose, but shall not include any event the proceeds of which are 8957
for the profit or gain of any individual; 8958

(2) The event has in attendance not more than fifty people; 8959

(3) The event shall be for a period not to exceed twelve 8960
hours; 8961

(4) The sale of beer and intoxicating liquor at the event 8962
shall not take place between two-thirty a.m. and five-thirty a.m.; 8963

(5) No person under twenty-one years of age shall purchase or 8964

consume beer or intoxicating liquor at the event and no beer or 8965
intoxicating liquor shall be sold to any person under twenty-one 8966
years of age at the event; and 8967

(6) No person at the event shall sell or furnish beer or 8968
intoxicating liquor to an intoxicated person. 8969

(O) The possession or consumption of beer or intoxicating 8970
liquor by a person who is under twenty-one years of age and who is 8971
a student at an accredited college or university, provided that 8972
both of the following apply: 8973

(1) The person is required to taste and expectorate the beer 8974
or intoxicating liquor for a culinary, food service, or 8975
hospitality course. 8976

(2) The person is under the direct supervision of the 8977
instructor of the culinary, food service, or hospitality course. 8978

Sec. 5104.01. As used in this chapter: 8979

(A) "Administrator" means the person responsible for the 8980
daily operation of a center or type A home. The administrator and 8981
the owner may be the same person. 8982

(B) "Approved child day camp" means a child day camp approved 8983
pursuant to section 5104.22 of the Revised Code. 8984

(C) "Authorized provider" means a person authorized by a 8985
county director of job and family services to operate a certified 8986
type B family day-care home. 8987

(D) "Border state child care provider" means a child care 8988
provider that is located in a state bordering Ohio and that is 8989
licensed, certified, or otherwise approved by that state to 8990
provide child care. 8991

(E) "Career pathways model" means an alternative pathway to 8992
meeting the requirements ~~for~~ to be a child_care staff member or 8993

administrator that ~~uses one~~ does both of the following: 8994

(1) Uses a framework approved by the director of job and 8995
family services to integrate the pathways of document 8996
education, training, experience, and specialized credentials, and 8997
~~certifications, and that allows;~~ 8998

(2) Allows the child-care staff member or administrator to 8999
achieve a designation as an early childhood professional level 9000
one, two, three, four, five, or six. 9001

(F) "Caretaker parent" means the father or mother of a child 9002
whose presence in the home is needed as the caretaker of the 9003
child, a person who has legal custody of a child and whose 9004
presence in the home is needed as the caretaker of the child, a 9005
guardian of a child whose presence in the home is needed as the 9006
caretaker of the child, and any other person who stands in loco 9007
parentis with respect to the child and whose presence in the home 9008
is needed as the caretaker of the child. 9009

(G) "Certified type B family day-care home" and "certified 9010
type B home" mean a type B family day-care home that is certified 9011
by the director of the county department of job and family 9012
services pursuant to section 5104.11 of the Revised Code to 9013
receive public funds for providing child care pursuant to this 9014
chapter and any rules adopted under it. 9015

(H) "Chartered nonpublic school" means a school that meets 9016
standards for nonpublic schools prescribed by the state board of 9017
education for nonpublic schools pursuant to section 3301.07 of the 9018
Revised Code. 9019

(I) "Child" includes an infant, toddler, ~~preschool~~ 9020
preschool-age child, or ~~school~~ school-age child. 9021

(J) "Child care block grant act" means the "Child Care and 9022
Development Block Grant Act of 1990," established in section 5082 9023
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 9024

1388-236 (1990), 42 U.S.C. 9858, as amended. 9025

(K) "Child day camp" means a program in which only ~~school~~ 9026
school-age children attend or participate, that operates for no 9027
more than seven hours per day, that operates only during one or 9028
more public school district's regular vacation periods or for no 9029
more than fifteen weeks during the summer, and that operates 9030
outdoor activities for each child who attends or participates in 9031
the program for a minimum of fifty per cent of each day that 9032
children attend or participate in the program, except for any day 9033
when hazardous weather conditions prevent the program from 9034
operating outdoor activities for a minimum of fifty per cent of 9035
that day. For purposes of this division, the maximum seven hours 9036
of operation time does not include transportation time from a 9037
child's home to a child day camp and from a child day camp to a 9038
child's home. 9039

(L) "Child care" means administering to the needs of infants, 9040
toddlers, ~~preschool~~ preschool-age children, and ~~school~~ school-age 9041
children outside of school hours by persons other than their 9042
parents or guardians, custodians, or relatives by blood, marriage, 9043
or adoption for any part of the twenty-four-hour day in a place or 9044
residence other than a child's own home. 9045

(M) "Child day-care center" and "center" mean any place in 9046
which child care or publicly funded child care is provided for 9047
thirteen or more children at one time or any place that is not the 9048
permanent residence of the licensee or administrator in which 9049
child care or publicly funded child care is provided for seven to 9050
twelve children at one time. In counting children for the purposes 9051
of this division, any children under six years of age who are 9052
related to a licensee, administrator, or employee and who are on 9053
the premises of the center shall be counted. "Child day-care 9054
center" and "center" do not include any of the following: 9055

(1) A place located in and operated by a hospital, as defined 9056

in section 3727.01 of the Revised Code, in which the needs of 9057
children are administered to, if all the children whose needs are 9058
being administered to are monitored under the on-site supervision 9059
of a physician licensed under Chapter 4731. of the Revised Code or 9060
a registered nurse licensed under Chapter 4723. of the Revised 9061
Code, and the services are provided only for children who, in the 9062
opinion of the child's parent, guardian, or custodian, are 9063
exhibiting symptoms of a communicable disease or other illness or 9064
are injured; 9065

(2) A child day camp; 9066

(3) A place that provides child care, but not publicly funded 9067
child care, if all of the following apply: 9068

(a) An organized religious body provides the child care; 9069

(b) A parent, custodian, or guardian of at least one child 9070
receiving child care is on the premises and readily accessible at 9071
all times; 9072

(c) The child care is not provided for more than thirty days 9073
a year; 9074

(d) The child care is provided only for ~~preschool~~ 9075
preschool-age and ~~school~~ school-age children. 9076

(N) "Child care resource and referral service organization" 9077
means a community-based nonprofit organization that provides child 9078
care resource and referral services but not child care. 9079

(O) "Child care resource and referral services" means all of 9080
the following services: 9081

(1) Maintenance of a uniform data base of all child care 9082
providers in the community that are in compliance with this 9083
chapter, including current occupancy and vacancy data; 9084

(2) Provision of individualized consumer education to 9085
families seeking child care; 9086

(3) Provision of timely referrals of available child care providers to families seeking child care;	9087 9088
(4) Recruitment of child care providers;	9089
(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;	9090 9091 9092 9093
(6) Collection and analysis of data on the supply of and demand for child care in the community;	9094 9095
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	9096 9097 9098
(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;	9099 9100 9101
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	9102 9103
(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;	9104 9105 9106 9107
(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.	9108 9109 9110 9111
(P) "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.	9112 9113 9114 9115 9116

(Q) "Drop-in child day-care center," "drop-in center,"	9117
"drop-in type A family day-care home," and "drop-in type A home"	9118
mean a center or type A home that provides child care or publicly	9119
funded child care for children on a temporary, irregular basis.	9120
(R) "Employee" means a person who either:	9121
(1) Receives compensation for duties performed in a child	9122
day-care center or type A family day-care home;	9123
(2) Is assigned specific working hours or duties in a child	9124
day-care center or type A family day-care home.	9125
(S) "Employer" means a person, firm, institution,	9126
organization, or agency that operates a child day-care center or	9127
type A family day-care home subject to licensure under this	9128
chapter.	9129
(T) "Federal poverty line" means the official poverty	9130
guideline as revised annually in accordance with section 673(2) of	9131
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42	9132
U.S.C. 9902, as amended, for a family size equal to the size of	9133
the family of the person whose income is being determined.	9134
(U) "Head start program" means a comprehensive child	9135
development program that receives funds distributed under the	9136
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as	9137
amended, and is licensed as a child day-care center.	9138
(V) "Income" means gross income, as defined in section	9139
5107.10 of the Revised Code, less any amounts required by federal	9140
statutes or regulations to be disregarded.	9141
(W) "Indicator checklist" means an inspection tool, used in	9142
conjunction with an instrument-based program monitoring	9143
information system, that contains selected licensing requirements	9144
that are statistically reliable indicators or predictors of a	9145
child day-care center or type A family day-care home's compliance	9146

with licensing requirements. 9147

(X) "Infant" means a child who is less than eighteen months 9148
of age. 9149

(Y) "In-home aide" means a person who does not reside with 9150
the child but provides care in the child's home and is certified 9151
by a county director of job and family services pursuant to 9152
section 5104.12 of the Revised Code to provide publicly funded 9153
child care to a child in a child's own home pursuant to this 9154
chapter and any rules adopted under it. 9155

(Z) "Instrument-based program monitoring information system" 9156
means a method to assess compliance with licensing requirements 9157
for child day-care centers and type A family day-care homes in 9158
which each licensing requirement is assigned a weight indicative 9159
of the relative importance of the requirement to the health, 9160
growth, and safety of the children that is used to develop an 9161
indicator checklist. 9162

(AA) "License capacity" means the maximum number in each age 9163
category of children who may be cared for in a child day-care 9164
center or type A family day-care home at one time as determined by 9165
the director of job and family services considering building 9166
occupancy limits established by the department of commerce, amount 9167
of available indoor floor space and outdoor play space, and amount 9168
of available play equipment, materials, and supplies. For the 9169
purposes of a provisional license issued under this chapter, the 9170
director shall also consider the number of available child-care 9171
staff members when determining "license capacity" for the 9172
provisional license. 9173

(BB) "Licensed child care program" means any of the 9174
following: 9175

(1) A child day-care center licensed by the department of job 9176
and family services pursuant to this chapter; 9177

(2) A type A family day-care home licensed by the department of job and family services pursuant to this chapter; 9178
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(3) A type B family day-care home certified by a county department of job and family services pursuant to this chapter; 9180
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(4) A licensed preschool program or licensed school child program. 9182
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(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. 9184
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~~(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. 9189
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~~(DD)~~(EE) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 9193
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~~(EE)~~(FF) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 9195
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~~(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, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of 9197
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operation. 9209

~~(GG)~~(HH) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for no more than four hours a day for any child. 9210
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~~(HH)~~(II) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities. 9215
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~~(II)~~(JJ) "~~Preschool~~ Preschool-age child" means a child who is three years old or older but is not a ~~school~~ school-age child. 9219
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~~(JJ)~~(KK) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom either of the following applies: 9221
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(1) A case plan prepared and maintained for the child pursuant to section 2151.412 of the Revised Code indicates a need for protective care and the child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code; 9224
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(2) The child and the child's caretaker either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the county department of job and family services to be homeless, and are otherwise ineligible for publicly funded child care. 9230
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~~(KK)~~(LL) "Publicly funded child care" means administering to the needs of infants, toddlers, ~~preschool~~ preschool-age children, and ~~school~~ school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state 9235
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funds, including funds available under the child care block grant 9240
act, Title IV-A, and Title XX, distributed by the department of 9241
job and family services. 9242

~~(LL)~~(MM) "Religious activities" means any of the following: 9243
worship or other religious services; religious instruction; Sunday 9244
school classes or other religious classes conducted during or 9245
prior to worship or other religious services; youth or adult 9246
fellowship activities; choir or other musical group practices or 9247
programs; meals; festivals; or meetings conducted by an organized 9248
religious group. 9249

~~(MM)~~(NN) "~~School~~ School-age child" means a child who is 9250
enrolled in or is eligible to be enrolled in a grade of 9251
kindergarten or above but is less than fifteen years old. 9252

~~(NN)~~(OO) "~~School child day care center,~~" "~~school~~ School-age 9253
child care center," "~~school child type A family day care home,~~" 9254
and "~~school~~ school-age child type A ~~family~~ home" mean a center or 9255
type A home that provides child care for ~~school~~ school-age 9256
children only and that does either or both of the following: 9257

(1) Operates only during that part of the day that 9258
immediately precedes or follows the public school day of the 9259
school district in which the center or type A home is located; 9260

(2) Operates only when the public schools in the school 9261
district in which the center or type A home is located are not 9262
open for instruction with pupils in attendance. 9263

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or 9264
certification rule violation that leads to a great risk of harm 9265
to, or death of, a child, and is observable, not inferable. 9266

~~(PP)~~(OO) "State median income" means the state median income 9267
calculated by the department of development pursuant to division 9268
(A)(1)(g) of section 5709.61 of the Revised Code. 9269

~~(QQ)~~(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 9270
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~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 9272
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~~(SS)~~(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age. 9274
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~~(TT)~~(UU) "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 A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp. 9276
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~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp. 9287
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Sec. 5104.011. (A) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of child day-care centers, including, but not limited to, parent cooperative centers, part-time centers, drop-in centers, and ~~school~~ school-age child care centers, which 9296
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rules shall reflect the various forms of child care and the needs 9301
of children receiving child care or publicly funded child care and 9302
shall include specific rules for ~~school~~ school-age child care 9303
centers that are developed in consultation with the department of 9304
education. The rules shall not require an existing school facility 9305
that is in compliance with applicable building codes to undergo an 9306
additional building code inspection or to have structural 9307
modifications. The rules shall include the following: 9308

(1) Submission of a site plan and descriptive plan of 9309
operation to demonstrate how the center proposes to meet the 9310
requirements of this chapter and rules adopted pursuant to this 9311
chapter for the initial license application; 9312

(2) Standards for ensuring that the physical surroundings of 9313
the center are safe and sanitary including, but not limited to, 9314
the physical environment, the physical plant, and the equipment of 9315
the center; 9316

(3) Standards for the supervision, care, and discipline of 9317
children receiving child care or publicly funded child care in the 9318
center; 9319

(4) Standards for a program of activities, and for play 9320
equipment, materials, and supplies, to enhance the development of 9321
each child; however, any educational curricula, philosophies, and 9322
methodologies that are developmentally appropriate and that 9323
enhance the social, emotional, intellectual, and physical 9324
development of each child shall be permissible. As used in this 9325
division, "program" does not include instruction in religious or 9326
moral doctrines, beliefs, or values that is conducted at child 9327
day-care centers owned and operated by churches and does include 9328
methods of disciplining children at child day-care centers. 9329

(5) Admissions policies and procedures, health care policies 9330
and procedures, including, but not limited to, procedures for the 9331

isolation of children with communicable diseases, first aid and 9332
emergency procedures, procedures for discipline and supervision of 9333
children, standards for the provision of nutritious meals and 9334
snacks, and procedures for screening children and employees, that 9335
may include any necessary physical examinations and immunizations; 9336

(6) Methods for encouraging parental participation in the 9337
center and methods for ensuring that the rights of children, 9338
parents, and employees are protected and that responsibilities of 9339
parents and employees are met; 9340

(7) Procedures for ensuring the safety and adequate 9341
supervision of children traveling off the premises of the center 9342
while under the care of a center employee; 9343

(8) Procedures for record keeping, organization, and 9344
administration; 9345

(9) Procedures for issuing, denying, and revoking a license 9346
that are not otherwise provided for in Chapter 119. of the Revised 9347
Code; 9348

(10) Inspection procedures; 9349

(11) Procedures and standards for setting initial license 9350
application fees; 9351

(12) Procedures for receiving, recording, and responding to 9352
complaints about centers; 9353

(13) Procedures for enforcing section 5104.04 of the Revised 9354
Code; 9355

(14) A standard requiring the inclusion, on and after July 1, 9356
1987, of a current department of job and family services toll-free 9357
telephone number on each center provisional license or license 9358
which any person may use to report a suspected violation by the 9359
center of this chapter or rules adopted pursuant to this chapter; 9360

(15) Requirements for the training of administrators and 9361

child-care staff members in first aid, in prevention, recognition, 9362
and management of communicable diseases, and in child abuse 9363
recognition and prevention. Training requirements for child 9364
day-care centers adopted under this division shall be consistent 9365
with divisions (B)(6) and (C)(1) of this section. 9366

(16) Standards providing for the special needs of children 9367
who are handicapped or who require treatment for health conditions 9368
while the child is receiving child care or publicly funded child 9369
care in the center; 9370

(17) A procedure for reporting of injuries of children that 9371
occur at the center; 9372

(18) Any other procedures and standards necessary to carry 9373
out this chapter. 9374

(B)(1) The child day-care center shall have, for each child 9375
for whom the center is licensed, at least thirty-five square feet 9376
of usable indoor floor space wall-to-wall regularly available for 9377
the child care operation exclusive of any parts of the structure 9378
in which the care of children is prohibited by law or by rules 9379
adopted by the board of building standards. The minimum of 9380
thirty-five square feet of usable indoor floor space shall not 9381
include hallways, kitchens, storage areas, or any other areas that 9382
are not available for the care of children, as determined by the 9383
director, in meeting the space requirement of this division, and 9384
bathrooms shall be counted in determining square footage only if 9385
they are used exclusively by children enrolled in the center, 9386
except that the exclusion of hallways, kitchens, storage areas, 9387
bathrooms not used exclusively by children enrolled in the center, 9388
and any other areas not available for the care of children from 9389
the minimum of thirty-five square feet of usable indoor floor 9390
space shall not apply to: 9391

(a) Centers licensed prior to or on September 1, 1986, that 9392

continue under licensure after that date; 9393

(b) Centers licensed prior to or on September 1, 1986, that 9394
are issued a new license after that date solely due to a change of 9395
ownership of the center. 9396

(2) The child day-care center shall have on the site a safe 9397
outdoor play space which is enclosed by a fence or otherwise 9398
protected from traffic or other hazards. The play space shall 9399
contain not less than sixty square feet per child using such space 9400
at any one time, and shall provide an opportunity for supervised 9401
outdoor play each day in suitable weather. The director may exempt 9402
a center from the requirement of this division, if an outdoor play 9403
space is not available and if all of the following are met: 9404

(a) The center provides an indoor recreation area that has 9405
not less than sixty square feet per child using the space at any 9406
one time, that has a minimum of one thousand four hundred forty 9407
square feet of space, and that is separate from the indoor space 9408
required under division (B)(1) of this section. 9409

(b) The director has determined that there is regularly 9410
available and scheduled for use a conveniently accessible and safe 9411
park, playground, or similar outdoor play area for play or 9412
recreation. 9413

(c) The children are closely supervised during play and while 9414
traveling to and from the area. 9415

The director also shall exempt from the requirement of this 9416
division a child day-care center that was licensed prior to 9417
September 1, 1986, if the center received approval from the 9418
director prior to September 1, 1986, to use a park, playground, or 9419
similar area, not connected with the center, for play or 9420
recreation in lieu of the outdoor space requirements of this 9421
section and if the children are closely supervised both during 9422
play and while traveling to and from the area and except if the 9423

director determines upon investigation and inspection pursuant to 9424
section 5104.04 of the Revised Code and rules adopted pursuant to 9425
that section that the park, playground, or similar area, as well 9426
as access to and from the area, is unsafe for the children. 9427

(3) The child day-care center shall have at least two 9428
responsible adults available on the premises at all times when 9429
seven or more children are in the center. The center shall 9430
organize the children in the center in small groups, shall provide 9431
child-care staff to give continuity of care and supervision to the 9432
children on a day-by-day basis, and shall ensure that no child is 9433
left alone or unsupervised. Except as otherwise provided in 9434
division (E) of this section, the maximum number of children per 9435
child-care staff member and maximum group size, by age category of 9436
children, are as follows: 9437

	Maximum Number of		
Age Category	Children Per	Maximum	
of Children	Child-Care	Group	
	Staff Member	Size	
(a) Infants:			9442
(i) Less than twelve			9443
months old	5:1, or		9444
	12:2 if two		9445
	child-care		9446
	staff members		9447
	are in the room	12	9448
(ii) At least twelve			9449
months old, but			9450
less than eighteen			9451
months old	6:1	12	9452
(b) Toddlers:			9453
(i) At least eighteen			9454
months old, but			9455

less than thirty			9456
months old	7:1	14	9457
(ii) At least thirty months			9458
old, but less than			9459
three years old	8:1	16	9460
(c) Preschool <u>Preschool-age</u>			9461
children:			9462
(i) Three years old	12:1	24	9463
(ii) Four years old and			9464
five years old who			9465
are not school			9466
children	14:1	28	9467
(d) School <u>School-age</u>			9468
children:			
(i) A child who is			9469
enrolled in or is			9470
eligible to be			9471
enrolled in a grade			9472
of kindergarten			9473
or above, but			9474
is less than			9475
eleven years old	18:1	36	9476
(ii) Eleven through fourteen			9477
years old	20:1	40	9478
Except as otherwise provided in division (E) of this section,			9479
the maximum number of children per child-care staff member and			9480
maximum group size requirements of the younger age group shall			9481
apply when age groups are combined.			9482
(4)(a) The child day care center administrator shall show the			9483
director both of the following:			9484
(i) Evidence of at least high school graduation or			9485
certification of high school equivalency by the state board of			9486

~~education or the appropriate agency of another state;~~ 9487

~~(ii) Evidence of having completed at least two years of 9488
training in an accredited college, university, or technical 9489
college, including courses in child development or early childhood 9490
education, at least two years of experience in supervising and 9491
giving daily care to children attending an organized group 9492
program, or the equivalent based on a designation as an "early 9493
childhood professional level three" under the career pathways 9494
model of the quality rating program established under section 9495
5104.30 of the Revised Code. 9496~~

~~(b) In addition to the requirements of division (B)(4)(a) of 9497
this section and except as provided in division (B)(4)(c) of this 9498
section, any administrator employed or designated as such prior to 9499
the effective date of this section, as amended, shall show 9500
evidence of at least one of the following within six years after 9501
the date of employment or designation. 9502~~

~~(i) Two years of experience working as a child care staff 9503
member in a center and at least four courses in child development 9504
or early childhood education from an accredited college, 9505
university, or technical college, except that a person who has two 9506
years of experience working as a child care staff member in a 9507
particular center and who has been promoted to or designated as 9508
administrator of that center shall have one year from the time the 9509
person was promoted to or designated as administrator to complete 9510
the required four courses; 9511~~

~~(ii) Two years of training, including at least four courses 9512
in child development or early childhood education from an 9513
accredited college, university, or technical college; 9514~~

~~(iii) A child development associate credential issued by the 9515
national child development associate credentialing commission; 9516~~

~~(iv) An associate or higher degree in child development or 9517~~

~~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.~~

~~(c) For the purposes of division (B)(4)(b) of this section,
any administrator employed or designated as such prior to the
effective date of this section, as amended, may also show evidence
of an administrator's credential as approved by the department of
job and family services in lieu of, or in addition to, the
evidence required under division (B)(4)(b) of this section. The
evidence of an administrator's credential must be shown to the
director not later than one year after the date of employment or
designation.~~

~~(d) In addition to the requirements of division (B)(4)(a) of
this section, any administrator employed or designated as such on
or after the effective date of this section, as amended, shall
show evidence of at least one of the following not later than one
year after the date of employment or designation:~~

~~(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;~~

~~(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;~~

~~(iii) A child development associate credential issued by the~~

~~national child development associate credentialing commission;~~ 9549

~~(iv) An associate or higher degree in child development or 9550
early childhood education from an accredited college, technical 9551
college, or university, or a license designated for teaching in an 9552
associate teaching position in a preschool setting issued by the 9553
state board of education;~~ 9554

~~(v) An administrator's credential as approved by the 9555
department of job and family services.~~ 9556

~~(5) All child care staff members of a child day care center 9557
shall be at least eighteen years of age, and shall furnish the 9558
director evidence of at least high school graduation or 9559
certification of high school equivalency by the state board of 9560
education or the appropriate agency of another state or evidence 9561
of completion of a training program approved by the department of 9562
job and family services or state board of education, except as 9563
follows:~~ 9564

~~(a) A child care staff member may be less than eighteen years 9565
of age if the staff member is either of the following:~~ 9566

~~(i) A graduate of a two year vocational child care training 9567
program approved by the state board of education;~~ 9568

~~(ii) A student enrolled in the second year of a vocational 9569
child care training program approved by the state board of 9570
education which leads to high school graduation, provided that the 9571
student performs the student's duties in the child day care center 9572
under the continuous supervision of an experienced child care 9573
staff member, receives periodic supervision from the vocational 9574
child care training program teacher coordinator in the student's 9575
high school, and meets all other requirements of this chapter and 9576
rules adopted pursuant to this chapter.~~ 9577

~~(b) A child care staff member shall be exempt from the 9578
educational requirements of this division if the staff member:~~ 9579

~~(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;~~

~~(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;~~

~~(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.~~

~~(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:~~

~~(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;~~

~~(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;~~

~~(c) Evidence of a child development associate credential;~~

~~(d) Evidence of a preprimary credential from the American 9611
Montessori society or the association Montessori internationale. 9612
For the purposes of division (B)(6) of this section, "hour" means 9613
sixty minutes. 9614~~

(C)(1) Each child day-care center shall have on the center 9615
premises and readily available at all times at least one 9616
child-care staff member who has completed a course in first aid, 9617
one staff member who has completed a course in prevention, 9618
recognition, and management of communicable diseases which is 9619
approved by the state department of health, and a staff member who 9620
has completed a course in child abuse recognition and prevention 9621
training which is approved by the department of job and family 9622
services. 9623

(2) The administrator of each child day-care center shall 9624
maintain enrollment, health, and attendance records for all 9625
children attending the center and health and employment records 9626
for all center employees. The records shall be confidential, 9627
except that they shall be disclosed by the administrator to the 9628
director upon request for the purpose of administering and 9629
enforcing this chapter and rules adopted pursuant to this chapter. 9630
Neither the center nor the licensee, administrator, or employees 9631
of the center shall be civilly or criminally liable in damages or 9632
otherwise for records disclosed to the director by the 9633
administrator pursuant to this division. It shall be a defense to 9634
any civil or criminal charge based upon records disclosed by the 9635
administrator to the director that the records were disclosed 9636
pursuant to this division. 9637

(3)(a) Any parent who is the residential parent and legal 9638
custodian of a child enrolled in a child day-care center and any 9639
custodian or guardian of such a child shall be permitted unlimited 9640
access to the center during its hours of operation for the 9641
purposes of contacting their children, evaluating the care 9642

provided by the center, evaluating the premises of the center, or 9643
for other purposes approved by the director. A parent of a child 9644
enrolled in a child day-care center who is not the child's 9645
residential parent shall be permitted unlimited access to the 9646
center during its hours of operation for those purposes under the 9647
same terms and conditions under which the residential parent of 9648
that child is permitted access to the center for those purposes. 9649
However, the access of the parent who is not the residential 9650
parent is subject to any agreement between the parents and, to the 9651
extent described in division (C)(3)(b) of this section, is subject 9652
to any terms and conditions limiting the right of access of the 9653
parent who is not the residential parent, as described in division 9654
(I) of section 3109.051 of the Revised Code, that are contained in 9655
a parenting time order or decree issued under that section, 9656
section 3109.12 of the Revised Code, or any other provision of the 9657
Revised Code. 9658

(b) If a parent who is the residential parent of a child has 9659
presented the administrator or the administrator's designee with a 9660
copy of a parenting time order that limits the terms and 9661
conditions under which the parent who is not the residential 9662
parent is to have access to the center, as described in division 9663
(I) of section 3109.051 of the Revised Code, the parent who is not 9664
the residential parent shall be provided access to the center only 9665
to the extent authorized in the order. If the residential parent 9666
has presented such an order, the parent who is not the residential 9667
parent shall be permitted access to the center only in accordance 9668
with the most recent order that has been presented to the 9669
administrator or the administrator's designee by the residential 9670
parent or the parent who is not the residential parent. 9671

(c) Upon entering the premises pursuant to division (C)(3)(a) 9672
or (b) of this section, the parent who is the residential parent 9673
and legal custodian, the parent who is not the residential parent, 9674

or the custodian or guardian shall notify the administrator or the 9675
administrator's designee of the parent's, custodian's, or 9676
guardian's presence. 9677

(D) The director of job and family services, in addition to 9678
the rules adopted under division (A) of this section, shall adopt 9679
rules establishing minimum requirements for child day-care 9680
centers. The rules shall include, but not be limited to, the 9681
requirements set forth in divisions (B) and (C) of this section 9682
and sections 5104.031, 5104.032, and 5104.033 of the Revised Code. 9683
Except as provided in section 5104.07 of the Revised Code, the 9684
rules shall not change the square footage requirements of division 9685
(B)(1) or (2) of this section; the maximum number of children per 9686
child-care staff member and maximum group size requirements of 9687
division (B)(3) of this section; the educational and experience 9688
requirements of ~~division (B)(4) of this section~~ 5104.031 of the 9689
Revised Code; the age, educational, and experience requirements of 9690
~~division (B)(5) of this section~~ 5104.032 of the Revised Code; the 9691
number and type of inservice training hours required under 9692
~~division (B)(6) of this section~~ 5104.033 of the Revised Code; 9693
however, the rules shall provide procedures for determining 9694
compliance with those requirements. 9695

(E)(1) When age groups are combined, the maximum number of 9696
children per child-care staff member shall be determined by the 9697
age of the youngest child in the group, except that when no more 9698
than one child thirty months of age or older receives services in 9699
a group in which all the other children are in the next older age 9700
group, the maximum number of children per child-care staff member 9701
and maximum group size requirements of the older age group 9702
established under division (B)(3) of this section shall apply. 9703

(2) The maximum number of toddlers or ~~preschool~~ preschool-age 9704
children per child-care staff member in a room where children are 9705
napping shall be twice the maximum number of children per 9706

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;

(3) Standards for the supervision, care, and discipline of

children receiving child care or publicly funded child care in the 9737
type A home; 9738

(4) Standards for a program of activities, and for play 9739
equipment, materials, and supplies, to enhance the development of 9740
each child; however, any educational curricula, philosophies, and 9741
methodologies that are developmentally appropriate and that 9742
enhance the social, emotional, intellectual, and physical 9743
development of each child shall be permissible; 9744

(5) Admissions policies and procedures, health care policies 9745
and procedures, including, but not limited to, procedures for the 9746
isolation of children with communicable diseases, first aid and 9747
emergency procedures, procedures for discipline and supervision of 9748
children, standards for the provision of nutritious meals and 9749
snacks, and procedures for screening children and employees, 9750
including, but not limited to, any necessary physical examinations 9751
and immunizations; 9752

(6) Methods for encouraging parental participation in the 9753
type A home and methods for ensuring that the rights of children, 9754
parents, and employees are protected and that the responsibilities 9755
of parents and employees are met; 9756

(7) Procedures for ensuring the safety and adequate 9757
supervision of children traveling off the premises of the type A 9758
home while under the care of a type A home employee; 9759

(8) Procedures for record keeping, organization, and 9760
administration; 9761

(9) Procedures for issuing, denying, and revoking a license 9762
that are not otherwise provided for in Chapter 119. of the Revised 9763
Code; 9764

(10) Inspection procedures; 9765

(11) Procedures and standards for setting initial license 9766

application fees;	9767
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	9768 9769
(13) Procedures for enforcing section 5104.04 of the Revised Code;	9770 9771
(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;	9772 9773 9774 9775 9776 9777
(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;	9778 9779 9780 9781
(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;	9782 9783 9784 9785
(17) Standards for the maximum number of children per child-care staff member;	9786 9787
(18) Requirements for the amount of usable indoor floor space for each child;	9788 9789
(19) Requirements for safe outdoor play space;	9790
(20) Qualifications and training requirements for administrators and for child-care staff members;	9791 9792
(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;	9793 9794 9795
(22) Standards for the preparation and distribution of a	9796

roster of parents, custodians, and guardians; 9797

(23) Any other procedures and standards necessary to carry 9798
out this chapter. 9799

(G) The director of job and family services shall adopt rules 9800
pursuant to Chapter 119. of the Revised Code governing the 9801
certification of type B family day-care homes. 9802

(1) The rules shall include all of the following: 9803

(a) Procedures, standards, and other necessary provisions for 9804
granting limited certification to type B family day-care homes 9805
that are operated by the following adult providers: 9806

(i) Persons who provide child care for eligible children who 9807
are great-grandchildren, grandchildren, nieces, nephews, or 9808
siblings of the provider or for eligible children whose caretaker 9809
parent is a grandchild, child, niece, nephew, or sibling of the 9810
provider; 9811

(ii) Persons who provide child care for eligible children all 9812
of whom are the children of the same caretaker parent; 9813

(b) Procedures for the director to ensure, that type B homes 9814
that receive a limited certification provide child care to 9815
children in a safe and sanitary manner; 9816

(c) Requirements for the type B home to notify parents with 9817
children in the type B home that the type B home is also certified 9818
as a foster home under section 5103.03 of the Revised Code. 9819

With regard to providers who apply for limited certification, 9820
a provider shall be granted a provisional limited certification on 9821
signing a declaration under oath attesting that the provider meets 9822
the standards for limited certification. Such provisional limited 9823
certifications shall remain in effect for no more than sixty 9824
calendar days and shall entitle the provider to offer publicly 9825
funded child care during the provisional period. Except as 9826

otherwise provided in division (G)(1) of this section, section 9827
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 9828
section 5104.11 of the Revised Code, prior to the expiration of 9829
the provisional limited certificate, a county department of job 9830
and family services shall inspect the home and shall grant limited 9831
certification to the provider if the provider meets the 9832
requirements of this division. Limited certificates remain valid 9833
for two years unless earlier revoked. Except as otherwise provided 9834
in division (G)(1) of this section, providers operating under 9835
limited certification shall be inspected annually. 9836

If a provider is a person described in division (G)(1)(a)(i) 9837
of this section or a person described in division (G)(1)(a)(ii) of 9838
this section who is a friend of the caretaker parent, the provider 9839
and the caretaker parent may verify in writing to the county 9840
department of job and family services that minimum health and 9841
safety requirements are being met in the home. Except as otherwise 9842
provided in section 5104.013 or 5104.09 or in division (A)(2) of 9843
section 5104.11 of the Revised Code, if such verification is 9844
provided, the county shall waive any inspection required by this 9845
chapter and grant limited certification to the provider. 9846

(2) The rules shall provide for safeguarding the health, 9847
safety, and welfare of children receiving child care or publicly 9848
funded child care in a certified type B home and shall include the 9849
following: 9850

(a) Standards for ensuring that the type B home and the 9851
physical surroundings of the type B home are safe and sanitary, 9852
including, but not limited to, physical environment, physical 9853
plant, and equipment; 9854

(b) Standards for the supervision, care, and discipline of 9855
children receiving child care or publicly funded child care in the 9856
home; 9857

(c) Standards for a program of activities, and for play 9858
equipment, materials, and supplies to enhance the development of 9859
each child; however, any educational curricula, philosophies, and 9860
methodologies that are developmentally appropriate and that 9861
enhance the social, emotional, intellectual, and physical 9862
development of each child shall be permissible; 9863

(d) Admission policies and procedures, health care, first aid 9864
and emergency procedures, procedures for the care of sick 9865
children, procedures for discipline and supervision of children, 9866
nutritional standards, and procedures for screening children and 9867
authorized providers, including, but not limited to, any necessary 9868
physical examinations and immunizations; 9869

(e) Methods of encouraging parental participation and 9870
ensuring that the rights of children, parents, and authorized 9871
providers are protected and the responsibilities of parents and 9872
authorized providers are met; 9873

(f) Standards for the safe transport of children when under 9874
the care of authorized providers; 9875

(g) Procedures for issuing, renewing, denying, refusing to 9876
renew, or revoking certificates; 9877

(h) Procedures for the inspection of type B homes that 9878
require, at a minimum, that each type B home be inspected prior to 9879
certification to ensure that the home is safe and sanitary; 9880

(i) Procedures for record keeping and evaluation; 9881

(j) Procedures for receiving, recording, and responding to 9882
complaints; 9883

(k) Standards providing for the special needs of children who 9884
are handicapped or who receive treatment for health conditions 9885
while the child is receiving child care or publicly funded child 9886
care in the type B home; 9887

(l) Requirements for the amount of usable indoor floor space for each child;	9888
(m) Requirements for safe outdoor play space;	9889
(n) Qualification and training requirements for authorized providers;	9890
(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;	9891
(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;	9892
(q) Any other procedures and standards necessary to carry out this chapter.	9893
(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:	9894
(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	9895
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plant, and equipment;	9919
(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;	9920 9921
(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;	9922 9923 9924 9925 9926 9927
(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;	9928 9929 9930 9931 9932 9933
(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;	9934 9935 9936 9937
(6) Standards for the safe transport of children when under the care of in-home aides;	9938 9939
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	9940 9941
(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	9942 9943
(9) Procedures for record keeping and evaluation;	9944
(10) Procedures for receiving, recording, and responding to complaints;	9945 9946
(11) Qualifications and training requirements for in-home aides;	9947 9948

(12) Standards providing for the special needs of children 9949
who are handicapped or who receive treatment for health conditions 9950
while the child is receiving publicly funded child care in the 9951
child's own home; 9952

(13) Any other procedures and standards necessary to carry 9953
out this chapter. 9954

(I) To the extent that any rules adopted for the purposes of 9955
this section require a health care professional to perform a 9956
physical examination, the rules shall include as a health care 9957
professional a physician assistant, a clinical nurse specialist, a 9958
certified nurse practitioner, or a certified nurse-midwife. 9959

(J)(1) The director of job and family services shall do all 9960
of the following: 9961

(a) Provide or make available in either paper or electronic 9962
form to each licensee notice of proposed rules governing the 9963
licensure of child day-care centers and type A homes; 9964

(b) Give public notice of hearings regarding the rules to 9965
each licensee at least thirty days prior to the date of the public 9966
hearing, in accordance with section 119.03 of the Revised Code; 9967

(c) At least thirty days before the effective date of a rule, 9968
provide, in either paper or electronic form, a copy of the adopted 9969
rule to each licensee. 9970

(2) The director shall do all of the following: 9971

(a) Send to each county director of job and family services a 9972
notice of proposed rules governing the certification of type B 9973
family homes and in-home aides that includes an internet web site 9974
address where the proposed rules can be viewed; 9975

(b) Give public notice of hearings regarding the proposed 9976
rules not less than thirty days in advance; 9977

(c) Provide to each county director of job and family 9978

services an electronic copy of each adopted rule at least 9979
forty-five days prior to the rule's effective date. 9980

(3) The county director of job and family services shall 9981
provide or make available in either paper or electronic form to 9982
each authorized provider and in-home aide copies of proposed rules 9983
and shall give public notice of hearings regarding the rules to 9984
each authorized provider and in-home aide at least thirty days 9985
prior to the date of the public hearing, in accordance with 9986
section 119.03 of the Revised Code. At least thirty days before 9987
the effective date of a rule, the county director of job and 9988
family services shall provide, in either paper or electronic form, 9989
copies of the adopted rule to each authorized provider and in-home 9990
aide. 9991

(4) Additional copies of proposed and adopted rules shall be 9992
made available by the director of job and family services to the 9993
public on request at no charge. 9994

(5) The director of job and family services may adopt rules 9995
pursuant to Chapter 119. of the Revised Code for imposing 9996
sanctions on persons and entities that are licensed or certified 9997
under this chapter. Sanctions may be imposed only for an action or 9998
omission that constitutes a serious risk noncompliance. The 9999
sanctions imposed shall be based on the scope and severity of the 10000
violations. 10001

The director shall make a dispute resolution process 10002
available for the implementation of sanctions. The process may 10003
include an opportunity for appeal pursuant to Chapter 119. of the 10004
Revised Code. 10005

(6) The director of job and family services shall adopt rules 10006
pursuant to Chapter 119. of the Revised Code that establish 10007
standards for the training of individuals whom any county 10008
department of job and family services employs, with whom any 10009

county department of job and family services contracts, or with 10010
whom the director of job and family services contracts, to inspect 10011
or investigate type B family day-care homes pursuant to section 10012
5104.11 of the Revised Code. The department shall provide training 10013
in accordance with those standards for individuals in the 10014
categories described in this division. 10015

(K) The director of job and family services shall review all 10016
rules adopted pursuant to this chapter at least once every seven 10017
years. 10018

(L) Notwithstanding any provision of the Revised Code, the 10019
director of job and family services shall not regulate in any way 10020
under this chapter or rules adopted pursuant to this chapter, 10021
instruction in religious or moral doctrines, beliefs, or values. 10022

Sec. 5104.02. (A) The director of job and family services is 10023
responsible for the licensing of child day-care centers and type A 10024
family day-care homes. Each entity operating a head start program 10025
shall meet the criteria for, and be licensed as, a child day-care 10026
center. The director is responsible for the enforcement of this 10027
chapter and of rules promulgated pursuant to this chapter. 10028

No person, firm, organization, institution, or agency shall 10029
operate, establish, manage, conduct, or maintain a child day-care 10030
center or type A family day-care home without a license issued 10031
under section 5104.03 of the Revised Code. The current license 10032
shall be posted in a conspicuous place in the center or type A 10033
home that is accessible to parents, custodians, or guardians and 10034
employees of the center or type A home at all times when the 10035
center or type A home is in operation. 10036

(B) A person, firm, institution, organization, or agency 10037
operating any of the following programs is exempt from the 10038
requirements of this chapter: 10039

(1) A program of child care that operates for two or less consecutive weeks;	10040 10041
(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;	10042 10043 10044 10045
(3) Religious activities which do not provide child care;	10046
(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;	10047 10048 10049 10050 10051 10052
(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;	10053 10054 10055 10056 10057 10058 10059
(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.	10060 10061 10062 10063 10064 10065
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 the department. Annually, each state department shall submit to	10066 10067 10068 10069 10070

the director a report for each such program it regulates or 10071
operates and regulates that includes the following information: 10072

(i) The site location of the program; 10073

(ii) The maximum number of infants, toddlers, ~~preschool~~ 10074
preschool-age children, or ~~school~~ school-age children served by 10075
the program at one time; 10076

(iii) The number of adults providing child care for the 10077
number of infants, toddlers, ~~preschool~~ preschool-age children, or 10078
~~school~~ school-age children; 10079

(iv) Any changes in the rules made subsequent to the time 10080
when the rules were initially submitted to the director. 10081

The director shall maintain a record of the child care 10082
information submitted by other state departments and shall provide 10083
this information upon request to the general assembly or the 10084
public. 10085

(b) Child care programs conducted by boards of education or 10086
by chartered nonpublic schools that are conducted in school 10087
buildings and that provide child care to ~~school~~ school-age 10088
children only shall be exempt from meeting or exceeding rules 10089
promulgated pursuant to this chapter. 10090

(7) Any preschool program or school child program, except a 10091
head start program, that is subject to licensure by the department 10092
of education under sections 3301.52 to 3301.59 of the Revised 10093
Code. 10094

(8) Any program providing child care that meets all of the 10095
following requirements and, on October 20, 1987, was being 10096
operated by a nonpublic school that holds a charter issued by the 10097
state board of education for kindergarten only: 10098

(a) The nonpublic school has given the notice to the state 10099
board and the director of job and family services required by 10100

Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 10101
10102

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 10103
10104
10105

(c) The program is conducted in a school building; 10106

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code. 10107
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(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply: 10110
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10112

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 10113
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10115

(b) The program provides informal child care and at least two of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 10116
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10118

(c) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code. 10119
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(d) The community-based center operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 10123
10124
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Sec. 5104.031. (A) A child day-care center administrator shall show the director of job and family services both of the following: 10126
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10128

(1) Evidence of at least high school graduation or 10129

<u>certification of high school equivalency by the state board of</u>	10130
<u>education or the appropriate agency of another state;</u>	10131
<u>(2) Evidence of having at least one of the following:</u>	10132
<u>(a) An associate, bachelor's, master's, doctoral, or other</u>	10133
<u>postgraduate degree in child development or early childhood</u>	10134
<u>education, or in a related field approved by the director, from an</u>	10135
<u>accredited college, university, or technical college;</u>	10136
<u>(b) A license designated as appropriate for teaching in an</u>	10137
<u>associate teaching position in a preschool setting issued by the</u>	10138
<u>state board of education pursuant to section 3319.22 of the</u>	10139
<u>Revised Code;</u>	10140
<u>(c) Designation under the career pathways model as an early</u>	10141
<u>childhood professional level three;</u>	10142
<u>(d) Two years of experience working as a child-care staff</u>	10143
<u>member in a licensed child care program, designation under the</u>	10144
<u>career pathways model as an early childhood professional level</u>	10145
<u>one, and, not later than one year after being named as</u>	10146
<u>administrator, designation under the career pathways model as an</u>	10147
<u>early childhood professional level two;</u>	10148
<u>(e) Two years of experience working as a child-care staff</u>	10149
<u>member in a licensed child care program and, except as provided in</u>	10150
<u>division (B) of this section, at least four courses in child</u>	10151
<u>development or early childhood education from an accredited</u>	10152
<u>college, university, or technical college;</u>	10153
<u>(f) Two years of experience working as a child-care staff</u>	10154
<u>member in a licensed child care program and a child development</u>	10155
<u>associate credential issued by the council for professional</u>	10156
<u>recognition;</u>	10157
<u>(g) Two years of training, including at least four courses in</u>	10158
<u>child development or early childhood education from an accredited</u>	10159

college, university, or technical college; 10160

(h) An infant and toddler or early childhood credential from 10161
a program accredited by the Montessori accreditation council for 10162
teacher education. 10163

(B) A person who has two years of experience working as a 10164
child-care staff member in a child day-care center and is promoted 10165
to or designated as administrator of that center shall have one 10166
year from the date of the promotion or designation to complete the 10167
courses required by division (A)(1)(e) of this section. 10168

Sec. 5104.032. (A) All child-care staff members of a child 10169
day-care center shall be at least eighteen years of age, and shall 10170
furnish the director of job and family services evidence of at 10171
least high school graduation or certification of high school 10172
equivalency by the state board of education or the appropriate 10173
agency of another state or evidence of completion of a training 10174
program approved by the department of job and family services or 10175
state board of education, except as follows: 10176

(B) A child-care staff member may be less than eighteen years 10177
of age if the staff member is either of the following: 10178

(1) A graduate of a two-year vocational child-care training 10179
program approved by the state board of education; 10180

(2) A student enrolled in the second year of a vocational 10181
child-care training program approved by the state board of 10182
education which leads to high school graduation, provided that the 10183
student performs the student's duties in the child day-care center 10184
under the continuous supervision of an experienced child-care 10185
staff member, receives periodic supervision from the vocational 10186
child-care training program teacher-coordinator in the student's 10187
high school, and meets all other requirements of this chapter and 10188
rules adopted pursuant to this chapter. 10189

(C) A child-care staff member shall be exempt from the educational requirements of division (A) of this section if the staff member: 10190
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10192

(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; 10193
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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; 10197
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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. 10206
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Sec. 5104.033. (A) Except as provided in division (B) of this section, each child-care staff member of a child day-care center annually shall complete fifteen hours of inservice training that includes the following subjects until the staff member has completed a total of forty-five hours of training: 10210
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(1) Child development or early childhood education; 10215

(2) Child abuse recognition and prevention; 10216

(3) First aid; 10217

(4) Prevention, recognition, and management of communicable diseases. 10218
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(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: 10220
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10223

(1) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college; 10224
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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; 10227
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(3) Evidence of a child development associate credential; 10230

(4) Evidence of an infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education. 10231
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(C) For purposes of this section, each hour of inservice training shall consist of sixty minutes of training. 10234
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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. 10236
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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: 10242
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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; 10246
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(2) Supervised training, instruction, or activities of 10249

children that is conducted on an organized or periodic basis no 10250
more than one day a week and for no more than six hours' duration 10251
and that is conducted in specific areas, including, but not 10252
limited to, art; drama; dance; music; gymnastics, swimming, or 10253
another athletic skill or sport; computers; or an educational 10254
subject; 10255

(3) Programs in which the department determines that at least 10256
one parent, custodian, or guardian of each child attending or 10257
participating in the child day camp is on the child day camp 10258
activity site and is readily accessible at all times, except that 10259
a child day camp on the premises of a parent's, custodian's, or 10260
guardian's place of employment shall be registered in accordance 10261
with division (A) of this section; 10262

(4) Child day camps funded and regulated or operated and 10263
regulated by any state department, other than the department of 10264
job and family services, when the department of job and family 10265
services has determined that the rules governing the child day 10266
camp are equivalent to or exceed the rules adopted pursuant to 10267
this section and section 5104.22 of the Revised Code. 10268

(C) A person, firm, organization, institution, or agency 10269
operating a child day camp that is exempt under division (B) of 10270
this section from registering under division (A) of this section 10271
may elect to register itself under division (A) of this section. 10272
All requirements of this section and the rules adopted pursuant to 10273
this section shall apply to any exempt child day camp that so 10274
elects to register. 10275

(D) The director of job and family services shall adopt 10276
pursuant to Chapter 119. of the Revised Code rules prescribing the 10277
registration form and establishing the procedure for the child day 10278
camps to register. The form shall not be longer than one 10279
typewritten page and shall state both of the following: 10280

(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 10313
departments or agency to make a complaint regarding the child day 10314
camp. 10315

Sec. 5104.30. (A) The department of job and family services 10316
is hereby designated as the state agency responsible for 10317
administration and coordination of federal and state funding for 10318
publicly funded child care in this state. Publicly funded child 10319
care shall be provided to the following: 10320

(1) Recipients of transitional child care as provided under 10321
section 5104.34 of the Revised Code; 10322

(2) Participants in the Ohio works first program established 10323
under Chapter 5107. of the Revised Code; 10324

(3) Individuals who would be participating in the Ohio works 10325
first program if not for a sanction under section 5107.16 of the 10326
Revised Code and who continue to participate in a work activity, 10327
developmental activity, or alternative work activity pursuant to 10328
an assignment under section 5107.42 of the Revised Code; 10329

(4) A family receiving publicly funded child care on October 10330
1, 1997, until the family's income reaches one hundred fifty per 10331
cent of the federal poverty line; 10332

(5) Subject to available funds, other individuals determined 10333
eligible in accordance with rules adopted under section 5104.38 of 10334
the Revised Code. 10335

The department shall apply to the United States department of 10336
health and human services for authority to operate a coordinated 10337
program for publicly funded child care, if the director of job and 10338
family services determines that the application is necessary. For 10339
purposes of this section, the department of job and family 10340
services may enter into agreements with other state agencies that 10341
are involved in regulation or funding of child care. The 10342

department shall consider the special needs of migrant workers 10343
when it administers and coordinates publicly funded child care and 10344
shall develop appropriate procedures for accommodating the needs 10345
of migrant workers for publicly funded child care. 10346

(B) The department of job and family services shall 10347
distribute state and federal funds for publicly funded child care, 10348
including appropriations of state funds for publicly funded child 10349
care and appropriations of federal funds available under the child 10350
care block grant act, Title IV-A, and Title XX. The department may 10351
use any state funds appropriated for publicly funded child care as 10352
the state share required to match any federal funds appropriated 10353
for publicly funded child care. 10354

(C) In the use of federal funds available under the child 10355
care block grant act, all of the following apply: 10356

(1) The department may use the federal funds to hire staff to 10357
prepare any rules required under this chapter and to administer 10358
and coordinate federal and state funding for publicly funded child 10359
care. 10360

(2) Not more than five per cent of the aggregate amount of 10361
the federal funds received for a fiscal year may be expended for 10362
administrative costs. 10363

(3) The department shall allocate and use at least four per 10364
cent of the federal funds for the following: 10365

(a) Activities designed to provide comprehensive consumer 10366
education to parents and the public; 10367

(b) Activities that increase parental choice; 10368

(c) Activities, including child care resource and referral 10369
services, designed to improve the quality, and increase the 10370
supply, of child care; 10371

(d) Establishing a ~~voluntary child day care center~~ 10372

~~quality rating program~~ tiered quality rating and improvement 10373
system in which participation in the program may allow a child 10374
day-care ~~center~~ providers to be eligible for grants, technical 10375
assistance, training, or other assistance and become eligible for 10376
unrestricted monetary awards for maintaining a quality rating. 10377

(4) The department shall ensure that the federal funds will 10378
be used only to supplement, and will not be used to supplant, 10379
federal, state, and local funds available on the effective date of 10380
the child care block grant act for publicly funded child care and 10381
related programs. If authorized by rules adopted by the department 10382
pursuant to section 5104.42 of the Revised Code, county 10383
departments of job and family services may purchase child care 10384
from funds obtained through any other means. 10385

(D) The department shall encourage the development of 10386
suitable child care throughout the state, especially in areas with 10387
high concentrations of recipients of public assistance and 10388
families with low incomes. The department shall encourage the 10389
development of suitable child care designed to accommodate the 10390
special needs of migrant workers. On request, the department, 10391
through its employees or contracts with state or community child 10392
care resource and referral service organizations, shall provide 10393
consultation to groups and individuals interested in developing 10394
child care. The department of job and family services may enter 10395
into interagency agreements with the department of education, the 10396
board of regents, the department of development, and other state 10397
agencies and entities whenever the cooperative efforts of the 10398
other state agencies and entities are necessary for the department 10399
of job and family services to fulfill its duties and 10400
responsibilities under this chapter. 10401

The department shall develop and maintain a registry of 10402
persons providing child care. The director shall adopt rules 10403
pursuant to Chapter 119. of the Revised Code establishing 10404

procedures and requirements for the registry's administration. 10405

(E)(1) The director shall adopt rules in accordance with 10406
Chapter 119. of the Revised Code establishing both of the 10407
following: 10408

(a) Reimbursement ceilings for providers of publicly funded 10409
child care not later than the first day of July in each 10410
odd-numbered year; 10411

(b) A procedure for reimbursing and paying providers of 10412
publicly funded child care. 10413

(2) In establishing reimbursement ceilings under division 10414
(E)(1)(a) of this section, the director shall do all of the 10415
following: 10416

(a) Use the information obtained under division (B)(3) of 10417
section 5104.04 of the Revised Code; 10418

(b) Establish an enhanced reimbursement ceiling for providers 10419
who provide child care for caretaker parents who work 10420
nontraditional hours; 10421

(c) For a type B family day-care home provider that has 10422
received limited certification pursuant to rules adopted under 10423
division (G)(1) of section 5104.011 of the Revised Code, establish 10424
a reimbursement ceiling that is the following: 10425

(i) If the provider is a person described in division 10426
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 10427
per cent of the reimbursement ceiling that applies to a type B 10428
family day-care home certified by the same county department of 10429
job and family services pursuant to section 5104.11 of the Revised 10430
Code; 10431

(ii) If the provider is a person described in division 10432
(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per 10433
cent of the reimbursement ceiling that applies to a type B family 10434

day-care home certified by the same county department pursuant to 10435
section 5104.11 of the Revised Code. 10436

(d) With regard to the ~~voluntary child day care center~~ 10437
~~quality rating program~~ tiered quality rating and improvement 10438
system established pursuant to division (C)(3)(d) of this section, 10439
do both of the following: 10440

(i) Establish enhanced reimbursement ceilings for child 10441
day-care ~~centers~~ providers that participate in the ~~program~~ system 10442
and maintain quality ratings under the ~~program~~ system; 10443

(ii) ~~Weigh~~ In the case of child day-care providers that have 10444
been given access to the system by the department, weigh any 10445
reduction in reimbursement ceilings more heavily against ~~child~~ 10446
~~day care centers~~ those providers that do not participate in the 10447
~~program~~ system or do not maintain quality ratings under the 10448
~~program~~ system. 10449

(3) In establishing reimbursement ceilings under division 10450
(E)(1)(a) of this section, the director may establish different 10451
reimbursement ceilings based on any of the following: 10452

(a) Geographic location of the provider; 10453

(b) Type of care provided; 10454

(c) Age of the child served; 10455

(d) Special needs of the child served; 10456

(e) Whether the expanded hours of service are provided; 10457

(f) Whether weekend service is provided; 10458

(g) Whether the provider has exceeded the minimum 10459
requirements of state statutes and rules governing child care; 10460

(h) Any other factors the director considers appropriate. 10461

(F) The director shall adopt rules in accordance with Chapter 10462
119. of the Revised Code to implement the ~~voluntary child day care~~ 10463

~~center quality rating program~~ tiered quality rating and 10464
improvement system described in division (C)(3)(d) of this 10465
section. 10466

Sec. 5104.31. (A) Publicly funded child care may be provided 10467
only by the following: 10468

(1) A child day-care center or type A family day-care home, 10469
including a parent cooperative child day-care center or parent 10470
cooperative type A family day-care home, licensed by the 10471
department of job and family services pursuant to section 5104.03 10472
of the Revised Code; 10473

(2) A type B family day-care home certified by the county 10474
department of job and family services pursuant to section 5104.11 10475
of the Revised Code; 10476

(3) A type B family day-care home that has received a limited 10477
certification pursuant to rules adopted under division (G)(1) of 10478
section 5104.011 of the Revised Code; 10479

(4) An in-home aide who has been certified by the county 10480
department of job and family services pursuant to section 5104.12 10481
of the Revised Code; 10482

(5) A child day camp approved pursuant to section 5104.22 of 10483
the Revised Code; 10484

(6) A licensed preschool program; 10485

(7) A licensed school child program; 10486

(8) A border state child care provider, except that a border 10487
state child care provider may provide publicly funded child care 10488
only to an individual who resides in an Ohio county that borders 10489
the state in which the provider is located. 10490

(B) Publicly funded child day-care may be provided in a 10491
child's own home only by an in-home aide. 10492

(C) Beginning July 1, 2020, publicly funded child care may be 10493
provided only by a provider that is rated through the tiered 10494
quality rating and improvement system established pursuant to 10495
section 5104.30 of the Revised Code. 10496

Sec. 5104.34. (A)(1) Each county department of job and family 10497
services shall implement procedures for making determinations of 10498
eligibility for publicly funded child care. Under those 10499
procedures, the eligibility determination for each applicant shall 10500
be made no later than thirty calendar days from the date the 10501
county department receives a completed application for publicly 10502
funded child care. Each applicant shall be notified promptly of 10503
the results of the eligibility determination. An applicant 10504
aggrieved by a decision or delay in making an eligibility 10505
determination may appeal the decision or delay to the department 10506
of job and family services in accordance with section 5101.35 of 10507
the Revised Code. The due process rights of applicants shall be 10508
protected. 10509

To the extent permitted by federal law, the county department 10510
may make all determinations of eligibility for publicly funded 10511
child care, may contract with child care providers or child care 10512
resource and referral service organizations for the providers or 10513
resource and referral service organizations to make all or any 10514
part of the determinations, and may contract with child care 10515
providers or child care resource and referral service 10516
organizations for the providers or resource and referral service 10517
organizations to collect specified information for use by the 10518
county department in making determinations. If a county department 10519
contracts with a child care provider or a child care resource and 10520
referral service organization for eligibility determinations or 10521
for the collection of information, the contract shall require the 10522
provider or resource and referral service organization to make 10523
each eligibility determination no later than thirty calendar days 10524

from the date the provider or resource and referral organization 10525
receives a completed application that is the basis of the 10526
determination and to collect and transmit all necessary 10527
information to the county department within a period of time that 10528
enables the county department to make each eligibility 10529
determination no later than thirty days after the filing of the 10530
application that is the basis of the determination. 10531

The county department may station employees of the department 10532
in various locations throughout the county to collect information 10533
relevant to applications for publicly funded child care and to 10534
make eligibility determinations. The county department, child care 10535
provider, and child care resource and referral service 10536
organization shall make each determination of eligibility for 10537
publicly funded child care no later than thirty days after the 10538
filing of the application that is the basis of the determination, 10539
shall make each determination in accordance with any relevant 10540
rules adopted pursuant to section 5104.38 of the Revised Code, and 10541
shall notify promptly each applicant for publicly funded child 10542
care of the results of the determination of the applicant's 10543
eligibility. 10544

The director of job and family services shall adopt rules in 10545
accordance with Chapter 119. of the Revised Code for monitoring 10546
the eligibility determination process. In accordance with those 10547
rules, the state department shall monitor eligibility 10548
determinations made by county departments of job and family 10549
services and shall direct any entity that is not in compliance 10550
with this division or any rule adopted under this division to 10551
implement corrective action specified by the department. 10552

(2) All eligibility determinations for publicly funded child 10553
care shall be made in accordance with rules adopted pursuant to 10554
division (A) of section 5104.38 of the Revised Code and, if a 10555
county department of job and family services specifies, pursuant 10556

to rules adopted under division (B) of that section, a maximum 10557
amount of income a family may have to be eligible for publicly 10558
funded child care, the income maximum specified by the county 10559
department. Publicly funded child care may be provided only to 10560
eligible infants, toddlers, ~~preschool~~ preschool-age children, and 10561
~~school~~ school-age children under age thirteen. For an applicant to 10562
be eligible for publicly funded child care, the caretaker parent 10563
must be employed or participating in a program of education or 10564
training for an amount of time reasonably related to the time that 10565
the parent's children are receiving publicly funded child care. 10566
This restriction does not apply to families whose children are 10567
eligible for protective child care. 10568

Subject to available funds, a county department of job and 10569
family services shall allow a family to receive publicly funded 10570
child care unless the family's income exceeds the maximum income 10571
eligibility limit. Initial and continued eligibility for publicly 10572
funded child care is subject to available funds unless the family 10573
is receiving child care pursuant to division (A)(1), (2), (3), or 10574
(4) of section 5104.30 of the Revised Code. If the county 10575
department must limit eligibility due to lack of available funds, 10576
it shall give first priority for publicly funded child care to an 10577
assistance group whose income is not more than the maximum income 10578
eligibility limit that received transitional child care in the 10579
previous month but is no longer eligible because the twelve-month 10580
period has expired. Such an assistance group shall continue to 10581
receive priority for publicly funded child care until its income 10582
exceeds the maximum income eligibility limit. 10583

(3) An assistance group that ceases to participate in the 10584
Ohio works first program established under Chapter 5107. of the 10585
Revised Code is eligible for transitional child care at any time 10586
during the immediately following twelve-month period that both of 10587
the following apply: 10588

(a) The assistance group requires child care due to employment; 10589
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(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line. 10591
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An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care. 10593
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(B) To the extent permitted by federal law, a county department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. Each county department shall make protective child care services available to children without regard to the income or assets of the caretaker parent of the child. 10596
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(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs. 10604
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(D) If a county department of job and family services determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the county department may establish a waiting list. A county department may establish separate waiting lists within the waiting list based on income. When resources become available to provide publicly funded child care to families on the waiting list, a county department that establishes a waiting list shall assess the needs of the next family scheduled to receive publicly funded child care. If the assessment demonstrates that the family continues to need and is eligible for publicly funded child care, 10609
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the county department shall offer it to the family. If the county 10620
department determines that the family is no longer eligible or no 10621
longer needs publicly funded child care, the county department 10622
shall remove the family from the waiting list. 10623

(E) A caretaker parent shall not receive full-time publicly 10624
funded child care from more than one child care provider per child 10625
during any period. 10626

(F) As used in this section, "maximum income eligibility 10627
limit" means the amount of income specified in rules adopted under 10628
division (A) of section 5104.38 of the Revised Code or, if a 10629
county department of job and family services specifies a higher 10630
amount pursuant to rules adopted under division (B) of that 10631
section, the amount the county department specifies. 10632

Sec. 5104.38. In addition to any other rules adopted under 10633
this chapter, the director of job and family services shall adopt 10634
rules in accordance with Chapter 119. of the Revised Code 10635
governing financial and administrative requirements for publicly 10636
funded child care and establishing all of the following: 10637

(A) Procedures and criteria to be used in making 10638
determinations of eligibility for publicly funded child care that 10639
give priority to children of families with lower incomes and 10640
procedures and criteria for eligibility for publicly funded 10641
protective child care. The rules shall specify the maximum amount 10642
of income a family may have for initial and continued eligibility. 10643
The maximum amount shall not exceed two hundred per cent of the 10644
federal poverty line. The rules may specify exceptions to the 10645
eligibility requirements in the case of a family that previously 10646
received publicly funded child care and is seeking to have the 10647
child care reinstated after the family's eligibility was 10648
terminated. 10649

(B) Procedures under which a county department of job and 10650

family services may, if the department, under division (A) of this 10651
section, specifies a maximum amount of income a family may have 10652
for eligibility for publicly funded child care that is less than 10653
the maximum amount specified in that division, specify a maximum 10654
amount of income a family residing in the county the county 10655
department serves may have for initial and continued eligibility 10656
for publicly funded child care that is higher than the amount 10657
specified by the department but does not exceed the maximum amount 10658
specified in division (A) of this section; 10659

(C) A schedule of fees requiring all eligible caretaker 10660
parents to pay a fee for publicly funded child care according to 10661
income and family size, which shall be uniform for all types of 10662
publicly funded child care, except as authorized by rule, and, to 10663
the extent permitted by federal law, shall permit the use of state 10664
and federal funds to pay the customary deposits and other advance 10665
payments that a provider charges all children who receive child 10666
care from that provider. The schedule of fees may not provide for 10667
a caretaker parent to pay a fee that exceeds ten per cent of the 10668
parent's family income. 10669

(D) A formula for determining the amount of state and federal 10670
funds appropriated for publicly funded child care that may be 10671
allocated to a county department to use for administrative 10672
purposes; 10673

(E) Procedures to be followed by the department and county 10674
departments in recruiting individuals and groups to become 10675
providers of child care; 10676

(F) Procedures to be followed in establishing state or local 10677
programs designed to assist individuals who are eligible for 10678
publicly funded child care in identifying the resources available 10679
to them and to refer the individuals to appropriate sources to 10680
obtain child care; 10681

(G) Procedures to deal with fraud and abuse committed by 10682
either recipients or providers of publicly funded child care; 10683

(H) Procedures for establishing a child care grant or loan 10684
program in accordance with the child care block grant act; 10685

(I) Standards and procedures for applicants to apply for 10686
grants and loans, and for the department to make grants and loans; 10687

(J) A definition of "person who stands in loco parentis" for 10688
the purposes of division ~~(JJ)~~(KK)(1) of section 5104.01 of the 10689
Revised Code; 10690

(K) Procedures for a county department of job and family 10691
services to follow in making eligibility determinations and 10692
redeterminations for publicly funded child care available through 10693
telephone, computer, and other means at locations other than the 10694
county department; 10695

(L) If the director establishes a different reimbursement 10696
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 10697
Code, standards and procedures for determining the amount of the 10698
higher payment that is to be issued to a child care provider based 10699
on the special needs of the child being served; 10700

(M) To the extent permitted by federal law, procedures for 10701
paying for up to thirty days of child care for a child whose 10702
caretaker parent is seeking employment, taking part in employment 10703
orientation activities, or taking part in activities in 10704
anticipation of enrolling in or attending an education or training 10705
program or activity, if the employment or the education or 10706
training program or activity is expected to begin within the 10707
thirty-day period; 10708

(N) Any other rules necessary to carry out sections 5104.30 10709
to 5104.43 of the Revised Code. 10710

Sec. 5123.022. It is hereby declared to be the policy of this 10711

state that employment services for individuals with developmental 10712
disabilities be directed at placement whenever possible of each 10713
individual in a position in the community in which the individual 10714
is integrated with the employer's other workers who are not 10715
developmentally disabled. The departments of developmental 10716
disabilities, education, job and family services, and mental 10717
health; the rehabilitation services commission; and each other 10718
state agency that provides employment services to individuals with 10719
developmental disabilities shall implement this policy and ensure 10720
that it is followed whenever employment services are provided to 10721
individuals with developmental disabilities. 10722

The department of developmental disabilities shall coordinate 10723
the actions taken by state agencies to comply with the state's 10724
policy. Agencies shall collaborate within their divisions and with 10725
each other to ensure that state programs, policies, procedures, 10726
and funding support competitive and integrated employment of 10727
individuals with developmental disabilities. State agencies shall 10728
share information with the department, and the department shall 10729
track progress toward full implementation of the policy. The 10730
department, in coordination with any task force established by the 10731
governor, shall compile data and annually submit to the governor a 10732
report on implementation of the policy. 10733

The department and state agencies may adopt rules to 10734
implement the policy. 10735

The policy articulated in this section is intended to promote 10736
the right of each individual with a developmental disability to 10737
informed choice; however, nothing in this section requires any 10738
employer to give preference in hiring to an individual because the 10739
individual has a disability. 10740

Sec. 5126.0222. As used in this section, "specialized 10741

services" has the same meaning as in section 5123.081 of the 10742
Revised Code. 10743

Notwithstanding any provision of the Revised Code to the 10744
contrary, including applicable provisions of sections 102.03, 10745
102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a 10746
county board of developmental disabilities also may be a member of 10747
the governing board of a political subdivision, including the 10748
board of education of a school district, or an agency that does 10749
not provide specialized services. The county board may contract 10750
with such a governing board even though the governing board 10751
includes an individual who is an employee of the county board. 10752
That member of the governing board may not vote on any matter 10753
before the governing board concerning a contract with the county 10754
board or participate in any discussion or debate regarding such a 10755
contract. 10756

Sec. 5709.83. (A) Except as otherwise provided in division 10757
(B) or (C) of this section, prior to taking formal action to adopt 10758
or enter into any instrument granting a tax exemption under 10759
section 725.02, 1728.06, 5709.40, 5709.41, 5709.62, 5709.63, 10760
5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised 10761
Code or formally approving an agreement under section 3735.671 of 10762
the Revised Code, or prior to forwarding an application for a tax 10763
exemption for residential property under section 3735.67 of the 10764
Revised Code to the county auditor, the legislative authority of 10765
the political subdivision or housing officer shall notify the 10766
board of education of each city, local, exempted village, or joint 10767
vocational school district in which the proposed tax-exempted 10768
property is located. The notice shall include a copy of the 10769
instrument or application. The notice shall be delivered not later 10770
than fourteen days prior to the day the legislative authority 10771
takes formal action to adopt or enter into the instrument, or not 10772

later than fourteen days prior to the day the housing officer 10773
forwards the application to the county auditor. If the board of 10774
education comments on the instrument or application to the 10775
legislative authority or housing officer, the legislative 10776
authority or housing officer shall consider the comments. If the 10777
board of education of the city, local, exempted village, or joint 10778
vocational school district so requests, the legislative authority 10779
or the housing officer shall meet in person with a representative 10780
designated by the board of education to discuss the terms of the 10781
instrument or application. 10782

(B) The notice otherwise required to be provided to boards of 10783
education under division (A) of this section is not required if 10784
the board has adopted a resolution waiving its right to receive 10785
such notices, and that resolution remains in effect. If a board of 10786
education adopts such a resolution, the board shall cause a copy 10787
of the resolution to be certified to the legislative authority. If 10788
the board of education rescinds such a resolution, it shall 10789
certify notice of the rescission to the legislative authority. A 10790
board of education may adopt such a resolution with respect to any 10791
one or more counties, townships, or municipal corporations 10792
situated in whole or in part within the school district. 10793

(C) If a legislative authority is required to provide notice 10794
to a city, local, or exempted village school district of its 10795
intent to grant such an exemption as required by section 5709.40, 10796
5709.41, 5709.73, or 5709.78 of the Revised Code, the legislative 10797
authority, before adopting a resolution or ordinance under that 10798
section, shall notify the board of education of each joint 10799
vocational school district in which the property to be exempted is 10800
located using the same time requirements for the notice that 10801
applies to notices to city, local, and exempted village school 10802
districts. ~~The notice shall be delivered not later than forty five~~ 10803
~~days before the day the legislative authority adopts a resolution~~ 10804

~~er ordinance under any of those sections.~~ The content of the 10805
notice and procedures for responding to the notice are the same as 10806
required in division (A) of this section. 10807

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 10808
the Revised Code: 10809

(1) "School district," "joint vocational school district," 10810
"local taxing unit," "recognized valuation," "fixed-rate levy," 10811
and "fixed-sum levy" have the same meanings as used in section 10812
5727.84 of the Revised Code. 10813

(2) "State education aid" for a school district means the 10814
following: 10815

(a) For fiscal years prior to fiscal year 2010, the sum of 10816
state aid amounts computed for the district under the following 10817
provisions, as they existed for the applicable fiscal year: 10818
division (A) of section 3317.022 of the Revised Code, including 10819
the amounts calculated under sections 3317.029 and 3317.0217 of 10820
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 10821
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 10822
divisions (L) and (N) of section 3317.024; section 3317.0216; and 10823
any unit payments for gifted student services paid under sections 10824
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 10825
for fiscal years 2008 and 2009, the amount computed for the 10826
district under Section 269.20.80 of H.B. 119 of the 127th general 10827
assembly and as that section subsequently may be amended shall be 10828
substituted for the amount computed under division (D) of section 10829
3317.022 of the Revised Code, and the amount computed under 10830
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 10831
that section subsequently may be amended shall be included. 10832

(b) For fiscal years 2010 and 2011, the sum of the amounts 10833
computed under former sections 3306.052, 3306.12, 3306.13, 10834
3306.19, 3306.191, and 3306.192 of the Revised Code; 10835

(c) For fiscal years 2012 and 2013, the ~~amount~~ sum of the 10836
amounts paid in accordance with the ~~section~~ under Sections 10837
267.30.50, 267.30.53, and 267.30.56 of H.B. 153 of the 129th 10838
general assembly ~~entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND~~ 10839
~~LOCAL SCHOOL DISTRICTS."~~ 10840

(3) "State education aid" for a joint vocational school 10841
district means the following: 10842

(a) For fiscal years prior to fiscal year 2010, the sum of 10843
the state aid computed for the district under division (N) of 10844
section 3317.024 and section 3317.16 of the Revised Code, except 10845
that, for fiscal years 2008 and 2009, the amount computed under 10846
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 10847
that section subsequently may be amended shall be included. 10848

(b) For fiscal years 2010 and 2011, the amount paid in 10849
accordance with ~~the section~~ Section 265.30.50 of H.B. 1 of the 10850
128th general assembly ~~entitled "FUNDING FOR JOINT VOCATIONAL~~ 10851
~~SCHOOL DISTRICTS."~~ 10852

(c) For fiscal years 2012 and 2013, the amount paid in 10853
accordance with ~~the section~~ Section 267.30.60 of H.B. 153 of the 10854
129th general assembly ~~entitled "FUNDING FOR JOINT VOCATIONAL~~ 10855
~~SCHOOL DISTRICTS."~~ 10856

(4) "State education aid offset" means the amount determined 10857
for each school district or joint vocational school district under 10858
division (A)(1) of section 5751.21 of the Revised Code. 10859

(5) "Machinery and equipment property tax value loss" means 10860
the amount determined under division (C)(1) of this section. 10861

(6) "Inventory property tax value loss" means the amount 10862
determined under division (C)(2) of this section. 10863

(7) "Furniture and fixtures property tax value loss" means 10864
the amount determined under division (C)(3) of this section. 10865

- (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 10866
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- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 10868
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- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 10870
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- (11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 10872
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- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 10876
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- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 10878
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- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 10881
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- (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 10884
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- (16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. 10887
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- (17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 10893
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5727.111 of the Revised Code in tax year 2004.	10896
(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.	10897 10898
(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.	10899 10900
(20) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.	10901 10902 10903 10904
(21) "Median estate tax collections" means, in the case of a municipal corporation to which revenue from the taxes levied in Chapter 5731. of the Revised Code was distributed in each of calendar years 2006, 2007, 2008, and 2009, the median of those distributions. In the case of a municipal corporation to which no distributions were made in one or more of those years, "median estate tax collections" means zero.	10905 10906 10907 10908 10909 10910 10911
(22) "Total resources," in the case of a school district, means the sum of the amounts in divisions (A)(22)(a) to (h) of this section less any reduction required under division (A)(32) of this section.	10912 10913 10914 10915
(a) The state education aid for fiscal year 2010;	10916
(b) The sum of the payments received by the 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, excluding the portion of such payments attributable to levies for joint vocational school district purposes;	10917 10918 10919 10920 10921 10922
(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2010 pursuant to division (E)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the	10923 10924 10925

Revised Code for fixed-sum levies imposed for a purpose other than paying debt charges;	10926 10927
(d) 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 expense purposes for tax year 2008, including taxes charged and payable from emergency levies imposed under section 5709.194 of the Revised Code and excluding taxes levied for joint vocational school district purposes;	10928 10929 10930 10931 10932 10933
(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;	10934 10935 10936 10937 10938
(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;	10939 10940 10941 10942
(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;	10943 10944
(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.	10945 10946
(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.	10947 10948 10949 10950
(a) The state education aid for fiscal year 2010;	10951
(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;	10952 10953 10954 10955

(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 10987
charged and payable for such purposes against all property on the 10988
tax list of real and public utility property for tax year 2009. 10989

(25) "Total resources," in the case of county senior services 10990
related functions, means the sum of the amounts in divisions 10991
(A)(25)(a) and (b) of this section less any reduction required 10992
under division (A)(32) of this section. 10993

(a) The sum of the payments received by the county for senior 10994
services related functions in calendar year 2010 under division 10995
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 10996
5751.22 of the Revised Code as they existed at that time; 10997

(b) With respect to taxes levied by the county for senior 10998
services related purposes, the taxes charged and payable for such 10999
purposes against all property on the tax list of real and public 11000
utility property for tax year 2009. 11001

(26) "Total resources," in the case of county children's 11002
services related functions, means the sum of the amounts in 11003
divisions (A)(26)(a) and (b) of this section less any reduction 11004
required under division (A)(32) of this section. 11005

(a) The sum of the payments received by the county for 11006
children's services related functions in calendar year 2010 under 11007
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 11008
section 5751.22 of the Revised Code as they existed at that time; 11009

(b) With respect to taxes levied by the county for children's 11010
services related purposes, the taxes charged and payable for such 11011
purposes against all property on the tax list of real and public 11012
utility property for tax year 2009. 11013

(27) "Total resources," in the case of county public health 11014
related functions, means the sum of the amounts in divisions 11015
(A)(27)(a) and (b) of this section less any reduction required 11016
under division (A)(32) of this section. 11017

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and 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 public health 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.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) 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 all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other 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, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections

5739.021 and 5741.021 of the Revised Code. 11049

(29) "Total resources," in the case of a municipal 11050
corporation, means the sum of the amounts in divisions (A)(29)(a) 11051
to (g) of this section less any reduction required under division 11052
(A)(32) of this section. 11053

(a) The sum of the payments received by the municipal 11054
corporation in calendar year 2010 under division (A)(1) of section 11055
5727.86 and divisions (A)(1) and (2) of section 5751.22 of the 11056
Revised Code as they existed at that time; 11057

(b) The municipal corporation's percentage share of county 11058
undivided local government fund allocations as certified to the 11059
tax commissioner for calendar year 2010 by the county auditor 11060
under division (J) of section 5747.51 of the Revised Code or 11061
division (F) of section 5747.53 of the Revised Code multiplied by 11062
the total amount actually distributed in calendar year 2010 from 11063
the county undivided local government fund; 11064

(c) The sum of the amounts distributed to the municipal 11065
corporation in calendar year 2010 pursuant to section 5747.50 of 11066
the Revised Code; 11067

(d) With respect to taxes levied by the municipal 11068
corporation, the taxes charged and payable against all property on 11069
the tax list of real and public utility property for current 11070
expenses, defined in division (A)(33) of this section, for tax 11071
year 2009; 11072

(e) The amount of admissions tax collected by the municipal 11073
corporation in calendar year 2008, or if such information has not 11074
yet been reported to the tax commissioner, in the most recent year 11075
before 2008 for which the municipal corporation has reported data 11076
to the commissioner; 11077

(f) The amount of income taxes collected by the municipal 11078
corporation in calendar year 2008, or if such information has not 11079

yet been reported to the tax commissioner, in the most recent year 11080
before 2008 for which the municipal corporation has reported data 11081
to the commissioner; 11082

(g) The municipal corporation's median estate tax 11083
collections. 11084

(30) "Total resources," in the case of a township, means the 11085
sum of the amounts in divisions (A)(30)(a) to (c) of this section 11086
less any reduction required under division (A)(32) of this 11087
section. 11088

(a) The sum of the payments received by the township in 11089
calendar year 2010 pursuant to division (A)(1) of section 5727.86 11090
of the Revised Code and divisions (A)(1) and (2) of section 11091
5751.22 of the Revised Code as they existed at that time, 11092
excluding payments received for debt purposes; 11093

(b) The township's percentage share of county undivided local 11094
government fund allocations as certified to the tax commissioner 11095
for calendar year 2010 by the county auditor under division (J) of 11096
section 5747.51 of the Revised Code or division (F) of section 11097
5747.53 of the Revised Code multiplied by the total amount 11098
actually distributed in calendar year 2010 from the county 11099
undivided local government fund; 11100

(c) With respect to taxes levied by the township, the taxes 11101
charged and payable against all property on the tax list of real 11102
and public utility property for tax year 2009 excluding taxes 11103
charged and payable for the purpose of paying debt charges. 11104

(31) "Total resources," in the case of a local taxing unit 11105
that is not a county, municipal corporation, or township, means 11106
the sum of the amounts in divisions (A)(31)(a) to (e) of this 11107
section less any reduction required under division (A)(32) of this 11108
section. 11109

(a) The sum of the payments received by the local taxing unit 11110

in calendar year 2010 pursuant to division (A)(1) of section 11111
5727.86 of the Revised Code and divisions (A)(1) and (2) of 11112
section 5751.22 of the Revised Code as they existed at that time; 11113

(b) The local taxing unit's percentage share of county 11114
undivided local government fund allocations as certified to the 11115
tax commissioner for calendar year 2010 by the county auditor 11116
under division (J) of section 5747.51 of the Revised Code or 11117
division (F) of section 5747.53 of the Revised Code multiplied by 11118
the total amount actually distributed in calendar year 2010 from 11119
the county undivided local government fund; 11120

(c) With respect to taxes levied by the local taxing unit, 11121
the taxes charged and payable against all property on the tax list 11122
of real and public utility property for tax year 2009 excluding 11123
taxes charged and payable for the purpose of paying debt charges; 11124

(d) The amount received from the tax commissioner during 11125
calendar year 2010 for sales or use taxes authorized under 11126
sections 5739.023 and 5741.022 of the Revised Code; 11127

(e) For institutions of higher education receiving tax 11128
revenue from a local levy, as identified in section 3358.02 of the 11129
Revised Code, the final state share of instruction allocation for 11130
fiscal year 2010 as calculated by the board of regents and 11131
reported to the state controlling board. 11132

(32) If a fixed-rate levy that is a qualifying levy is not 11133
imposed in any year after tax year 2010, "total resources" used to 11134
compute payments to be made under division (C)(12) of section 11135
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 11136
Revised Code in the tax years following the last year the levy is 11137
imposed shall be reduced by the amount of payments attributable to 11138
the fixed-rate levy loss of that levy as would be computed under 11139
division (C)(2) of section 5727.85, division (A)(1) of section 11140
5727.85, divisions (C)(8) and (9) of section 5751.21, or division 11141

(A)(1) of section 5751.22 of the Revised Code. 11142

(33) "Municipal current expense property tax levies" means 11143
all property tax levies of a municipality, except those with the 11144
following levy names: airport resurfacing; bond or any levy name 11145
including the word "bond"; capital improvement or any levy name 11146
including the word "capital"; debt or any levy name including the 11147
word "debt"; equipment or any levy name including the word 11148
"equipment," unless the levy is for combined operating and 11149
equipment; employee termination fund; fire pension or any levy 11150
containing the word "pension," including police pensions; 11151
fireman's fund or any practically similar name; sinking fund; road 11152
improvements or any levy containing the word "road"; fire truck or 11153
apparatus; flood or any levy containing the word "flood"; 11154
conservancy district; county health; note retirement; sewage, or 11155
any levy containing the words "sewage" or "sewer"; park 11156
improvement; parkland acquisition; storm drain; street or any levy 11157
name containing the word "street"; lighting, or any levy name 11158
containing the word "lighting"; and water. 11159

(34) "Current expense TPP allocation" means, in the case of a 11160
school district or joint vocational school district, the sum of 11161
the payments received by the school district in fiscal year 2011 11162
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 11163
Revised Code to the extent paid for current expense levies. In the 11164
case of a municipal corporation, "current expense TPP allocation" 11165
means the sum of the payments received by the municipal 11166
corporation in calendar year 2010 pursuant to divisions (A)(1) and 11167
(2) of section 5751.22 of the Revised Code to the extent paid for 11168
municipal current expense property tax levies as defined in 11169
division (A)(33) of this section. If a fixed-rate levy that is a 11170
qualifying levy is not imposed in any year after tax year 2010, 11171
"current expense TPP allocation" used to compute payments to be 11172
made under division (C)(12) of section 5751.21 or division 11173

(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 11174
years following the last year the levy is imposed shall be reduced 11175
by the amount of payments attributable to the fixed-rate levy loss 11176
of that levy as would be computed under divisions (C)(10) and (11) 11177
of section 5751.21 or division (A)(1) of section 5751.22 of the 11178
Revised Code. 11179

(35) "TPP allocation" means the sum of payments received by a 11180
local taxing unit in calendar year 2010 pursuant to divisions 11181
(A)(1) and (2) of section 5751.22 of the Revised Code. If a 11182
fixed-rate levy that is a qualifying levy is not imposed in any 11183
year after tax year 2010, "TPP allocation" used to compute 11184
payments to be made under division (A)(1)(b) or (c) of section 11185
5751.22 of the Revised Code in the tax years following the last 11186
year the levy is imposed shall be reduced by the amount of payment 11187
attributable to the fixed-rate levy loss of that levy as would be 11188
computed under division (A)(1) of that section. 11189

(36) "Total TPP allocation" means, in the case of a school 11190
district or joint vocational school district, the sum of the 11191
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 11192
and (11) and (D) of section 5751.21 of the Revised Code. In the 11193
case of a local taxing unit, "total TPP allocation" means the sum 11194
of payments received by the unit in calendar year 2010 pursuant to 11195
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 11196
Code. If a fixed-rate levy that is a qualifying levy is not 11197
imposed in any year after tax year 2010, "total TPP allocation" 11198
used to compute payments to be made under division (C)(12) of 11199
section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of 11200
the Revised Code in the tax years following the last year the levy 11201
is imposed shall be reduced by the amount of payments attributable 11202
to the fixed-rate levy loss of that levy as would be computed 11203
under divisions (C)(10) and (11) of section 5751.21 or division 11204
(A)(1) of section 5751.22 of the Revised Code. 11205

(37) "Non-current expense TPP allocation" means the 11206
difference of total TPP allocation minus the sum of current 11207
expense TPP allocation and the portion of total TPP allocation 11208
constituting reimbursement for debt levies, pursuant to division 11209
(D) of section 5751.21 of the Revised Code in the case of a school 11210
district or joint vocational school district and pursuant to 11211
division (A)(3) of section 5751.22 of the Revised Code in the case 11212
of a municipal corporation. 11213

(38) "Threshold per cent" means, in the case of a school 11214
district or joint vocational school district, two per cent for 11215
fiscal year 2012 and four per cent for fiscal years 2013 and 11216
thereafter. In the case of a local taxing unit, "threshold per 11217
cent" means two per cent for tax year 2011, four per cent for tax 11218
year 2012, and six per cent for tax years 2013 and thereafter. 11219

(B) The commercial activities tax receipts fund is hereby 11220
created in the state treasury and shall consist of money arising 11221
from the tax imposed under this chapter. Eighty-five 11222
one-hundredths of one per cent of the money credited to that fund 11223
shall be credited to the tax reform system implementation fund, 11224
which is hereby created in the state treasury, and shall be used 11225
to defray the costs incurred by the department of taxation in 11226
administering the tax imposed by this chapter and in implementing 11227
tax reform measures. The remainder in the commercial activities 11228
tax receipts fund shall be credited for each fiscal year in the 11229
following percentages to the general revenue fund, to the school 11230
district tangible property tax replacement fund, which is hereby 11231
created in the state treasury for the purpose of making the 11232
payments described in section 5751.21 of the Revised Code, and to 11233
the local government tangible property tax replacement fund, which 11234
is hereby created in the state treasury for the purpose of making 11235
the payments described in section 5751.22 of the Revised Code, in 11236
the following percentages: 11237

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%	11238
2007	0%	70.0%	30.0%	11239
2008	0%	70.0%	30.0%	11240
2009	0%	70.0%	30.0%	11241
2010	0%	70.0%	30.0%	11242
2011	0%	70.0%	30.0%	11243
2012	25.0%	52.5%	22.5%	11244
2013 and thereafter	50.0%	35.0%	15.0%	11245

(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 11265
five and three-fourths and the denominator of which is 11266
twenty-three; 11267

(b) For tax year 2007, a fraction, the numerator of which is 11268
nine and one-half and the denominator of which is twenty-three; 11269

(c) For tax year 2008, a fraction, the numerator of which is 11270
thirteen and one-fourth and the denominator of which is 11271
twenty-three; 11272

(d) For tax year 2009 and thereafter a fraction, the 11273
numerator of which is seventeen and the denominator of which is 11274
twenty-three. 11275

(3) Furniture and fixtures property tax value loss is the 11276
taxable value of furniture and fixture property as reported by 11277
taxpayers for tax year 2004 multiplied by: 11278

(a) For tax year 2006, twenty-five per cent; 11279

(b) For tax year 2007, fifty per cent; 11280

(c) For tax year 2008, seventy-five per cent; 11281

(d) For tax year 2009 and thereafter, one hundred per cent. 11282

The taxable value of property reported by taxpayers used in 11283
divisions (C)(1), (2), and (3) of this section shall be such 11284
values as determined to be final by the tax commissioner as of 11285
August 31, 2005. Such determinations shall be final except for any 11286
correction of a clerical error that was made prior to August 31, 11287
2005, by the tax commissioner. 11288

(4) Telephone property tax value loss is the taxable value of 11289
telephone property as taxpayers would have reported that property 11290
for tax year 2004 if the assessment rate for all telephone 11291
property for that year were twenty-five per cent, multiplied by: 11292

(a) For tax year 2006, zero per cent; 11293

(b) For tax year 2007, zero per cent;	11294
(c) For tax year 2008, zero per cent;	11295
(d) For tax year 2009, sixty per cent;	11296
(e) For tax year 2010, eighty per cent;	11297
(f) For tax year 2011 and thereafter, one hundred per cent.	11298
(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.	11299 11300 11301 11302 11303 11304 11305 11306 11307 11308
In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be	11309 11310 11311 11312 11313 11314 11315 11316 11317 11318 11319 11320 11321 11322 11323 11324

used. 11325

To facilitate the calculations required under division (C) of 11326
this section, the county auditor, upon request from the tax 11327
commissioner, shall provide by August 1, 2005, the values of 11328
machinery and equipment, inventory, and furniture and fixtures for 11329
all single-county personal property taxpayers for tax year 2004. 11330

(D) Not later than September 15, 2005, the tax commissioner 11331
shall determine for each tax year from 2006 through 2009 for each 11332
school district, joint vocational school district, and local 11333
taxing unit its machinery and equipment, inventory, and furniture 11334
and fixtures fixed-rate levy losses, and for each tax year from 11335
2006 through 2011 its telephone property fixed-rate levy loss. 11336
Except as provided in division (F) of this section, such losses 11337
are the applicable amounts described in divisions (D)(1), (2), 11338
(3), and (4) of this section: 11339

(1) The machinery and equipment fixed-rate levy loss is the 11340
machinery and equipment property tax value loss multiplied by the 11341
sum of the tax rates of fixed-rate qualifying levies. 11342

(2) The inventory fixed-rate loss is the inventory property 11343
tax value loss multiplied by the sum of the tax rates of 11344
fixed-rate qualifying levies. 11345

(3) The furniture and fixtures fixed-rate levy loss is the 11346
furniture and fixture property tax value loss multiplied by the 11347
sum of the tax rates of fixed-rate qualifying levies. 11348

(4) The telephone property fixed-rate levy loss is the 11349
telephone property tax value loss multiplied by the sum of the tax 11350
rates of fixed-rate qualifying levies. 11351

(E) Not later than September 15, 2005, the tax commissioner 11352
shall determine for each school district, joint vocational school 11353
district, and local taxing unit its fixed-sum levy loss. The 11354
fixed-sum levy loss is the amount obtained by subtracting the 11355

amount described in division (E)(2) of this section from the 11356
amount described in division (E)(1) of this section: 11357

(1) The sum of the machinery and equipment property tax value 11358
loss, the inventory property tax value loss, and the furniture and 11359
fixtures property tax value loss, and, for 2008 through 2010, the 11360
telephone property tax value loss of the district or unit 11361
multiplied by the sum of the fixed-sum tax rates of qualifying 11362
levies. For 2006 through 2010, this computation shall include all 11363
qualifying levies remaining in effect for the current tax year and 11364
any school district levies imposed under section 5705.194 or 11365
5705.213 of the Revised Code that are qualifying levies not 11366
remaining in effect for the current year. For 2011 through 2017 in 11367
the case of school district levies imposed under section 5705.194 11368
or 5705.213 of the Revised Code and for all years after 2010 in 11369
the case of other fixed-sum levies, this computation shall include 11370
only qualifying levies remaining in effect for the current year. 11371
For purposes of this computation, a qualifying school district 11372
levy imposed under section 5705.194 or 5705.213 of the Revised 11373
Code remains in effect in a year after 2010 only if, for that 11374
year, the board of education levies a school district levy imposed 11375
under section 5705.194, 5705.199, 5705.213, or 5705.219 of the 11376
Revised Code for an annual sum at least equal to the annual sum 11377
levied by the board in tax year 2004 less the amount of the 11378
payment certified under this division for 2006. 11379

(2) The total taxable value in tax year 2004 less the sum of 11380
the machinery and equipment, inventory, furniture and fixtures, 11381
and telephone property tax value losses in each school district, 11382
joint vocational school district, and local taxing unit multiplied 11383
by one-half of one mill per dollar. 11384

(3) For the calculations in divisions (E)(1) and (2) of this 11385
section, the tax value losses are those that would be calculated 11386
for tax year 2009 under divisions (C)(1), (2), and (3) of this 11387

section and for tax year 2011 under division (C)(4) of this section. 11388
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(4) To facilitate the calculation under divisions (D) and (E) of this section, not later than September 1, 2005, any school district, joint vocational school district, or local taxing unit that has a qualifying levy that was approved at an election conducted during 2005 before September 1, 2005, shall certify to the tax commissioner a copy of the county auditor's certificate of estimated property tax millage for such levy as required under division (B) of section 5705.03 of the Revised Code, which is the rate that shall be used in the calculations under such divisions. 11390
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If the amount determined under division (E) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the reimbursement to be paid pursuant to division (E) of section 5751.21 or division (A)(3) of section 5751.22 of the Revised Code, and the one-half of one mill that is subtracted under division (E)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit. 11399
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(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section: 11409
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(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division; 11414
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(2) The sum of the rates of qualifying levies to the extent 11418

so repealed multiplied by the telephone property tax value loss 11419
for 2011 as determined under that division. 11420

The fixed-rate levy losses for qualifying levies to the 11421
extent not repealed under section 5705.219 of the Revised Code 11422
shall be as determined under division (D) of this section. The 11423
revised fixed-rate levy losses determined under this division and 11424
division (D) of this section first apply in the year following the 11425
first year the district levies the tax under section 5705.219 of 11426
the Revised Code. 11427

(G) Not later than October 1, 2005, the tax commissioner 11428
shall certify to the department of education for every school 11429
district and joint vocational school district the machinery and 11430
equipment, inventory, furniture and fixtures, and telephone 11431
property tax value losses determined under division (C) of this 11432
section, the machinery and equipment, inventory, furniture and 11433
fixtures, and telephone fixed-rate levy losses determined under 11434
division (D) of this section, and the fixed-sum levy losses 11435
calculated under division (E) of this section. The calculations 11436
under divisions (D) and (E) of this section shall separately 11437
display the levy loss for each levy eligible for reimbursement. 11438

(H) Not later than October 1, 2005, the tax commissioner 11439
shall certify the amount of the fixed-sum levy losses to the 11440
county auditor of each county in which a school district, joint 11441
vocational school district, or local taxing unit with a fixed-sum 11442
levy loss reimbursement has territory. 11443

(I) Not later than the twenty-eighth day of February each 11444
year beginning in 2011 and ending in 2014, the tax commissioner 11445
shall certify to the department of education for each school 11446
district first levying a tax under section 5705.219 of the Revised 11447
Code in the preceding year the revised fixed-rate levy losses 11448
determined under divisions (D) and (F) of this section. 11449

Sec. 6301.01. As used in this chapter:	11450
(A) "Local area" means any of the following:	11451
(1) A municipal corporation that is authorized to administer and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, under this chapter and is not joining in partnership with any other political subdivisions in order to do so;	11452 11453 11454 11455 11456
(2) A single county;	11457
(3) A consortium of any of the following political subdivisions:	11458 11459
(a) A group of two or more counties in the state;	11460
(b) One or more counties and one municipal corporation in the state;	11461 11462
(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.	11463 11464 11465 11466 11467
"Local area" does not mean a region for purposes of determinations concerning administrative incentives.	11468 11469
(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.	11470 11471 11472 11473 11474 11475 11476 11477
(C) "County" means a county that is eligible to be designated	11478

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.

(D) "Workforce development agency" means the entity given responsibility for workforce development activities that is designated by the board of county commissioners in accordance with section 330.04 of the Revised Code, the chief elected official of a municipal corporation in accordance with section 763.05 of the Revised Code, or the chief elected officials of a local area defined in division (A)(3) of this section.

(E) "Workforce development activity" means a program, grant, or other function, the primary goal of which is to do one or more of the following:

(1) Help individuals maximize their employment opportunities;

(2) Help employers gain access to skilled workers;

(3) Help employers retain skilled workers;

(4) Help develop or enhance the skills of incumbent workers;

(5) Improve the quality of the state's workforce;

(6) Enhance the productivity and competitiveness of the state's economy.

(F) "Chief elected officials," when used in reference to a local area, means the board of county commissioners of the county or of each county in the local area or, if the county has adopted a charter under Section 3 of Article X, Ohio Constitution, the chief governing body of that county, and the chief elected official of the municipal corporation, if the local area includes a municipal corporation, except that when the local area is the type defined in division (A)(1) of this section, "chief elected

officials" means the chief elected official of the municipal corporation. 11509
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(G) "State board" means the state workforce policy board established by section 6301.04 of the Revised Code. 11511
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(H) "Local board" means a local workforce policy board created pursuant to section 6301.06 of the Revised Code. 11513
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Sec. 6301.02. The director of job and family services shall 11515
administer the "Workforce Investment Act of 1998," 112 Stat. 936, 11516
29 U.S.C.A. 2801, as amended, the "Wagner-Peyser Act," 48 Stat. 11517
113 (1933), 29 U.S.C.A. 49, as amended, and the funds received 11518
pursuant to those acts. In administering those acts and funds 11519
received pursuant to those acts, the director shall ~~establish and~~ 11520
~~administer~~ assist the state workforce policy board in establishing 11521
and administering a workforce development system that is designed 11522
to provide leadership, support, and oversight to locally designed 11523
workforce development ~~and family services~~ systems and that 11524
~~provides the maximum amount of flexibility and authority to~~ 11525
~~counties and municipal corporations, as permitted under the~~ 11526
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 11527
~~2801, as amended.~~ The director shall conduct investigations and 11528
hold hearings as necessary for the administration of this chapter. 11529

To the extent permitted by state and federal law, the 11530
director may adopt rules pursuant to Chapter 119. of the Revised 11531
Code to establish any program or pilot program for the purposes of 11532
providing workforce development activities or family services to 11533
individuals who do not meet eligibility criteria for those 11534
activities or services under applicable federal law. Prior to the 11535
initiation of any program of that nature, the director of budget 11536
and management shall certify to the governor that sufficient funds 11537
are available to administer a program of that nature. The state 11538
board shall have final approval of any such program. 11539

Unless otherwise prohibited by state or federal law, every 11540
state agency, board, or commission shall provide to the state 11541
board and the director all information and assistance requested by 11542
the state board and the director in furtherance of workforce 11543
development activities. 11544

Sec. 6301.03. (A) In administering the "Workforce Investment 11545
Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 11546
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 11547
amended, the funds received pursuant to those acts, and the 11548
workforce development system, the director of job and family 11549
services may, at the direction of the state board, make 11550
allocations and payment of funds for the local administration of 11551
the workforce development activities established under this 11552
chapter. ~~Pursuant to the "Workforce Investment Act of 1998," 112~~ 11553
~~Stat. 936, 29 U.S.C.A. 2801, as amended, the governor shall~~ 11554
~~reserve not more than fifteen per cent of the amounts allocated to~~ 11555
~~the state under Title I of that act for adults, dislocated~~ 11556
~~workers, and youth for statewide activities, and not more than~~ 11557
~~twenty five per cent of funds allocated for dislocated workers~~ 11558
~~under Title I of that act for statewide rapid response activities.~~ 11559

(B) The director shall allocate to local areas all funds 11560
required to be allocated to local areas pursuant to the "Workforce 11561
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 11562
amended. The director shall make allocations only with funds 11563
available. Local areas, as defined by either section 101 of the 11564
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 11565
2801, as amended, or section 6301.01 of the Revised Code, and 11566
subrecipients of a local area shall establish a workforce 11567
development fund and the entity receiving funds shall deposit all 11568
funds received under this section into the workforce development 11569
fund. All expenditures for activities funded under this section 11570
shall be made from the workforce development fund, including 11571

reimbursements to a county public assistance fund for expenditures 11572
made for activities funded under this section. 11573

(C) The use of funds, reporting requirements, and other 11574
administrative and operational requirements governing the use of 11575
funds received by the director pursuant to this section shall be 11576
governed by internal management rules adopted by ~~the director~~ and 11577
approved by the state board pursuant to section 111.15 of the 11578
Revised Code. 11579

(D) To the extent permitted by state or federal law, the 11580
state board, director, local areas, counties, and municipal 11581
corporations authorized to administer workforce development 11582
activities may assess a fee for specialized services requested by 11583
an employer. The director shall adopt rules pursuant to Chapter 11584
119. of the Revised Code governing the nature and amount of those 11585
types of fees. 11586

Sec. 6301.04. The governor shall establish a state workforce 11587
policy board and appoint members to the board, who serve at the 11588
governor's pleasure, to perform duties under the "Workforce 11589
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 11590
amended, as authorized by the governor. The board is not subject 11591
to sections 101.82 to 101.87 of the Revised Code. ~~The director of~~ 11592
~~job and family services may~~ All state agencies engaged in 11593
workforce development activities shall assist the board in the 11594
performance of its duties. 11595

(A)(1) The governor shall designate nine members of the board 11596
to be voting members. All other members shall be ex officio, 11597
nonvoting members. 11598

(2) The governor shall choose the voting members in a way 11599
that a majority of the voting board members represent business 11600
interests. 11601

(B) The board shall have the power and authority to do all of the following: 11602
11603

(1) Provide oversight and policy direction to ensure that the state workforce development activities are aligned and serving the needs of the state's employers, incumbent workers, and job seekers; 11604
11605
11606
11607

(2) Adopt rules necessary to administer state workforce development activities; 11608
11609

(3) Adopt rules necessary for the auditing and monitoring of subrecipients of the workforce development system grant funds; 11610
11611

(4) Designate local workforce investment areas in accordance with 29 U.S.C. 2831; 11612
11613

(5) Develop a unified budget for all state and federal workforce funds; 11614
11615

(6) Establish a statewide employment and data collection system; 11616
11617

(7) Develop statewide performance measures for workforce development and investment; 11618
11619

(8) Develop a state workforce development plan; 11620

(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; 11621
11622
11623

(10) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor. 11624
11625

Sec. 6301.07. (A) For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience. 11626
11627
11628
11629

(B) Every local workforce policy board, under the direction 11630

and approval of the state workforce policy board and with the 11631
agreement of the chief elected officials of the local area, and 11632
after holding public hearings that allow public comment and 11633
testimony, shall prepare a workforce development plan. The plan 11634
shall accomplish all of the following: 11635

(1) Identify the workforce investment needs of businesses in 11636
the local area, identify projected employment opportunities, and 11637
identify the job skills and performance character necessary to 11638
obtain and succeed in those opportunities; 11639

(2) Identify the local area's workforce development needs for 11640
youth, dislocated workers, adults, displaced homemakers, incumbent 11641
workers, and any other group of workers identified by the local 11642
workforce policy board; 11643

(3) Determine the distribution of workforce development 11644
resources and funding to be distributed for each workforce 11645
development activity to meet the identified needs, utilizing the 11646
funds allocated pursuant to the "Workforce Investment Act of 11647
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended; 11648

(4) Give priority to youth receiving independent living 11649
services pursuant to sections 2151.81 to 2151.84 of the Revised 11650
Code when determining distribution of workforce development 11651
resources and workforce development activity funding; 11652

(5) Review the minimum curriculum required by the state 11653
workforce policy board for certifying training providers and 11654
identify any additional curriculum requirements to include in 11655
contracts between the training providers and the chief elected 11656
officials of the local area; 11657

(6) Establish performance standards for service providers 11658
that reflect local workforce development needs; 11659

(7) Describe any other information the chief elected 11660
officials of the local area require. 11661

~~(B)~~(C) A local workforce policy board may provide policy 11662
guidance and recommendations to the chief elected officials of a 11663
local area for any workforce development activities. 11664

~~(C)~~(D) Nothing in this section prohibits the chief elected 11665
officials of a local area from assigning, through a partnership 11666
agreement, any duties in addition to the duties under this section 11667
to a local workforce policy board, except that a local workforce 11668
policy board cannot contract with itself for the direct provision 11669
of services in its local area. A local workforce policy board may 11670
consult with the chief elected officials of its local area and 11671
make recommendations regarding the workforce development 11672
activities provided in its local area at any time. 11673

Sec. 6301.08. Every local area shall participate in a 11674
one-stop system for workforce development activities. Each board 11675
of county commissioners and the chief elected official of a 11676
municipal corporation shall ensure that at least one ~~physical~~ 11677
~~location~~ delivery method is available in the local area, either 11678
through a physical location, or by electronic means approved by 11679
the state board, for the provision of workforce development 11680
activities. 11681

A one-stop system may be operated by a private entity or a 11682
public agency, including a workforce development agency, any 11683
existing facility or organization that is established to 11684
administer workforce development activities in the local area, and 11685
a county family services agency. 11686

A one-stop system shall include representatives of all the 11687
partners required under the "Workforce Investment Act of 1998," 11688
112 Stat. 936, 29 U.S.C.A. 2801, as amended. ~~Additionally, at~~ 11689
~~least one representative from a county department of job and~~ 11690
~~family services shall staff a one-stop system to represent all of~~ 11691
~~the county family services agencies within the local area.~~ 11692

Sec. 6301.10. Beginning January 1, ~~2001~~ 2013, and each 11693
calendar ~~quarter~~ year thereafter, the ~~director of job and family~~ 11694
~~services state board, with the assistance of all state agencies~~ 11695
engaged in workforce development activities, shall prepare a 11696
report concerning the state of Ohio's workforce. The ~~director~~ 11697
state board shall distribute the report to the president and 11698
minority leader of the senate, the speaker and minority leader of 11699
the house of representatives, ~~the state workforce policy board,~~ 11700
the governor's office of Appalachian Ohio, the commission on 11701
Hispanic-Latino affairs, and the commission on African-American 11702
males. 11703

Section 101.02. That existing sections 124.38, 3301.04, 11704
3301.079, 3301.0710, 3301.0712, 3301.0714, 3301.0715, 3301.0723, 11705
3301.52, 3301.53, 3301.58, 3301.90, 3301.922, 3302.03, 3302.032, 11706
3302.042, 3302.12, 3302.20, 3302.21, 3302.25, 3310.03, 3310.08, 11707
3310.15, 3313.37, 3313.41, 3313.411, 3313.608, 3313.609, 11708
3313.6013, 3313.674, 3313.813, 3313.816, 3313.842, 3313.843, 11709
3313.845, 3313.978, 3314.015, 3314.016, 3314.02, 3314.029, 11710
3314.03, 3314.06, 3314.08, 3314.17, 3314.18, 3314.35, 3314.36, 11711
3317.01, 3317.11, 3318.034, 3318.36, 3318.37, 3318.371, 3318.70, 11712
3319.02, 3319.06, 3319.11, 3319.111, 3319.112, 3319.58, 3321.01, 11713
3323.011, 3323.052, 3323.19, 3326.03, 3326.04, 3326.10, 3326.11, 11714
3326.17, 3326.21, 3328.15, 3328.24, 3333.0411, 4139.01, 4139.03, 11715
4139.04, 4139.05, 4141.01, 4141.29, 4301.20, 5104.01, 5104.011, 11716
5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 5104.38, 5709.83, 11717
5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 11718
6301.10 of the Revised Code are hereby repealed. 11719

Section 105.01. That section 3319.19 of the Revised Code is 11720
hereby repealed. 11721

Section 120.01. That sections 109.57, 2151.011, 2919.227, 11722

2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 11723
3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 11724
5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 5104.022, 11725
5104.03, 5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 11726
5104.08, 5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 11727
5104.36, 5104.38, 5107.60, and 5153.175 be amended, sections 11728
5104.011 (5104.015), 5104.015 (5104.25), 5104.031 (5104.035), 11729
5104.032 (5104.036), and 5104.033 (5104.037) be amended for the 11730
purpose of adopting new section numbers as indicated in 11731
parentheses, and new sections 5104.032 and 5104.033 and sections 11732
5104.016, 5104.017, 5104.018, 5104.019, 5104.0110, 5104.0111, 11733
5104.0112, 5104.034, 5104.038, 5104.039, and 5104.14 of the 11734
Revised Code be enacted to read as follows: 11735

Sec. 109.57. (A)(1) The superintendent of the bureau of 11736
criminal identification and investigation shall procure from 11737
wherever procurable and file for record photographs, pictures, 11738
descriptions, fingerprints, measurements, and other information 11739
that may be pertinent of all persons who have been convicted of 11740
committing within this state a felony, any crime constituting a 11741
misdemeanor on the first offense and a felony on subsequent 11742
offenses, or any misdemeanor described in division (A)(1)(a), 11743
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 11744
of all children under eighteen years of age who have been 11745
adjudicated delinquent children for committing within this state 11746
an act that would be a felony or an offense of violence if 11747
committed by an adult or who have been convicted of or pleaded 11748
guilty to committing within this state a felony or an offense of 11749
violence, and of all well-known and habitual criminals. The person 11750
in charge of any county, multicounty, municipal, municipal-county, 11751
or multicounty-municipal jail or workhouse, community-based 11752
correctional facility, halfway house, alternative residential 11753

facility, or state correctional institution and the person in 11754
charge of any state institution having custody of a person 11755
suspected of having committed a felony, any crime constituting a 11756
misdemeanor on the first offense and a felony on subsequent 11757
offenses, or any misdemeanor described in division (A)(1)(a), 11758
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 11759
having custody of a child under eighteen years of age with respect 11760
to whom there is probable cause to believe that the child may have 11761
committed an act that would be a felony or an offense of violence 11762
if committed by an adult shall furnish such material to the 11763
superintendent of the bureau. Fingerprints, photographs, or other 11764
descriptive information of a child who is under eighteen years of 11765
age, has not been arrested or otherwise taken into custody for 11766
committing an act that would be a felony or an offense of violence 11767
who is not in any other category of child specified in this 11768
division, if committed by an adult, has not been adjudicated a 11769
delinquent child for committing an act that would be a felony or 11770
an offense of violence if committed by an adult, has not been 11771
convicted of or pleaded guilty to committing a felony or an 11772
offense of violence, and is not a child with respect to whom there 11773
is probable cause to believe that the child may have committed an 11774
act that would be a felony or an offense of violence if committed 11775
by an adult shall not be procured by the superintendent or 11776
furnished by any person in charge of any county, multicounty, 11777
municipal, municipal-county, or multicounty-municipal jail or 11778
workhouse, community-based correctional facility, halfway house, 11779
alternative residential facility, or state correctional 11780
institution, except as authorized in section 2151.313 of the 11781
Revised Code. 11782

(2) Every clerk of a court of record in this state, other 11783
than the supreme court or a court of appeals, shall send to the 11784
superintendent of the bureau a weekly report containing a summary 11785
of each case involving a felony, involving any crime constituting 11786

a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged 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 clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

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

(b) The style and number of the case;

(c) The date of arrest, offense, summons, or arraignment;

(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;

(e) A statement of the original charge with the section of 11818
the Revised Code that was alleged to be violated; 11819

(f) If the person or child was convicted, pleaded guilty, or 11820
was adjudicated a delinquent child, the sentence or terms of 11821
probation imposed or any other disposition of the offender or the 11822
delinquent child. 11823

If the offense involved the disarming of a law enforcement 11824
officer or an attempt to disarm a law enforcement officer, the 11825
clerk shall clearly state that fact in the summary, and the 11826
superintendent shall ensure that a clear statement of that fact is 11827
placed in the bureau's records. 11828

(3) The superintendent shall cooperate with and assist 11829
sheriffs, chiefs of police, and other law enforcement officers in 11830
the establishment of a complete system of criminal identification 11831
and in obtaining fingerprints and other means of identification of 11832
all persons arrested on a charge of a felony, any crime 11833
constituting a misdemeanor on the first offense and a felony on 11834
subsequent offenses, or a misdemeanor described in division 11835
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 11836
Revised Code and of all children under eighteen years of age 11837
arrested or otherwise taken into custody for committing an act 11838
that would be a felony or an offense of violence if committed by 11839
an adult. The superintendent also shall file for record the 11840
fingerprint impressions of all persons confined in a county, 11841
multicounty, municipal, municipal-county, or multicounty-municipal 11842
jail or workhouse, community-based correctional facility, halfway 11843
house, alternative residential facility, or state correctional 11844
institution for the violation of state laws and of all children 11845
under eighteen years of age who are confined in a county, 11846
multicounty, municipal, municipal-county, or multicounty-municipal 11847
jail or workhouse, community-based correctional facility, halfway 11848
house, alternative residential facility, or state correctional 11849

institution or in any facility for delinquent children for 11850
committing an act that would be a felony or an offense of violence 11851
if committed by an adult, and any other information that the 11852
superintendent may receive from law enforcement officials of the 11853
state and its political subdivisions. 11854

(4) The superintendent shall carry out Chapter 2950. of the 11855
Revised Code with respect to the registration of persons who are 11856
convicted of or plead guilty to a sexually oriented offense or a 11857
child-victim oriented offense and with respect to all other duties 11858
imposed on the bureau under that chapter. 11859

(5) The bureau shall perform centralized recordkeeping 11860
functions for criminal history records and services in this state 11861
for purposes of the national crime prevention and privacy compact 11862
set forth in section 109.571 of the Revised Code and is the 11863
criminal history record repository as defined in that section for 11864
purposes of that compact. The superintendent or the 11865
superintendent's designee is the compact officer for purposes of 11866
that compact and shall carry out the responsibilities of the 11867
compact officer specified in that compact. 11868

(B) The superintendent shall prepare and furnish to every 11869
county, multicounty, municipal, municipal-county, or 11870
multicounty-municipal jail or workhouse, community-based 11871
correctional facility, halfway house, alternative residential 11872
facility, or state correctional institution and to every clerk of 11873
a court in this state specified in division (A)(2) of this section 11874
standard forms for reporting the information required under 11875
division (A) of this section. The standard forms that the 11876
superintendent prepares pursuant to this division may be in a 11877
tangible format, in an electronic format, or in both tangible 11878
formats and electronic formats. 11879

(C)(1) The superintendent may operate a center for 11880
electronic, automated, or other data processing for the storage 11881

and retrieval of information, data, and statistics pertaining to 11882
criminals and to children under eighteen years of age who are 11883
adjudicated delinquent children for committing an act that would 11884
be a felony or an offense of violence if committed by an adult, 11885
criminal activity, crime prevention, law enforcement, and criminal 11886
justice, and may establish and operate a statewide communications 11887
network to be known as the Ohio law enforcement gateway to gather 11888
and disseminate information, data, and statistics for the use of 11889
law enforcement agencies and for other uses specified in this 11890
division. The superintendent may gather, store, retrieve, and 11891
disseminate information, data, and statistics that pertain to 11892
children who are under eighteen years of age and that are gathered 11893
pursuant to sections 109.57 to 109.61 of the Revised Code together 11894
with information, data, and statistics that pertain to adults and 11895
that are gathered pursuant to those sections. 11896

(2) The superintendent or the superintendent's designee shall 11897
gather information of the nature described in division (C)(1) of 11898
this section that pertains to the offense and delinquency history 11899
of a person who has been convicted of, pleaded guilty to, or been 11900
adjudicated a delinquent child for committing a sexually oriented 11901
offense or a child-victim oriented offense for inclusion in the 11902
state registry of sex offenders and child-victim offenders 11903
maintained pursuant to division (A)(1) of section 2950.13 of the 11904
Revised Code and in the internet database operated pursuant to 11905
division (A)(13) of that section and for possible inclusion in the 11906
internet database operated pursuant to division (A)(11) of that 11907
section. 11908

(3) In addition to any other authorized use of information, 11909
data, and statistics of the nature described in division (C)(1) of 11910
this section, the superintendent or the superintendent's designee 11911
may provide and exchange the information, data, and statistics 11912
pursuant to the national crime prevention and privacy compact as 11913

described in division (A)(5) of this section. 11914

(4) The attorney general may adopt rules under Chapter 119. 11915
of the Revised Code establishing guidelines for the operation of 11916
and participation in the Ohio law enforcement gateway. The rules 11917
may include criteria for granting and restricting access to 11918
information gathered and disseminated through the Ohio law 11919
enforcement gateway. The attorney general shall permit the state 11920
medical board and board of nursing to access and view, but not 11921
alter, information gathered and disseminated through the Ohio law 11922
enforcement gateway. 11923

The attorney general may appoint a steering committee to 11924
advise the attorney general in the operation of the Ohio law 11925
enforcement gateway that is comprised of persons who are 11926
representatives of the criminal justice agencies in this state 11927
that use the Ohio law enforcement gateway and is chaired by the 11928
superintendent or the superintendent's designee. 11929

(D)(1) The following are not public records under section 11930
149.43 of the Revised Code: 11931

(a) Information and materials furnished to the superintendent 11932
pursuant to division (A) of this section; 11933

(b) Information, data, and statistics gathered or 11934
disseminated through the Ohio law enforcement gateway pursuant to 11935
division (C)(1) of this section; 11936

(c) Information and materials furnished to any board or 11937
person under division (F) or (G) of this section. 11938

(2) The superintendent or the superintendent's designee shall 11939
gather and retain information so furnished under division (A) of 11940
this section that pertains to the offense and delinquency history 11941
of a person who has been convicted of, pleaded guilty to, or been 11942
adjudicated a delinquent child for committing a sexually oriented 11943
offense or a child-victim oriented offense for the purposes 11944

described in division (C)(2) of this section. 11945

(E) The attorney general shall adopt rules, in accordance 11946
with Chapter 119. of the Revised Code, setting forth the procedure 11947
by which a person may receive or release information gathered by 11948
the superintendent pursuant to division (A) of this section. A 11949
reasonable fee may be charged for this service. If a temporary 11950
employment service submits a request for a determination of 11951
whether a person the service plans to refer to an employment 11952
position has been convicted of or pleaded guilty to an offense 11953
listed in division (A)(1), (3), (4), (5), or (6) of section 11954
109.572 of the Revised Code, the request shall be treated as a 11955
single request and only one fee shall be charged. 11956

(F)(1) As used in division (F)(2) of this section, "head 11957
start agency" means an entity in this state that has been approved 11958
to be an agency for purposes of subchapter II of the "Community 11959
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 11960
as amended. 11961

(2)(a) In addition to or in conjunction with any request that 11962
is required to be made under section 109.572, 2151.86, 3301.32, 11963
3301.541, division (C) of section 3310.58, or section 3319.39, 11964
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 11965
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 11966
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 11967
Revised Code, the board of education of any school district; the 11968
director of developmental disabilities; any county board of 11969
developmental disabilities; any entity under contract with a 11970
county board of developmental disabilities; the chief 11971
administrator of any chartered nonpublic school; the chief 11972
administrator of a registered private provider that is not also a 11973
chartered nonpublic school; the chief administrator of any home 11974
health agency; the chief administrator of or person operating any 11975
child day-care center, type A family day-care home, or type B 11976

family day-care home licensed ~~or certified~~ under Chapter 5104. of 11977
the Revised Code; ~~the administrator of any type C family day care~~ 11978
~~home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st~~ 11979
~~general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st~~ 11980
~~general assembly~~; the chief administrator of any head start 11981
agency; the executive director of a public children services 11982
agency; a private company described in section 3314.41, 3319.392, 11983
3326.25, or 3328.20 of the Revised Code; or an employer described 11984
in division (J)(2) of section 3327.10 of the Revised Code may 11985
request that the superintendent of the bureau investigate and 11986
determine, with respect to any individual who has applied for 11987
employment in any position after October 2, 1989, or any 11988
individual wishing to apply for employment with a board of 11989
education may request, with regard to the individual, whether the 11990
bureau has any information gathered under division (A) of this 11991
section that pertains to that individual. On receipt of the 11992
request, the superintendent shall determine whether that 11993
information exists and, upon request of the person, board, or 11994
entity requesting information, also shall request from the federal 11995
bureau of investigation any criminal records it has pertaining to 11996
that individual. The superintendent or the superintendent's 11997
designee also may request criminal history records from other 11998
states or the federal government pursuant to the national crime 11999
prevention and privacy compact set forth in section 109.571 of the 12000
Revised Code. Within thirty days of the date that the 12001
superintendent receives a request, the superintendent shall send 12002
to the board, entity, or person a report of any information that 12003
the superintendent determines exists, including information 12004
contained in records that have been sealed under section 2953.32 12005
of the Revised Code, and, within thirty days of its receipt, shall 12006
send the board, entity, or person a report of any information 12007
received from the federal bureau of investigation, other than 12008
information the dissemination of which is prohibited by federal 12009

law. 12010

(b) When a board of education or a registered private 12011
provider is required to receive information under this section as 12012
a prerequisite to employment of an individual pursuant to division 12013
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 12014
may accept a certified copy of records that were issued by the 12015
bureau of criminal identification and investigation and that are 12016
presented by an individual applying for employment with the 12017
district in lieu of requesting that information itself. In such a 12018
case, the board shall accept the certified copy issued by the 12019
bureau in order to make a photocopy of it for that individual's 12020
employment application documents and shall return the certified 12021
copy to the individual. In a case of that nature, a district or 12022
provider only shall accept a certified copy of records of that 12023
nature within one year after the date of their issuance by the 12024
bureau. 12025

(c) Notwithstanding division (F)(2)(a) of this section, in 12026
the case of a request under section 3319.39, 3319.391, or 3327.10 12027
of the Revised Code only for criminal records maintained by the 12028
federal bureau of investigation, the superintendent shall not 12029
determine whether any information gathered under division (A) of 12030
this section exists on the person for whom the request is made. 12031

(3) The state board of education may request, with respect to 12032
any individual who has applied for employment after October 2, 12033
1989, in any position with the state board or the department of 12034
education, any information that a school district board of 12035
education is authorized to request under division (F)(2) of this 12036
section, and the superintendent of the bureau shall proceed as if 12037
the request has been received from a school district board of 12038
education under division (F)(2) of this section. 12039

(4) When the superintendent of the bureau receives a request 12040
for information under section 3319.291 of the Revised Code, the 12041

superintendent shall proceed as if the request has been received 12042
from a school district board of education and shall comply with 12043
divisions (F)(2)(a) and (c) of this section. 12044

(5) When a recipient of a classroom reading improvement grant 12045
paid under section 3301.86 of the Revised Code requests, with 12046
respect to any individual who applies to participate in providing 12047
any program or service funded in whole or in part by the grant, 12048
the information that a school district board of education is 12049
authorized to request under division (F)(2)(a) of this section, 12050
the superintendent of the bureau shall proceed as if the request 12051
has been received from a school district board of education under 12052
division (F)(2)(a) of this section. 12053

(G) In addition to or in conjunction with any request that is 12054
required to be made under section 3701.881, 3712.09, 3721.121, 12055
5119.693, or 5119.85 of the Revised Code with respect to an 12056
individual who has applied for employment in a position that 12057
involves providing direct care to an older adult or adult 12058
resident, the chief administrator of a home health agency, hospice 12059
care program, home licensed under Chapter 3721. of the Revised 12060
Code, adult day-care program operated pursuant to rules adopted 12061
under section 3721.04 of the Revised Code, adult foster home, or 12062
adult care facility may request that the superintendent of the 12063
bureau investigate and determine, with respect to any individual 12064
who has applied after January 27, 1997, for employment in a 12065
position that does not involve providing direct care to an older 12066
adult or adult resident, whether the bureau has any information 12067
gathered under division (A) of this section that pertains to that 12068
individual. 12069

In addition to or in conjunction with any request that is 12070
required to be made under section 173.27 of the Revised Code with 12071
respect to an individual who has applied for employment in a 12072
position that involves providing ombudsperson services to 12073

residents of long-term care facilities or recipients of 12074
community-based long-term care services, the state long-term care 12075
ombudsperson, ombudsperson's designee, or director of health may 12076
request that the superintendent investigate and determine, with 12077
respect to any individual who has applied for employment in a 12078
position that does not involve providing such ombudsperson 12079
services, whether the bureau has any information gathered under 12080
division (A) of this section that pertains to that applicant. 12081

In addition to or in conjunction with any request that is 12082
required to be made under section 173.394 of the Revised Code with 12083
respect to an individual who has applied for employment in a 12084
position that involves providing direct care to an individual, the 12085
chief administrator of a community-based long-term care agency may 12086
request that the superintendent investigate and determine, with 12087
respect to any individual who has applied for employment in a 12088
position that does not involve providing direct care, whether the 12089
bureau has any information gathered under division (A) of this 12090
section that pertains to that applicant. 12091

On receipt of a request under this division, the 12092
superintendent shall determine whether that information exists 12093
and, on request of the individual requesting information, shall 12094
also request from the federal bureau of investigation any criminal 12095
records it has pertaining to the applicant. The superintendent or 12096
the superintendent's designee also may request criminal history 12097
records from other states or the federal government pursuant to 12098
the national crime prevention and privacy compact set forth in 12099
section 109.571 of the Revised Code. Within thirty days of the 12100
date a request is received, the superintendent shall send to the 12101
requester a report of any information determined to exist, 12102
including information contained in records that have been sealed 12103
under section 2953.32 of the Revised Code, and, within thirty days 12104
of its receipt, shall send the requester a report of any 12105

information received from the federal bureau of investigation, 12106
other than information the dissemination of which is prohibited by 12107
federal law. 12108

(H) Information obtained by a government entity or person 12109
under this section is confidential and shall not be released or 12110
disseminated. 12111

(I) The superintendent may charge a reasonable fee for 12112
providing information or criminal records under division (F)(2) or 12113
(G) of this section. 12114

(J) As used in this section: 12115

(1) "Sexually oriented offense" and "child-victim oriented 12116
offense" have the same meanings as in section 2950.01 of the 12117
Revised Code. 12118

(2) "Registered private provider" means a nonpublic school or 12119
entity registered with the superintendent of public instruction 12120
under section 3310.41 of the Revised Code to participate in the 12121
autism scholarship program or section 3310.58 of the Revised Code 12122
to participate in the Jon Peterson special needs scholarship 12123
program. 12124

Sec. 2151.011. (A) As used in the Revised Code: 12125

(1) "Juvenile court" means whichever of the following is 12126
applicable that has jurisdiction under this chapter and Chapter 12127
2152. of the Revised Code: 12128

(a) The division of the court of common pleas specified in 12129
section 2101.022 or 2301.03 of the Revised Code as having 12130
jurisdiction under this chapter and Chapter 2152. of the Revised 12131
Code or as being the juvenile division or the juvenile division 12132
combined with one or more other divisions; 12133

(b) The juvenile court of Cuyahoga county or Hamilton county 12134
that is separately and independently created by section 2151.08 or 12135

Chapter 2153. of the Revised Code and that has jurisdiction under	12136
this chapter and Chapter 2152. of the Revised Code;	12137
(c) If division (A)(1)(a) or (b) of this section does not	12138
apply, the probate division of the court of common pleas.	12139
(2) "Juvenile judge" means a judge of a court having	12140
jurisdiction under this chapter.	12141
(3) "Private child placing agency" means any association, as	12142
defined in section 5103.02 of the Revised Code, that is certified	12143
under section 5103.03 of the Revised Code to accept temporary,	12144
permanent, or legal custody of children and place the children for	12145
either foster care or adoption.	12146
(4) "Private noncustodial agency" means any person,	12147
organization, association, or society certified by the department	12148
of job and family services that does not accept temporary or	12149
permanent legal custody of children, that is privately operated in	12150
this state, and that does one or more of the following:	12151
(a) Receives and cares for children for two or more	12152
consecutive weeks;	12153
(b) Participates in the placement of children in certified	12154
foster homes;	12155
(c) Provides adoption services in conjunction with a public	12156
children services agency or private child placing agency.	12157
(B) As used in this chapter:	12158
(1) "Adequate parental care" means the provision by a child's	12159
parent or parents, guardian, or custodian of adequate food,	12160
clothing, and shelter to ensure the child's health and physical	12161
safety and the provision by a child's parent or parents of	12162
specialized services warranted by the child's physical or mental	12163
needs.	12164
(2) "Adult" means an individual who is eighteen years of age	12165

or older. 12166

(3) "Agreement for temporary custody" means a voluntary 12167
agreement authorized by section 5103.15 of the Revised Code that 12168
transfers the temporary custody of a child to a public children 12169
services agency or a private child placing agency. 12170

(4) "Alternative response" means the public children services 12171
agency's response to a report of child abuse or neglect that 12172
engages the family in a comprehensive evaluation of child safety, 12173
risk of subsequent harm, and family strengths and needs and that 12174
does not include a determination as to whether child abuse or 12175
neglect occurred. 12176

(5) "Certified foster home" means a foster home, as defined 12177
in section 5103.02 of the Revised Code, certified under section 12178
5103.03 of the Revised Code. 12179

(6) "Child" means a person who is under eighteen years of 12180
age, except that the juvenile court has jurisdiction over any 12181
person who is adjudicated an unruly child prior to attaining 12182
eighteen years of age until the person attains twenty-one years of 12183
age, and, for purposes of that jurisdiction related to that 12184
adjudication, a person who is so adjudicated an unruly child shall 12185
be deemed a "child" until the person attains twenty-one years of 12186
age. 12187

(7) "Child day camp," "child care," "child day-care center," 12188
"part-time child day-care center," "type A family day-care home," 12189
"~~certified~~ licensed type B family day-care home," "type B family 12190
day-care home," "administrator of a child day-care center," 12191
"administrator of a type A family day-care home," and "in-home 12192
aide," ~~and "authorized provider"~~ have the same meanings as in 12193
section 5104.01 of the Revised Code. 12194

(8) "Child care provider" means an individual who is a 12195
child-care staff member or administrator of a child day-care 12196

center, a type A family day-care home, or a type B family day-care 12197
home, or an in-home aide or an individual who is licensed, is 12198
regulated, is approved, operates under the direction of, or 12199
otherwise is certified by the department of job and family 12200
services, department of developmental disabilities, or the early 12201
childhood programs of the department of education. 12202

(9) "Chronic truant" has the same meaning as in section 12203
2152.02 of the Revised Code. 12204

(10) "Commit" means to vest custody as ordered by the court. 12205

(11) "Counseling" includes both of the following: 12206

(a) General counseling services performed by a public 12207
children services agency or shelter for victims of domestic 12208
violence to assist a child, a child's parents, and a child's 12209
siblings in alleviating identified problems that may cause or have 12210
caused the child to be an abused, neglected, or dependent child. 12211

(b) Psychiatric or psychological therapeutic counseling 12212
services provided to correct or alleviate any mental or emotional 12213
illness or disorder and performed by a licensed psychiatrist, 12214
licensed psychologist, or a person licensed under Chapter 4757. of 12215
the Revised Code to engage in social work or professional 12216
counseling. 12217

(12) "Custodian" means a person who has legal custody of a 12218
child or a public children services agency or private child 12219
placing agency that has permanent, temporary, or legal custody of 12220
a child. 12221

(13) "Delinquent child" has the same meaning as in section 12222
2152.02 of the Revised Code. 12223

(14) "Detention" means the temporary care of children pending 12224
court adjudication or disposition, or execution of a court order, 12225
in a public or private facility designed to physically restrict 12226

the movement and activities of children. 12227

(15) "Developmental disability" has the same meaning as in 12228
section 5123.01 of the Revised Code. 12229

(16) "Differential response approach" means an approach that 12230
a public children services agency may use to respond to accepted 12231
reports of child abuse or neglect with either an alternative 12232
response or a traditional response. 12233

(17) "Foster caregiver" has the same meaning as in section 12234
5103.02 of the Revised Code. 12235

(18) "Guardian" means a person, association, or corporation 12236
that is granted authority by a probate court pursuant to Chapter 12237
2111. of the Revised Code to exercise parental rights over a child 12238
to the extent provided in the court's order and subject to the 12239
residual parental rights of the child's parents. 12240

(19) "Habitual truant" means any child of compulsory school 12241
age who is absent without legitimate excuse for absence from the 12242
public school the child is supposed to attend for five or more 12243
consecutive school days, seven or more school days in one school 12244
month, or twelve or more school days in a school year. 12245

(20) "Juvenile traffic offender" has the same meaning as in 12246
section 2152.02 of the Revised Code. 12247

(21) "Legal custody" means a legal status that vests in the 12248
custodian the right to have physical care and control of the child 12249
and to determine where and with whom the child shall live, and the 12250
right and duty to protect, train, and discipline the child and to 12251
provide the child with food, shelter, education, and medical care, 12252
all subject to any residual parental rights, privileges, and 12253
responsibilities. An individual granted legal custody shall 12254
exercise the rights and responsibilities personally unless 12255
otherwise authorized by any section of the Revised Code or by the 12256
court. 12257

(22) A "legitimate excuse for absence from the public school 12258
the child is supposed to attend" includes, but is not limited to, 12259
any of the following: 12260

(a) The fact that the child in question has enrolled in and 12261
is attending another public or nonpublic school in this or another 12262
state; 12263

(b) The fact that the child in question is excused from 12264
attendance at school for any of the reasons specified in section 12265
3321.04 of the Revised Code; 12266

(c) The fact that the child in question has received an age 12267
and schooling certificate in accordance with section 3331.01 of 12268
the Revised Code. 12269

(23) "Mental illness" and "mentally ill person subject to 12270
hospitalization by court order" have the same meanings as in 12271
section 5122.01 of the Revised Code. 12272

(24) "Mental injury" means any behavioral, cognitive, 12273
emotional, or mental disorder in a child caused by an act or 12274
omission that is described in section 2919.22 of the Revised Code 12275
and is committed by the parent or other person responsible for the 12276
child's care. 12277

(25) "Mentally retarded person" has the same meaning as in 12278
section 5123.01 of the Revised Code. 12279

(26) "Nonsecure care, supervision, or training" means care, 12280
supervision, or training of a child in a facility that does not 12281
confine or prevent movement of the child within the facility or 12282
from the facility. 12283

(27) "Of compulsory school age" has the same meaning as in 12284
section 3321.01 of the Revised Code. 12285

(28) "Organization" means any institution, public, 12286
semipublic, or private, and any private association, society, or 12287

agency located or operating in the state, incorporated or 12288
unincorporated, having among its functions the furnishing of 12289
protective services or care for children, or the placement of 12290
children in certified foster homes or elsewhere. 12291

(29) "Out-of-home care" means detention facilities, shelter 12292
facilities, certified children's crisis care facilities, certified 12293
foster homes, placement in a prospective adoptive home prior to 12294
the issuance of a final decree of adoption, organizations, 12295
certified organizations, child day-care centers, type A family 12296
day-care homes, type B family day-care homes, child care provided 12297
by ~~type B family day care home providers and by~~ in-home aides, 12298
group home providers, group homes, institutions, state 12299
institutions, residential facilities, residential care facilities, 12300
residential camps, day camps, public schools, chartered nonpublic 12301
schools, educational service centers, hospitals, and medical 12302
clinics that are responsible for the care, physical custody, or 12303
control of children. 12304

(30) "Out-of-home care child abuse" means any of the 12305
following when committed by a person responsible for the care of a 12306
child in out-of-home care: 12307

(a) Engaging in sexual activity with a child in the person's 12308
care; 12309

(b) Denial to a child, as a means of punishment, of proper or 12310
necessary subsistence, education, medical care, or other care 12311
necessary for a child's health; 12312

(c) Use of restraint procedures on a child that cause injury 12313
or pain; 12314

(d) Administration of prescription drugs or psychotropic 12315
medication to the child without the written approval and ongoing 12316
supervision of a licensed physician; 12317

(e) Commission of any act, other than by accidental means, 12318

that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;

(c) Failure to develop a process for all of the following:

(i) Administration of prescription drugs or psychotropic drugs for the child;

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is

substantial risk that the isolation, if continued, will impair or 12349
retard the mental health or physical well-being of the child. 12350

(32) "Permanent custody" means a legal status that vests in a 12351
public children services agency or a private child placing agency, 12352
all parental rights, duties, and obligations, including the right 12353
to consent to adoption, and divests the natural parents or 12354
adoptive parents of all parental rights, privileges, and 12355
obligations, including all residual rights and obligations. 12356

(33) "Permanent surrender" means the act of the parents or, 12357
if a child has only one parent, of the parent of a child, by a 12358
voluntary agreement authorized by section 5103.15 of the Revised 12359
Code, to transfer the permanent custody of the child to a public 12360
children services agency or a private child placing agency. 12361

(34) "Person" means an individual, association, corporation, 12362
or partnership and the state or any of its political subdivisions, 12363
departments, or agencies. 12364

(35) "Person responsible for a child's care in out-of-home 12365
care" means any of the following: 12366

(a) Any foster caregiver, in-home aide, or provider; 12367

(b) Any administrator, employee, or agent of any of the 12368
following: a public or private detention facility; shelter 12369
facility; certified children's crisis care facility; organization; 12370
certified organization; child day-care center; type A family 12371
day-care home; ~~certified~~ licensed type B family day-care home; 12372
group home; institution; state institution; residential facility; 12373
residential care facility; residential camp; day camp; school 12374
district; community school; chartered nonpublic school; 12375
educational service center; hospital; or medical clinic; 12376

(c) Any person who supervises or coaches children as part of 12377
an extracurricular activity sponsored by a school district, public 12378
school, or chartered nonpublic school; 12379

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	12380 12381
(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	12382 12383 12384 12385
(a) A substantial impairment of vision, speech, or hearing;	12386
(b) A congenital orthopedic impairment;	12387
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	12388 12389 12390
(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.	12391 12392 12393 12394
(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.	12395 12396 12397 12398
(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	12399 12400
(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.	12401 12402 12403
(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.	12404 12405 12406 12407
(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the	12408 12409

Revised Code.	12410
(41) "Sanction, service, or condition" means a sanction,	12411
service, or condition created by court order following an	12412
adjudication that a child is an unruly child that is described in	12413
division (A)(4) of section 2152.19 of the Revised Code.	12414
(42) "Protective supervision" means an order of disposition	12415
pursuant to which the court permits an abused, neglected,	12416
dependent, or unruly child to remain in the custody of the child's	12417
parents, guardian, or custodian and stay in the child's home,	12418
subject to any conditions and limitations upon the child, the	12419
child's parents, guardian, or custodian, or any other person that	12420
the court prescribes, including supervision as directed by the	12421
court for the protection of the child.	12422
(43) "Psychiatrist" has the same meaning as in section	12423
5122.01 of the Revised Code.	12424
(44) "Psychologist" has the same meaning as in section	12425
4732.01 of the Revised Code.	12426
(45) "Residential camp" means a program in which the care,	12427
physical custody, or control of children is accepted overnight for	12428
recreational or recreational and educational purposes.	12429
(46) "Residential care facility" means an institution,	12430
residence, or facility that is licensed by the department of	12431
mental health under section 5119.22 of the Revised Code and that	12432
provides care for a child.	12433
(47) "Residential facility" means a home or facility that is	12434
licensed by the department of developmental disabilities under	12435
section 5123.19 of the Revised Code and in which a child with a	12436
developmental disability resides.	12437
(48) "Residual parental rights, privileges, and	12438
responsibilities" means those rights, privileges, and	12439

responsibilities remaining with the natural parent after the 12440
transfer of legal custody of the child, including, but not 12441
necessarily limited to, the privilege of reasonable visitation, 12442
consent to adoption, the privilege to determine the child's 12443
religious affiliation, and the responsibility for support. 12444

(49) "School day" means the school day established by the 12445
state board of education pursuant to section 3313.48 of the 12446
Revised Code. 12447

(50) "School month" and "school year" have the same meanings 12448
as in section 3313.62 of the Revised Code. 12449

(51) "Secure correctional facility" means a facility under 12450
the direction of the department of youth services that is designed 12451
to physically restrict the movement and activities of children and 12452
used for the placement of children after adjudication and 12453
disposition. 12454

(52) "Sexual activity" has the same meaning as in section 12455
2907.01 of the Revised Code. 12456

(53) "Shelter" means the temporary care of children in 12457
physically unrestricted facilities pending court adjudication or 12458
disposition. 12459

(54) "Shelter for victims of domestic violence" has the same 12460
meaning as in section 3113.33 of the Revised Code. 12461

(55) "Temporary custody" means legal custody of a child who 12462
is removed from the child's home, which custody may be terminated 12463
at any time at the discretion of the court or, if the legal 12464
custody is granted in an agreement for temporary custody, by the 12465
person who executed the agreement. 12466

(56) "Traditional response" means a public children services 12467
agency's response to a report of child abuse or neglect that 12468
encourages engagement of the family in a comprehensive evaluation 12469

of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2919.227. (A)(1) No child care center licensee shall accept a child into that center without first providing to the parent, guardian, custodian, or other person responsible for the care of that child the following information, if the parent, guardian, custodian, or other person responsible for the care of the child requests the information:

(a) The types of injuries to children, as reported in accordance with rules adopted under section ~~5104.011~~ 5104.015 of the Revised Code, that occurred at the center on or after April 1, 2003, or the date that is two years before the date the information is requested, whichever date is more recent;

(b) The number of each type of injury to children that occurred at the center during that period.

(2) If a death described in division (A)(2)(a) or (A)(2)(b) of this section occurred during the fifteen-year period immediately preceding the date that the parent, guardian, custodian, or other person responsible for the care of a child seeks to enroll that child, no child care center licensee shall accept that child into that center without first providing to the parent, guardian, custodian, or other person responsible for the care of that child a notice that states that the death occurred.

(a) A child died while under the care of the center or while

receiving child care from the owner, provider, or administrator of the center; 12500
12501

(b) A child died as a result of injuries suffered while under the care of the center or while receiving child care from the owner, provider, or administrator of the center. 12502
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12504

(3) Each child care center licensee shall keep on file at the center a copy of the information provided under this division for at least three years after providing the information. 12505
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(B)(1) No child care center licensee shall fail to provide notice in accordance with division (B)(3) of this section to the persons and entities specified in division (B)(2) of this section if a child who is under the care of the center or is receiving child care from the owner, provider, or administrator of the center dies while under the care of the center or while receiving child care from the owner, provider, or administrator or dies as a result of injuries suffered while under the care of the center or while receiving child care from the owner, provider, or administrator. 12508
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(2) A child care center licensee shall provide the notice required under division (B)(1) of this section to all of the following: 12518
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(a) The parent, guardian, custodian, or other person responsible for the care of each child who, at the time of the death for which notice is required, is receiving or is enrolled to receive child care from the center; 12521
12522
12523
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(b) The public children services agency of the county in which the center is located or the child care was given; 12525
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(c) A municipal or county peace officer in the county in which the child resides or in which the center is located or the child care was given; 12527
12528
12529

(d) The child fatality review board appointed under section 12530
307.621 of the Revised Code that serves the county in which the 12531
center is located or the child care was given. 12532

(3) A child care center licensee shall provide the notice 12533
required by division (B)(1) of this section not later than 12534
forty-eight hours after the child dies. The notice shall state 12535
that the death occurred. 12536

(C) Whoever violates division (A) or (B) of this section is 12537
guilty of failure of a child care center to disclose the death or 12538
serious injury of a child, a misdemeanor of the fourth degree. 12539

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 12540
the Revised Code: 12541

(A) "Application form" means the application form prescribed 12542
pursuant to division (A)(1) of section 109.731 of the Revised Code 12543
and includes a copy of that form. 12544

(B) "Competency certification" and "competency certificate" 12545
mean a document of the type described in division (B)(3) of 12546
section 2923.125 of the Revised Code. 12547

(C) "Detention facility" has the same meaning as in section 12548
2921.01 of the Revised Code. 12549

(D) "Licensee" means a person to whom a license to carry a 12550
concealed handgun has been issued under section 2923.125 of the 12551
Revised Code and, except when the context clearly indicates 12552
otherwise, includes a person to whom a temporary emergency license 12553
to carry a concealed handgun has been issued under section 12554
2923.1213 of the Revised Code. 12555

(E) "License fee" or "license renewal fee" means the fee for 12556
a license to carry a concealed handgun or the fee to renew that 12557
license that is prescribed pursuant to division (C) of section 12558
109.731 of the Revised Code and that is to be paid by an applicant 12559

for a license of that type. 12560

(F) "Peace officer" has the same meaning as in section 12561
2935.01 of the Revised Code. 12562

(G) "State correctional institution" has the same meaning as 12563
in section 2967.01 of the Revised Code. 12564

(H) "Valid license" means a license or temporary emergency 12565
license to carry a concealed handgun that has been issued under 12566
section 2923.125 or 2923.1213 of the Revised Code, that is 12567
currently valid, that is not under a suspension under division 12568
(A)(1) of section 2923.128 or under section 2923.1213 of the 12569
Revised Code, and that has not been revoked under division (B)(1) 12570
of section 2923.128 or under section 2923.1213 of the Revised 12571
Code. 12572

(I) "Civil protection order" means a protection order issued, 12573
or consent agreement approved, under section 2903.214 or 3113.31 12574
of the Revised Code. 12575

(J) "Temporary protection order" means a protection order 12576
issued under section 2903.213 or 2919.26 of the Revised Code. 12577

(K) "Protection order issued by a court of another state" has 12578
the same meaning as in section 2919.27 of the Revised Code. 12579

(L) "Child day-care center," "type A family day-care home" 12580
and "type B family day-care home" have the same meanings as in 12581
section 5104.01 of the Revised Code. 12582

(M) ~~"Type C family day care home" means a family day care 12583
home authorized to provide child care by Sub. H.B. 62 of the 121st 12584
general assembly, as amended by Am. Sub. S.B. 160 of the 121st 12585
general assembly and Sub. H.B. 407 of the 123rd general assembly. 12586~~

~~(N)~~ "Foreign air transportation," "interstate air 12587
transportation," and "intrastate air transportation" have the same 12588
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 12589

~~(O)~~(N) "Commercial motor vehicle" has the same meaning as in 12590
division (A) of section 4506.25 of the Revised Code. 12591

~~(P)~~(O) "Motor carrier enforcement unit" has the same meaning 12592
as in section 2923.16 of the Revised Code. 12593

Sec. 2923.126. (A) A license to carry a concealed handgun 12594
that is issued under section 2923.125 of the Revised Code on or 12595
after March 14, 2007, shall expire five years after the date of 12596
issuance, and a license that is so issued prior to March 14, 2007, 12597
shall expire four years after the date of issuance. A licensee who 12598
has been issued a license under that section shall be granted a 12599
grace period of thirty days after the licensee's license expires 12600
during which the licensee's license remains valid. Except as 12601
provided in divisions (B) and (C) of this section, a licensee who 12602
has been issued a license under section 2923.125 or 2923.1213 of 12603
the Revised Code may carry a concealed handgun anywhere in this 12604
state if the licensee also carries a valid license and valid 12605
identification when the licensee is in actual possession of a 12606
concealed handgun. The licensee shall give notice of any change in 12607
the licensee's residence address to the sheriff who issued the 12608
license within forty-five days after that change. 12609

If a licensee is the driver or an occupant of a motor vehicle 12610
that is stopped as the result of a traffic stop or a stop for 12611
another law enforcement purpose and if the licensee is 12612
transporting or has a loaded handgun in the motor vehicle at that 12613
time, the licensee shall promptly inform any law enforcement 12614
officer who approaches the vehicle while stopped that the licensee 12615
has been issued a license or temporary emergency license to carry 12616
a concealed handgun and that the licensee currently possesses or 12617
has a loaded handgun; the licensee shall not knowingly disregard 12618
or fail to comply with lawful orders of a law enforcement officer 12619
given while the motor vehicle is stopped, knowingly fail to remain 12620

in the motor vehicle while stopped, or knowingly fail to keep the 12621
licensee's hands in plain sight after any law enforcement officer 12622
begins approaching the licensee while stopped and before the 12623
officer leaves, unless directed otherwise by a law enforcement 12624
officer; and the licensee shall not knowingly remove, attempt to 12625
remove, grasp, or hold the loaded handgun or knowingly have 12626
contact with the loaded handgun by touching it with the licensee's 12627
hands or fingers, in any manner in violation of division (E) of 12628
section 2923.16 of the Revised Code, after any law enforcement 12629
officer begins approaching the licensee while stopped and before 12630
the officer leaves. Additionally, if a licensee is the driver or 12631
an occupant of a commercial motor vehicle that is stopped by an 12632
employee of the motor carrier enforcement unit for the purposes 12633
defined in section 5503.04 of the Revised Code and if the licensee 12634
is transporting or has a loaded handgun in the commercial motor 12635
vehicle at that time, the licensee shall promptly inform the 12636
employee of the unit who approaches the vehicle while stopped that 12637
the licensee has been issued a license or temporary emergency 12638
license to carry a concealed handgun and that the licensee 12639
currently possesses or has a loaded handgun. 12640

If a licensee is stopped for a law enforcement purpose and if 12641
the licensee is carrying a concealed handgun at the time the 12642
officer approaches, the licensee shall promptly inform any law 12643
enforcement officer who approaches the licensee while stopped that 12644
the licensee has been issued a license or temporary emergency 12645
license to carry a concealed handgun and that the licensee 12646
currently is carrying a concealed handgun; the licensee shall not 12647
knowingly disregard or fail to comply with lawful orders of a law 12648
enforcement officer given while the licensee is stopped or 12649
knowingly fail to keep the licensee's hands in plain sight after 12650
any law enforcement officer begins approaching the licensee while 12651
stopped and before the officer leaves, unless directed otherwise 12652
by a law enforcement officer; and the licensee shall not knowingly 12653

remove, attempt to remove, grasp, or hold the loaded handgun or 12654
knowingly have contact with the loaded handgun by touching it with 12655
the licensee's hands or fingers, in any manner in violation of 12656
division (B) of section 2923.12 of the Revised Code, after any law 12657
enforcement officer begins approaching the licensee while stopped 12658
and before the officer leaves. 12659

(B) A valid license issued under section 2923.125 or 12660
2923.1213 of the Revised Code does not authorize the licensee to 12661
carry a concealed handgun in any manner prohibited under division 12662
(B) of section 2923.12 of the Revised Code or in any manner 12663
prohibited under section 2923.16 of the Revised Code. A valid 12664
license does not authorize the licensee to carry a concealed 12665
handgun into any of the following places: 12666

(1) A police station, sheriff's office, or state highway 12667
patrol station, premises controlled by the bureau of criminal 12668
identification and investigation, a state correctional 12669
institution, jail, workhouse, or other detention facility, an 12670
airport passenger terminal, or an institution that is maintained, 12671
operated, managed, and governed pursuant to division (A) of 12672
section 5119.02 of the Revised Code or division (A)(1) of section 12673
5123.03 of the Revised Code; 12674

(2) A school safety zone if the licensee's carrying the 12675
concealed handgun is in violation of section 2923.122 of the 12676
Revised Code; 12677

(3) A courthouse or another building or structure in which a 12678
courtroom is located, in violation of section 2923.123 of the 12679
Revised Code; 12680

(4) Any premises or open air arena for which a D permit has 12681
been issued under Chapter 4303. of the Revised Code if the 12682
licensee's carrying the concealed handgun is in violation of 12683
section 2923.121 of the Revised Code; 12684

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

(7) A child day-care center, a type A family day-care home, ~~or a type B family day-care home, or a type C family day-care home~~, except that this division does not prohibit a licensee who resides in a type A family day-care home, ~~or a type B family day-care home, or a type C family day-care home~~ from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home;

(8) An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail by aircraft;

(9) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section;

(10) A place in which federal law prohibits the carrying of handguns.

(C)(1) Nothing in this section shall negate or restrict a

rule, policy, or practice of a private employer that is not a 12716
private college, university, or other institution of higher 12717
education concerning or prohibiting the presence of firearms on 12718
the private employer's premises or property, including motor 12719
vehicles owned by the private employer. Nothing in this section 12720
shall require a private employer of that nature to adopt a rule, 12721
policy, or practice concerning or prohibiting the presence of 12722
firearms on the private employer's premises or property, including 12723
motor vehicles owned by the private employer. 12724

(2)(a) A private employer shall be immune from liability in a 12725
civil action for any injury, death, or loss to person or property 12726
that allegedly was caused by or related to a licensee bringing a 12727
handgun onto the premises or property of the private employer, 12728
including motor vehicles owned by the private employer, unless the 12729
private employer acted with malicious purpose. A private employer 12730
is immune from liability in a civil action for any injury, death, 12731
or loss to person or property that allegedly was caused by or 12732
related to the private employer's decision to permit a licensee to 12733
bring, or prohibit a licensee from bringing, a handgun onto the 12734
premises or property of the private employer. As used in this 12735
division, "private employer" includes a private college, 12736
university, or other institution of higher education. 12737

(b) A political subdivision shall be immune from liability in 12738
a civil action, to the extent and in the manner provided in 12739
Chapter 2744. of the Revised Code, for any injury, death, or loss 12740
to person or property that allegedly was caused by or related to a 12741
licensee bringing a handgun onto any premises or property owned, 12742
leased, or otherwise under the control of the political 12743
subdivision. As used in this division, "political subdivision" has 12744
the same meaning as in section 2744.01 of the Revised Code. 12745

(3)(a) Except as provided in division (C)(3)(b) of this 12746
section, the owner or person in control of private land or 12747

premises, and a private person or entity leasing land or premises 12748
owned by the state, the United States, or a political subdivision 12749
of the state or the United States, may post a sign in a 12750
conspicuous location on that land or on those premises prohibiting 12751
persons from carrying firearms or concealed firearms on or onto 12752
that land or those premises. Except as otherwise provided in this 12753
division, a person who knowingly violates a posted prohibition of 12754
that nature is guilty of criminal trespass in violation of 12755
division (A)(4) of section 2911.21 of the Revised Code and is 12756
guilty of a misdemeanor of the fourth degree. If a person 12757
knowingly violates a posted prohibition of that nature and the 12758
posted land or premises primarily was a parking lot or other 12759
parking facility, the person is not guilty of criminal trespass in 12760
violation of division (A)(4) of section 2911.21 of the Revised 12761
Code and instead is subject only to a civil cause of action for 12762
trespass based on the violation. 12763

(b) A landlord may not prohibit or restrict a tenant who is a 12764
licensee and who on or after ~~the effective date of this amendment~~ 12765
September 9, 2008, enters into a rental agreement with the 12766
landlord for the use of residential premises, and the tenant's 12767
guest while the tenant is present, from lawfully carrying or 12768
possessing a handgun on those residential premises. 12769

(c) As used in division (C)(3) of this section: 12770

(i) "Residential premises" has the same meaning as in section 12771
5321.01 of the Revised Code, except "residential premises" does 12772
not include a dwelling unit that is owned or operated by a college 12773
or university. 12774

(ii) "Landlord," "tenant," and "rental agreement" have the 12775
same meanings as in section 5321.01 of the Revised Code. 12776

(D) A person who holds a license to carry a concealed handgun 12777
that was issued pursuant to the law of another state that is 12778

recognized by the attorney general pursuant to a reciprocity 12779
agreement entered into pursuant to section 109.69 of the Revised 12780
Code has the same right to carry a concealed handgun in this state 12781
as a person who was issued a license to carry a concealed handgun 12782
under section 2923.125 of the Revised Code and is subject to the 12783
same restrictions that apply to a person who carries a license 12784
issued under that section. 12785

(E) A peace officer has the same right to carry a concealed 12786
handgun in this state as a person who was issued a license to 12787
carry a concealed handgun under section 2923.125 of the Revised 12788
Code. For purposes of reciprocity with other states, a peace 12789
officer shall be considered to be a licensee in this state. 12790

(F)(1) A qualified retired peace officer who possesses a 12791
retired peace officer identification card issued pursuant to 12792
division (F)(2) of this section and a valid firearms 12793
requalification certification issued pursuant to division (F)(3) 12794
of this section has the same right to carry a concealed handgun in 12795
this state as a person who was issued a license to carry a 12796
concealed handgun under section 2923.125 of the Revised Code and 12797
is subject to the same restrictions that apply to a person who 12798
carries a license issued under that section. For purposes of 12799
reciprocity with other states, a qualified retired peace officer 12800
who possesses a retired peace officer identification card issued 12801
pursuant to division (F)(2) of this section and a valid firearms 12802
requalification certification issued pursuant to division (F)(3) 12803
of this section shall be considered to be a licensee in this 12804
state. 12805

(2)(a) Each public agency of this state or of a political 12806
subdivision of this state that is served by one or more peace 12807
officers shall issue a retired peace officer identification card 12808
to any person who retired from service as a peace officer with 12809
that agency, if the issuance is in accordance with the agency's 12810

policies and procedures and if the person, with respect to the 12811
person's service with that agency, satisfies all of the following: 12812

(i) The person retired in good standing from service as a 12813
peace officer with the public agency, and the retirement was not 12814
for reasons of mental instability. 12815

(ii) Before retiring from service as a peace officer with 12816
that agency, the person was authorized to engage in or supervise 12817
the prevention, detection, investigation, or prosecution of, or 12818
the incarceration of any person for, any violation of law and the 12819
person had statutory powers of arrest. 12820

(iii) At the time of the person's retirement as a peace 12821
officer with that agency, the person was trained and qualified to 12822
carry firearms in the performance of the peace officer's duties. 12823

(iv) Before retiring from service as a peace officer with 12824
that agency, the person was regularly employed as a peace officer 12825
for an aggregate of fifteen years or more, or, in the alternative, 12826
the person retired from service as a peace officer with that 12827
agency, after completing any applicable probationary period of 12828
that service, due to a service-connected disability, as determined 12829
by the agency. 12830

(b) A retired peace officer identification card issued to a 12831
person under division (F)(2)(a) of this section shall identify the 12832
person by name, contain a photograph of the person, identify the 12833
public agency of this state or of the political subdivision of 12834
this state from which the person retired as a peace officer and 12835
that is issuing the identification card, and specify that the 12836
person retired in good standing from service as a peace officer 12837
with the issuing public agency and satisfies the criteria set 12838
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 12839
addition to the required content specified in this division, a 12840
retired peace officer identification card issued to a person under 12841

division (F)(2)(a) of this section may include the firearms 12842
requalification certification described in division (F)(3) of this 12843
section, and if the identification card includes that 12844
certification, the identification card shall serve as the firearms 12845
requalification certification for the retired peace officer. If 12846
the issuing public agency issues credentials to active law 12847
enforcement officers who serve the agency, the agency may comply 12848
with division (F)(2)(a) of this section by issuing the same 12849
credentials to persons who retired from service as a peace officer 12850
with the agency and who satisfy the criteria set forth in 12851
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 12852
credentials so issued to retired peace officers are stamped with 12853
the word "RETIRED." 12854

(c) A public agency of this state or of a political 12855
subdivision of this state may charge persons who retired from 12856
service as a peace officer with the agency a reasonable fee for 12857
issuing to the person a retired peace officer identification card 12858
pursuant to division (F)(2)(a) of this section. 12859

(3) If a person retired from service as a peace officer with 12860
a public agency of this state or of a political subdivision of 12861
this state and the person satisfies the criteria set forth in 12862
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 12863
may provide the retired peace officer with the opportunity to 12864
attend a firearms requalification program that is approved for 12865
purposes of firearms requalification required under section 12866
109.801 of the Revised Code. The retired peace officer may be 12867
required to pay the cost of the course. 12868

If a retired peace officer who satisfies the criteria set 12869
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 12870
firearms requalification program that is approved for purposes of 12871
firearms requalification required under section 109.801 of the 12872
Revised Code, the retired peace officer's successful completion of 12873

the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F)(2) of this section.

A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program.

(G) As used in this section:

(1) "Qualified retired peace officer" means a person who satisfies all of the following:

(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.

(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) The person is not prohibited by federal law from receiving firearms.

(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.

(3) "Government facility of this state or a political subdivision of this state" means any of the following:

(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

Sec. 2923.1212. (A) The following persons, boards, and entities, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises.":

(1) The director of public safety or the person or board charged with the erection, maintenance, or repair of police stations, municipal jails, and the municipal courthouse and courtrooms in a conspicuous location at all police stations, municipal jails, and municipal courthouses and courtrooms;

(2) The sheriff or sheriff's designee who has charge of the sheriff's office in a conspicuous location in that office;

(3) The superintendent of the state highway patrol or the superintendent's designee in a conspicuous location at all state

highway patrol stations;	12935
(4) Each sheriff, chief of police, or person in charge of every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or other local or state correctional institution or detention facility within the state, or that person's designee, in a conspicuous location at that facility under that person's charge;	12936 12937 12938 12939 12940 12941 12942 12943
(5) The board of trustees of a regional airport authority, chief administrative officer of an airport facility, or other person in charge of an airport facility in a conspicuous location at each airport facility under that person's control;	12944 12945 12946 12947
(6) The officer or officer's designee who has charge of a courthouse or the building or structure in which a courtroom is located in a conspicuous location in that building or structure;	12948 12949 12950
(7) The superintendent of the bureau of criminal identification and investigation or the superintendent's designee in a conspicuous location in all premises controlled by that bureau;	12951 12952 12953 12954
(8) The owner, administrator, or operator of a child day-care center, a type A family day-care home, <u>or</u> a type B family day-care home, or a type C family day care home;	12955 12956 12957
(9) The officer of this state or of a political subdivision of this state, or the officer's designee, who has charge of a building that is a government facility of this state or the political subdivision of this state, as defined in section 2923.126 of the Revised Code, and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is	12958 12959 12960 12961 12962 12963 12964 12965

subject to division (B)(3) of that section. 12966

(B) The following boards, bodies, and persons, or designees, 12967
shall post in the following locations a sign that contains a 12968
statement in substantially the following form: "Unless otherwise 12969
authorized by law, pursuant to Ohio Revised Code section 2923.122, 12970
no person shall knowingly possess, have under the person's 12971
control, convey, or attempt to convey a deadly weapon or dangerous 12972
ordnance into a school safety zone.": 12973

(1) A board of education of a city, local, exempted village, 12974
or joint vocational school district or that board's designee in a 12975
conspicuous location in each building and on each parcel of real 12976
property owned or controlled by the board; 12977

(2) A governing body of a school for which the state board of 12978
education prescribes minimum standards under section 3301.07 of 12979
the Revised Code or that body's designee in a conspicuous location 12980
in each building and on each parcel of real property owned or 12981
controlled by the school; 12982

(3) The principal or chief administrative officer of a 12983
nonpublic school in a conspicuous location on property owned or 12984
controlled by that nonpublic school. 12985

Sec. 2950.11. (A) Regardless of when the sexually oriented 12986
offense or child-victim oriented offense was committed, if a 12987
person is convicted of, pleads guilty to, has been convicted of, 12988
or has pleaded guilty to a sexually oriented offense or a 12989
child-victim oriented offense or a person is or has been 12990
adjudicated a delinquent child for committing a sexually oriented 12991
offense or a child-victim oriented offense and is classified a 12992
juvenile offender registrant or is an out-of-state juvenile 12993
offender registrant based on that adjudication, and if the 12994
offender or delinquent child is in any category specified in 12995
division (F)(1)(a), (b), or (c) of this section, the sheriff with 12996

whom the offender or delinquent child has most recently registered 12997
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 12998
and the sheriff to whom the offender or delinquent child most 12999
recently sent a notice of intent to reside under section 2950.04 13000
or 2950.041 of the Revised Code, within the period of time 13001
specified in division (C) of this section, shall provide a written 13002
notice containing the information set forth in division (B) of 13003
this section to all of the persons described in divisions (A)(1) 13004
to (10) of this section. If the sheriff has sent a notice to the 13005
persons described in those divisions as a result of receiving a 13006
notice of intent to reside and if the offender or delinquent child 13007
registers a residence address that is the same residence address 13008
described in the notice of intent to reside, the sheriff is not 13009
required to send an additional notice when the offender or 13010
delinquent child registers. The sheriff shall provide the notice 13011
to all of the following persons: 13012

(1)(a) Any occupant of each residential unit that is located 13013
within one thousand feet of the offender's or delinquent child's 13014
residential premises, that is located within the county served by 13015
the sheriff, and that is not located in a multi-unit building. 13016
Division (D)(3) of this section applies regarding notices required 13017
under this division. 13018

(b) If the offender or delinquent child resides in a 13019
multi-unit building, any occupant of each residential unit that is 13020
located in that multi-unit building and that shares a common 13021
hallway with the offender or delinquent child. For purposes of 13022
this division, an occupant's unit shares a common hallway with the 13023
offender or delinquent child if the entrance door into the 13024
occupant's unit is located on the same floor and opens into the 13025
same hallway as the entrance door to the unit the offender or 13026
delinquent child occupies. Division (D)(3) of this section applies 13027
regarding notices required under this division. 13028

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the offender's or delinquent child's residential premises, including a multi-unit building in which the offender or delinquent child resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3)(a) The superintendent of each board of education of a

school district that has schools within the specified geographical 13061
notification area and that is located within the county served by 13062
the sheriff; 13063

(b) The principal of the school within the specified 13064
geographical notification area and within the county served by the 13065
sheriff that the delinquent child attends; 13066

(c) If the delinquent child attends a school outside of the 13067
specified geographical notification area or outside of the school 13068
district where the delinquent child resides, the superintendent of 13069
the board of education of a school district that governs the 13070
school that the delinquent child attends and the principal of the 13071
school that the delinquent child attends. 13072

(4)(a) The appointing or hiring officer of each chartered 13073
nonpublic school located within the specified geographical 13074
notification area and within the county served by the sheriff or 13075
of each other school located within the specified geographical 13076
notification area and within the county served by the sheriff and 13077
that is not operated by a board of education described in division 13078
(A)(3) of this section; 13079

(b) Regardless of the location of the school, the appointing 13080
or hiring officer of a chartered nonpublic school that the 13081
delinquent child attends. 13082

(5) The director, head teacher, elementary principal, or site 13083
administrator of each preschool program governed by Chapter 3301. 13084
of the Revised Code that is located within the specified 13085
geographical notification area and within the county served by the 13086
sheriff; 13087

(6) The administrator of each child day-care center or type A 13088
family day-care home that is located within the specified 13089
geographical notification area and within the county served by the 13090
sheriff, ~~and the provider of each certified~~ holder of a license to 13091

operate a type B family day-care home that is located within the 13092
specified geographical notification area and within the county 13093
served by the sheriff. As used in this division, "child day-care 13094
center," "type A family day-care home," and "~~certified~~ type B 13095
family day-care home" have the same meanings as in section 5104.01 13096
of the Revised Code. 13097

(7) The president or other chief administrative officer of 13098
each institution of higher education, as defined in section 13099
2907.03 of the Revised Code, that is located within the specified 13100
geographical notification area and within the county served by the 13101
sheriff, and the chief law enforcement officer of the state 13102
university law enforcement agency or campus police department 13103
established under section 3345.04 or 1713.50 of the Revised Code, 13104
if any, that serves that institution; 13105

(8) The sheriff of each county that includes any portion of 13106
the specified geographical notification area; 13107

(9) If the offender or delinquent child resides within the 13108
county served by the sheriff, the chief of police, marshal, or 13109
other chief law enforcement officer of the municipal corporation 13110
in which the offender or delinquent child resides or, if the 13111
offender or delinquent child resides in an unincorporated area, 13112
the constable or chief of the police department or police district 13113
police force of the township in which the offender or delinquent 13114
child resides; 13115

(10) Volunteer organizations in which contact with minors or 13116
other vulnerable individuals might occur or any organization, 13117
company, or individual who requests notification as provided in 13118
division (J) of this section. 13119

(B) The notice required under division (A) of this section 13120
shall include all of the following information regarding the 13121
subject offender or delinquent child: 13122

(1) The offender's or delinquent child's name;	13123
(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;	13124 13125 13126 13127 13128 13129
(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;	13130 13131 13132 13133
(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 delinquent child to this section;	13134 13135 13136 13137
(5) The offender's or delinquent child's photograph.	13138
(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.	13139 13140 13141 13142 13143 13144 13145 13146 13147 13148 13149 13150 13151 13152 13153

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties

who is provided the notice under division (A)(8) of this section 13186
may provide, but is not required to provide, a written notice 13187
containing the information set forth in division (B) of this 13188
section to the persons identified in divisions (A)(1) to (7) and 13189
(A)(9) and (10) of this section. 13190

(3) A sheriff may provide notice under division (A)(1)(a) or 13191
(b) of this section, and may provide notice under division 13192
(A)(1)(c) of this section to a building manager or person 13193
authorized to exercise management and control of a building, by 13194
mail, by personal contact, or by leaving the notice at or under 13195
the entry door to a residential unit. For purposes of divisions 13196
(A)(1)(a) and (b) of this section, and the portion of division 13197
(A)(1)(c) of this section relating to the provision of notice to 13198
occupants of a multi-unit building by mail or personal contact, 13199
the provision of one written notice per unit is deemed as 13200
providing notice to all occupants of that unit. 13201

(E) All information that a sheriff possesses regarding an 13202
offender or delinquent child who is in a category specified in 13203
division (F)(1)(a), (b), or (c) of this section that is described 13204
in division (B) of this section and that must be provided in a 13205
notice required under division (A) or (C) of this section or that 13206
may be provided in a notice authorized under division (D)(2) of 13207
this section is a public record that is open to inspection under 13208
section 149.43 of the Revised Code. 13209

The sheriff shall not cause to be publicly disseminated by 13210
means of the internet any of the information described in this 13211
division that is provided by a delinquent child unless that child 13212
is in a category specified in division (F)(1)(a), (b), or (c) of 13213
this section. 13214

(F)(1) Except as provided in division (F)(2) of this section, 13215
the duties to provide the notices described in divisions (A) and 13216
(C) of this section apply regarding any offender or delinquent 13217

child who is in any of the following categories: 13218

(a) The offender is a tier III sex offender/child-victim 13219
offender, or the delinquent child is a public registry-qualified 13220
juvenile offender registrant, and a juvenile court has not removed 13221
pursuant to section 2950.15 of the Revised Code the delinquent 13222
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 13223
and 2950.06 of the Revised Code. 13224

(b) The delinquent child is a tier III sex 13225
offender/child-victim offender who is not a ~~public registry~~ 13226
~~qualified~~ public registry-qualified juvenile offender registrant, 13227
the delinquent child was subjected to this section prior to ~~the~~ 13228
~~effective date of this amendment~~ January 1, 2008, as a sexual 13229
predator, habitual sex offender, child-victim predator, or 13230
habitual child-victim offender, as those terms were defined in 13231
section 2950.01 of the Revised Code as it existed prior to ~~the~~ 13232
~~effective date of this amendment~~ January 1, 2008, and a juvenile 13233
court has not removed pursuant to section 2152.84 or 2152.85 of 13234
the Revised Code the delinquent child's duty to comply with 13235
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 13236
Code. 13237

(c) The delinquent child is a tier III sex 13238
offender/child-victim offender who is not a public 13239
registry-qualified juvenile offender registrant, the delinquent 13240
child was classified a juvenile offender registrant on or after 13241
~~the effective date of this amendment~~ January 1, 2008, the court 13242
has imposed a requirement under section 2152.82, 2152.83, or 13243
2152.84 of the Revised Code subjecting the delinquent child to 13244
this section, and a juvenile court has not removed pursuant to 13245
section 2152.84 or 2152.85 of the Revised Code the delinquent 13246
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 13247
and 2950.06 of the Revised Code. 13248

(2) The notification provisions of this section do not apply 13249

to a person described in division (F)(1)(a), (b), or (c) of this 13250
section if a court finds at a hearing after considering the 13251
factors described in this division that the person would not be 13252
subject to the notification provisions of this section that were 13253
in the version of this section that existed immediately prior to 13254
~~the effective date of this amendment~~ January 1, 2008. In making 13255
the determination of whether a person would have been subject to 13256
the notification provisions under prior law as described in this 13257
division, the court shall consider the following factors: 13258

(a) The offender's or delinquent child's age; 13259

(b) The offender's or delinquent child's prior criminal or 13260
delinquency record regarding all offenses, including, but not 13261
limited to, all sexual offenses; 13262

(c) The age of the victim of the sexually oriented offense 13263
for which sentence is to be imposed or the order of disposition is 13264
to be made; 13265

(d) Whether the sexually oriented offense for which sentence 13266
is to be imposed or the order of disposition is to be made 13267
involved multiple victims; 13268

(e) Whether the offender or delinquent child used drugs or 13269
alcohol to impair the victim of the sexually oriented offense or 13270
to prevent the victim from resisting; 13271

(f) If the offender or delinquent child previously has been 13272
convicted of or pleaded guilty to, or been adjudicated a 13273
delinquent child for committing an act that if committed by an 13274
adult would be, a criminal offense, whether the offender or 13275
delinquent child completed any sentence or dispositional order 13276
imposed for the prior offense or act and, if the prior offense or 13277
act was a sex offense or a sexually oriented offense, whether the 13278
offender or delinquent child participated in available programs 13279
for sexual offenders; 13280

(g) Any mental illness or mental disability of the offender	13281
or delinquent child;	13282
(h) The nature of the offender's or delinquent child's sexual	13283
conduct, sexual contact, or interaction in a sexual context with	13284
the victim of the sexually oriented offense and whether the sexual	13285
conduct, sexual contact, or interaction in a sexual context was	13286
part of a demonstrated pattern of abuse;	13287
(i) Whether the offender or delinquent child, during the	13288
commission of the sexually oriented offense for which sentence is	13289
to be imposed or the order of disposition is to be made, displayed	13290
cruelty or made one or more threats of cruelty;	13291
(j) Whether the offender or delinquent child would have been	13292
a habitual sex offender or a habitual child victim offender under	13293
the definitions of those terms set forth in section 2950.01 of the	13294
Revised Code as that section existed prior to the effective date	13295
of this amendment <u>January 1, 2008</u> ;	13296
(k) Any additional behavioral characteristics that contribute	13297
to the offender's or delinquent child's conduct.	13298
(G)(1) The department of job and family services shall	13299
compile, maintain, and update in January and July of each year, a	13300
list of all agencies, centers, or homes of a type described in	13301
division (A)(2) or (6) of this section that contains the name of	13302
each agency, center, or home of that type, the county in which it	13303
is located, its address and telephone number, and the name of an	13304
administrative officer or employee of the agency, center, or home.	13305
(2) The department of education shall compile, maintain, and	13306
update in January and July of each year, a list of all boards of	13307
education, schools, or programs of a type described in division	13308
(A)(3), (4), or (5) of this section that contains the name of each	13309
board of education, school, or program of that type, the county in	13310
which it is located, its address and telephone number, the name of	13311

the superintendent of the board or of an administrative officer or 13312
employee of the school or program, and, in relation to a board of 13313
education, the county or counties in which each of its schools is 13314
located and the address of each such school. 13315

(3) The Ohio board of regents shall compile, maintain, and 13316
update in January and July of each year, a list of all 13317
institutions of a type described in division (A)(7) of this 13318
section that contains the name of each such institution, the 13319
county in which it is located, its address and telephone number, 13320
and the name of its president or other chief administrative 13321
officer. 13322

(4) A sheriff required by division (A) or (C) of this 13323
section, or authorized by division (D)(2) of this section, to 13324
provide notices regarding an offender or delinquent child, or a 13325
designee of a sheriff of that type, may request the department of 13326
job and family services, department of education, or Ohio board of 13327
regents, by telephone, in person, or by mail, to provide the 13328
sheriff or designee with the names, addresses, and telephone 13329
numbers of the appropriate persons and entities to whom the 13330
notices described in divisions (A)(2) to (7) of this section are 13331
to be provided. Upon receipt of a request, the department or board 13332
shall provide the requesting sheriff or designee with the names, 13333
addresses, and telephone numbers of the appropriate persons and 13334
entities to whom those notices are to be provided. 13335

(H)(1) Upon the motion of the offender or the prosecuting 13336
attorney of the county in which the offender was convicted of or 13337
pleaded guilty to the sexually oriented offense or child-victim 13338
oriented offense for which the offender is subject to community 13339
notification under this section, or upon the motion of the 13340
sentencing judge or that judge's successor in office, the judge 13341
may schedule a hearing to determine whether the interests of 13342
justice would be served by suspending the community notification 13343

requirement under this section in relation to the offender. The 13344
judge may dismiss the motion without a hearing but may not issue 13345
an order suspending the community notification requirement without 13346
a hearing. At the hearing, all parties are entitled to be heard, 13347
and the judge shall consider all of the factors set forth in 13348
division (K) of this section. If, at the conclusion of the 13349
hearing, the judge finds that the offender has proven by clear and 13350
convincing evidence that the offender is unlikely to commit in the 13351
future a sexually oriented offense or a child-victim oriented 13352
offense and if the judge finds that suspending the community 13353
notification requirement is in the interests of justice, the judge 13354
may suspend the application of this section in relation to the 13355
offender. The order shall contain both of these findings. 13356

The judge promptly shall serve a copy of the order upon the 13357
sheriff with whom the offender most recently registered under 13358
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 13359
the bureau of criminal identification and investigation. 13360

An order suspending the community notification requirement 13361
does not suspend or otherwise alter an offender's duties to comply 13362
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 13363
Revised Code and does not suspend the victim notification 13364
requirement under section 2950.10 of the Revised Code. 13365

(2) A prosecuting attorney, a sentencing judge or that 13366
judge's successor in office, and an offender who is subject to the 13367
community notification requirement under this section may 13368
initially make a motion under division (H)(1) of this section upon 13369
the expiration of twenty years after the offender's duty to comply 13370
with division (A)(2), (3), or (4) of section 2950.04, division 13371
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 13372
2950.06 of the Revised Code begins in relation to the offense for 13373
which the offender is subject to community notification. After the 13374
initial making of a motion under division (H)(1) of this section, 13375

thereafter, the prosecutor, judge, and offender may make a 13376
subsequent motion under that division upon the expiration of five 13377
years after the judge has entered an order denying the initial 13378
motion or the most recent motion made under that division. 13379

(3) The offender and the prosecuting attorney have the right 13380
to appeal an order approving or denying a motion made under 13381
division (H)(1) of this section. 13382

(4) Divisions (H)(1) to (3) of this section do not apply to 13383
any of the following types of offender: 13384

(a) A person who is convicted of or pleads guilty to a 13385
violent sex offense or designated homicide, assault, or kidnapping 13386
offense and who, in relation to that offense, is adjudicated a 13387
sexually violent predator; 13388

(b) A person who is convicted of or pleads guilty to a 13389
sexually oriented offense that is a violation of division 13390
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 13391
after January 2, 2007, and either who is sentenced under section 13392
2971.03 of the Revised Code or upon whom a sentence of life 13393
without parole is imposed under division (B) of section 2907.02 of 13394
the Revised Code; 13395

(c) A person who is convicted of or pleads guilty to a 13396
sexually oriented offense that is attempted rape committed on or 13397
after January 2, 2007, and who also is convicted of or pleads 13398
guilty to a specification of the type described in section 13399
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 13400

(d) A person who is convicted of or pleads guilty to an 13401
offense described in division (B)(3)(a), (b), (c), or (d) of 13402
section 2971.03 of the Revised Code and who is sentenced for that 13403
offense pursuant to that division; 13404

(e) An offender who is in a category specified in division 13405
(F)(1)(a), (b), or (c) of this section and who, subsequent to 13406

being subjected to community notification, has pleaded guilty to 13407
or been convicted of a sexually oriented offense or child-victim 13408
oriented offense. 13409

(I) If a person is convicted of, pleads guilty to, has been 13410
convicted of, or has pleaded guilty to a sexually oriented offense 13411
or a child-victim oriented offense or a person is or has been 13412
adjudicated a delinquent child for committing a sexually oriented 13413
offense or a child-victim oriented offense and is classified a 13414
juvenile offender registrant or is an out-of-state juvenile 13415
offender registrant based on that adjudication, and if the 13416
offender or delinquent child is not in any category specified in 13417
division (F)(1)(a), (b), or (c) of this section, the sheriff with 13418
whom the offender or delinquent child has most recently registered 13419
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 13420
and the sheriff to whom the offender or delinquent child most 13421
recently sent a notice of intent to reside under section 2950.04 13422
or 2950.041 of the Revised Code, within the period of time 13423
specified in division (D) of this section, shall provide a written 13424
notice containing the information set forth in division (B) of 13425
this section to the executive director of the public children 13426
services agency that has jurisdiction within the specified 13427
geographical notification area and that is located within the 13428
county served by the sheriff. 13429

(J) Each sheriff shall allow a volunteer organization or 13430
other organization, company, or individual who wishes to receive 13431
the notice described in division (A)(10) of this section regarding 13432
a specific offender or delinquent child or notice regarding all 13433
offenders and delinquent children who are located in the specified 13434
geographical notification area to notify the sheriff by electronic 13435
mail or through the sheriff's web site of this election. The 13436
sheriff shall promptly inform the bureau of criminal 13437
identification and investigation of these requests in accordance 13438

with the forwarding procedures adopted by the attorney general 13439
pursuant to section 2950.13 of the Revised Code. 13440

(K) In making a determination under division (H)(1) of this 13441
section as to whether to suspend the community notification 13442
requirement under this section for an offender, the judge shall 13443
consider all relevant factors, including, but not limited to, all 13444
of the following: 13445

(1) The offender's age; 13446

(2) The offender's prior criminal or delinquency record 13447
regarding all offenses, including, but not limited to, all 13448
sexually oriented offenses or child-victim oriented offenses; 13449

(3) The age of the victim of the sexually oriented offense or 13450
child-victim oriented offense the offender committed; 13451

(4) Whether the sexually oriented offense or child-victim 13452
oriented offense the offender committed involved multiple victims; 13453

(5) Whether the offender used drugs or alcohol to impair the 13454
victim of the sexually oriented offense or child-victim oriented 13455
offense the offender committed or to prevent the victim from 13456
resisting; 13457

(6) If the offender previously has been convicted of, pleaded 13458
guilty to, or been adjudicated a delinquent child for committing 13459
an act that if committed by an adult would be a criminal offense, 13460
whether the offender completed any sentence or dispositional order 13461
imposed for the prior offense or act and, if the prior offense or 13462
act was a sexually oriented offense or a child-victim oriented 13463
offense, whether the offender or delinquent child participated in 13464
available programs for sex offenders or child-victim offenders; 13465

(7) Any mental illness or mental disability of the offender; 13466

(8) The nature of the offender's sexual conduct, sexual 13467
contact, or interaction in a sexual context with the victim of the 13468

sexually oriented offense the offender committed or the nature of 13469
the offender's interaction in a sexual context with the victim of 13470
the child-victim oriented offense the offender committed, 13471
whichever is applicable, and whether the sexual conduct, sexual 13472
contact, or interaction in a sexual context was part of a 13473
demonstrated pattern of abuse; 13474

(9) Whether the offender, during the commission of the 13475
sexually oriented offense or child-victim oriented offense the 13476
offender committed, displayed cruelty or made one or more threats 13477
of cruelty; 13478

(10) Any additional behavioral characteristics that 13479
contribute to the offender's conduct. 13480

(L) As used in this section, "specified geographical 13481
notification area" means the geographic area or areas within which 13482
the attorney general, by rule adopted under section 2950.13 of the 13483
Revised Code, requires the notice described in division (B) of 13484
this section to be given to the persons identified in divisions 13485
(A)(2) to (8) of this section. 13486

Sec. 2950.13. (A) The attorney general shall do all of the 13487
following: 13488

(1) No later than July 1, 1997, establish and maintain a 13489
state registry of sex offenders and child-victim offenders that is 13490
housed at the bureau of criminal identification and investigation 13491
and that contains all of the registration, change of residence, 13492
school, institution of higher education, or place of employment 13493
address, and verification information the bureau receives pursuant 13494
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 13495
Code regarding each person who is convicted of, pleads guilty to, 13496
has been convicted of, or has pleaded guilty to a sexually 13497
oriented offense or a child-victim oriented offense and each 13498
person who is or has been adjudicated a delinquent child for 13499

committing a sexually oriented offense or a child-victim oriented 13500
offense and is classified a juvenile offender registrant or is an 13501
out-of-state juvenile offender registrant based on that 13502
adjudication, all of the information the bureau receives pursuant 13503
to section 2950.14 of the Revised Code, and any notice of an order 13504
terminating or modifying an offender's or delinquent child's duty 13505
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 13506
the Revised Code the bureau receives pursuant to section 2152.84, 13507
2152.85, or 2950.15 of the Revised Code. For a person who was 13508
convicted of or pleaded guilty to the sexually oriented offense or 13509
child-victim related offense, the registry also shall indicate 13510
whether the person was convicted of or pleaded guilty to the 13511
offense in a criminal prosecution or in a serious youthful 13512
offender case. The registry shall not be open to inspection by the 13513
public or by any person other than a person identified in division 13514
(A) of section 2950.08 of the Revised Code. In addition to the 13515
information and material previously identified in this division, 13516
the registry shall include all of the following regarding each 13517
person who is listed in the registry: 13518

(a) A citation for, and the name of, all sexually oriented 13519
offenses or child-victim oriented offenses of which the person was 13520
convicted, to which the person pleaded guilty, or for which the 13521
person was adjudicated a delinquent child and that resulted in a 13522
registration duty, and the date on which those offenses were 13523
committed; 13524

(b) The text of the sexually oriented offenses or 13525
child-victim oriented offenses identified in division (A)(1)(a) of 13526
this section as those offenses existed at the time the person was 13527
convicted of, pleaded guilty to, or was adjudicated a delinquent 13528
child for committing those offenses, or a link to a database that 13529
sets forth the text of those offenses; 13530

(c) A statement as to whether the person is a tier I sex 13531

offender/child-victim offender, a tier II sex 13532
offender/child-victim offender, or a tier III sex 13533
offender/child-victim offender for the sexually oriented offenses 13534
or child-victim oriented offenses identified in division (A)(1)(a) 13535
of this section; 13536

(d) The community supervision status of the person, 13537
including, but not limited to, whether the person is serving a 13538
community control sanction and the nature of any such sanction, 13539
whether the person is under supervised release and the nature of 13540
the release, or regarding a juvenile, whether the juvenile is 13541
under any type of release authorized under Chapter 2152. or 5139. 13542
of the Revised Code and the nature of any such release; 13543

(e) The offense and delinquency history of the person, as 13544
determined from information gathered or provided under sections 13545
109.57 and 2950.14 of the Revised Code; 13546

(f) The bureau of criminal identification and investigation 13547
tracking number assigned to the person if one has been so 13548
assigned, the federal bureau of investigation number assigned to 13549
the person if one has been assigned and the bureau of criminal 13550
identification and investigation is aware of the number, and any 13551
other state identification number assigned to the person of which 13552
the bureau is aware; 13553

(g) Fingerprints and palmprints of the person; 13554

(h) A DNA specimen, as defined in section 109.573 of the 13555
Revised Code, from the person; 13556

(i) Whether the person has any outstanding arrest warrants; 13557

(j) Whether the person is in compliance with the person's 13558
duties under this chapter. 13559

(2) In consultation with local law enforcement 13560
representatives and no later than July 1, 1997, adopt rules that 13561

contain guidelines necessary for the implementation of this 13562
chapter; 13563

(3) In consultation with local law enforcement 13564
representatives, adopt rules for the implementation and 13565
administration of the provisions contained in section 2950.11 of 13566
the Revised Code that pertain to the notification of neighbors of 13567
an offender or a delinquent child who has committed a sexually 13568
oriented offense or a child-victim oriented offense and ~~and~~ is in 13569
a category specified in division (F)(1) of that section and rules 13570
that prescribe a manner in which victims of a sexually oriented 13571
offense or a child-victim oriented offense committed by an 13572
offender or a delinquent child who is in a category specified in 13573
division (B)(1) of section 2950.10 of the Revised Code may make a 13574
request that specifies that the victim would like to be provided 13575
the notices described in divisions (A)(1) and (2) of section 13576
2950.10 of the Revised Code; 13577

(4) In consultation with local law enforcement 13578
representatives and through the bureau of criminal identification 13579
and investigation, prescribe the forms to be used by judges and 13580
officials pursuant to section 2950.03 or 2950.032 of the Revised 13581
Code to advise offenders and delinquent children of their duties 13582
of filing a notice of intent to reside, registration, notification 13583
of a change of residence, school, institution of higher education, 13584
or place of employment address and registration of the new, 13585
school, institution of higher education, or place of employment 13586
address, as applicable, and address verification under sections 13587
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 13588
prescribe the forms to be used by sheriffs relative to those 13589
duties of filing a notice of intent to reside, registration, 13590
change of residence, school, institution of higher education, or 13591
place of employment address notification, and address 13592
verification; 13593

(5) Make copies of the forms prescribed under division (A)(4) 13594
of this section available to judges, officials, and sheriffs; 13595

(6) Through the bureau of criminal identification and 13596
investigation, provide the notifications, the information and 13597
materials, and the documents that the bureau is required to 13598
provide to appropriate law enforcement officials and to the 13599
federal bureau of investigation pursuant to sections 2950.04, 13600
2950.041, 2950.05, and 2950.06 of the Revised Code; 13601

(7) Through the bureau of criminal identification and 13602
investigation, maintain the verification forms returned under the 13603
address verification mechanism set forth in section 2950.06 of the 13604
Revised Code; 13605

(8) In consultation with representatives of the officials, 13606
judges, and sheriffs, adopt procedures for officials, judges, and 13607
sheriffs to use to forward information, photographs, and 13608
fingerprints to the bureau of criminal identification and 13609
investigation pursuant to the requirements of sections 2950.03, 13610
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 13611
Code; 13612

(9) In consultation with the director of education, the 13613
director of job and family services, and the director of 13614
rehabilitation and correction, adopt rules that contain guidelines 13615
to be followed by boards of education of a school district, 13616
chartered nonpublic schools or other schools not operated by a 13617
board of education, preschool programs, child day-care centers, 13618
type A family day-care homes, ~~certified~~ licensed type B family 13619
day-care homes, and institutions of higher education regarding the 13620
proper use and administration of information received pursuant to 13621
section 2950.11 of the Revised Code relative to an offender or 13622
delinquent child who has committed a sexually oriented offense or 13623
a child-victim oriented offense and is in a category specified in 13624
division (F)(1) of that section; 13625

(10) In consultation with local law enforcement 13626
representatives and no later than July 1, 1997, adopt rules that 13627
designate a geographic area or areas within which the notice 13628
described in division (B) of section 2950.11 of the Revised Code 13629
must be given to the persons identified in divisions (A)(2) to (8) 13630
and (A)(10) of that section; 13631

(11) Through the bureau of criminal identification and 13632
investigation, not later than January 1, 2004, establish and 13633
operate on the internet a sex offender and child-victim offender 13634
database that contains information for every offender who has 13635
committed a sexually oriented offense or a child-victim oriented 13636
offense and registers in any county in this state pursuant to 13637
section 2950.04 or 2950.041 of the Revised Code and for every 13638
delinquent child who has committed a sexually oriented offense, is 13639
a public registry-qualified juvenile offender registrant, and 13640
registers in any county in this state pursuant to either such 13641
section. The bureau shall not include on the database the identity 13642
of any offender's or public registry-qualified juvenile offender 13643
registrant's victim, any offender's or public registry-qualified 13644
juvenile offender registrant's social security number, the name of 13645
any school or institution of higher education attended by any 13646
offender or public registry-qualified juvenile offender 13647
registrant, the name of the place of employment of any offender or 13648
public registry-qualified juvenile offender registrant, any 13649
tracking or identification number described in division (A)(1)(f) 13650
of this section, or any information described in division (C)(7) 13651
of section 2950.04 or 2950.041 of the Revised Code. The bureau 13652
shall provide on the database, for each offender and each public 13653
registry-qualified juvenile offender registrant, at least the 13654
information specified in divisions (A)(11)(a) to (h) of this 13655
section. Otherwise, the bureau shall determine the information to 13656
be provided on the database for each offender and public 13657
registry-qualified juvenile offender registrant and shall obtain 13658

that information from the information contained in the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section, which information, while in the possession of the sheriff who provided it, is a public record open for inspection as described in section 2950.081 of the Revised Code. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by offender or public registry-qualified juvenile offender registrant name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders and public registry-qualified juvenile offender registrants who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code, with the link being a direct link to the sex offender and child-victim offender database for the sheriff. The bureau shall provide on the database, for each offender and public registry-qualified juvenile offender registrant, at least the following information:

(a) The information described in divisions (A)(1)(a), (b), (c), and (d) of this section relative to the offender or public registry-qualified juvenile offender registrant;

(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form;

(c) The information described in division (C)(6) of section 2950.04 or 2950.041 of the Revised Code;

(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex

offender/child-victim offender; 13691

(e) Fingerprints and ~~palm prints~~ palprints of the offender 13692
or public registry-qualified juvenile offender registrant and a 13693
DNA specimen from the offender or public registry-qualified 13694
juvenile offender registrant; 13695

(f) The information set forth in division (B) of section 13696
2950.11 of the Revised Code; 13697

(g) Any outstanding arrest warrants for the offender or 13698
public registry-qualified juvenile offender registrant; 13699

(h) The offender's or public registry-qualified juvenile 13700
offender registrant's compliance status with duties under this 13701
chapter. 13702

(12) Develop software to be used by sheriffs in establishing 13703
on the internet a sex offender and child-victim offender database 13704
for the public dissemination of some or all of the information and 13705
materials described in division (A) of section 2950.081 of the 13706
Revised Code that are public records under that division, that are 13707
not prohibited from inclusion by division (B) of that section, and 13708
that pertain to offenders and public registry-qualified juvenile 13709
offender registrants who register in the sheriff's county pursuant 13710
to section 2950.04 or 2950.041 of the Revised Code and for the 13711
public dissemination of information the sheriff receives pursuant 13712
to section 2950.14 of the Revised Code and, upon the request of 13713
any sheriff, provide technical guidance to the requesting sheriff 13714
in establishing on the internet such a database; 13715

(13) Through the bureau of criminal identification and 13716
investigation, not later than January 1, 2004, establish and 13717
operate on the internet a database that enables local law 13718
enforcement representatives to remotely search by electronic means 13719
the state registry of sex offenders and child-victim offenders 13720
described in division (A)(1) of this section and any information 13721

and materials the bureau receives pursuant to sections 2950.04, 13722
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 13723
database shall enable local law enforcement representatives to 13724
obtain detailed information regarding each offender and delinquent 13725
child who is included in the registry, including, but not limited 13726
to the offender's or delinquent child's name, aliases, residence 13727
address, name and address of any place of employment, school, 13728
institution of higher education, if applicable, license plate 13729
number of each vehicle identified in division (C)(5) of section 13730
2950.04 or 2950.041 of the Revised Code to the extent applicable, 13731
victim preference if available, date of most recent release from 13732
confinement if applicable, fingerprints, and palmprints, all of 13733
the information and material described in ~~division~~ divisions 13734
(A)(1)(a) to (h) of this section regarding the offender or 13735
delinquent child, and other identification parameters the bureau 13736
considers appropriate. The database is not a public record open 13737
for inspection under section 149.43 of the Revised Code and shall 13738
be available only to law enforcement representatives as described 13739
in this division. Information obtained by local law enforcement 13740
representatives through use of this database is not open to 13741
inspection by the public or by any person other than a person 13742
identified in division (A) of section 2950.08 of the Revised Code. 13743

(14) Through the bureau of criminal identification and 13744
investigation, maintain a list of requests for notice about a 13745
specified offender or delinquent child or specified geographical 13746
notification area made pursuant to division (J) of section 2950.11 13747
of the Revised Code and, when an offender or delinquent child 13748
changes residence to another county, forward any requests for 13749
information about that specific offender or delinquent child to 13750
the appropriate sheriff; 13751

(15) Through the bureau of criminal identification and 13752
investigation, establish and operate a system for the immediate 13753

notification by electronic means of the appropriate officials in 13754
other states specified in this division each time an offender or 13755
delinquent child registers a residence, school, institution of 13756
higher education, or place of employment address under section 13757
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 13758
notice of a change of address or registers a new address under 13759
division (A) or (B) of section 2950.05 of the Revised Code. The 13760
immediate notification by electronic means shall be provided to 13761
the appropriate officials in each state in which the offender or 13762
delinquent child is required to register a residence, school, 13763
institution of higher education, or place of employment address. 13764
The notification shall contain the offender's or delinquent 13765
child's name and all of the information the bureau receives from 13766
the sheriff with whom the offender or delinquent child registered 13767
the address or provided the notice of change of address or 13768
registered the new address. 13769

(B) The attorney general in consultation with local law 13770
enforcement representatives, may adopt rules that establish one or 13771
more categories of neighbors of an offender or delinquent child 13772
who, in addition to the occupants of residential premises and 13773
other persons specified in division (A)(1) of section 2950.11 of 13774
the Revised Code, must be given the notice described in division 13775
(B) of that section. 13776

(C) No person, other than a local law enforcement 13777
representative, shall knowingly do any of the following: 13778

(1) Gain or attempt to gain access to the database 13779
established and operated by the attorney general, through the 13780
bureau of criminal identification and investigation, pursuant to 13781
division (A)(13) of this section. 13782

(2) Permit any person to inspect any information obtained 13783
through use of the database described in division (C)(1) of this 13784
section, other than as permitted under that division. 13785

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.

Sec. 3109.051. (A) If a divorce, dissolution, legal separation, or annulment proceeding involves a child and if the court has not issued a shared parenting decree, the court shall consider any mediation report filed pursuant to section 3109.052 of the Revised Code and, in accordance with division (C) of this section, shall make a just and reasonable order or decree permitting each parent who is not the residential parent to have parenting time with the child at the time and under the conditions that the court directs, unless the court determines that it would not be in the best interest of the child to permit that parent to have parenting time with the child and includes in the journal its findings of fact and conclusions of law. Whenever possible, the order or decree permitting the parenting time shall ensure the opportunity for both parents to have frequent and continuing contact with the child, unless frequent and continuing contact by either parent with the child would not be in the best interest of the child. The court shall include in its final decree a specific schedule of parenting time for that parent. Except as provided in division (E)(6) of section 3113.31 of the Revised Code, if the court, pursuant to this section, grants parenting time to a parent or companionship or visitation rights to any other person with respect to any child, it shall not require the public children services agency to provide supervision of or other services related to that parent's exercise of parenting time or that person's exercise of companionship or visitation rights with respect to the child. This section does not limit the power of a

juvenile court pursuant to Chapter 2151. of the Revised Code to 13818
issue orders with respect to children who are alleged to be 13819
abused, neglected, or dependent children or to make dispositions 13820
of children who are adjudicated abused, neglected, or dependent 13821
children or of a common pleas court to issue orders pursuant to 13822
section 3113.31 of the Revised Code. 13823

(B)(1) In a divorce, dissolution of marriage, legal 13824
separation, annulment, or child support proceeding that involves a 13825
child, the court may grant reasonable companionship or visitation 13826
rights to any grandparent, any person related to the child by 13827
consanguinity or affinity, or any other person other than a 13828
parent, if all of the following apply: 13829

(a) The grandparent, relative, or other person files a motion 13830
with the court seeking companionship or visitation rights. 13831

(b) The court determines that the grandparent, relative, or 13832
other person has an interest in the welfare of the child. 13833

(c) The court determines that the granting of the 13834
companionship or visitation rights is in the best interest of the 13835
child. 13836

(2) A motion may be filed under division (B)(1) of this 13837
section during the pendency of the divorce, dissolution of 13838
marriage, legal separation, annulment, or child support proceeding 13839
or, if a motion was not filed at that time or was filed at that 13840
time and the circumstances in the case have changed, at any time 13841
after a decree or final order is issued in the case. 13842

(C) When determining whether to grant parenting time rights 13843
to a parent pursuant to this section or section 3109.12 of the 13844
Revised Code or to grant companionship or visitation rights to a 13845
grandparent, relative, or other person pursuant to this section or 13846
section 3109.11 or 3109.12 of the Revised Code, when establishing 13847

a specific parenting time or visitation schedule, and when 13848
determining other parenting time matters under this section or 13849
section 3109.12 of the Revised Code or visitation matters under 13850
this section or section 3109.11 or 3109.12 of the Revised Code, 13851
the court shall consider any mediation report that is filed 13852
pursuant to section 3109.052 of the Revised Code and shall 13853
consider all other relevant factors, including, but not limited 13854
to, all of the factors listed in division (D) of this section. In 13855
considering the factors listed in division (D) of this section for 13856
purposes of determining whether to grant parenting time or 13857
visitation rights, establishing a specific parenting time or 13858
visitation schedule, determining other parenting time matters 13859
under this section or section 3109.12 of the Revised Code or 13860
visitation matters under this section or under section 3109.11 or 13861
3109.12 of the Revised Code, and resolving any issues related to 13862
the making of any determination with respect to parenting time or 13863
visitation rights or the establishment of any specific parenting 13864
time or visitation schedule, the court, in its discretion, may 13865
interview in chambers any or all involved children regarding their 13866
wishes and concerns. If the court interviews any child concerning 13867
the child's wishes and concerns regarding those parenting time or 13868
visitation matters, the interview shall be conducted in chambers, 13869
and no person other than the child, the child's attorney, the 13870
judge, any necessary court personnel, and, in the judge's 13871
discretion, the attorney of each parent shall be permitted to be 13872
present in the chambers during the interview. No person shall 13873
obtain or attempt to obtain from a child a written or recorded 13874
statement or affidavit setting forth the wishes and concerns of 13875
the child regarding those parenting time or visitation matters. A 13876
court, in considering the factors listed in division (D) of this 13877
section for purposes of determining whether to grant any parenting 13878
time or visitation rights, establishing a parenting time or 13879
visitation schedule, determining other parenting time matters 13880

under this section or section 3109.12 of the Revised Code or 13881
visitation matters under this section or under section 3109.11 or 13882
3109.12 of the Revised Code, or resolving any issues related to 13883
the making of any determination with respect to parenting time or 13884
visitation rights or the establishment of any specific parenting 13885
time or visitation schedule, shall not accept or consider a 13886
written or recorded statement or affidavit that purports to set 13887
forth the child's wishes or concerns regarding those parenting 13888
time or visitation matters. 13889

(D) In determining whether to grant parenting time to a 13890
parent pursuant to this section or section 3109.12 of the Revised 13891
Code or companionship or visitation rights to a grandparent, 13892
relative, or other person pursuant to this section or section 13893
3109.11 or 3109.12 of the Revised Code, in establishing a specific 13894
parenting time or visitation schedule, and in determining other 13895
parenting time matters under this section or section 3109.12 of 13896
the Revised Code or visitation matters under this section or 13897
section 3109.11 or 3109.12 of the Revised Code, the court shall 13898
consider all of the following factors: 13899

(1) The prior interaction and interrelationships of the child 13900
with the child's parents, siblings, and other persons related by 13901
consanguinity or affinity, and with the person who requested 13902
companionship or visitation if that person is not a parent, 13903
sibling, or relative of the child; 13904

(2) The geographical location of the residence of each parent 13905
and the distance between those residences, and if the person is 13906
not a parent, the geographical location of that person's residence 13907
and the distance between that person's residence and the child's 13908
residence; 13909

(3) The child's and parents' available time, including, but 13910
not limited to, each parent's employment schedule, the child's 13911
school schedule, and the child's and the parents' holiday and 13912

vacation schedule;	13913
(4) The age of the child;	13914
(5) The child's adjustment to home, school, and community;	13915
(6) If the court has interviewed the child in chambers,	13916
pursuant to division (C) of this section, regarding the wishes and	13917
concerns of the child as to parenting time by the parent who is	13918
not the residential parent or companionship or visitation by the	13919
grandparent, relative, or other person who requested companionship	13920
or visitation, as to a specific parenting time or visitation	13921
schedule, or as to other parenting time or visitation matters, the	13922
wishes and concerns of the child, as expressed to the court;	13923
(7) The health and safety of the child;	13924
(8) The amount of time that will be available for the child	13925
to spend with siblings;	13926
(9) The mental and physical health of all parties;	13927
(10) Each parent's willingness to reschedule missed parenting	13928
time and to facilitate the other parent's parenting time rights,	13929
and with respect to a person who requested companionship or	13930
visitation, the willingness of that person to reschedule missed	13931
visitation;	13932
(11) In relation to parenting time, whether either parent	13933
previously has been convicted of or pleaded guilty to any criminal	13934
offense involving any act that resulted in a child being an abused	13935
child or a neglected child; whether either parent, in a case in	13936
which a child has been adjudicated an abused child or a neglected	13937
child, previously has been determined to be the perpetrator of the	13938
abusive or neglectful act that is the basis of the adjudication;	13939
and whether there is reason to believe that either parent has	13940
acted in a manner resulting in a child being an abused child or a	13941
neglected child;	13942

(12) In relation to requested companionship or visitation by 13943
a person other than a parent, whether the person previously has 13944
been convicted of or pleaded guilty to any criminal offense 13945
involving any act that resulted in a child being an abused child 13946
or a neglected child; whether the person, in a case in which a 13947
child has been adjudicated an abused child or a neglected child, 13948
previously has been determined to be the perpetrator of the 13949
abusive or neglectful act that is the basis of the adjudication; 13950
whether either parent previously has been convicted of or pleaded 13951
guilty to a violation of section 2919.25 of the Revised Code 13952
involving a victim who at the time of the commission of the 13953
offense was a member of the family or household that is the 13954
subject of the current proceeding; whether either parent 13955
previously has been convicted of an offense involving a victim who 13956
at the time of the commission of the offense was a member of the 13957
family or household that is the subject of the current proceeding 13958
and caused physical harm to the victim in the commission of the 13959
offense; and whether there is reason to believe that the person 13960
has acted in a manner resulting in a child being an abused child 13961
or a neglected child; 13962

(13) Whether the residential parent or one of the parents 13963
subject to a shared parenting decree has continuously and 13964
willfully denied the other parent's right to parenting time in 13965
accordance with an order of the court; 13966

(14) Whether either parent has established a residence or is 13967
planning to establish a residence outside this state; 13968

(15) In relation to requested companionship or visitation by 13969
a person other than a parent, the wishes and concerns of the 13970
child's parents, as expressed by them to the court; 13971

(16) Any other factor in the best interest of the child. 13972

(E) The remarriage of a residential parent of a child does 13973

not affect the authority of a court under this section to grant 13974
parenting time rights with respect to the child to the parent who 13975
is not the residential parent or to grant reasonable companionship 13976
or visitation rights with respect to the child to any grandparent, 13977
any person related by consanguinity or affinity, or any other 13978
person. 13979

(F)(1) If the court, pursuant to division (A) of this 13980
section, denies parenting time to a parent who is not the 13981
residential parent or denies a motion for reasonable companionship 13982
or visitation rights filed under division (B) of this section and 13983
the parent or movant files a written request for findings of fact 13984
and conclusions of law, the court shall state in writing its 13985
findings of fact and conclusions of law in accordance with Civil 13986
Rule 52. 13987

(2) On or before July 1, 1991, each court of common pleas, by 13988
rule, shall adopt standard parenting time guidelines. A court 13989
shall have discretion to deviate from its standard parenting time 13990
guidelines based upon factors set forth in division (D) of this 13991
section. 13992

(G)(1) If the residential parent intends to move to a 13993
residence other than the residence specified in the parenting time 13994
order or decree of the court, the parent shall file a notice of 13995
intent to relocate with the court that issued the order or decree. 13996
Except as provided in divisions (G)(2), (3), and (4) of this 13997
section, the court shall send a copy of the notice to the parent 13998
who is not the residential parent. Upon receipt of the notice, the 13999
court, on its own motion or the motion of the parent who is not 14000
the residential parent, may schedule a hearing with notice to both 14001
parents to determine whether it is in the best interest of the 14002
child to revise the parenting time schedule for the child. 14003

(2) When a court grants parenting time rights to a parent who 14004
is not the residential parent, the court shall determine whether 14005

that parent has been convicted of or pleaded guilty to a violation 14006
of section 2919.25 of the Revised Code involving a victim who at 14007
the time of the commission of the offense was a member of the 14008
family or household that is the subject of the proceeding, has 14009
been convicted of or pleaded guilty to any other offense involving 14010
a victim who at the time of the commission of the offense was a 14011
member of the family or household that is the subject of the 14012
proceeding and caused physical harm to the victim in the 14013
commission of the offense, or has been determined to be the 14014
perpetrator of the abusive act that is the basis of an 14015
adjudication that a child is an abused child. If the court 14016
determines that that parent has not been so convicted and has not 14017
been determined to be the perpetrator of an abusive act that is 14018
the basis of a child abuse adjudication, the court shall issue an 14019
order stating that a copy of any notice of relocation that is 14020
filed with the court pursuant to division (G)(1) of this section 14021
will be sent to the parent who is given the parenting time rights 14022
in accordance with division (G)(1) of this section. 14023

If the court determines that the parent who is granted the 14024
parenting time rights has been convicted of or pleaded guilty to a 14025
violation of section 2919.25 of the Revised Code involving a 14026
victim who at the time of the commission of the offense was a 14027
member of the family or household that is the subject of the 14028
proceeding, has been convicted of or pleaded guilty to any other 14029
offense involving a victim who at the time of the commission of 14030
the offense was a member of the family or household that is the 14031
subject of the proceeding and caused physical harm to the victim 14032
in the commission of the offense, or has been determined to be the 14033
perpetrator of the abusive act that is the basis of an 14034
adjudication that a child is an abused child, it shall issue an 14035
order stating that that parent will not be given a copy of any 14036
notice of relocation that is filed with the court pursuant to 14037
division (G)(1) of this section unless the court determines that 14038

it is in the best interest of the children to give that parent a 14039
copy of the notice of relocation, issues an order stating that 14040
that parent will be given a copy of any notice of relocation filed 14041
pursuant to division (G)(1) of this section, and issues specific 14042
written findings of fact in support of its determination. 14043

(3) If a court, prior to April 11, 1991, issued an order 14044
granting parenting time rights to a parent who is not the 14045
residential parent and did not require the residential parent in 14046
that order to give the parent who is granted the parenting time 14047
rights notice of any change of address and if the residential 14048
parent files a notice of relocation pursuant to division (G)(1) of 14049
this section, the court shall determine if the parent who is 14050
granted the parenting time rights has been convicted of or pleaded 14051
guilty to a violation of section 2919.25 of the Revised Code 14052
involving a victim who at the time of the commission of the 14053
offense was a member of the family or household that is the 14054
subject of the proceeding, has been convicted of or pleaded guilty 14055
to any other offense involving a victim who at the time of the 14056
commission of the offense was a member of the family or household 14057
that is the subject of the proceeding and caused physical harm to 14058
the victim in the commission of the offense, or has been 14059
determined to be the perpetrator of the abusive act that is the 14060
basis of an adjudication that a child is an abused child. If the 14061
court determines that the parent who is granted the parenting time 14062
rights has not been so convicted and has not been determined to be 14063
the perpetrator of an abusive act that is the basis of a child 14064
abuse adjudication, the court shall issue an order stating that a 14065
copy of any notice of relocation that is filed with the court 14066
pursuant to division (G)(1) of this section will be sent to the 14067
parent who is granted parenting time rights in accordance with 14068
division (G)(1) of this section. 14069

If the court determines that the parent who is granted the 14070

parenting time rights has been convicted of or pleaded guilty to a 14071
violation of section 2919.25 of the Revised Code involving a 14072
victim who at the time of the commission of the offense was a 14073
member of the family or household that is the subject of the 14074
proceeding, has been convicted of or pleaded guilty to any other 14075
offense involving a victim who at the time of the commission of 14076
the offense was a member of the family or household that is the 14077
subject of the proceeding and caused physical harm to the victim 14078
in the commission of the offense, or has been determined to be the 14079
perpetrator of the abusive act that is the basis of an 14080
adjudication that a child is an abused child, it shall issue an 14081
order stating that that parent will not be given a copy of any 14082
notice of relocation that is filed with the court pursuant to 14083
division (G)(1) of this section unless the court determines that 14084
it is in the best interest of the children to give that parent a 14085
copy of the notice of relocation, issues an order stating that 14086
that parent will be given a copy of any notice of relocation filed 14087
pursuant to division (G)(1) of this section, and issues specific 14088
written findings of fact in support of its determination. 14089

(4) If a parent who is granted parenting time rights pursuant 14090
to this section or any other section of the Revised Code is 14091
authorized by an order issued pursuant to this section or any 14092
other court order to receive a copy of any notice of relocation 14093
that is filed pursuant to division (G)(1) of this section or 14094
pursuant to court order, if the residential parent intends to move 14095
to a residence other than the residence address specified in the 14096
parenting time order, and if the residential parent does not want 14097
the parent who is granted the parenting time rights to receive a 14098
copy of the relocation notice because the parent with parenting 14099
time rights has been convicted of or pleaded guilty to a violation 14100
of section 2919.25 of the Revised Code involving a victim who at 14101
the time of the commission of the offense was a member of the 14102
family or household that is the subject of the proceeding, has 14103

been convicted of or pleaded guilty to any other offense involving 14104
a victim who at the time of the commission of the offense was a 14105
member of the family or household that is the subject of the 14106
proceeding and caused physical harm to the victim in the 14107
commission of the offense, or has been determined to be the 14108
perpetrator of the abusive act that is the basis of an 14109
adjudication that a child is an abused child, the residential 14110
parent may file a motion with the court requesting that the parent 14111
who is granted the parenting time rights not receive a copy of any 14112
notice of relocation. Upon the filing of the motion, the court 14113
shall schedule a hearing on the motion and give both parents 14114
notice of the date, time, and location of the hearing. If the 14115
court determines that the parent who is granted the parenting time 14116
rights has been so convicted or has been determined to be the 14117
perpetrator of an abusive act that is the basis of a child abuse 14118
adjudication, the court shall issue an order stating that the 14119
parent who is granted the parenting time rights will not be given 14120
a copy of any notice of relocation that is filed with the court 14121
pursuant to division (G)(1) of this section or that the 14122
residential parent is no longer required to give that parent a 14123
copy of any notice of relocation unless the court determines that 14124
it is in the best interest of the children to give that parent a 14125
copy of the notice of relocation, issues an order stating that 14126
that parent will be given a copy of any notice of relocation filed 14127
pursuant to division (G)(1) of this section, and issues specific 14128
written findings of fact in support of its determination. If it 14129
does not so find, it shall dismiss the motion. 14130

(H)(1) Subject to section 3125.16 and division (F) of section 14131
3319.321 of the Revised Code, a parent of a child who is not the 14132
residential parent of the child is entitled to access, under the 14133
same terms and conditions under which access is provided to the 14134
residential parent, to any record that is related to the child and 14135
to which the residential parent of the child legally is provided 14136

access, unless the court determines that it would not be in the 14137
best interest of the child for the parent who is not the 14138
residential parent to have access to the records under those same 14139
terms and conditions. If the court determines that the parent of a 14140
child who is not the residential parent should not have access to 14141
records related to the child under the same terms and conditions 14142
as provided for the residential parent, the court shall specify 14143
the terms and conditions under which the parent who is not the 14144
residential parent is to have access to those records, shall enter 14145
its written findings of facts and opinion in the journal, and 14146
shall issue an order containing the terms and conditions to both 14147
the residential parent and the parent of the child who is not the 14148
residential parent. The court shall include in every order issued 14149
pursuant to this division notice that any keeper of a record who 14150
knowingly fails to comply with the order or division (H) of this 14151
section is in contempt of court. 14152

(2) Subject to section 3125.16 and division (F) of section 14153
3319.321 of the Revised Code, subsequent to the issuance of an 14154
order under division (H)(1) of this section, the keeper of any 14155
record that is related to a particular child and to which the 14156
residential parent legally is provided access shall permit the 14157
parent of the child who is not the residential parent to have 14158
access to the record under the same terms and conditions under 14159
which access is provided to the residential parent, unless the 14160
residential parent has presented the keeper of the record with a 14161
copy of an order issued under division (H)(1) of this section that 14162
limits the terms and conditions under which the parent who is not 14163
the residential parent is to have access to records pertaining to 14164
the child and the order pertains to the record in question. If the 14165
residential parent presents the keeper of the record with a copy 14166
of that type of order, the keeper of the record shall permit the 14167
parent who is not the residential parent to have access to the 14168
record only in accordance with the most recent order that has been 14169

issued pursuant to division (H)(1) of this section and presented 14170
to the keeper by the residential parent or the parent who is not 14171
the residential parent. Any keeper of any record who knowingly 14172
fails to comply with division (H) of this section or with any 14173
order issued pursuant to division (H)(1) of this section is in 14174
contempt of court. 14175

(3) The prosecuting attorney of any county may file a 14176
complaint with the court of common pleas of that county requesting 14177
the court to issue a protective order preventing the disclosure 14178
pursuant to division (H)(1) or (2) of this section of any 14179
confidential law enforcement investigatory record. The court shall 14180
schedule a hearing on the motion and give notice of the date, 14181
time, and location of the hearing to all parties. 14182

(I) A court that issues a parenting time order or decree 14183
pursuant to this section or section 3109.12 of the Revised Code 14184
shall determine whether the parent granted the right of parenting 14185
time is to be permitted access, in accordance with section 14186
~~5104.011~~ 5104.039 of the Revised Code, to any child day-care 14187
center that is, or that in the future may be, attended by the 14188
children with whom the right of parenting time is granted. Unless 14189
the court determines that the parent who is not the residential 14190
parent should not have access to the center to the same extent 14191
that the residential parent is granted access to the center, the 14192
parent who is not the residential parent and who is granted 14193
parenting time rights is entitled to access to the center to the 14194
same extent that the residential parent is granted access to the 14195
center. If the court determines that the parent who is not the 14196
residential parent should not have access to the center to the 14197
same extent that the residential parent is granted such access 14198
under ~~division (C) of section 5104.011~~ 5104.039 of the Revised 14199
Code, the court shall specify the terms and conditions under which 14200
the parent who is not the residential parent is to have access to 14201

the center, provided that the access shall not be greater than the 14202
access that is provided to the residential parent under ~~division~~ 14203
~~(C)~~ of section ~~5104.011~~ 5104.039 of the Revised Code, the court 14204
shall enter its written findings of fact and opinions in the 14205
journal, and the court shall include the terms and conditions of 14206
access in the parenting time order or decree. 14207

(J)(1) Subject to division (F) of section 3319.321 of the 14208
Revised Code, when a court issues an order or decree allocating 14209
parental rights and responsibilities for the care of a child, the 14210
parent of the child who is not the residential parent of the child 14211
is entitled to access, under the same terms and conditions under 14212
which access is provided to the residential parent, to any student 14213
activity that is related to the child and to which the residential 14214
parent of the child legally is provided access, unless the court 14215
determines that it would not be in the best interest of the child 14216
to grant the parent who is not the residential parent access to 14217
the student activities under those same terms and conditions. If 14218
the court determines that the parent of the child who is not the 14219
residential parent should not have access to any student activity 14220
that is related to the child under the same terms and conditions 14221
as provided for the residential parent, the court shall specify 14222
the terms and conditions under which the parent who is not the 14223
residential parent is to have access to those student activities, 14224
shall enter its written findings of facts and opinion in the 14225
journal, and shall issue an order containing the terms and 14226
conditions to both the residential parent and the parent of the 14227
child who is not the residential parent. The court shall include 14228
in every order issued pursuant to this division notice that any 14229
school official or employee who knowingly fails to comply with the 14230
order or division (J) of this section is in contempt of court. 14231

(2) Subject to division (F) of section 3319.321 of the 14232
Revised Code, subsequent to the issuance of an order under 14233

division (J)(1) of this section, all school officials and 14234
employees shall permit the parent of the child who is not the 14235
residential parent to have access to any student activity under 14236
the same terms and conditions under which access is provided to 14237
the residential parent of the child, unless the residential parent 14238
has presented the school official or employee, the board of 14239
education of the school, or the governing body of the chartered 14240
nonpublic school with a copy of an order issued under division 14241
(J)(1) of this section that limits the terms and conditions under 14242
which the parent who is not the residential parent is to have 14243
access to student activities related to the child and the order 14244
pertains to the student activity in question. If the residential 14245
parent presents the school official or employee, the board of 14246
education of the school, or the governing body of the chartered 14247
nonpublic school with a copy of that type of order, the school 14248
official or employee shall permit the parent who is not the 14249
residential parent to have access to the student activity only in 14250
accordance with the most recent order that has been issued 14251
pursuant to division (J)(1) of this section and presented to the 14252
school official or employee, the board of education of the school, 14253
or the governing body of the chartered nonpublic school by the 14254
residential parent or the parent who is not the residential 14255
parent. Any school official or employee who knowingly fails to 14256
comply with division (J) of this section or with any order issued 14257
pursuant to division (J)(1) of this section is in contempt of 14258
court. 14259

(K) If any person is found in contempt of court for failing 14260
to comply with or interfering with any order or decree granting 14261
parenting time rights issued pursuant to this section or section 14262
3109.12 of the Revised Code or companionship or visitation rights 14263
issued pursuant to this section, section 3109.11 or 3109.12 of the 14264
Revised Code, or any other provision of the Revised Code, the 14265
court that makes the finding, in addition to any other penalty or 14266

remedy imposed, shall assess all court costs arising out of the 14267
contempt proceeding against the person and require the person to 14268
pay any reasonable attorney's fees of any adverse party, as 14269
determined by the court, that arose in relation to the act of 14270
contempt, and may award reasonable compensatory parenting time or 14271
visitation to the person whose right of parenting time or 14272
visitation was affected by the failure or interference if such 14273
compensatory parenting time or visitation is in the best interest 14274
of the child. Any compensatory parenting time or visitation 14275
awarded under this division shall be included in an order issued 14276
by the court and, to the extent possible, shall be governed by the 14277
same terms and conditions as was the parenting time or visitation 14278
that was affected by the failure or interference. 14279

(L) Any parent who requests reasonable parenting time rights 14280
with respect to a child under this section or section 3109.12 of 14281
the Revised Code or any person who requests reasonable 14282
companionship or visitation rights with respect to a child under 14283
this section, section 3109.11 or 3109.12 of the Revised Code, or 14284
any other provision of the Revised Code may file a motion with the 14285
court requesting that it waive all or any part of the costs that 14286
may accrue in the proceedings. If the court determines that the 14287
movant is indigent and that the waiver is in the best interest of 14288
the child, the court, in its discretion, may waive payment of all 14289
or any part of the costs of those proceedings. 14290

(M)(1) A parent who receives an order for active military 14291
service in the uniformed services and who is subject to a 14292
parenting time order may apply to the court for any of the 14293
following temporary orders for the period extending from the date 14294
of the parent's departure to the date of return: 14295

(a) An order delegating all or part of the parent's parenting 14296
time with the child to a relative or to another person who has a 14297
close and substantial relationship with the child if the 14298

delegation is in the child's best interest; 14299

(b) An order that the other parent make the child reasonably 14300
available for parenting time with the parent when the parent is on 14301
leave from active military service; 14302

(c) An order that the other parent facilitate contact, 14303
including telephone and electronic contact, between the parent and 14304
child while the parent is on active military service. 14305

(2)(a) Upon receipt of an order for active military service, 14306
a parent who is subject to a parenting time order and seeks an 14307
order under division (M)(1) of this section shall notify the other 14308
parent who is subject to the parenting time order and apply to the 14309
court as soon as reasonably possible after receipt of the order 14310
for active military service. The application shall include the 14311
date on which the active military service begins. 14312

(b) The court shall schedule a hearing upon receipt of an 14313
application under division (M) of this section and hold the 14314
hearing not later than thirty days after its receipt, except that 14315
the court shall give the case calendar priority and handle the 14316
case expeditiously if exigent circumstances exist in the case. No 14317
hearing shall be required if both parents agree to the terms of 14318
the requested temporary order and the court determines that the 14319
order is in the child's best interest. 14320

(c) In determining whether a delegation under division 14321
(M)(1)(a) of this section is in the child's best interest, the 14322
court shall consider all relevant factors, including the factors 14323
set forth in division (D) of this section. 14324

(d) An order delegating all or part of the parent's parenting 14325
time pursuant to division (M)(1)(a) of this section does not 14326
create standing on behalf of the person to whom parenting time is 14327
delegated to assert visitation or companionship rights independent 14328
of the order. 14329

(3) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio.

(N) The juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court.

(O) As used in this section:

(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.

(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.

(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.

(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.

(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:

(a) Records maintained by public and nonpublic schools;

(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;	14360
(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;	14361 14362 14363
(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 Code.	14364 14365 14366 14367 14368 14369
Sec. 3701.63. (A) As used in this section and section 3701.64 of the Revised Code:	14370 14371
(1) "Child day-care center," "type A family day-care home," and " certified <u>licensed</u> type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	14372 14373 14374
(2) "Child care facility" means a child day-care center, a type A family day-care home, or a certified <u>licensed</u> type B family day-care home.	14375 14376 14377
(3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code.	14378 14379
(4) "Hospital" means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital.	14380 14381 14382
(5) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.	14383 14384 14385 14386 14387
(6) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or	14388 14389

annulled, in which case "parent" means the parent who is the 14390
residential parent and legal custodian of the child. "Parent" also 14391
means a prospective adoptive parent with whom a child is placed. 14392

(7) "Shaken ~~Baby Syndrome~~ baby syndrome" means signs and 14393
symptoms, including, but not limited to, retinal hemorrhages in 14394
one or both eyes, subdural hematoma, or brain swelling, resulting 14395
from the violent shaking or the shaking and impacting of the head 14396
of an infant or small child. 14397

(B) The director of health shall establish the shaken baby 14398
syndrome education program by doing all of the following: 14399

(1) By not later than one year after February 29, 2008, 14400
developing educational materials that present readily 14401
comprehensible information on shaken baby syndrome; 14402

(2) Making available on the department of health web site in 14403
an easily accessible format the educational materials developed 14404
under division (B)(1) of this section; 14405

(3) Beginning in 2009, annually assessing the effectiveness 14406
of the shaken baby syndrome education program by evaluating the 14407
reports received pursuant to section 5101.135 of the Revised Code. 14408

(C) In meeting the requirements under division (B) of this 14409
section, the director shall not develop educational materials that 14410
will impose an administrative or financial burden on any of the 14411
entities or persons listed in section 3701.64 of the Revised Code. 14412

Sec. 3737.22. (A) The fire marshal shall do all of the 14413
following: 14414

(1) Adopt the state fire code under sections 3737.82 to 14415
3737.86 of the Revised Code; 14416

(2) Enforce the state fire code; 14417

(3) Appoint assistant fire marshals who are authorized to 14418

enforce the state fire code;	14419
(4) Conduct investigations into the cause, origin, and	14420
circumstances of fires and explosions, and assist in the	14421
prosecution of persons believed to be guilty of arson or a similar	14422
crime;	14423
(5) Compile statistics concerning loss due to fire and	14424
explosion as the fire marshal considers necessary, and consider	14425
the compatibility of the fire marshal's system of compilation with	14426
the systems of other state and federal agencies and fire marshals	14427
of other states;	14428
(6) Engage in research on the cause and prevention of losses	14429
due to fire and explosion;	14430
(7) Engage in public education and informational activities	14431
which will inform the public of fire safety information;	14432
(8) Operate a fire training academy and forensic laboratory;	14433
(9) Conduct other fire safety and fire fighting training	14434
activities for the public and groups as will further the cause of	14435
fire safety;	14436
(10) Conduct licensing examinations, and issue permits,	14437
licenses, and certificates, as authorized by the Revised Code;	14438
(11) Conduct tests of fire protection systems and devices,	14439
and fire fighting equipment to determine compliance with the state	14440
fire code, unless a building is insured against the hazard of	14441
fire, in which case such tests may be performed by the company	14442
insuring the building;	14443
(12) Establish and collect fees for conducting licensing	14444
examinations and for issuing permits, licenses, and certificates;	14445
(13) Make available for the prosecuting attorney and an	14446
assistant prosecuting attorney from each county of this state, in	14447
accordance with section 3737.331 of the Revised Code, a seminar	14448

program, attendance at which is optional, that is designed to 14449
provide current information, data, training, and techniques 14450
relative to the prosecution of arson cases; 14451

(14) Administer and enforce Chapter 3743. of the Revised 14452
Code; 14453

(15) Develop a uniform standard for the reporting of 14454
information required to be filed under division (E)(4) of section 14455
2921.22 of the Revised Code, and accept the reports of the 14456
information when they are filed. 14457

(B) The fire marshal shall appoint a chief deputy fire 14458
marshal, and shall employ professional and clerical assistants as 14459
the fire marshal considers necessary. The chief deputy shall be a 14460
competent former or current member of a fire agency and possess 14461
five years of recent, progressively more responsible experience in 14462
fire inspection, fire code enforcement, and fire code management. 14463
The chief deputy, with the approval of the director of commerce, 14464
shall temporarily assume the duties of the fire marshal when the 14465
fire marshal is absent or temporarily unable to carry out the 14466
duties of the office. When there is a vacancy in the office of 14467
fire marshal, the chief deputy, with the approval of the director 14468
of commerce, shall temporarily assume the duties of the fire 14469
marshal until a new fire marshal is appointed under section 14470
3737.21 of the Revised Code. 14471

All employees, other than the fire marshal; the chief deputy 14472
fire marshal; the superintendent of the Ohio fire academy; the 14473
grants administrator; the fiscal officer; the executive secretary 14474
to the fire marshal; legal counsel; the pyrotechnics 14475
administrator, the chief of the forensic laboratory; the person 14476
appointed by the fire marshal to serve as administrator over 14477
functions concerning testing, license examinations, and the 14478
issuance of permits and certificates; and the chiefs of the 14479
bureaus of fire prevention, of fire and explosion investigation, 14480

of code enforcement, and of underground storage tanks shall be in 14481
the classified civil service. The fire marshal shall authorize the 14482
chief deputy and other employees under the fire marshal's 14483
supervision to exercise powers granted to the fire marshal by law 14484
as may be necessary to carry out the duties of the fire marshal's 14485
office. 14486

(C) The fire marshal shall create, in and as a part of the 14487
office of fire marshal, a fire and explosion investigation bureau 14488
consisting of a chief of the bureau and additional assistant fire 14489
marshals as the fire marshal determines necessary for the 14490
efficient administration of the bureau. The chief shall be 14491
experienced in the investigation of the cause, origin, and 14492
circumstances of fires, and in administration, including the 14493
supervision of subordinates. The chief, among other duties 14494
delegated to the chief by the fire marshal, shall be responsible, 14495
under the direction of the fire marshal, for the investigation of 14496
the cause, origin, and circumstances of fires and explosions in 14497
the state, and for assistance in the prosecution of persons 14498
believed to be guilty of arson or a similar crime. 14499

(D)(1) The fire marshal shall create, as part of the office 14500
of fire marshal, a bureau of code enforcement consisting of a 14501
chief of the bureau and additional assistant fire marshals as the 14502
fire marshal determines necessary for the efficient administration 14503
of the bureau. The chief shall be qualified, by education or 14504
experience, in fire inspection, fire code development, fire code 14505
enforcement, or any other similar field determined by the fire 14506
marshal, and in administration, including the supervision of 14507
subordinates. The chief is responsible, under the direction of the 14508
fire marshal, for fire inspection, fire code development, fire 14509
code enforcement, and any other duties delegated to the chief by 14510
the fire marshal. 14511

(2) The fire marshal, the chief deputy fire marshal, the 14512

chief of the bureau of code enforcement, or any assistant fire 14513
marshal under the direction of the fire marshal, the chief deputy 14514
fire marshal, or the chief of the bureau of code enforcement may 14515
cause to be conducted the inspection of all buildings, structures, 14516
and other places, the condition of which may be dangerous from a 14517
fire safety standpoint to life or property, or to property 14518
adjacent to the buildings, structures, or other places. 14519

(E) The fire marshal shall create, as a part of the office of 14520
fire marshal, a bureau of fire prevention consisting of a chief of 14521
the bureau and additional assistant fire marshals as the fire 14522
marshal determines necessary for the efficient administration of 14523
the bureau. The chief shall be qualified, by education or 14524
experience, to promote programs for rural and urban fire 14525
prevention and protection. The chief, among other duties delegated 14526
to the chief by the fire marshal, is responsible, under the 14527
direction of the fire marshal, for the promotion of rural and 14528
urban fire prevention and protection through public information 14529
and education programs. 14530

(F) The fire marshal shall cooperate with the director of job 14531
and family services when the director adopts rules under section 14532
5104.052 of the Revised Code regarding fire prevention and fire 14533
safety in ~~certified~~ licensed type B family day-care homes, as 14534
defined in section 5104.01 of the Revised Code, recommend 14535
procedures for inspecting type B homes to determine whether they 14536
are in compliance with those rules, and provide training and 14537
technical assistance to the director and county directors of job 14538
and family services on the procedures for determining compliance 14539
with those rules. 14540

(G) The fire marshal, upon request of a provider of child 14541
care in a type B home that is not ~~certified~~ licensed by the ~~county~~ 14542
director of job and family services, as a precondition of approval 14543
by the state board of education under section 3313.813 of the 14544

Revised Code for receipt of United States department of 14545
agriculture child and adult care food program funds established 14546
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 14547
U.S.C. 1751, as amended, shall inspect the type B home to 14548
determine compliance with rules adopted under section 5104.052 of 14549
the Revised Code regarding fire prevention and fire safety in 14550
~~certified~~ licensed type B homes. In municipal corporations and in 14551
townships where there is a certified fire safety inspector, the 14552
inspections shall be made by that inspector under the supervision 14553
of the fire marshal, according to rules adopted under section 14554
5104.052 of the Revised Code. In townships outside municipal 14555
corporations where there is no certified fire safety inspector, 14556
inspections shall be made by the fire marshal. 14557

Sec. 3742.01. As used in this chapter: 14558

(A) "Board of health" means the board of health of a city or 14559
general health district or the authority having the duties of a 14560
board of health under section 3709.05 of the Revised Code. 14561

(B) "Child care facility" means each area of any of the 14562
following in which child care, as defined in section 5104.01 of 14563
the Revised Code, is provided to children under six years of age: 14564

(1) A child day-care center, type A family day-care home, or 14565
type B family day-care home as defined in section 5104.01 of the 14566
Revised Code; 14567

~~(2) A type C family day care home authorized to provide child 14568
care by Sub. H.B. 62 of the 121st general assembly, as amended by 14569
Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 14570
of the 123rd general assembly;~~ 14571

~~(3) A preschool program or school child program as defined in 14572
section 3301.52 of the Revised Code. 14573~~

(C) "Clearance examination" means an examination to determine 14574

whether the lead hazards in a residential unit, child care 14575
facility, or school have been sufficiently controlled. A clearance 14576
examination includes a visual assessment, collection, and analysis 14577
of environmental samples. 14578

(D) "Clearance technician" means a person, other than a 14579
licensed lead inspector or licensed lead risk assessor, who 14580
performs a clearance examination. 14581

(E) "Clinical laboratory" means a facility for the 14582
biological, microbiological, serological, chemical, 14583
immuno-hematological, hematological, biophysical, cytological, 14584
pathological, or other examination of substances derived from the 14585
human body for the purpose of providing information for the 14586
diagnosis, prevention, or treatment of any disease, or in the 14587
assessment or impairment of the health of human beings. "Clinical 14588
laboratory" does not include a facility that only collects or 14589
prepares specimens, or serves as a mailing service, and does not 14590
perform testing. 14591

(F) "Encapsulation" means the coating and sealing of surfaces 14592
with durable surface coating specifically formulated to be 14593
elastic, able to withstand sharp and blunt impacts, long-lasting, 14594
and resilient, while also resistant to cracking, peeling, algae, 14595
fungus, and ultraviolet light, so as to prevent any part of 14596
lead-containing paint from becoming part of house dust or 14597
otherwise accessible to children. 14598

(G) "Enclosure" means the resurfacing or covering of surfaces 14599
with durable materials such as wallboard or paneling, and the 14600
sealing or caulking of edges and joints, so as to prevent or 14601
control chalking, flaking, peeling, scaling, or loose 14602
lead-containing substances from becoming part of house dust or 14603
otherwise accessible to children. 14604

(H) "Environmental lead analytical laboratory" means a 14605

facility that analyzes air, dust, soil, water, paint, film, or 14606
other substances, other than substances derived from the human 14607
body, for the presence and concentration of lead. 14608

(I) "HEPA" means the designation given to a product, device, 14609
or system that has been equipped with a high-efficiency 14610
particulate air filter, which is a filter capable of removing 14611
particles of 0.3 microns or larger from air at 99.97 per cent or 14612
greater efficiency. 14613

(J) "Interim controls" means a set of measures designed to 14614
reduce temporarily human exposure or likely human exposure to lead 14615
hazards. Interim controls include specialized cleaning, repairs, 14616
painting, temporary containment, ongoing lead hazard maintenance 14617
activities, and the establishment and operation of management and 14618
resident education programs. 14619

(K)(1) "Lead abatement" means a measure or set of measures 14620
designed for the single purpose of permanently eliminating lead 14621
hazards. "Lead abatement" includes all of the following: 14622

- (a) Removal of lead-based paint and lead-contaminated dust; 14623
- (b) Permanent enclosure or encapsulation of lead-based paint; 14624
- (c) Replacement of surfaces or fixtures painted with 14625
lead-based paint; 14626
- (d) Removal or permanent covering of lead-contaminated soil; 14627
- (e) Preparation, cleanup, and disposal activities associated 14628
with lead abatement. 14629

(2) "Lead abatement" does not include any of the following: 14630

- (a) Preventive treatments performed pursuant to section 14631
3742.41 of the Revised Code; 14632
- (b) Implementation of interim controls; 14633
- (c) Activities performed by a property owner on a residential 14634

unit to which both of the following apply: 14635

(i) It is a freestanding single-family home used as the 14636
property owner's private residence. 14637

(ii) No child under six years of age who has lead poisoning 14638
resides in the unit. 14639

(L) "Lead abatement contractor" means any individual who 14640
engages in or intends to engage in lead abatement and employs or 14641
supervises one or more lead abatement workers, including on-site 14642
supervision of lead abatement projects, or prepares 14643
specifications, plans, or documents for a lead abatement project. 14644

(M) "Lead abatement project" means one or more lead abatement 14645
activities that are conducted by a lead abatement contractor and 14646
are reasonably related to each other. 14647

(N) "Lead abatement project designer" means a person who is 14648
responsible for designing lead abatement projects and preparing a 14649
pre-abatement plan for all designed projects. 14650

(O) "Lead abatement worker" means an individual who is 14651
responsible in a nonsupervisory capacity for the performance of 14652
lead abatement. 14653

(P) "Lead-based paint" means any paint or other similar 14654
surface-coating substance containing lead at or in excess of the 14655
level that is hazardous to human health as established by rule of 14656
the public health council under section 3742.50 of the Revised 14657
Code. 14658

(Q) "Lead-contaminated dust" means dust that contains an area 14659
or mass concentration of lead at or in excess of the level that is 14660
hazardous to human health as established by rule of the public 14661
health council under section 3742.50 of the Revised Code. 14662

(R) "Lead-contaminated soil" means soil that contains lead at 14663
or in excess of the level that is hazardous to human health as 14664

established by rule of the public health council under section 14665
3742.50 of the Revised Code. 14666

(S) "Lead hazard" means material that is likely to cause lead 14667
exposure and endanger an individual's health as determined by the 14668
public health council in rules adopted under section 3742.50 of 14669
the Revised Code. "Lead hazard" includes lead-based paint, 14670
lead-contaminated dust, lead-contaminated soil, and 14671
lead-contaminated water pipes. 14672

(T) "Lead inspection" means a surface-by-surface 14673
investigation to determine the presence of lead-based paint. The 14674
inspection shall use a sampling or testing technique approved by 14675
the public health council in rules adopted by the council under 14676
section 3742.03 of the Revised Code. A licensed lead inspector or 14677
laboratory approved under section 3742.09 of the Revised Code 14678
shall certify in writing the precise results of the inspection. 14679

(U) "Lead inspector" means any individual who conducts a lead 14680
inspection, provides professional advice regarding a lead 14681
inspection, or prepares a report explaining the results of a lead 14682
inspection. 14683

(V) "Lead poisoning" means the level of lead in human blood 14684
that is hazardous to human health, as specified in rules adopted 14685
under section 3742.50 of the Revised Code. 14686

(W) "Lead risk assessment" means an on-site investigation to 14687
determine and report the existence, nature, severity, and location 14688
of lead hazards in a residential unit, child care facility, or 14689
school, including information gathering from the unit, facility, 14690
or school's current owner's knowledge regarding the age and 14691
painting history of the unit, facility, or school and occupancy by 14692
children under six years of age, visual inspection, limited wipe 14693
sampling or other environmental sampling techniques, and any other 14694
activity as may be appropriate. 14695

(X) "Lead risk assessor" means a person who is responsible 14696
for developing a written inspection, risk assessment, and analysis 14697
plan; conducting inspections for lead hazards in a residential 14698
unit, child care facility, or school; interpreting results of 14699
inspections and risk assessments; identifying hazard control 14700
strategies to reduce or eliminate lead exposures; and completing a 14701
risk assessment report. 14702

(Y) "Lead-safe renovation" means the supervision or 14703
performance of services for the general improvement of all or part 14704
of an existing structure, including a residential unit, child care 14705
facility, or school, when the services are supervised or performed 14706
by a lead-safe renovator. 14707

(Z) "Lead-safe renovator" means a person who has successfully 14708
completed a training program in lead-safe renovation approved 14709
under section 3742.47 of the Revised Code. 14710

(AA) "Manager" means a person, who may be the same person as 14711
the owner, responsible for the daily operation of a residential 14712
unit, child care facility, or school. 14713

(BB) "Permanent" means an expected design life of at least 14714
twenty years. 14715

(CC) "Replacement" means an activity that entails removing 14716
components such as windows, doors, and trim that have lead hazards 14717
on their surfaces and installing components free of lead hazards. 14718

(DD) "Residential unit" means a dwelling or any part of a 14719
building being used as an individual's private residence. 14720

(EE) "School" means a public or nonpublic school in which 14721
children under six years of age receive education. 14722

Sec. 3797.06. (A) As used in this section, "specified 14723
geographical notification area" means the geographic area or areas 14724
within which the attorney general requires by rule adopted under 14725

section 3797.08 of the Revised Code the notice described in 14726
division (B) of this section to be given to the persons identified 14727
in divisions (A)(1) to (9) of this section. If a court enters a 14728
declaratory judgment against a registrant under section 2721.21 of 14729
the Revised Code, the sheriff with whom the registrant has most 14730
recently registered under section 3797.02 or 3797.03 of the 14731
Revised Code and the sheriff to whom the registrant most recently 14732
sent a notice of intent to reside under section 3797.03 of the 14733
Revised Code shall provide within the period of time specified in 14734
division (C) of this section a written notice containing the 14735
information set forth in division (B) of this section to all of 14736
the persons described in divisions (A)(1) to (9) of this section. 14737
If the sheriff has sent a notice to the persons described in those 14738
divisions as a result of receiving a notice of intent to reside 14739
and if the registrant registers a residence address that is the 14740
same residence address described in the notice of intent to 14741
reside, the sheriff is not required to send an additional notice 14742
when the registrant registers. The sheriff shall provide the 14743
notice to all of the following persons: 14744

(1)(a) Any occupant of each residential unit that is located 14745
within one thousand feet of the registrant's residential premises, 14746
that is located within the county served by the sheriff, and that 14747
is not located in a multi-unit building. Division (D)(3) of this 14748
section applies regarding notices required under this division. 14749

(b) If the registrant resides in a multi-unit building, any 14750
occupant of each residential unit that is located in that 14751
multi-unit building and that shares a common hallway with the 14752
registrant. For purposes of this division, an occupant's unit 14753
shares a common hallway with the registrant if the entrance door 14754
into the occupant's unit is located on the same floor and opens 14755
into the same hallway as the entrance door to the unit the 14756
registrant occupies. Division (D)(3) of this section applies 14757

regarding notices required under this division. 14758

(c) The building manager, or the person the building owner or 14759
condominium unit owners association authorizes to exercise 14760
management and control, of each multi-unit building that is 14761
located within one thousand feet of the registrant's residential 14762
premises, including a multi-unit building in which the registrant 14763
resides, and that is located within the county served by the 14764
sheriff. In addition to notifying the building manager or the 14765
person authorized to exercise management and control in the 14766
multi-unit building under this division, the sheriff shall post a 14767
copy of the notice prominently in each common entryway in the 14768
building and any other location in the building the sheriff 14769
determines appropriate. The manager or person exercising 14770
management and control of the building shall permit the sheriff to 14771
post copies of the notice under this division as the sheriff 14772
determines appropriate. In lieu of posting copies of the notice as 14773
described in this division, a sheriff may provide notice to all 14774
occupants of the multi-unit building by mail or personal contact. 14775
If the sheriff so notifies all the occupants, the sheriff is not 14776
required to post copies of the notice in the common entryways to 14777
the building. Division (D)(3) of this section applies regarding 14778
notices required under this division. 14779

(d) All additional persons who are within any category of 14780
neighbors of the registrant that the attorney general by rule 14781
adopted under section 3797.08 of the Revised Code requires to be 14782
provided the notice and who reside within the county served by the 14783
sheriff. 14784

(2) The executive director of the public children services 14785
agency that has jurisdiction within the specified geographical 14786
notification area and that is located within the county served by 14787
the sheriff; 14788

(3) The superintendent of each board of education of a school 14789

district that has schools within the specified geographical 14790
notification area and that is located within the county served by 14791
the sheriff; 14792

(4) The appointing or hiring officer of each nonpublic school 14793
located within the specified geographical notification area and 14794
within the county served by the sheriff or of each other school 14795
located within the specified geographical notification area and 14796
within the county served by the sheriff and that is not operated 14797
by a board of education described in division (A)(3) of this 14798
section; 14799

(5) The director, head teacher, elementary principal, or site 14800
administrator of each preschool program governed by Chapter 3301. 14801
of the Revised Code that is located within the specified 14802
geographical notification area and within the county served by the 14803
sheriff; 14804

(6) The administrator of each child day-care center or type A 14805
family day-care home that is located within the specified 14806
geographical notification area and within the county served by the 14807
sheriff, and ~~the provider of each certified holder of a license to~~ 14808
operate a type B family day-care home that is located within the 14809
specified geographical notification area and within the county 14810
served by the sheriff. As used in this division, "child day-care 14811
center," "type A family day-care home," and "~~certified~~ type B 14812
family day-care home" have the same meanings as in section 5104.01 14813
of the Revised Code. 14814

(7) The president or other chief administrative officer of 14815
each institution of higher education, as defined in section 14816
2907.03 of the Revised Code, that is located within the specified 14817
geographical notification area and within the county served by the 14818
sheriff and the chief law enforcement officer of any state 14819
university law enforcement agency or campus police department 14820
established under section 3345.04 or 1713.50 of the Revised Code 14821

that serves that institution; 14822

(8) The sheriff of each county that includes any portion of 14823
the specified geographical notification area; 14824

(9) If the registrant resides within the county served by the 14825
sheriff, the chief of police, marshal, or other chief law 14826
enforcement officer of the municipal corporation in which the 14827
registrant resides or, if the registrant resides in an 14828
unincorporated area, the constable or chief of the police 14829
department or police district police force of the township in 14830
which the registrant resides. 14831

(B) The notice required under division (A) of this section 14832
shall include the registrant's name, residence or employment 14833
address, as applicable, and a statement that the registrant has 14834
been found liable for childhood sexual abuse in a civil action and 14835
is listed on the civil registry established by the attorney 14836
general pursuant to section 3797.08 of the Revised Code. 14837

(C) If a sheriff with whom a registrant registers under 14838
section 3797.02 or 3797.03 of the Revised Code or to whom the 14839
registrant most recently sent a notice of intent to reside under 14840
section 3797.03 of the Revised Code is required by division (A) of 14841
this section to provide notices regarding a registrant and if the 14842
sheriff provides a notice pursuant to that requirement the sheriff 14843
provides a notice to a sheriff of one or more other counties in 14844
accordance with division (A)(8) of this section, the sheriff of 14845
each of the other counties who is provided notice under division 14846
(A)(8) of this section shall provide the notices described in 14847
divisions (A)(1) to (7) and (A)(9) of this section to each person 14848
or entity identified within those divisions that is located within 14849
the specified geographical notification area and within the county 14850
served by the sheriff in question. 14851

(D)(1) A sheriff required by division (A) or (C) of this 14852

section to provide notices regarding a registrant shall provide 14853
the notice to the neighbors that are described in division (A)(1) 14854
of this section and the notices to law enforcement personnel that 14855
are described in divisions (A)(8) and (9) of this section as soon 14856
as practicable, but not later than five days after the registrant 14857
sends the notice of intent to reside to the sheriff, and again not 14858
later than five days after the registrant registers with the 14859
sheriff or, if the sheriff is required by division (C) to provide 14860
the notices, not later than five days after the sheriff is 14861
provided the notice described in division (A)(8) of this section. 14862

A sheriff required by division (A) or (C) of this section to 14863
provide notices regarding a registrant shall provide the notices 14864
to all other specified persons that are described in divisions 14865
(A)(2) to (7) of this section as soon as practicable, but not 14866
later than seven days after the registrant registers with the 14867
sheriff, or, if the sheriff is required by division (C) to provide 14868
the notices, not later than five days after the sheriff is 14869
provided the notice described in division (A)(8) of this section. 14870

(2) If a registrant in relation to whom division (A) of this 14871
section applies verifies the registrant's current residence 14872
address with a sheriff pursuant to section 3797.04 of the Revised 14873
Code, the sheriff may provide a written notice containing the 14874
information set forth in division (B) of this section to the 14875
persons identified in divisions (A)(1) to (9) of this section. If 14876
a sheriff provides a notice pursuant to this division to the 14877
sheriff of one or more other counties in accordance with division 14878
(A)(8) of this section, the sheriff of each of the other counties 14879
who is provided the notice under division (A)(8) of this section 14880
may provide, but is not required to provide, a written notice 14881
containing the information set forth in division (B) of this 14882
section to the persons identified in divisions (A)(1) to (7) and 14883
(A)(9) of this section. 14884

(3) A sheriff may provide notice under division (A)(1)(a) or 14885
(b) of this section, and may provide notice under division 14886
(A)(1)(c) of this section to a building manager or person 14887
authorized to exercise management and control of a building, by 14888
mail, by personal contact, or by leaving the notice at or under 14889
the entry door to a residential unit. For purposes of divisions 14890
(A)(1)(a) and (b) of this section and of the portion of division 14891
(A)(1)(c) of this section relating to the provision of notice to 14892
occupants of a multi-unit building by mail or personal contact, 14893
the provision of one written notice per unit is deemed providing 14894
notice to all occupants of that unit. 14895

(E) All information that a sheriff possesses regarding a 14896
registrant that is described in division (B) of this section and 14897
that must be provided in a notice required under division (A) or 14898
(C) of this section or that may be provided in a notice authorized 14899
under division (D)(2) of this section is a public record that is 14900
open to inspection under section 149.43 of the Revised Code. 14901

(F) A sheriff required by division (A) or (C) of this 14902
section, or authorized by division (D)(2) of this section, to 14903
provide notices regarding a registrant may request the department 14904
of job and family services, department of education, or Ohio board 14905
of regents, by telephone, in registrant, or by mail, to provide 14906
the sheriff with the names, addresses, and telephone numbers of 14907
the appropriate persons and entities to whom the notices described 14908
in divisions (A)(2) to (7) of this section are to be provided. 14909
Upon receipt of a request, the department or board shall provide 14910
the requesting sheriff with the names, addresses, and telephone 14911
numbers of the appropriate persons and entities to whom those 14912
notices are to be provided. 14913

(G)(1) Upon the motion of the registrant or the judge that 14914
entered a declaratory judgment pursuant to section 2721.21 of the 14915
Revised Code or that judge's successor in office, the judge may 14916

schedule a hearing to determine whether the interests of justice 14917
would be served by suspending the community notification 14918
requirement under this section in relation to the registrant. The 14919
judge may dismiss the motion without a hearing but may not issue 14920
an order suspending the community notification requirement without 14921
a hearing. At the hearing, all parties are entitled to be heard. 14922
If, at the conclusion of the hearing, the judge finds that the 14923
registrant has proven by clear and convincing evidence that the 14924
registrant is unlikely to commit childhood sexual abuse in the 14925
future and that suspending the community notification requirement 14926
is in the interests of justice, the judge may issue an order 14927
suspending the application of this section in relation to the 14928
registrant. The order shall contain both of these findings. 14929

The judge promptly shall serve a copy of the order upon the 14930
sheriff with whom the registrant most recently registered a 14931
residence address and the sheriff with whom the registrant most 14932
recently registered an employment address under section 3797.02 of 14933
the Revised Code. 14934

An order suspending the community notification requirement 14935
does not suspend or otherwise alter a registrant's duties to 14936
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 14937
Code. 14938

(2) A registrant has the right to appeal an order denying a 14939
motion made under division (G)(1) of this section. 14940

Sec. 4511.81. (A) When any child who is in either or both of 14941
the following categories is being transported in a motor vehicle, 14942
other than a taxicab or public safety vehicle as defined in 14943
section 4511.01 of the Revised Code, that is required by the 14944
United States department of transportation to be equipped with 14945
seat belts at the time of manufacture or assembly, the operator of 14946
the motor vehicle shall have the child properly secured in 14947

accordance with the manufacturer's instructions in a child 14948
restraint system that meets federal motor vehicle safety 14949
standards: 14950

(1) A child who is less than four years of age; 14951

(2) A child who weighs less than forty pounds. 14952

(B) When any child who is in either or both of the following 14953
categories is being transported in a motor vehicle, other than a 14954
taxicab, that is owned, leased, or otherwise under the control of 14955
a nursery school or day-care center, the operator of the motor 14956
vehicle shall have the child properly secured in accordance with 14957
the manufacturer's instructions in a child restraint system that 14958
meets federal motor vehicle safety standards: 14959

(1) A child who is less than four years of age; 14960

(2) A child who weighs less than forty pounds. 14961

(C) When any child who is less than eight years of age and 14962
less than four feet nine inches in height, who is not required by 14963
division (A) or (B) of this section to be secured in a child 14964
restraint system, is being transported in a motor vehicle, other 14965
than a taxicab or public safety vehicle as defined in section 14966
4511.01 of the Revised Code or a vehicle that is regulated under 14967
section ~~5104.011~~ 5104.015 of the Revised Code, that is required by 14968
the United States department of transportation to be equipped with 14969
seat belts at the time of manufacture or assembly, the operator of 14970
the motor vehicle shall have the child properly secured in 14971
accordance with the manufacturer's instructions on a booster seat 14972
that meets federal motor vehicle safety standards. 14973

(D) When any child who is at least eight years of age but not 14974
older than fifteen years of age, and who is not otherwise required 14975
by division (A), (B), or (C) of this section to be secured in a 14976
child restraint system or booster seat, is being transported in a 14977
motor vehicle, other than a taxicab or public safety vehicle as 14978

defined in section 4511.01 of the Revised Code, that is required 14979
by the United States department of transportation to be equipped 14980
with seat belts at the time of manufacture or assembly, the 14981
operator of the motor vehicle shall have the child properly 14982
restrained either in accordance with the manufacturer's 14983
instructions in a child restraint system that meets federal motor 14984
vehicle safety standards or in an occupant restraining device as 14985
defined in section 4513.263 of the Revised Code. 14986

(E) Notwithstanding any provision of law to the contrary, no 14987
law enforcement officer shall cause an operator of a motor vehicle 14988
being operated on any street or highway to stop the motor vehicle 14989
for the sole purpose of determining whether a violation of 14990
division (C) or (D) of this section has been or is being committed 14991
or for the sole purpose of issuing a ticket, citation, or summons 14992
for a violation of division (C) or (D) of this section or causing 14993
the arrest of or commencing a prosecution of a person for a 14994
violation of division (C) or (D) of this section, and absent 14995
another violation of law, a law enforcement officer's view of the 14996
interior or visual inspection of a motor vehicle being operated on 14997
any street or highway may not be used for the purpose of 14998
determining whether a violation of division (C) or (D) of this 14999
section has been or is being committed. 15000

(F) The director of public safety shall adopt such rules as 15001
are necessary to carry out this section. 15002

(G) The failure of an operator of a motor vehicle to secure a 15003
child in a child restraint system, a booster seat, or an occupant 15004
restraining device as required by this section is not negligence 15005
imputable to the child, is not admissible as evidence in any civil 15006
action involving the rights of the child against any other person 15007
allegedly liable for injuries to the child, is not to be used as a 15008
basis for a criminal prosecution of the operator of the motor 15009
vehicle other than a prosecution for a violation of this section, 15010

and is not admissible as evidence in any criminal action involving 15011
the operator of the motor vehicle other than a prosecution for a 15012
violation of this section. 15013

(H) This section does not apply when an emergency exists that 15014
threatens the life of any person operating or occupying a motor 15015
vehicle that is being used to transport a child who otherwise 15016
would be required to be restrained under this section. This 15017
section does not apply to a person operating a motor vehicle who 15018
has an affidavit signed by a physician licensed to practice in 15019
this state under Chapter 4731. of the Revised Code or a 15020
chiropractor licensed to practice in this state under Chapter 15021
4734. of the Revised Code that states that the child who otherwise 15022
would be required to be restrained under this section has a 15023
physical impairment that makes use of a child restraint system, 15024
booster seat, or an occupant restraining device impossible or 15025
impractical, provided that the person operating the vehicle has 15026
safely and appropriately restrained the child in accordance with 15027
any recommendations of the physician or chiropractor as noted on 15028
the affidavit. 15029

(I) There is hereby created in the state treasury the child 15030
highway safety fund, consisting of fines imposed pursuant to 15031
division (K)(1) of this section for violations of divisions (A), 15032
(B), (C), and (D) of this section. The money in the fund shall be 15033
used by the department of health only to defray the cost of 15034
designating hospitals as pediatric trauma centers under section 15035
3727.081 of the Revised Code and to establish and administer a 15036
child highway safety program. The purpose of the program shall be 15037
to educate the public about child restraint systems and booster 15038
seats and the importance of their proper use. The program also 15039
shall include a process for providing child restraint systems and 15040
booster seats to persons who meet the eligibility criteria 15041
established by the department, and a toll-free telephone number 15042

the public may utilize to obtain information about child restraint 15043
systems and booster seats, and their proper use. 15044

(J) The director of health, in accordance with Chapter 119. 15045
of the Revised Code, shall adopt any rules necessary to carry out 15046
this section, including rules establishing the criteria a person 15047
must meet in order to receive a child restraint system or booster 15048
seat under the department's child highway safety program; provided 15049
that rules relating to the verification of pediatric trauma 15050
centers shall not be adopted under this section. 15051

(K) Nothing in this section shall be construed to require any 15052
person to carry with the person the birth certificate of a child 15053
to prove the age of the child, but the production of a valid birth 15054
certificate for a child showing that the child was not of an age 15055
to which this section applies is a defense against any ticket, 15056
citation, or summons issued for violating this section. 15057

(L)(1) Whoever violates division (A), (B), (C), or (D) of 15058
this section shall be punished as follows, provided that the 15059
failure of an operator of a motor vehicle to secure more than one 15060
child in a child restraint system, booster seat, or occupant 15061
restraining device as required by this section that occurred at 15062
the same time, on the same day, and at the same location is deemed 15063
to be a single violation of this section: 15064

(a) Except as otherwise provided in division (L)(1)(b) of 15065
this section, the offender is guilty of a minor misdemeanor and 15066
shall be fined not less than twenty-five dollars nor more than 15067
seventy-five dollars. 15068

(b) If the offender previously has been convicted of or 15069
pleaded guilty to a violation of division (A), (B), (C), or (D) of 15070
this section or of a municipal ordinance that is substantially 15071
similar to any of those divisions, the offender is guilty of a 15072
misdemeanor of the fourth degree. 15073

(2) All fines imposed pursuant to division (L)(1) of this section shall be forwarded to the treasurer of state for deposit in the child highway safety fund created by division (I) of this section.

Sec. 5101.29. When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:

(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure, ~~certification~~, or registration under Chapter 5104. of the Revised Code;

(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code;

(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure, ~~certification~~, or registration to the department or other state or county entity responsible for enforcing Chapter 5103. or 5104. of the Revised Code;

(D)(1) Except as otherwise provided in division (D)(2) of this section, names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under section 5103.03 of the Revised Code and the home study conducted pursuant to section 5103.0324 of the Revised Code.

(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of

the Revised Code, when contained in a record held by the 15104
department of job and family services, a county agency, or other 15105
governmental entity: 15106

(a) All of the following information regarding a currently 15107
certified foster caregiver who has had a foster care certificate 15108
revoked pursuant to Chapter 5103. of the Revised Code or, after 15109
receiving a current or current renewed certificate has been 15110
convicted of, pleaded guilty to, or indicted or otherwise charged 15111
with any offense described in division (C)(1) of section 2151.86 15112
of the Revised Code: 15113

(i) The foster caregiver's name, date of birth, and county of 15114
residence; 15115

(ii) The date of the foster caregiver's certification; 15116

(iii) The date of each placement of a foster child into the 15117
foster caregiver's home; 15118

(iv) If applicable, the date of the removal of a foster child 15119
from the foster caregiver's home and the reason for the foster 15120
child's removal unless release of such information would be 15121
detrimental to the foster child or other children residing in the 15122
foster caregiver's home; 15123

(v) If applicable, the date of the foster care certificate 15124
revocation and all documents related to the revocation unless 15125
otherwise not a public record pursuant to section 149.43 of the 15126
Revised Code. 15127

(b) Nonidentifying foster care statistics including, but not 15128
limited to, the number of foster caregivers and foster care 15129
certificate revocations. 15130

Sec. 5103.03. (A) The director of job and family services 15131
shall adopt rules as necessary for the adequate and competent 15132
management of institutions or associations. The director shall 15133

ensure that foster care home study rules adopted under this 15134
section align any home study content, time period, and process 15135
with any home study content, time period, and process required by 15136
rules adopted under section 3107.033 of the Revised Code. 15137

(B)(1) Except for facilities under the control of the 15138
department of youth services, places of detention for children 15139
established and maintained pursuant to sections 2152.41 to 2152.44 15140
of the Revised Code, and child day-care centers subject to Chapter 15141
5104. of the Revised Code, the department of job and family 15142
services every two years shall pass upon the fitness of every 15143
institution and association that receives, or desires to receive 15144
and care for children, or places children in private homes. 15145

(2) When the department of job and family services is 15146
satisfied as to the care given such children, and that the 15147
requirements of the statutes and rules covering the management of 15148
such institutions and associations are being complied with, it 15149
shall issue to the institution or association a certificate to 15150
that effect. A certificate is valid for two years, unless sooner 15151
revoked by the department. When determining whether an institution 15152
or association meets a particular requirement for certification, 15153
the department may consider the institution or association to have 15154
met the requirement if the institution or association shows to the 15155
department's satisfaction that it has met a comparable requirement 15156
to be accredited by a nationally recognized accreditation 15157
organization. 15158

(3) The department may issue a temporary certificate valid 15159
for less than one year authorizing an institution or association 15160
to operate until minimum requirements have been met. 15161

(4) An institution or association that knowingly makes a 15162
false statement that is included as a part of certification under 15163
this section is guilty of the offense of falsification under 15164
section 2921.13 of the Revised Code and the department shall not 15165

certify that institution or association. 15166

(5) The department shall not issue a certificate to a 15167
prospective foster home or prospective specialized foster home 15168
pursuant to this section if the prospective foster home or 15169
prospective specialized foster home operates as a type A family 15170
day-care home pursuant to Chapter 5104. of the Revised Code. The 15171
department shall not issue a certificate to a prospective 15172
specialized foster home if the prospective specialized foster home 15173
operates a type B family day-care home pursuant to Chapter 5104. 15174
of the Revised Code. 15175

(C) The department may revoke a certificate if it finds that 15176
the institution or association is in violation of law or rule. No 15177
juvenile court shall commit a child to an association or 15178
institution that is required to be certified under this section if 15179
its certificate has been revoked or, if after revocation, the date 15180
of reissue is less than fifteen months prior to the proposed 15181
commitment. 15182

(D) Every two years, on a date specified by the department, 15183
each institution or association desiring certification or 15184
recertification shall submit to the department a report showing 15185
its condition, management, competency to care adequately for the 15186
children who have been or may be committed to it or to whom it 15187
provides care or services, the system of visitation it employs for 15188
children placed in private homes, and other information the 15189
department requires. 15190

(E) The department shall, not less than once each year, send 15191
a list of certified institutions and associations to each juvenile 15192
court and certified association or institution. 15193

(F) No person shall receive children or receive or solicit 15194
money on behalf of such an institution or association not so 15195
certified or whose certificate has been revoked. 15196

(G)(1) The director may delegate by rule any duties imposed 15197
on it by this section to inspect and approve family foster homes 15198
and specialized foster homes to public children services agencies, 15199
private child placing agencies, or private noncustodial agencies. 15200

(2) The director shall adopt rules that require a foster 15201
caregiver or other individual certified to operate a foster home 15202
under this section to notify the recommending agency that the 15203
foster caregiver or other individual is ~~certified~~ licensed to 15204
operate a type B family day-care home under Chapter 5104. of the 15205
Revised Code. 15206

(H) If the director of job and family services determines 15207
that an institution or association that cares for children is 15208
operating without a certificate, the director may petition the 15209
court of common pleas in the county in which the institution or 15210
association is located for an order enjoining its operation. The 15211
court shall grant injunctive relief upon a showing that the 15212
institution or association is operating without a certificate. 15213

(I) If both of the following are the case, the director of 15214
job and family services may petition the court of common pleas of 15215
any county in which an institution or association that holds a 15216
certificate under this section operates for an order, and the 15217
court may issue an order, preventing the institution or 15218
association from receiving additional children into its care or an 15219
order removing children from its care: 15220

(1) The department has evidence that the life, health, or 15221
safety of one or more children in the care of the institution or 15222
association is at imminent risk. 15223

(2) The department has issued a proposed adjudication order 15224
pursuant to Chapter 119. of the Revised Code to deny renewal of or 15225
revoke the certificate of the institution or association. 15226

Sec. 5104.01. As used in this chapter:	15227
(A) "Administrator" means the person responsible for the daily operation of a center or , type A home, <u>or type B home</u> . The administrator and the owner may be the same person.	15228 15229 15230
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	15231 15232
(C) "Authorized provider" means a person authorized by a county director of job and family services to operate a certified type B family day care home.	15233 15234 15235
(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.	15236 15237 15238 15239
(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:	15240 15241 15242
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	15243 15244 15245
(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.	15246 15247 15248
(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.	15249 15250 15251 15252 15253 15254 15255 15256

~~(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.

~~(H)~~(F) "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 Revised Code.

~~(I)~~(G) "Child" includes an infant, toddler, preschool-age child, or school-age child.

~~(J)~~(H) "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)~~(I) "Child day camp" means a program in which only 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)~~(J) "Child care" means administering to the needs of

infants, toddlers, preschool-age children, and school-age children 15288
outside of school hours by persons other than their parents or 15289
guardians, custodians, or relatives by blood, marriage, or 15290
adoption for any part of the twenty-four-hour day in a place or 15291
residence other than a child's own home. 15292

~~(M)~~(K) "Child day-care center" and "center" mean any place in 15293
which child care or publicly funded child care is provided for 15294
thirteen or more children at one time or any place that is not the 15295
permanent residence of the licensee or administrator in which 15296
child care or publicly funded child care is provided for seven to 15297
twelve children at one time. In counting children for the purposes 15298
of this division, any children under six years of age who are 15299
related to a licensee, administrator, or employee and who are on 15300
the premises of the center shall be counted. "Child day-care 15301
center" and "center" do not include any of the following: 15302

(1) A place located in and operated by a hospital, as defined 15303
in section 3727.01 of the Revised Code, in which the needs of 15304
children are administered to, if all the children whose needs are 15305
being administered to are monitored under the on-site supervision 15306
of a physician licensed under Chapter 4731. of the Revised Code or 15307
a registered nurse licensed under Chapter 4723. of the Revised 15308
Code, and the services are provided only for children who, in the 15309
opinion of the child's parent, guardian, or custodian, are 15310
exhibiting symptoms of a communicable disease or other illness or 15311
are injured; 15312

(2) A child day camp; 15313

(3) A place that provides child care, but not publicly funded 15314
child care, if all of the following apply: 15315

(a) An organized religious body provides the child care; 15316

(b) A parent, custodian, or guardian of at least one child 15317
receiving child care is on the premises and readily accessible at 15318

all times;	15319
(c) The child care is not provided for more than thirty days a year;	15320 15321
(d) The child care is provided only for preschool-age and school-age children.	15322 15323
(N) (L) "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.	15324 15325 15326 15327
(O) (M) "Child care resource and referral services" means all of the following services:	15328 15329
(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;	15330 15331 15332
(2) Provision of individualized consumer education to families seeking child care;	15333 15334
(3) Provision of timely referrals of available child care providers to families seeking child care;	15335 15336
(4) Recruitment of child care providers;	15337
(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;	15338 15339 15340 15341
(6) Collection and analysis of data on the supply of and demand for child care in the community;	15342 15343
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	15344 15345 15346
(8) Stimulation of employer involvement in making child care	15347

more affordable, more available, safer, and of higher quality for 15348
their employees and for the community; 15349

(9) Provision of written educational materials to caretaker 15350
parents and informational resources to child care providers; 15351

(10) Coordination of services among child care resource and 15352
referral service organizations to assist in developing and 15353
maintaining a statewide system of child care resource and referral 15354
services if required by the department of job and family services; 15355

(11) Cooperation with the county department of job and family 15356
services in encouraging the establishment of parent cooperative 15357
child care centers and parent cooperative type A family day-care 15358
homes. 15359

~~(P)~~(N) "Child-care staff member" means an employee of a child 15360
day-care center or type A family day-care home who is primarily 15361
responsible for the care and supervision of children. The 15362
administrator may be a part-time child-care staff member when not 15363
involved in other duties. 15364

~~(Q)~~(O) "Drop-in child day-care center," "drop-in center," 15365
"drop-in type A family day-care home," and "drop-in type A home" 15366
mean a center or type A home that provides child care or publicly 15367
funded child care for children on a temporary, irregular basis. 15368

~~(R)~~(P) "Employee" means a person who either: 15369

(1) Receives compensation for duties performed in a child 15370
day-care center or type A family day-care home; 15371

(2) Is assigned specific working hours or duties in a child 15372
day-care center or type A family day-care home. 15373

~~(S)~~(O) "Employer" means a person, firm, institution, 15374
organization, or agency that operates a child day-care center or 15375
type A family day-care home subject to licensure under this 15376
chapter. 15377

~~(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.

~~(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 amended, and is licensed as a child day-care center.

~~(V)~~(T) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

~~(W)~~(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care ~~center or~~ center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

~~(X)~~(V) "Infant" means a child who is less than eighteen months of age.

~~(Y)~~(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

~~(Z)~~(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers and, type A family day-care homes, and licensed type B family day-care homes in which

each licensing requirement is assigned a weight indicative of the 15409
relative importance of the requirement to the health, growth, and 15410
safety of the children that is used to develop an indicator 15411
checklist. 15412

~~(AA)~~(Y) "License capacity" means the maximum number in each 15413
age category of children who may be cared for in a child day-care 15414
center or type A family day-care home at one time as determined by 15415
the director of job and family services considering building 15416
occupancy limits established by the department of commerce, amount 15417
of available indoor floor space and outdoor play space, and amount 15418
of available play equipment, materials, and supplies. For the 15419
purposes of a provisional license issued under this chapter, the 15420
director shall also consider the number of available child-care 15421
staff members when determining "license capacity" for the 15422
provisional license. 15423

~~(BB)~~(Z) "Licensed child care program" means any of the 15424
following: 15425

(1) A child day-care center licensed by the department of job 15426
and family services pursuant to this chapter; 15427

(2) A type A family day-care home or type B family day-care 15428
home licensed by the department of job and family services 15429
pursuant to this chapter; 15430

~~(3) A type B family day care home certified by a county~~ 15431
~~department of job and family services pursuant to this chapter;~~ 15432

~~(4)~~ A licensed preschool program or licensed school child 15433
program. 15434

~~(CC)~~(AA) "Licensed preschool program" or "licensed school 15435
child program" means a preschool program or school child program, 15436
as defined in section 3301.52 of the Revised Code, that is 15437
licensed by the department of education pursuant to sections 15438
3301.52 to 3301.59 of the Revised Code. 15439

~~(DD)~~(BB) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.

(CC) "Licensee" means the owner of a child day-care center ~~or~~, type A family day-care home, or type B 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.

~~(EE)~~(DD) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

~~(FF)~~(EE) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

~~(GG)~~(FF) "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, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

~~(HH)~~(GG) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for no more than four hours a day for any child.

~~(II)~~(HH) "Place of worship" means a building where activities 15471
of an organized religious group are conducted and includes the 15472
grounds and any other buildings on the grounds used for such 15473
activities. 15474

~~(JJ)~~(II) "Preschool-age child" means a child who is three 15475
years old or older but is not a school-age child. 15476

~~(KK)~~(JJ) "Protective child care" means publicly funded child 15477
care for the direct care and protection of a child to whom either 15478
of the following applies: 15479

(1) A case plan prepared and maintained for the child 15480
pursuant to section 2151.412 of the Revised Code indicates a need 15481
for protective care and the child resides with a parent, 15482
stepparent, guardian, or another person who stands in loco 15483
parentis as defined in rules adopted under section 5104.38 of the 15484
Revised Code; 15485

(2) The child and the child's caretaker either temporarily 15486
reside in a facility providing emergency shelter for homeless 15487
families or are determined by the county department of job and 15488
family services to be homeless, and are otherwise ineligible for 15489
publicly funded child care. 15490

~~(LL)~~(KK) "Publicly funded child care" means administering to 15491
the needs of infants, toddlers, preschool-age children, and 15492
school-age children under age thirteen during any part of the 15493
twenty-four-hour day by persons other than their caretaker parents 15494
for remuneration wholly or in part with federal or state funds, 15495
including funds available under the child care block grant act, 15496
Title IV-A, and Title XX, distributed by the department of job and 15497
family services. 15498

~~(MM)~~(LL) "Religious activities" means any of the following: 15499
worship or other religious services; religious instruction; Sunday 15500
school classes or other religious classes conducted during or 15501

prior to worship or other religious services; youth or adult 15502
fellowship activities; choir or other musical group practices or 15503
programs; meals; festivals; or meetings conducted by an organized 15504
religious group. 15505

~~(NN)~~(MM) "School-age child" means a child who is enrolled in 15506
or is eligible to be enrolled in a grade of kindergarten or above 15507
but is less than fifteen years old. 15508

~~(OO)~~(NN) "School-age child care center" and "school-age child 15509
type A home" mean a center or type A home that provides child care 15510
for school-age children only and that does either or both of the 15511
following: 15512

(1) Operates only during that part of the day that 15513
immediately precedes or follows the public school day of the 15514
school district in which the center or type A home is located; 15515

(2) Operates only when the public schools in the school 15516
district in which the center or type A home is located are not 15517
open for instruction with pupils in attendance. 15518

~~(PP)~~(OO) "Serious risk noncompliance" means a licensure or 15519
certification rule violation that leads to a great risk of harm 15520
to, or death of, a child, and is observable, not inferable. 15521

~~(OO)~~(PP) "State median income" means the state median income 15522
calculated by the department of development pursuant to division 15523
(A)(1)(g) of section 5709.61 of the Revised Code. 15524

~~(RR)~~(OO) "Title IV-A" means Title IV-A of the "Social 15525
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 15526

~~(SS)~~(RR) "Title XX" means Title XX of the "Social Security 15527
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 15528

~~(TT)~~(SS) "Toddler" means a child who is at least eighteen 15529
months of age but less than three years of age. 15530

~~(UU)~~(TT) "Type A family day-care home" and "type A home" mean 15531

a permanent residence of the administrator in which child care or 15532
publicly funded child care is provided for seven to twelve 15533
children at one time or a permanent residence of the administrator 15534
in which child care is provided for four to twelve children at one 15535
time if four or more children at one time are under two years of 15536
age. In counting children for the purposes of this division, any 15537
children under six years of age who are related to a licensee, 15538
administrator, or employee and who are on the premises of the type 15539
A home shall be counted. "Type A family day-care home" and "type A 15540
home" do not include any child day camp. 15541

~~(VV)~~(UU) "Type B family day-care home" and "type B home" mean 15542
a permanent residence of the provider in which child care is 15543
provided for one to six children at one time and in which no more 15544
than three children are under two years of age at one time. In 15545
counting children for the purposes of this division, any children 15546
under six years of age who are related to the provider and who are 15547
on the premises of the type B home shall be counted. "Type B 15548
family day-care home" and "type B home" do not include any child 15549
day camp. 15550

Sec. 5104.012. (A)(1) At the times specified in this 15551
division, the administrator of a child day-care center or a type A 15552
family day-care home shall request the superintendent of the 15553
bureau of criminal identification and investigation to conduct a 15554
criminal records check with respect to any applicant who has 15555
applied to the center or type A home for employment as a person 15556
responsible for the care, custody, or control of a child. 15557

The administrator shall request a criminal records check 15558
pursuant to this division at the time of the applicant's initial 15559
application for employment and every four years thereafter. When 15560
the administrator requests pursuant to this division a criminal 15561
records check for an applicant at the time of the applicant's 15562

initial application for employment, the administrator shall 15563
request that the superintendent obtain information from the 15564
federal bureau of investigation as a part of the criminal records 15565
check for the applicant, including fingerprint-based checks of 15566
national crime information databases as described in 42 U.S.C. 15567
671, for the person subject to the criminal records check. In all 15568
other cases in which the administrator requests a criminal records 15569
check for an applicant pursuant to this division, the 15570
administrator may request that the superintendent include 15571
information from the federal bureau of investigation in the 15572
criminal records check, including fingerprint-based checks of 15573
national crime information databases as described in 42 U.S.C. 15574
671. 15575

(2) A person required by division (A)(1) of this section to 15576
request a criminal records check shall provide to each applicant a 15577
copy of the form prescribed pursuant to division (C)(1) of section 15578
109.572 of the Revised Code, provide to each applicant a standard 15579
impression sheet to obtain fingerprint impressions prescribed 15580
pursuant to division (C)(2) of section 109.572 of the Revised 15581
Code, obtain the completed form and impression sheet from each 15582
applicant, and forward the completed form and impression sheet to 15583
the superintendent of the bureau of criminal identification and 15584
investigation at the time the person requests a criminal records 15585
check pursuant to division (A)(1) of this section. On and after 15586
August 14, 2008, the administrator of a child day-care center or a 15587
type A family day-care home shall review the results of the 15588
criminal records check before the applicant has sole 15589
responsibility for the care, custody, or control of any child. 15590

(3) An applicant who receives pursuant to division (A)(2) of 15591
this section a copy of the form prescribed pursuant to division 15592
(C)(1) of section 109.572 of the Revised Code and a copy of an 15593
impression sheet prescribed pursuant to division (C)(2) of that 15594

section and who is requested to complete the form and provide a 15595
set of fingerprint impressions shall complete the form or provide 15596
all the information necessary to complete the form and shall 15597
provide the impression sheet with the impressions of the 15598
applicant's fingerprints. If an applicant, upon request, fails to 15599
provide the information necessary to complete the form or fails to 15600
provide impressions of the applicant's fingerprints, the center or 15601
type A home shall not employ that applicant for any position for 15602
which a criminal records check is required by division (A)(1) of 15603
this section. 15604

(B)(1) Except as provided in rules adopted under division (E) 15605
of this section, no child day-care center or type A family 15606
day-care home shall employ or contract with another entity for the 15607
services of a person as a person responsible for the care, 15608
custody, or control of a child if the person previously has been 15609
convicted of or pleaded guilty to any of the violations described 15610
in division (A)(9) of section 109.572 of the Revised Code. 15611

(2) A child day-care center or type A family day-care home 15612
may employ an applicant conditionally until the criminal records 15613
check required by this section is completed and the center or home 15614
receives the results of the criminal records check. If the results 15615
of the criminal records check indicate that, pursuant to division 15616
(B)(1) of this section, the applicant does not qualify for 15617
employment, the center or home shall release the applicant from 15618
employment. 15619

(C)(1) Each child day-care center and type A family day-care 15620
home shall pay to the bureau of criminal identification and 15621
investigation the fee prescribed pursuant to division (C)(3) of 15622
section 109.572 of the Revised Code for each criminal records 15623
check conducted in accordance with that section upon the request 15624
pursuant to division (A)(1) of this section of the administrator 15625
or provider of the center or home. 15626

(2) A child day-care center and type A family day-care home 15627
may charge an applicant a fee for the costs it incurs in obtaining 15628
a criminal records check under this section. A fee charged under 15629
this division shall not exceed the amount of fees the center or 15630
home pays under division (C)(1) of this section. If a fee is 15631
charged under this division, the center or home shall notify the 15632
applicant at the time of the applicant's initial application for 15633
employment of the amount of the fee and that, unless the fee is 15634
paid, the center or type A home will not consider the applicant 15635
for employment. 15636

(D) The report of any criminal records check conducted by the 15637
bureau of criminal identification and investigation in accordance 15638
with section 109.572 of the Revised Code and pursuant to a request 15639
under division (A)(1) of this section is not a public record for 15640
the purposes of section 149.43 of the Revised Code and shall not 15641
be made available to any person other than the applicant who is 15642
the subject of the criminal records check or the applicant's 15643
representative; the center or type A home requesting the criminal 15644
records check or its representative; the department of job and 15645
family services or a county department of job and family services; 15646
and any court, hearing officer, or other necessary individual 15647
involved in a case dealing with the denial of employment to the 15648
applicant. 15649

(E) The director of job and family services shall adopt rules 15650
pursuant to Chapter 119. of the Revised Code to implement this 15651
section, including rules specifying circumstances under which a 15652
center or home may hire a person who has been convicted of an 15653
offense listed in division (B)(1) of this section but who meets 15654
standards in regard to rehabilitation set by the department. 15655

(F) Any person required by division (A)(1) of this section to 15656
request a criminal records check shall inform each person, at the 15657
time of the person's initial application for employment, that the 15658

person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(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 ~~;~~i

~~(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.~~

(2) At the time 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 in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any in-home aide.

(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every four years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every four years thereafter ~~at the time of a certification renewal~~. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime

information databases as described in 42 U.S.C. 671 for the person 15721
subject to the criminal records check. In all other cases in which 15722
the director of job and family services or the director of a 15723
county department of job and family services requests a criminal 15724
records check for an applicant pursuant to division (A)(1) or (2) 15725
of this section, the director may request that the superintendent 15726
include information from the federal bureau of investigation in 15727
the criminal records check, including fingerprint-based checks of 15728
national crime information databases as described in 42 U.S.C. 15729
671. 15730

(4) The director of job and family services shall review the 15731
results of a criminal records check subsequent to a request made 15732
pursuant to divisions (A)(1) and (3) of this section prior to 15733
approval of a license. The director of a county department of job 15734
and family services shall review the results of a criminal records 15735
check subsequent to a request made pursuant to divisions (A)(2) 15736
and (3) of this section prior to approval of certification. 15737

(B) The director of job and family services or the director 15738
of a county department of job and family services shall provide to 15739
each person for whom a criminal records check is required under 15740
this section a copy of the form prescribed pursuant to division 15741
(C)(1) of section 109.572 of the Revised Code and a standard 15742
impression sheet to obtain fingerprint impressions prescribed 15743
pursuant to division (C)(2) of that section, obtain the completed 15744
form and impression sheet from that person, and forward the 15745
completed form and impression sheet to the superintendent of the 15746
bureau of criminal identification and investigation. 15747

(C) A person who receives pursuant to division (B) of this 15748
section a copy of the form and standard impression sheet described 15749
in that division and who is requested to complete the form and 15750
provide a set of fingerprint impressions shall complete the form 15751
or provide all the information necessary to complete the form and 15752

shall provide the impression sheet with the impressions of the 15753
person's fingerprints. If the person, upon request, fails to 15754
provide the information necessary to complete the form or fails to 15755
provide impressions of the person's fingerprints, the director may 15756
consider the failure as a reason to deny licensure or 15757
certification. 15758

(D) Except as provided in rules adopted under division (G) of 15759
this section, the director of job and family services shall not 15760
grant a license to a child day-care center ~~or~~ type A family 15761
day-care home ~~and a county director of job and family services~~ 15762
~~shall not certify a,~~ or type B family day-care home and a county 15763
director of job and family services shall not certify an in-home 15764
aide if a person for whom a criminal records check was required in 15765
connection with the center or home previously has been convicted 15766
of or pleaded guilty to any of the violations described in 15767
division (A)(9) of section 109.572 of the Revised Code. 15768

(E) Each child day-care center, type A family day-care home, 15769
and type B family day-care home shall pay to the bureau of 15770
criminal identification and investigation the fee prescribed 15771
pursuant to division (C)(3) of section 109.572 of the Revised Code 15772
for each criminal records check conducted in accordance with that 15773
section upon a request made pursuant to division (A) of this 15774
section. 15775

(F) The report of any criminal records check conducted by the 15776
bureau of criminal identification and investigation in accordance 15777
with section 109.572 of the Revised Code and pursuant to a request 15778
made under division (A) of this section is not a public record for 15779
the purposes of section 149.43 of the Revised Code and shall not 15780
be made available to any person other than the person who is the 15781
subject of the criminal records check or the person's 15782
representative, the director of job and family services, the 15783
director of a county department of job and family services, the 15784

center, type A home, or type B home involved, and any court, 15785
hearing officer, or other necessary individual involved in a case 15786
dealing with a denial of licensure or certification related to the 15787
criminal records check. 15788

(G) The director of job and family services shall adopt rules 15789
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 15790
implement this section, including rules specifying exceptions to 15791
the prohibition in division (D) of this section for persons who 15792
have been convicted of an offense listed in that division but who 15793
meet standards in regard to rehabilitation set by the ~~department~~ 15794
director. 15795

(H) As used in this section, "criminal records check" has the 15796
same meaning as in section 109.572 of the Revised Code. 15797

Sec. ~~5104.011~~ 5104.015. ~~(A)~~ The director of job and family 15798
services shall adopt rules ~~pursuant to~~ in accordance with Chapter 15799
119. of the Revised Code governing the operation of child day-care 15800
centers, including, ~~but not limited to,~~ parent cooperative 15801
centers, part-time centers, drop-in centers, and school-age child 15802
care centers, ~~which.~~ The rules shall reflect the various forms of 15803
child care and the needs of children receiving child care or 15804
publicly funded child care and shall include specific rules for 15805
school-age child care centers that are developed in consultation 15806
with the department of education. The rules shall not require an 15807
existing school facility that is in compliance with applicable 15808
building codes to undergo an additional building code inspection 15809
or to have structural modifications. The rules shall include the 15810
following: 15811

~~(1)~~(A) Submission of a site plan and descriptive plan of 15812
operation to demonstrate how the center proposes to meet the 15813
requirements of this chapter and rules adopted pursuant to this 15814
chapter for the initial license application; 15815

~~(2)~~(B) Standards for ensuring that the physical surroundings 15816
of the center are safe and sanitary including, ~~but not limited to,~~ 15817
the physical environment, the physical plant, and the equipment of 15818
the center; 15819

~~(3)~~(C) Standards for the supervision, care, and discipline of 15820
children receiving child care or publicly funded child care in the 15821
center; 15822

~~(4)~~(D) Standards for a program of activities, and for play 15823
equipment, materials, and supplies, to enhance the development of 15824
each child; however, any educational curricula, philosophies, and 15825
methodologies that are developmentally appropriate and that 15826
enhance the social, emotional, intellectual, and physical 15827
development of each child shall be permissible. As used in this 15828
division, "program" does not include instruction in religious or 15829
moral doctrines, beliefs, or values that is conducted at child 15830
day-care centers owned and operated by churches and does include 15831
methods of disciplining children at child day-care centers. 15832

~~(5)~~(E) Admissions policies and procedures, health care 15833
policies and procedures, including, ~~but not limited to,~~ procedures 15834
for the isolation of children with communicable diseases, first 15835
aid and emergency procedures, procedures for discipline and 15836
supervision of children, standards for the provision of nutritious 15837
meals and snacks, and procedures for screening children and 15838
employees, that may include any necessary physical examinations 15839
and immunizations; 15840

~~(6)~~(F) Methods for encouraging parental participation in the 15841
center and methods for ensuring that the rights of children, 15842
parents, and employees are protected and that responsibilities of 15843
parents and employees are met; 15844

~~(7)~~(G) Procedures for ensuring the safety and adequate 15845
supervision of children traveling off the premises of the center 15846

while under the care of a center employee;	15847
(8) (H) Procedures for record keeping, organization, and administration;	15848 15849
(9) (I) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	15850 15851 15852
(10) (J) Inspection procedures;	15853
(11) (K) Procedures and standards for setting initial license application fees;	15854 15855
(12) (L) Procedures for receiving, recording, and responding to complaints about centers;	15856 15857
(13) (M) Procedures for enforcing section 5104.04 of the Revised Code;	15858 15859
(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;	15860 15861 15862 15863 15864 15865
(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</u> <u>and 5104.037 of the Revised Code.</u>	15866 15867 15868 15869 15870 15871 15872
(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;	15873 15874 15875 15876

(17)(Q) A procedure for reporting of injuries of children that occur at the center;	15877 15878
(18)(R) <u>Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;</u>	15879 15880 15881
<u>(S)</u> Any other procedures and standards necessary to carry out the provisions of this chapter <u>regarding child day-care centers.</u>	15882 15883
(B)(1) 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 this division, and bathrooms shall be counted in determining square footage only if they are used exclusively by children enrolled in the center, except that the exclusion of hallways, kitchens, storage areas, bathrooms not used exclusively by children enrolled in the center, and any other areas not available for the care of children from the minimum of thirty five square feet of usable indoor floor space shall not apply to:	15884 15885 15886 15887 15888 15889 15890 15891 15892 15893 15894 15895 15896 15897 15898 15899 15900
(a) Centers licensed prior to or on September 1, 1986, that continue under licensure after that date;	15901 15902
(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.	15903 15904 15905
(2) The child day care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise	15906 15907

~~protected from traffic or other hazards. The play space shall 15908
contain not less than sixty square feet per child using such space 15909
at any one time, and shall provide an opportunity for supervised 15910
outdoor play each day in suitable weather. The director may exempt 15911
a center from the requirement of this division, if an outdoor play 15912
space is not available and if all of the following are met: 15913~~

~~(a) The center provides an indoor recreation area that has 15914
not less than sixty square feet per child using the space at any 15915
one time, that has a minimum of one thousand four hundred forty 15916
square feet of space, and that is separate from the indoor space 15917
required under division (B)(1) of this section. 15918~~

~~(b) The director has determined that there is regularly 15919
available and scheduled for use a conveniently accessible and safe 15920
park, playground, or similar outdoor play area for play or 15921
recreation. 15922~~

~~(c) The children are closely supervised during play and while 15923
traveling to and from the area. 15924~~

~~The director also shall exempt from the requirement of this 15925
division a child day care center that was licensed prior to 15926
September 1, 1986, if the center received approval from the 15927
director prior to September 1, 1986, to use a park, playground, or 15928
similar area, not connected with the center, for play or 15929
recreation in lieu of the outdoor space requirements of this 15930
section and if the children are closely supervised both during 15931
play and while traveling to and from the area and except if the 15932
director determines upon investigation and inspection pursuant to 15933
section 5104.04 of the Revised Code and rules adopted pursuant to 15934
that section that the park, playground, or similar area, as well 15935
as access to and from the area, is unsafe for the children. 15936~~

~~(3) The child day care center shall have at least two 15937
responsible adults available on the premises at all times when 15938~~

seven or more children are in the center. The center shall			15939
organize the children in the center in small groups, shall provide			15940
child care staff to give continuity of care and supervision to the			15941
children on a day by day basis, and shall ensure that no child is			15942
left alone or unsupervised. Except as otherwise provided in			15943
division (E) of this section, the maximum number of children per			15944
child care staff member and maximum group size, by age category of			15945
children, are as follows:			15946
	Maximum Number of		15947
	Children Per	Maximum	15948
Age Category	Child Care	Group	15949
of Children	Staff Member	Size	15950
(a) Infants:			15951
(i) Less than twelve			15952
months old	5:1, or		15953
	12:2 if two		15954
	child care		15955
	staff members		15956
	are in the room	12	15957
(ii) At least twelve			15958
months old, but			15959
less than eighteen			15960
months old	6:1	12	15961
(b) Toddlers:			15962
(i) At least eighteen			15963
months old, but			15964
less than thirty			15965
months old	7:1	14	15966
(ii) At least thirty months			15967
old, but less than			15968
three years old	8:1	16	15969
(c) Preschool			15970
children:			15971

(i) Three years old	12:1	24	15972
(ii) Four years old and			15973
five years old who			15974
are not school			15975
children	14:1	28	15976
(d) School children:			15977
(i) A child who is			15978
enrolled in or is			15979
eligible to be			15980
enrolled in a grade			15981
of kindergarten			15982
or above, but			15983
is less than			15984
eleven years old	18:1	36	15985
(ii) Eleven through fourteen			15986
years old	20:1	40	15987
Except as otherwise provided in division (E) of this section,			15988
the maximum number of children per child care staff member and			15989
maximum group size requirements of the younger age group shall			15990
apply when age groups are combined.			15991
(C)(1) Each child day care center shall have on the center			15992
premises and readily available at all times at least one			15993
child care staff member who has completed a course in first aid,			15994
one staff member who has completed a course in prevention,			15995
recognition, and management of communicable diseases which is			15996
approved by the state department of health, and a staff member who			15997
has completed a course in child abuse recognition and prevention			15998
training which is approved by the department of job and family			15999
services.			16000
(2) The administrator of each child day care center shall			16001
maintain enrollment, health, and attendance records for all			16002
children attending the center and health and employment records			16003

~~for all center employees. The records shall be confidential, 16004
except that they shall be disclosed by the administrator to the 16005
director upon request for the purpose of administering and 16006
enforcing this chapter and rules adopted pursuant to this chapter. 16007
Neither the center nor the licensee, administrator, or employees 16008
of the center shall be civilly or criminally liable in damages or 16009
otherwise for records disclosed to the director by the 16010
administrator pursuant to this division. It shall be a defense to 16011
any civil or criminal charge based upon records disclosed by the 16012
administrator to the director that the records were disclosed 16013
pursuant to this division. 16014~~

~~(3)(a) Any parent who is the residential parent and legal 16015
custodian of a child enrolled in a child day care center and any 16016
custodian or guardian of such a child shall be permitted unlimited 16017
access to the center during its hours of operation for the 16018
purposes of contacting their children, evaluating the care 16019
provided by the center, evaluating the premises of the center, or 16020
for other purposes approved by the director. A parent of a child 16021
enrolled in a child day care center who is not the child's 16022
residential parent shall be permitted unlimited access to the 16023
center during its hours of operation for those purposes under the 16024
same terms and conditions under which the residential parent of 16025
that child is permitted access to the center for those purposes. 16026
However, the access of the parent who is not the residential 16027
parent is subject to any agreement between the parents and, to the 16028
extent described in division (C)(3)(b) of this section, is subject 16029
to any terms and conditions limiting the right of access of the 16030
parent who is not the residential parent, as described in division 16031
(I) of section 3109.051 of the Revised Code, that are contained in 16032
a parenting time order or decree issued under that section, 16033
section 3109.12 of the Revised Code, or any other provision of the 16034
Revised Code. 16035~~

~~(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 16068
required under section 5104.033 of the Revised Code; however, the 16069
rules shall provide procedures for determining compliance with 16070
those requirements. 16071~~

~~(E)(1) When age groups are combined, the maximum number of 16072
children per child care staff member shall be determined by the 16073
age of the youngest child in the group, except that when no more 16074
than one child thirty months of age or older receives services in 16075
a group in which all the other children are in the next older age 16076
group, the maximum number of children per child care staff member 16077
and maximum group size requirements of the older age group 16078
established under division (B)(3) of this section shall apply. 16079~~

~~(2) The maximum number of toddlers or preschool children per 16080
child care staff member in a room where children are napping shall 16081
be twice the maximum number of children per child care staff 16082
member established under division (B)(3) of this section if all 16083
the following criteria are met: 16084~~

~~(a) At least one child care staff member is present in the 16085
room. 16086~~

~~(b) Sufficient child care staff members are on the child 16087
day care center premises to meet the maximum number of children 16088
per child care staff member requirements established under 16089
division (B)(3) of this section. 16090~~

~~(c) Naptime preparations are complete and all napping 16091
children are resting or sleeping on cots. 16092~~

~~(d) The maximum number established under division (E)(2) of 16093
this section is in effect for no more than two hours during a 16094
twenty four hour day. 16095~~

~~(F) The director of job and family services shall adopt rules 16096
pursuant to Chapter 119. of the Revised Code governing the 16097
operation of type A family day care homes, including, but not 16098~~

~~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:~~

~~(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;~~

~~(3) Standards for the supervision, care, and discipline of
children receiving child care or publicly funded child care in the
type A home;~~

~~(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;~~

~~(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;~~

~~(6) Methods for encouraging parental participation in the~~

type A home and methods for ensuring that the rights of children,	16130
parents, and employees are protected and that the responsibilities	16131
of parents and employees are met;	16132
(7) Procedures for ensuring the safety and adequate	16133
supervision of children traveling off the premises of the type A	16134
home while under the care of a type A home employee;	16135
(8) Procedures for record keeping, organization, and	16136
administration;	16137
(9) Procedures for issuing, denying, and revoking a license	16138
that are not otherwise provided for in Chapter 119. of the Revised	16139
Code;	16140
(10) Inspection procedures;	16141
(11) Procedures and standards for setting initial license	16142
application fees;	16143
(12) Procedures for receiving, recording, and responding to	16144
complaints about type A homes;	16145
(13) Procedures for enforcing section 5104.04 of the Revised	16146
Code;	16147
(14) A standard requiring the inclusion, on or after July 1,	16148
1987, of a current department of job and family services toll free	16149
telephone number on each type A home provisional license or	16150
license which any person may use to report a suspected violation	16151
by the type A home of this chapter or rules adopted pursuant to	16152
this chapter;	16153
(15) Requirements for the training of administrators and	16154
child care staff members in first aid, in prevention, recognition,	16155
and management of communicable diseases, and in child abuse	16156
recognition and prevention;	16157
(16) Standards providing for the special needs of children	16158
who are handicapped or who require treatment for health conditions	16159

while the child is receiving child care or publicly funded child	16160
care in the type A home;	16161
(17) Standards for the maximum number of children per	16162
child care staff member;	16163
(18) Requirements for the amount of usable indoor floor space	16164
for each child;	16165
(19) Requirements for safe outdoor play space;	16166
(20) Qualifications and training requirements for	16167
administrators and for child care staff members;	16168
(21) Procedures for granting a parent who is the residential	16169
parent and legal custodian, or a custodian or guardian access to	16170
the type A home during its hours of operation;	16171
(22) Standards for the preparation and distribution of a	16172
roster of parents, custodians, and guardians;	16173
(23) Any other procedures and standards necessary to carry	16174
out this chapter.	16175
(C) The director of job and family services shall adopt rules	16176
pursuant to Chapter 119. of the Revised Code governing the	16177
certification of type B family day care homes.	16178
(1) The rules shall include all of the following:	16179
(a) Procedures, standards, and other necessary provisions for	16180
granting limited certification to type B family day care homes	16181
that are operated by the following adult providers:	16182
(i) Persons who provide child care for eligible children who	16183
are great grandchildren, grandchildren, nieces, nephews, or	16184
siblings of the provider or for eligible children whose caretaker	16185
parent is a grandchild, child, niece, nephew, or sibling of the	16186
provider;	16187
(ii) Persons who provide child care for eligible children all	16188

~~of whom are the children of the same caretaker parent;~~ 16189

~~(b) Procedures for the director to ensure, that type B homes 16190
that receive a limited certification provide child care to 16191
children in a safe and sanitary manner;~~ 16192

~~(c) Requirements for the type B home to notify parents with 16193
children in the type B home that the type B home is also certified 16194
as a foster home under section 5103.03 of the Revised Code. 16195~~

~~With regard to providers who apply for limited certification, 16196
a provider shall be granted a provisional limited certification on 16197
signing a declaration under oath attesting that the provider meets 16198
the standards for limited certification. Such provisional limited 16199
certifications shall remain in effect for no more than sixty 16200
calendar days and shall entitle the provider to offer publicly 16201
funded child care during the provisional period. Except as 16202
otherwise provided in division (G)(1) of this section, section 16203
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 16204
section 5104.11 of the Revised Code, prior to the expiration of 16205
the provisional limited certificate, a county department of job 16206
and family services shall inspect the home and shall grant limited 16207
certification to the provider if the provider meets the 16208
requirements of this division. Limited certificates remain valid 16209
for two years unless earlier revoked. Except as otherwise provided 16210
in division (G)(1) of this section, providers operating under 16211
limited certification shall be inspected annually. 16212~~

~~If a provider is a person described in division (G)(1)(a)(i) 16213
of this section or a person described in division (G)(1)(a)(ii) of 16214
this section who is a friend of the caretaker parent, the provider 16215
and the caretaker parent may verify in writing to the county 16216
department of job and family services that minimum health and 16217
safety requirements are being met in the home. Except as otherwise 16218
provided in section 5104.013 or 5104.09 or in division (A)(2) of 16219
section 5104.11 of the Revised Code, if such verification is 16220~~

~~provided, the county shall waive any inspection required by this chapter and grant limited certification to the provider.~~ 16221
16222

~~(2) The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a certified type B home and shall include the following:~~ 16223
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16226

~~(a) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;~~ 16227
16228
16229
16230

~~(b) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;~~ 16231
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~~(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;~~ 16234
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~~(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;~~ 16240
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~~(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;~~ 16246
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~~(f) Standards for the safe transport of children when under the care of authorized providers;~~ 16250
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(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	16252
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(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;	16254
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(i) Procedures for record keeping and evaluation;	16257
(j) Procedures for receiving, recording, and responding to complaints;	16258
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(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;	16260
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(l) Requirements for the amount of usable indoor floor space for each child;	16264
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(m) Requirements for safe outdoor play space;	16266
(n) Qualification and training requirements for authorized providers;	16267
	16268
(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;	16269
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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;	16272
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(q) Any other procedures and standards necessary to carry out this chapter.	16275
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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	16277
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~~great grandchildren, grandchildren, nieces, nephews, or siblings 16282
of the in-home aide or for eligible children whose caretaker 16283
parent is a grandchild, child, niece, nephew, or sibling of the 16284
in-home aide. The rules shall require, and shall include 16285
procedures for the director to ensure, that in-home aides that 16286
receive a limited certification provide child care to children in 16287
a safe and sanitary manner. The rules shall provide for 16288
safeguarding the health, safety, and welfare of children receiving 16289
publicly funded child care in their own home and shall include the 16290
following: 16291~~

~~(1) Standards for ensuring that the child's home and the 16292
physical surroundings of the child's home are safe and sanitary, 16293
including, but not limited to, physical environment, physical 16294
plant, and equipment; 16295~~

~~(2) Standards for the supervision, care, and discipline of 16296
children receiving publicly funded child care in their own home; 16297~~

~~(3) Standards for a program of activities, and for play 16298
equipment, materials, and supplies to enhance the development of 16299
each child; however, any educational curricula, philosophies, and 16300
methodologies that are developmentally appropriate and that 16301
enhance the social, emotional, intellectual, and physical 16302
development of each child shall be permissible; 16303~~

~~(4) Health care, first aid, and emergency procedures, 16304
procedures for the care of sick children, procedures for 16305
discipline and supervision of children, nutritional standards, and 16306
procedures for screening children and in-home aides, including, 16307
but not limited to, any necessary physical examinations and 16308
immunizations; 16309~~

~~(5) Methods of encouraging parental participation and 16310
ensuring that the rights of children, parents, and in-home aides 16311
are protected and the responsibilities of parents and in-home 16312~~

aides are met;	16313
(6) Standards for the safe transport of children when under the care of in-home aides;	16314
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	16316
(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	16318
(9) Procedures for record keeping and evaluation;	16320
(10) Procedures for receiving, recording, and responding to complaints;	16321
(11) Qualifications and training requirements for in-home aides;	16322
(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;	16323
(13) Any other procedures and standards necessary to carry out this chapter.	16324
(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.	16325
(J)(1) The director of job and family services shall do all of the following:	16326
(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;	16327
(b) Give public notice of hearings regarding the rules to	16328
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~~each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;~~ 16342
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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.~~ 16344
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~~(2) The director shall do all of the following:~~ 16347

~~(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;~~ 16348
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~~(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance;~~ 16352
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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.~~ 16354
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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.~~ 16357
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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.~~ 16368
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~~(5) The director of job and family services may adopt rules~~ 16371

~~pursuant to Chapter 119. of the Revised Code for imposing 16372
sanctions on persons and entities that are licensed or certified 16373
under this chapter. Sanctions may be imposed only for an action or 16374
omission that constitutes a serious risk noncompliance. The 16375
sanctions imposed shall be based on the scope and severity of the 16376
violations. 16377~~

~~The director shall make a dispute resolution process 16378
available for the implementation of sanctions. The process may 16379
include an opportunity for appeal pursuant to Chapter 119. of the 16380
Revised Code. 16381~~

~~(6) The director of job and family services shall adopt rules 16382
pursuant to Chapter 119. of the Revised Code that establish 16383
standards for the training of individuals whom any county 16384
department of job and family services employs, with whom any 16385
county department of job and family services contracts, or with 16386
whom the director of job and family services contracts, to inspect 16387
or investigate type B family day care homes pursuant to section 16388
5104.11 of the Revised Code. The department shall provide training 16389
in accordance with those standards for individuals in the 16390
categories described in this division. 16391~~

~~(K) The director of job and family services shall review all 16392
rules adopted pursuant to this chapter at least once every seven 16393
years. 16394~~

~~(L) Notwithstanding any provision of the Revised Code, the 16395
director of job and family services shall not regulate in any way 16396
under this chapter or rules adopted pursuant to this chapter, 16397
instruction in religious or moral doctrines, beliefs, or values. 16398~~

Sec. 5104.016. The director of job and family services, in 16399
addition to the rules adopted under section 5104.015 of the 16400
Revised Code, shall adopt rules establishing minimum requirements 16401
for child day-care centers. The rules shall include the 16402

requirements set forth in sections 5104.032 to 5104.037 of the 16403
Revised Code. Except as provided in section 5104.07 of the Revised 16404
Code, the rules shall not change the square footage requirements 16405
of section 5104.032 of the Revised Code; the maximum number of 16406
children per child-care staff member and maximum group size 16407
requirements of section 5104.033 of the Revised Code; the 16408
educational and experience requirements of section 5104.035 of the 16409
Revised Code; the age, educational, and experience requirements of 16410
section 5104.036 of the Revised Code; the number and type of 16411
inservice training hours required under section 5104.037 of the 16412
Revised Code; however, the rules shall provide procedures for 16413
determining compliance with those requirements. 16414

Sec. 5104.017. The director of job and family services shall 16415
adopt rules pursuant to Chapter 119. of the Revised Code governing 16416
the operation of type A family day-care homes, including parent 16417
cooperative type A homes, part-time type A homes, drop-in type A 16418
homes, and school-age child type A homes. The rules shall reflect 16419
the various forms of child care and the needs of children 16420
receiving child care. The rules shall include the following: 16421

(A) Submission of a site plan and descriptive plan of 16422
operation to demonstrate how the type A home proposes to meet the 16423
requirements of this chapter and rules adopted pursuant to this 16424
chapter for the initial license application; 16425

(B) Standards for ensuring that the physical surroundings of 16426
the type A home are safe and sanitary, including the physical 16427
environment, the physical plant, and the equipment of the type A 16428
home; 16429

(C) Standards for the supervision, care, and discipline of 16430
children receiving child care or publicly funded child care in the 16431
type A home; 16432

(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; 16433
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(E) Admissions policies and procedures, health care policies and procedures, including 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 any necessary physical examinations and immunizations; 16439
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(F) 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; 16446
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(G) 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; 16450
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(H) Procedures for record keeping, organization, and administration; 16453
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(I) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code; 16455
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(J) Inspection procedures; 16458

(K) Procedures and standards for setting initial license application fees; 16459
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(L) Procedures for receiving, recording, and responding to complaints about type A homes; 16461
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<u>(M) Procedures for enforcing section 5104.04 of the Revised Code;</u>	16463 16464
<u>(N) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;</u>	16465 16466 16467 16468 16469
<u>(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;</u>	16470 16471 16472 16473
<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>	16474 16475 16476 16477
<u>(Q) Standards for the maximum number of children per child-care staff member;</u>	16478 16479
<u>(R) Requirements for the amount of usable indoor floor space for each child;</u>	16480 16481
<u>(S) Requirements for safe outdoor play space;</u>	16482
<u>(T) Qualifications and training requirements for administrators and for child-care staff members;</u>	16483 16484
<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>	16485 16486 16487
<u>(V) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</u>	16488 16489
<u>(W) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.</u>	16490 16491

Sec. 5104.018. The director of job and family services shall 16492
adopt rules in accordance with Chapter 119. of the Revised Code 16493
governing the licensure of type B family day-care homes. The rules 16494
shall provide for safeguarding the health, safety, and welfare of 16495
children receiving child care or publicly funded child care in a 16496
licensed type B family day-care home and shall include all of the 16497
following: 16498

(A) Requirements for the type B home to notify parents with 16499
children in the type B home that the type B home is certified as a 16500
foster home under section 5103.03 of the Revised Code. 16501

(B) Standards for ensuring that the type B home and the 16502
physical surroundings of the type B home are safe and sanitary, 16503
including physical environment, physical plant, and equipment; 16504

(C) Standards for the supervision, care, and discipline of 16505
children receiving child care or publicly funded child care in the 16506
home; 16507

(D) Standards for a program of activities, and for play 16508
equipment, materials, and supplies to enhance the development of 16509
each child; however, any educational curricula, philosophies, and 16510
methodologies that are developmentally appropriate and that 16511
enhance the social, emotional, intellectual, and physical 16512
development of each child shall be permissible; 16513

(E) Admission policies and procedures, health care, first aid 16514
and emergency procedures, procedures for the care of sick 16515
children, procedures for discipline and supervision of children, 16516
nutritional standards, and procedures for screening children and 16517
administrators, including any necessary physical examinations and 16518
immunizations; 16519

(F) Methods of encouraging parental participation and 16520
ensuring that the rights of children, parents, and administrators 16521

<u>are protected and the responsibilities of parents and</u>	16522
<u>administrators are met;</u>	16523
<u>(G) Standards for the safe transport of children when under</u>	16524
<u>the care of administrators;</u>	16525
<u>(H) Procedures for issuing, denying, or revoking licenses;</u>	16526
<u>(I) Procedures for the inspection of type B homes that</u>	16527
<u>require, at a minimum, that each type B home be inspected prior to</u>	16528
<u>licensure to ensure that the home is safe and sanitary;</u>	16529
<u>(J) Procedures for record keeping and evaluation;</u>	16530
<u>(K) Procedures for receiving, recording, and responding to</u>	16531
<u>complaints;</u>	16532
<u>(L) Standards providing for the special needs of children who</u>	16533
<u>are handicapped or who receive treatment for health conditions</u>	16534
<u>while the child is receiving child care or publicly funded child</u>	16535
<u>care in the type B home;</u>	16536
<u>(M) Requirements for the amount of usable indoor floor space</u>	16537
<u>for each child;</u>	16538
<u>(N) Requirements for safe outdoor play space;</u>	16539
<u>(O) Qualification and training requirements for</u>	16540
<u>administrators;</u>	16541
<u>(P) Procedures for granting a parent who is the residential</u>	16542
<u>parent and legal custodian, or a custodian or guardian access to</u>	16543
<u>the type B home during its hours of operation;</u>	16544
<u>(Q) Requirements for the type B home to notify parents with</u>	16545
<u>children in the type B home that the type B home is certified as a</u>	16546
<u>foster home under section 5103.03 of the Revised Code;</u>	16547
<u>(R) Any other procedures and standards necessary to carry out</u>	16548
<u>the provisions of this chapter regarding licensure of type B</u>	16549
<u>homes.</u>	16550

Sec. 5104.019. The director of job and family services shall 16551
adopt rules in accordance with Chapter 119. of the Revised Code 16552
governing the certification of in-home aides. The rules shall 16553
provide for safeguarding the health, safety, and welfare of 16554
children receiving publicly funded child care in their own home 16555
and shall include the following: 16556

(A) Standards for ensuring that the child's home and the 16557
physical surroundings of the child's home are safe and sanitary, 16558
including physical environment, physical plant, and equipment; 16559

(B) Standards for the supervision, care, and discipline of 16560
children receiving publicly funded child care in their own home; 16561

(C) Standards for a program of activities, and for play 16562
equipment, materials, and supplies to enhance the development of 16563
each child; however, any educational curricula, philosophies, and 16564
methodologies that are developmentally appropriate and that 16565
enhance the social, emotional, intellectual, and physical 16566
development of each child shall be permissible; 16567

(D) Health care, first aid, and emergency procedures, 16568
procedures for the care of sick children, procedures for 16569
discipline and supervision of children, nutritional standards, and 16570
procedures for screening children and in-home aides, including any 16571
necessary physical examinations and immunizations; 16572

(E) Methods of encouraging parental participation and 16573
ensuring that the rights of children, parents, and in-home aides 16574
are protected and the responsibilities of parents and in-home 16575
aides are met; 16576

(F) Standards for the safe transport of children when under 16577
the care of in-home aides; 16578

(G) Procedures for issuing, renewing, denying, refusing to 16579
renew, or revoking certificates; 16580

<u>(H) Procedures for inspection of homes of children receiving</u>	16581
<u>publicly funded child care in their own homes;</u>	16582
<u>(I) Procedures for record keeping and evaluation;</u>	16583
<u>(J) Procedures for receiving, recording, and responding to</u>	16584
<u>complaints;</u>	16585
<u>(K) Qualifications and training requirements for in-home</u>	16586
<u>aides;</u>	16587
<u>(L) Standards providing for the special needs of children who</u>	16588
<u>are handicapped or who receive treatment for health conditions</u>	16589
<u>while the child is receiving publicly funded child care in the</u>	16590
<u>child's own home;</u>	16591
<u>(M) Any other procedures and standards necessary to carry out</u>	16592
<u>the provisions of this chapter regarding certification of in-home</u>	16593
<u>aides.</u>	16594
<u>Sec. 5104.0110. To the extent that any rules adopted for the</u>	16595
<u>purposes of this chapter require a health care professional to</u>	16596
<u>perform a physical examination, the rules shall include as a</u>	16597
<u>health care professional a physician assistant, a clinical nurse</u>	16598
<u>specialist, a certified nurse practitioner, or a certified</u>	16599
<u>nurse-midwife.</u>	16600
<u>Sec. 5104.0111. (A) The director of job and family services</u>	16601
<u>shall do all of the following:</u>	16602
<u>(1) Provide or make available in either paper or electronic</u>	16603
<u>form to each licensee notice of proposed rules governing the</u>	16604
<u>licensure of child day-care centers, type A homes, and type B</u>	16605
<u>homes;</u>	16606
<u>(2) Give public notice of hearings regarding the proposed</u>	16607
<u>rules at least thirty days prior to the date of the public</u>	16608
<u>hearing, in accordance with section 119.03 of the Revised Code;</u>	16609

(3) 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; 16610
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(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed; 16613
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(5) 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; 16617
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(6) Review all rules adopted pursuant to this chapter at least once every seven years. 16620
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(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each 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 in-home aide. 16622
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(C) 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. 16632
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(D) The director of job and family services may adopt rules in accordance with 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 16635
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violations. 16641

The director shall make a dispute resolution process 16642
available for the implementation of sanctions. The process may 16643
include an opportunity for appeal pursuant to Chapter 119. of the 16644
Revised Code. 16645

(E) The director of job and family services shall adopt rules 16646
in accordance with Chapter 119. of the Revised Code that establish 16647
standards for the training of individuals who inspect or 16648
investigate type B family day-care homes pursuant to section 16649
5104.03 of the Revised Code. The department shall provide training 16650
in accordance with those standards for individuals in the 16651
categories described in this division. 16652

Sec. 5104.0112. Notwithstanding any provision of the Revised 16653
Code, the director of job and family services shall not regulate 16654
in any way under this chapter or rules adopted pursuant to this 16655
chapter, instruction in religious or moral doctrines, beliefs, or 16656
values. 16657

Sec. 5104.022. The department In no case shall the director 16658
of job and family services shall not issue a license to operate a 16659
prospective type A family day-care home if that prospective family 16660
day-care the type A home is certified to be as a foster home or 16661
specialized foster home pursuant to Chapter 5103. of the Revised 16662
Code. A county department of job and family services In no case 16663
shall not certify the director issue a license to operate a 16664
prospective type B family day-care home if that prospective family 16665
day-care the type B home is certified to be as a specialized 16666
foster home pursuant to Chapter 5103. of the Revised Code. 16667

Sec. 5104.03. (A) Any person, firm, organization, 16668
institution, or agency desiring seeking to establish a child 16669
day-care center or, type A family day-care home, or licensed type 16670

B family day-care home shall apply for a license to the director 16671
of job and family services on such form as the director 16672
prescribes. The director shall provide at no charge to each 16673
applicant for licensure a copy of the child care license 16674
requirements in this chapter and a copy of the rules adopted 16675
pursuant to this chapter. The copies may be provided in paper or 16676
electronic form. 16677

Fees shall be set by the director pursuant to ~~section~~ 16678
~~5104.011~~ sections 5104.015, 5104.017, and 5104.018 of the Revised 16679
Code and shall be paid at the time of application for a license to 16680
operate a center ~~or~~, type A home, or type B home. Fees collected 16681
under this section shall be paid into the state treasury to the 16682
credit of the general revenue fund. 16683

(B)(1) Upon filing of the application for a license, the 16684
director shall investigate and inspect the center ~~or~~, type A home, 16685
or type B home to determine the license capacity for each age 16686
category of children of the center ~~or~~, type A home, or type B home 16687
and to determine whether the center ~~or~~, type A home, or type B 16688
home complies with this chapter and rules adopted pursuant to this 16689
chapter. When, after investigation and inspection, the director is 16690
satisfied that this chapter and rules adopted pursuant to it are 16691
complied with, subject to division ~~(G)~~(H) of this section, a 16692
~~provisional~~ license shall be issued as soon as practicable in such 16693
form and manner as prescribed by the director. The license shall 16694
be designated as provisional license and shall be valid for twelve 16695
months from the date of issuance unless revoked. 16696

(2) The director may contract with a government entity or a 16697
private nonprofit entity for the entity to inspect and license 16698
type B family day-care homes pursuant to this section. The 16699
department, government entity, or nonprofit entity shall conduct 16700
the inspection prior to the issuance of a license for the type B 16701
home and, as part of that inspection, ensure that the type B home 16702

is safe and sanitary. 16703

(C)(1) On receipt of an application for licensure as a type B family day-care home to provide publicly funded child care, the department shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject. 16704
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(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. 16713
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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. 16723
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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 16730
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accordance with ~~section 5104.011~~ sections 5104.015, 5104.017, and 16735
5104.018 of the Revised Code, the toll-free telephone number to be 16736
used by persons suspecting that the center ~~or~~, type A home, or 16737
licensed type B home has violated a provision of this chapter or 16738
rules adopted pursuant to this chapter. A license ~~or provisional~~ 16739
~~license~~ is valid only for the licensee, administrator, address, 16740
and license capacity for each age category of children designated 16741
on the license. The license capacity specified on the license ~~or~~ 16742
~~provisional license~~ is the maximum number of children in each age 16743
category that may be cared for in the center ~~or~~, type A home, or 16744
licensed type B home at one time. 16745

The center or type A home licensee shall notify the director 16746
when the administrator of the center or home changes. The director 16747
shall amend the current license ~~or provisional license~~ to reflect 16748
a change in an administrator, if the administrator meets the 16749
requirements of ~~Chapter 5104. of the Revised Code~~ this chapter and 16750
rules adopted pursuant to ~~Chapter 5104. of the Revised Code~~ this 16751
chapter, or a change in license capacity for any age category of 16752
children as determined by the director of job and family services. 16753

~~(E)~~(F) If the director revokes the license of a center ~~or~~, a 16754
type A home, or a type B home, the director shall not issue 16755
another license to the owner of the center ~~or~~, type A home, or 16756
type B home until five years have elapsed from the date the 16757
license is revoked. 16758

If the director denies an application for a license, the 16759
director shall not accept another application from the applicant 16760
until five years have elapsed from the date the application is 16761
denied. 16762

~~(F)~~(G) If during the application for licensure process the 16763
director determines that the license of the owner has been 16764
revoked, the investigation of the center ~~or~~, type A home, or type 16765
B home shall cease. This action does not constitute denial of the 16766

application and may not be appealed under division ~~(G)~~(H) of this section. 16767
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~~(G)~~(H) All actions of the director with respect to licensing centers ~~or~~, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of the Revised Code. 16769
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~~(H)~~(I) In no case shall the director issue a license ~~or 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. 16775
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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. 16787
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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. 16792
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Sec. 5104.032. (A) The child day-care center shall have, for 16797

each child for whom the center is licensed, at least thirty-five 16798
square feet of usable indoor floor space wall-to-wall regularly 16799
available for the child care operation exclusive of any parts of 16800
the structure in which the care of children is prohibited by law 16801
or by rules adopted by the board of building standards. The 16802
minimum of thirty-five square feet of usable indoor floor space 16803
shall not include hallways, kitchens, storage areas, or any other 16804
areas that are not available for the care of children, as 16805
determined by the director, in meeting the space requirement of 16806
this division, and bathrooms shall be counted in determining 16807
square footage only if they are used exclusively by children 16808
enrolled in the center, except that the exclusion of hallways, 16809
kitchens, storage areas, bathrooms not used exclusively by 16810
children enrolled in the center, and any other areas not available 16811
for the care of children from the minimum of thirty-five square 16812
feet of usable indoor floor space shall not apply to: 16813

(1) Centers licensed prior to or on September 1, 1986, that 16814
continue under licensure after that date; 16815

(2) Centers licensed prior to or on September 1, 1986, that 16816
are issued a new license after that date solely due to a change of 16817
ownership of the center. 16818

(B) The child day-care center shall have on the site a safe 16819
outdoor play space which is enclosed by a fence or otherwise 16820
protected from traffic or other hazards. The play space shall 16821
contain not less than sixty square feet per child using such space 16822
at any one time, and shall provide an opportunity for supervised 16823
outdoor play each day in suitable weather. The director may exempt 16824
a center from the requirement of this division, if an outdoor play 16825
space is not available and if all of the following are met: 16826

(1) The center provides an indoor recreation area that has 16827
not less than sixty square feet per child using the space at any 16828

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 (A) of this section. 16829
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(2) 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. 16832
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(3) The children are closely supervised during play and while traveling to and from the area. 16836
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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. 16838
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Sec. 5104.033. A 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 (B) 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: 16850
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	<u>Maximum Number of</u>		16860
	<u>Children Per</u>	<u>Maximum</u>	16861
<u>Age Category</u>	<u>Child-Care</u>	<u>Group</u>	16862
<u>of Children</u>	<u>Staff Member</u>	<u>Size</u>	16863
<u>(a) Infants:</u>			16864
<u>(i) Less than twelve</u>			16865
<u>months old</u>	<u>5:1, or</u>		16866
	<u>12:2 if two</u>		16867
	<u>child-care</u>		16868
	<u>staff members</u>		16869
	<u>are in the room</u>	<u>12</u>	16870
<u>(ii) At least twelve</u>			16871
<u>months old, but</u>			16872
<u>less than eighteen</u>			16873
<u>months old</u>	<u>6:1</u>	<u>12</u>	16874
<u>(b) Toddlers:</u>			16875
<u>(i) At least eighteen</u>			16876
<u>months old, but</u>			16877
<u>less than thirty</u>			16878
<u>months old</u>	<u>7:1</u>	<u>14</u>	16879
<u>(ii) At least thirty months</u>			16880
<u>old, but less than</u>			16881
<u>three years old</u>	<u>8:1</u>	<u>16</u>	16882
<u>(c) Preschool-age</u>			16883
<u>children:</u>			16884
<u>(i) Three years old</u>	<u>12:1</u>	<u>24</u>	16885
<u>(ii) Four years old and</u>			16886
<u>five years old who</u>			16887
<u>are not school</u>			16888
<u>children</u>	<u>14:1</u>	<u>28</u>	16889
<u>(d) School-age children:</u>			16890
<u>(i) A child who is</u>			16891
<u>enrolled in or is</u>			16892

eligible to be 16893
enrolled in a grade 16894
of kindergarten 16895
or above, but 16896
is less than 16897
eleven years old 18:1 36 16898
(ii) Eleven through fourteen 16899
years old 20:1 40 16900

Except as otherwise provided in division (B) of this section, 16901
the maximum number of children per child-care staff member and 16902
maximum group size requirements of the younger age group shall 16903
apply when age groups are combined. 16904

(B)(1) When age groups are combined, the maximum number of 16905
children per child-care staff member shall be determined by the 16906
age of the youngest child in the group, except that when no more 16907
than one child thirty months of age or older receives services in 16908
a group in which all the other children are in the next older age 16909
group, the maximum number of children per child-care staff member 16910
and maximum group size requirements of the older age group 16911
established under division (A) of this section shall apply. 16912

(2) The maximum number of toddlers or preschool-age children 16913
per child-care staff member in a room where children are napping 16914
shall be twice the maximum number of children per child-care staff 16915
member established under division (A) of this section if all the 16916
following criteria are met: 16917

(a) At least one child-care staff member is present in the 16918
room. 16919

(b) Sufficient child-care staff members are on the child 16920
day-care center premises to meet the maximum number of children 16921
per child-care staff member requirements established under 16922
division (A) of this section. 16923

(c) Naptime preparations are complete and all napping 16924
children are resting or sleeping on cots. 16925

(d) The maximum number established under division (B)(2) of 16926
this section is in effect for no more than two hours during a 16927
twenty-four-hour day. 16928

Sec. 5104.034. Each child day-care center shall have on the 16929
center premises and readily available at all times at least one 16930
child-care staff member who has completed a course in first aid, 16931
one staff member who has completed a course in prevention, 16932
recognition, and management of communicable diseases which is 16933
approved by the state department of health, and a staff member who 16934
has completed a course in child abuse recognition and prevention 16935
training which is approved by the department of job and family 16936
services. 16937

Sec. 5104.031 5104.035. (A) A child day-care center 16938
administrator shall show the director of job and family services 16939
both of the following: 16940

(1) Evidence of at least high school graduation or 16941
certification of high school equivalency by the state board of 16942
education or the appropriate agency of another state; 16943

(2) Evidence of having at least one of the following: 16944

(a) An associate, bachelor's, master's, doctoral, or other 16945
postgraduate degree in child development or early childhood 16946
education, or in a related field approved by the director, from an 16947
accredited college, university, or technical college; 16948

(b) A license designated as appropriate for teaching in an 16949
associate teaching position in a preschool setting issued by the 16950
state board of education pursuant to section 3319.22 of the 16951
Revised Code; 16952

(c) Designation under the career pathways model as an early childhood professional level three; 16953
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(d) Two years of experience working as a child-care staff member in a licensed child care program, designation under the career pathways model as an early childhood professional level one, and, not later than one year after being named as administrator, designation under the career pathways model as an early childhood professional level two; 16955
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(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; 16961
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(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; 16966
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(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; 16970
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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. 16973
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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. 16976
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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 16981
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shall furnish the director of job and family services evidence of 16983
at least high school graduation or certification of high school 16984
equivalency by the state board of education or the appropriate 16985
agency of another state or evidence of completion of a training 16986
program approved by the department of job and family services or 16987
state board of education, except as follows: 16988

(B) A child-care staff member may be less than eighteen years 16989
of age if the staff member is either of the following: 16990

(1) A graduate of a two-year vocational child-care training 16991
program approved by the state board of education; 16992

(2) A student enrolled in the second year of a vocational 16993
child-care training program approved by the state board of 16994
education which leads to high school graduation, provided that the 16995
student performs the student's duties in the child day-care center 16996
under the continuous supervision of an experienced child-care 16997
staff member, receives periodic supervision from the vocational 16998
child-care training program teacher-coordinator in the student's 16999
high school, and meets all other requirements of this chapter and 17000
rules adopted pursuant to this chapter. 17001

(C) A child-care staff member shall be exempt from the 17002
educational requirements of division (A) of this section if the 17003
staff member: 17004

(1) Prior to January 1, 1972, was employed or designated by a 17005
child day-care center and has been continuously employed since 17006
either by the same child day-care center employer or at the same 17007
child day-care center; 17008

(2) Is a student enrolled in the second year of a vocational 17009
child-care training program approved by the state board of 17010
education which leads to high school graduation, provided that the 17011
student performs the student's duties in the child day-care center 17012

under the continuous supervision of an experienced child-care 17013
staff member, receives periodic supervision from the vocational 17014
child-care training program teacher-coordinator in the student's 17015
high school, and meets all other requirements of this chapter and 17016
rules adopted pursuant to this chapter; 17017

(3) Is receiving or has completed the final year of 17018
instruction at home as authorized under section 3321.04 of the 17019
Revised Code or has graduated from a nonchartered, nonpublic 17020
school in Ohio. 17021

Sec. ~~5104.033~~ 5104.037. (A) Except as provided in division 17022
(B) of this section, each child-care staff member of a child 17023
day-care center annually shall complete fifteen hours of inservice 17024
training that includes the following subjects until the staff 17025
member has completed a total of forty-five hours of training: 17026

(1) Child development or early childhood education; 17027

(2) Child abuse recognition and prevention; 17028

(3) First aid; 17029

(4) Prevention, recognition, and management of communicable 17030
diseases. 17031

(B) A child-care staff member is exempt from the inservice 17032
training requirements established by division (A) of this section 17033
if the staff member furnishes one of the following to the director 17034
of job and family services: 17035

(1) Evidence of an associate or higher degree in child 17036
development or early childhood education from an accredited 17037
college, university, or technical college; 17038

(2) A license designated for teaching in an associate 17039
teaching position in a preschool setting issued by the state board 17040
of education; 17041

(3) Evidence of a child development associate credential; 17042

(4) Evidence of an infant and toddler or early childhood 17043
credential from a program accredited by the Montessori 17044
accreditation council for teacher education. 17045

(C) For purposes of this section, each hour of inservice 17046
training shall consist of sixty minutes of training. 17047

Sec. 5104.038. The administrator of each child day-care 17048
center shall maintain enrollment, health, and attendance records 17049
for all children attending the center and health and employment 17050
records for all center employees. The records shall be 17051
confidential, except that they shall be disclosed by the 17052
administrator to the director upon request for the purpose of 17053
administering and enforcing this chapter and rules adopted 17054
pursuant to this chapter. Neither the center nor the licensee, 17055
administrator, or employees of the center shall be civilly or 17056
criminally liable in damages or otherwise for records disclosed to 17057
the director by the administrator pursuant to this division. It 17058
shall be a defense to any civil or criminal charge based upon 17059
records disclosed by the administrator to the director that the 17060
records were disclosed pursuant to this division. 17061

Sec. 5104.039. (A) Any parent who is the residential parent 17062
and legal custodian of a child enrolled in a child day-care center 17063
and any custodian or guardian of such a child shall be permitted 17064
unlimited access to the center during its hours of operation for 17065
the purposes of contacting their children, evaluating the care 17066
provided by the center, evaluating the premises of the center, or 17067
for other purposes approved by the director. A parent of a child 17068
enrolled in a child day-care center who is not the child's 17069
residential parent shall be permitted unlimited access to the 17070
center during its hours of operation for those purposes under the 17071

same terms and conditions under which the residential parent of 17072
that child is permitted access to the center for those purposes. 17073
However, the access of the parent who is not the residential 17074
parent is subject to any agreement between the parents and, to the 17075
extent described in division (B) of this section, is subject to 17076
any terms and conditions limiting the right of access of the 17077
parent who is not the residential parent, as described in division 17078
(I) of section 3109.051 of the Revised Code, that are contained in 17079
a parenting time order or decree issued under that section, 17080
section 3109.12 of the Revised Code, or any other provision of the 17081
Revised Code. 17082

(B) If a parent who is the residential parent of a child has 17083
presented the administrator or the administrator's designee with a 17084
copy of a parenting time order that limits the terms and 17085
conditions under which the parent who is not the residential 17086
parent is to have access to the center, as described in division 17087
(I) of section 3109.051 of the Revised Code, the parent who is not 17088
the residential parent shall be provided access to the center only 17089
to the extent authorized in the order. If the residential parent 17090
has presented such an order, the parent who is not the residential 17091
parent shall be permitted access to the center only in accordance 17092
with the most recent order that has been presented to the 17093
administrator or the administrator's designee by the residential 17094
parent or the parent who is not the residential parent. 17095

(C) Upon entering the premises pursuant to division (A) or 17096
(B) of this section, the parent who is the residential parent and 17097
legal custodian, the parent who is not the residential parent, or 17098
the custodian or guardian shall notify the administrator or the 17099
administrator's designee of the parent's, custodian's, or 17100
guardian's presence. 17101

Sec. 5104.04. (A) The department of job and family services 17102

shall establish procedures to be followed in investigating, 17103
inspecting, and licensing child day-care centers ~~and~~, type A 17104
family day-care homes, and licensed type B family day-care homes. 17105

(B)(1)(a) The department shall, at least once during every 17106
twelve-month period of operation of a center ~~or~~, type A home, or 17107
licensed type B home, inspect the center ~~or~~, type A home, or 17108
licensed type B home. The department shall inspect a part-time 17109
center or part-time type A home at least once during every 17110
twelve-month period of operation. The department shall provide a 17111
written inspection report to the licensee within a reasonable time 17112
after each inspection. The licensee shall display ~~all written~~ 17113
~~reports of inspections conducted during the current licensing~~ 17114
~~period~~ its most recent inspection report in a conspicuous place in 17115
the center ~~or~~, type A home, or licensed type B home. 17116

Inspections may be unannounced. No person, firm, 17117
organization, institution, or agency shall interfere with the 17118
inspection of a center ~~or~~, type A home, or licensed type B home by 17119
any state or local official engaged in performing duties required 17120
of the state or local official by this chapter or rules adopted 17121
pursuant to this chapter, including inspecting the center ~~or~~, type 17122
A home, or licensed type B home, reviewing records, or 17123
interviewing licensees, employees, children, or parents. 17124

(b) Upon receipt of any complaint that a center ~~or~~, type A 17125
home or licensed type B home is out of compliance with the 17126
requirements of this chapter or rules adopted pursuant to this 17127
chapter, the department shall investigate the center or home, and 17128
both of the following apply: 17129

(i) If the complaint alleges that a child suffered physical 17130
harm while receiving child care at the center or home or that the 17131
noncompliance alleged in the complaint involved, resulted in, or 17132
poses a substantial risk of physical harm to a child receiving 17133
child care at the center or home, the department shall inspect the 17134

center or home. 17135

(ii) If division (B)(1)(b)(i) of this section does not apply 17136
regarding the complaint, the department may inspect the center or 17137
home. 17138

(c) Division (B)(1)(b) of this section does not limit, 17139
restrict, or negate any duty of the department to inspect a center 17140
~~or~~, type A home, or licensed type B home that otherwise is imposed 17141
under this section, or any authority of the department to inspect 17142
a center ~~or~~, type A home, or licensed type B home that otherwise 17143
is granted under this section when the department believes the 17144
inspection is necessary and it is permitted under the grant. 17145

(2) If the department implements an instrument-based program 17146
monitoring information system, it may use an indicator checklist 17147
to comply with division (B)(1) of this section. 17148

(3) The department shall contract with a third party by the 17149
first day of October in each even-numbered year to collect 17150
information concerning the amounts charged by the center or home 17151
for providing child care services for use in establishing 17152
reimbursement ceilings and payment pursuant to section 5104.30 of 17153
the Revised Code. The third party shall compile the information 17154
and report the results of the survey to the department not later 17155
than the first day of December in each even-numbered year. 17156

(C) The department may deny an application or revoke a 17157
license of a center ~~or~~, type A home, or licensed type B home, if 17158
the applicant knowingly makes a false statement on the 17159
application, the center or home does not comply with the 17160
requirements of this chapter or rules adopted pursuant to this 17161
chapter, or the applicant or owner has pleaded guilty to or been 17162
convicted of an offense described in section 5104.09 of the 17163
Revised Code. 17164

(D) If the department finds, after notice and hearing 17165

pursuant to Chapter 119. of the Revised Code, that any applicant, 17166
person, firm, organization, institution, or agency applying for 17167
licensure or licensed under section 5104.03 of the Revised Code is 17168
in violation of any provision of this chapter or rules adopted 17169
pursuant to this chapter, the department may issue an order of 17170
denial to the applicant or an order of revocation to the center 17171
~~or~~, type A home, or licensed type B home revoking the license 17172
previously issued by the department. Upon the issuance of such an 17173
order, the person whose application is denied or whose license is 17174
revoked may appeal in accordance with section 119.12 of the 17175
Revised Code. 17176

(E) The surrender of a center ~~or~~, type A home, or licensed 17177
type B home license to the department or the withdrawal of an 17178
application for licensure by the owner or administrator of the 17179
center ~~or~~, type A home, or licensed type B home shall not prohibit 17180
the department from instituting any of the actions set forth in 17181
this section. 17182

(F) Whenever the department receives a complaint, is advised, 17183
or otherwise has any reason to believe that a center or type A 17184
home is providing child care without a license issued pursuant to 17185
section 5104.03 and is not exempt from licensing pursuant to 17186
section 5104.02 of the Revised Code, the department shall 17187
investigate the center or type A home and may inspect the areas 17188
children have access to or areas necessary for the care of 17189
children in the center or type A home during suspected hours of 17190
operation to determine whether the center or type A home is 17191
subject to the requirements of this chapter or rules adopted 17192
pursuant to this chapter. 17193

(G) The department, upon determining that the center or type 17194
A home is operating without a license, shall notify the attorney 17195
general, the prosecuting attorney of the county in which the 17196
center or type A home is located, or the city attorney, village 17197

solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.041. (A) All type A ~~and type B~~ family day-care homes and licensed type B family day-care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family day-care home against liability arising out of, or in connection with, the operation of the family day-care home. ~~Liability~~ The insurance procured ~~under this division~~ shall cover any cause for which the type A or type B family day-care home would be liable, in the amount of at least

one hundred thousand dollars per occurrence and three hundred 17229
thousand dollars in the aggregate. 17230

(2) A written statement signed by the parent, guardian, or 17231
custodian of each child receiving child care from the type A or 17232
type B family day-care home that states all of the following: 17233

(a) The family day-care home does not carry liability 17234
insurance described in division (A)(1) of this section; 17235

(b) If the licensee of a type A family day-care home or ~~the~~ 17236
~~provider of~~ a type B family day-care home is not the owner of the 17237
real property where the family day-care home is located, the 17238
liability insurance, if any, of the owner of the real property may 17239
not provide for coverage of any liability arising out of, or in 17240
connection with, the operation of the family day-care home. 17241

(B) If the licensee of a type A family day-care home or ~~the~~ 17242
~~provider of~~ a type B family day-care home is not the owner of the 17243
real property where the family day-care home is located and the 17244
family day-care home procures liability insurance described in 17245
division (A)(1) of this section, that licensee ~~or provider~~ shall 17246
name the owner of the real property as an additional insured party 17247
on the liability insurance policy if all of the following apply: 17248

(1) The owner of the real property requests the licensee or 17249
provider, in writing, to add the owner of the real property to the 17250
liability insurance policy as an additional insured party. 17251

(2) The addition of the owner of the real property does not 17252
result in cancellation or nonrenewal of the insurance policy 17253
procured by the type A or type B family day-care home. 17254

(3) The owner of the real property pays any additional 17255
premium assessed for coverage of the owner of the real property. 17256

(C) Proof of insurance or written statement required under 17257
division (A) of this section shall be maintained at the type A or 17258

type B family day-care home and made available for review during 17259
inspection or investigation as required under this chapter. 17260

(D) The director of job and family services shall adopt rules 17261
for the enforcement of this section. 17262

Sec. 5104.052. The director of job and family services, in 17263
cooperation with the fire marshal pursuant to section 3737.22 of 17264
the Revised Code, shall ~~promulgate~~ adopt rules regarding fire 17265
prevention and fire safety in ~~certified~~ licensed type B family 17266
day-care homes. In accordance with those rules, the director shall 17267
inspect each type B home that applies to be licensed that is 17268
providing or is to provide publicly funded child care. 17269

Sec. 5104.053. As a precondition of approval by the state 17270
board of education pursuant to section 3313.813 of the Revised 17271
Code for receipt of United States department of agriculture child 17272
and adult care food program funds established under the "National 17273
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 17274
amended, the provider of child care in a type B family day-care 17275
home that is not ~~certified~~ licensed by the ~~county~~ director of 17276
~~human~~ job and family services shall request an inspection of the 17277
type B home by the fire marshal, who shall inspect the type B home 17278
pursuant to section 3737.22 of the Revised Code to determine that 17279
it is in compliance with rules established pursuant to section 17280
5104.052 of the Revised Code for ~~certified~~ licensed type B homes. 17281

Sec. 5104.054. Any type B family day-care home, whether 17282
~~certified~~ licensed or not ~~certified~~ licensed by the ~~county~~ 17283
director of ~~human~~ job and family services, shall be considered to 17284
be a residential use of property for purposes of municipal, 17285
county, and township zoning and shall be a permitted use in all 17286
zoning districts in which residential uses are permitted. No 17287
municipal, county, or township zoning regulations shall require a 17288

conditional use permit or any other special exception 17289
certification for any such type B family day-care home. 17290

Sec. 5104.06. (A) The director of job and family services 17291
shall provide consultation, technical assistance, and training to 17292
child day-care centers ~~and~~, type A family day-care homes, and type 17293
B family day-care homes to improve programs and facilities 17294
providing child care ~~including, but not limited to,~~ As part of 17295
these activities, the director shall provide assistance in meeting 17296
the requirements of ~~Chapter 5104. this chapter~~ and rules adopted 17297
pursuant to ~~Chapter 5104. of the Revised Code this chapter~~ and 17298
shall furnish information regarding child abuse identification and 17299
reporting of child abuse. 17300

(B) The director of job and family services shall provide 17301
consultation and technical assistance to county departments of job 17302
and family services to assist the departments with the 17303
implementation of certification of ~~type B family day care home~~ 17304
~~providers and~~ in-home aides. 17305

Sec. 5104.08. (A) There is hereby created in the department 17306
of job and family services a child care advisory council to advise 17307
and assist the department in the administration of this chapter 17308
and in the development of child care. The council shall consist of 17309
twenty-two voting members appointed by the director of job and 17310
family services with the approval of the governor. The director of 17311
job and family services, the director of developmental 17312
disabilities, the director of mental health, the superintendent of 17313
public instruction, the director of health, the director of 17314
commerce, and the state fire marshal shall serve as nonvoting 17315
members of the council. 17316

Six members shall be representatives of child care centers 17317
subject to licensing, the members to represent a variety of 17318

centers, including nonprofit and proprietary, from different 17319
geographical areas of the state. At least three members shall be 17320
parents, guardians, or custodians of children receiving child care 17321
or publicly funded child care in the child's own home, a center, a 17322
type A home, a head start program, a ~~certified~~ licensed type B 17323
home, or a type B home at the time of appointment. Three members 17324
shall be representatives of in-home aides, type A homes, ~~certified~~ 17325
licensed type B homes, or type B homes or head start programs. At 17326
least six members shall represent county departments of job and 17327
family services. The remaining members shall be representatives of 17328
the teaching, child development, and health professions, and other 17329
individuals interested in the welfare of children. At least six 17330
members of the council shall not be employees or licensees of a 17331
child day-care center, head start program, or type A home, or 17332
providers operating a ~~certified~~ licensed type B home or type B 17333
home, or in-home aides. 17334

Appointments shall be for three-year terms. Vacancies shall 17335
be filled for the unexpired terms. A member of the council is 17336
subject to removal by the director of job and family services for 17337
a willful and flagrant exercise of authority or power that is not 17338
authorized by law, for a refusal or willful neglect to perform any 17339
official duty as a member of the council imposed by law, or for 17340
being guilty of misfeasance, malfeasance, nonfeasance, or gross 17341
neglect of duty as a member of the council. 17342

There shall be two co-chairpersons of the council. One 17343
co-chairperson shall be the director of job and family services or 17344
the director's designee, and one co-chairperson shall be elected 17345
by the members of the council. The council shall meet as often as 17346
is necessary to perform its duties, provided that it shall meet at 17347
least once in each quarter of each calendar year and at the call 17348
of the co-chairpersons. The co-chairpersons or their designee 17349
shall send to each member a written notice of the date, time, and 17350

place of each meeting. 17351

Members of the council shall serve without compensation, but 17352
shall be reimbursed for necessary expenses. 17353

(B) The child care advisory council shall advise the director 17354
on matters affecting the licensing of centers ~~and~~, type A homes, 17355
and type B homes and the certification of ~~type B homes and~~ in-home 17356
aides. The council shall make an annual report to the director of 17357
job and family services that addresses the availability, 17358
affordability, accessibility, and quality of child care and that 17359
summarizes the recommendations and plans of action that the 17360
council has proposed to the director during the preceding fiscal 17361
year. The director of job and family services shall provide copies 17362
of the report to the governor, speaker and minority leader of the 17363
house of representatives, and the president and minority leader of 17364
the senate and, on request, shall make copies available to the 17365
public. 17366

(C) The director of job and family services shall adopt rules 17367
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 17368
implement this section. 17369

Sec. 5104.09. (A)(1) Except as provided in rules adopted 17370
pursuant to division (D) of this section, no individual who has 17371
been convicted of or pleaded guilty to a violation described in 17372
division (A)(9) of section 109.572 of the Revised Code, a 17373
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 17374
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 17375
of the Revised Code or a violation of an existing or former law or 17376
ordinance of any municipal corporation, this state, any other 17377
state, or the United States that is substantially equivalent to 17378
any of those violations, or two violations of section 4511.19 of 17379
the Revised Code during operation of the center or home shall be 17380
certified as an in-home aide or be employed in any capacity in or 17381

own or operate a child day-care center, type A family day-care 17382
home, type B family day-care home, or ~~certified~~ licensed type B 17383
family day-care home. 17384

(2) Each employee of a child day-care center and type A home 17385
and every person eighteen years of age or older residing in a type 17386
A home or licensed type B home shall sign a statement on forms 17387
prescribed by the director of job and family services attesting to 17388
the fact that the employee or resident person has not been 17389
convicted of or pleaded guilty to any offense set forth in 17390
division (A)(1) of this section and that no child has been removed 17391
from the employee's or resident person's home pursuant to section 17392
2151.353 of the Revised Code. Each licensee of a type A family 17393
day-care home or type B family day-care home shall sign a 17394
statement on a form prescribed by the director attesting to the 17395
fact that no person who resides at the type A home or licensed 17396
type B home and who is under the age of eighteen has been 17397
adjudicated a delinquent child for committing a violation of any 17398
section listed in division (A)(1) of this section. The statements 17399
shall be kept on file at the center ~~or~~, type A home, or licensed 17400
type B home. 17401

(3) Each in-home aide ~~and every person eighteen years of age~~ 17402
~~or older residing in a certified type B home~~ shall sign a 17403
statement on forms prescribed by the director of job and family 17404
services attesting that the aide ~~or resident person~~ has not been 17405
convicted of or pleaded guilty to any offense set forth in 17406
division (A)(1) of this section and that no child has been removed 17407
from the aide's ~~or resident person's~~ home pursuant to section 17408
2151.353 of the Revised Code. ~~Each authorized provider shall sign~~ 17409
~~a statement on forms prescribed by the director attesting that the~~ 17410
~~provider has not been convicted of or pleaded guilty to any~~ 17411
~~offense set forth in division (A)(1) of this section and that no~~ 17412
~~child has been removed from the provider's home pursuant to~~ 17413

~~section 2151.353 of the Revised Code. Each authorized provider~~ 17414
~~shall sign a statement on a form prescribed by the director~~ 17415
~~attesting to the fact that no person who resides at the certified~~ 17416
~~type B home and who is under the age of eighteen has been~~ 17417
~~adjudicated a delinquent child for committing a violation of any~~ 17418
~~section listed in division (A)(1) of this section. The statements~~ 17419
statement shall be kept on file at the county department of job 17420
and family services. 17421

(4) Each administrator and licensee of a center ~~or~~, type A 17422
home, or licensed type B home shall sign a statement on a form 17423
prescribed by the director of job and family services attesting 17424
that the administrator or licensee has not been convicted of or 17425
pleaded guilty to any offense set forth in division (A)(1) of this 17426
section and that no child has been removed from the 17427
administrator's or licensee's home pursuant to section 2151.353 of 17428
the Revised Code. The statement shall be kept on file at the 17429
center ~~or~~, type A home, or licensed type B home. 17430

(B) No in-home aide, no administrator, licensee, ~~authorized~~ 17431
~~provider~~, or employee of a center, type A home, or ~~certified~~ 17432
licensed type B home, and no person eighteen years of age or older 17433
residing in a type A home or ~~certified~~ licensed type B home shall 17434
withhold information from, or falsify information on, any 17435
statement required pursuant to division (A)(2), (3), or (4) of 17436
this section. 17437

(C) No administrator, licensee, or child-care staff member 17438
shall discriminate in the enrollment of children in a child 17439
day-care center upon the basis of race, color, religion, sex, or 17440
national origin. 17441

(D) The director of job and family services shall adopt rules 17442
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 17443
implement this section, including rules specifying exceptions to 17444
the prohibition in division (A) of this section for persons who 17445

have been convicted of an offense listed in that division but meet 17446
rehabilitation standards set by the ~~department~~ director. 17447

Sec. 5104.13. The department of job and family services shall 17448
prepare a guide describing the state statutes and rules governing 17449
the ~~certification~~ licensure of type B family day-care homes. The 17450
department may publish the guide electronically or otherwise and 17451
shall do so in a manner that the guide is accessible to the 17452
public, including type B home providers. 17453

Sec. 5104.14. All materials that are supplied by the 17454
department of job and family services to type A family day-care 17455
home providers, type B family day-care home providers, in-home 17456
aides, persons seeking to be type A family day-care home 17457
providers, type B family day-care home providers, or in-home 17458
aides, and caretaker parents shall be written at no higher than 17459
the sixth grade reading level. The department may employ a 17460
readability expert to verify its compliance with this section. 17461

~~Sec. 5104.015~~ 5104.25. (A) Except as otherwise provided in 17462
division (C) of this section, no child day-care center shall 17463
permit any person to smoke in any indoor or outdoor space that is 17464
part of the center. 17465

The administrator of a child day-care center shall post in a 17466
conspicuous place at the main entrance of the center a notice 17467
stating that smoking is prohibited in any indoor or outdoor space 17468
that is part of the center, except under the conditions described 17469
in division (C) of this section. 17470

(B) Except as otherwise provided in division (C) of this 17471
section, no type A family day-care home or ~~certified~~ licensed type 17472
B family day-care home shall permit any person to smoke in any 17473
indoor or outdoor space that is part of the home during the hours 17474
the home is in operation. Smoking may be permitted during hours 17475

other than the hours of operation if the administrator ~~or~~ 17476
~~authorized provider~~ of the home has provided to a parent, 17477
custodian, or guardian of each child receiving child care at the 17478
home notice that smoking occurs or may occur at the home when it 17479
is not in operation. 17480

The administrator of a type A family day-care home or 17481
~~authorized provider of a certified licensed~~ type B family day-care 17482
home shall post in a conspicuous place at the main entrance of the 17483
home a notice specifying the hours the home is in operation and 17484
stating that smoking is prohibited during those hours in any 17485
indoor or outdoor space that is part of the home, except under the 17486
conditions described in division (C) of this section. 17487

(C) A child day-care center, type A family day-care home, or 17488
~~certified licensed~~ type B family home may allow persons to smoke 17489
at the center or home during its hours of operation if those 17490
persons cannot be seen smoking by the children being cared for and 17491
if they smoke in either of the following: 17492

(1) An indoor area that is separately ventilated from the 17493
rest of the center or home; 17494

(2) An outdoor area that is so far removed from the children 17495
being cared for that they cannot inhale any smoke. 17496

(D) The director of job and family services, in consultation 17497
with the director of health, shall adopt rules in accordance with 17498
Chapter 119. of the Revised Code to implement the requirements of 17499
this section. These rules may prohibit smoking in a child day-care 17500
center, type A family day-care home, or ~~certified licensed~~ type B 17501
family home if its design and structure do not allow persons to 17502
smoke under the conditions described in division (C) of this 17503
section or if repeated violations of division (A) or (B) of this 17504
section have occurred there. 17505

Sec. 5104.30. (A) The department of job and family services 17506
is hereby designated as the state agency responsible for 17507
administration and coordination of federal and state funding for 17508
publicly funded child care in this state. Publicly funded child 17509
care shall be provided to the following: 17510

(1) Recipients of transitional child care as provided under 17511
section 5104.34 of the Revised Code; 17512

(2) Participants in the Ohio works first program established 17513
under Chapter 5107. of the Revised Code; 17514

(3) Individuals who would be participating in the Ohio works 17515
first program if not for a sanction under section 5107.16 of the 17516
Revised Code and who continue to participate in a work activity, 17517
developmental activity, or alternative work activity pursuant to 17518
an assignment under section 5107.42 of the Revised Code; 17519

(4) A family receiving publicly funded child care on October 17520
1, 1997, until the family's income reaches one hundred fifty per 17521
cent of the federal poverty line; 17522

(5) Subject to available funds, other individuals determined 17523
eligible in accordance with rules adopted under section 5104.38 of 17524
the Revised Code. 17525

The department shall apply to the United States department of 17526
health and human services for authority to operate a coordinated 17527
program for publicly funded child care, if the director of job and 17528
family services determines that the application is necessary. For 17529
purposes of this section, the department of job and family 17530
services may enter into agreements with other state agencies that 17531
are involved in regulation or funding of child care. The 17532
department shall consider the special needs of migrant workers 17533
when it administers and coordinates publicly funded child care and 17534
shall develop appropriate procedures for accommodating the needs 17535

of migrant workers for publicly funded child care. 17536

(B) The department of job and family services shall 17537
distribute state and federal funds for publicly funded child care, 17538
including appropriations of state funds for publicly funded child 17539
care and appropriations of federal funds available under the child 17540
care block grant act, Title IV-A, and Title XX. The department may 17541
use any state funds appropriated for publicly funded child care as 17542
the state share required to match any federal funds appropriated 17543
for publicly funded child care. 17544

(C) In the use of federal funds available under the child 17545
care block grant act, all of the following apply: 17546

(1) The department may use the federal funds to hire staff to 17547
prepare any rules required under this chapter and to administer 17548
and coordinate federal and state funding for publicly funded child 17549
care. 17550

(2) Not more than five per cent of the aggregate amount of 17551
the federal funds received for a fiscal year may be expended for 17552
administrative costs. 17553

(3) The department shall allocate and use at least four per 17554
cent of the federal funds for the following: 17555

(a) Activities designed to provide comprehensive consumer 17556
education to parents and the public; 17557

(b) Activities that increase parental choice; 17558

(c) Activities, including child care resource and referral 17559
services, designed to improve the quality, and increase the 17560
supply, of child care; 17561

(d) Establishing a tiered quality rating and improvement 17562
system in which participation in the program may allow child 17563
day-care providers to be eligible for grants, technical 17564
assistance, training, or other assistance and become eligible for 17565

unrestricted monetary awards for maintaining a quality rating. 17566

(4) The department shall ensure that the federal funds will 17567
be used only to supplement, and will not be used to supplant, 17568
federal, state, and local funds available on the effective date of 17569
the child care block grant act for publicly funded child care and 17570
related programs. If authorized by rules adopted by the department 17571
pursuant to section 5104.42 of the Revised Code, county 17572
departments of job and family services may purchase child care 17573
from funds obtained through any other means. 17574

(D) The department shall encourage the development of 17575
suitable child care throughout the state, especially in areas with 17576
high concentrations of recipients of public assistance and 17577
families with low incomes. The department shall encourage the 17578
development of suitable child care designed to accommodate the 17579
special needs of migrant workers. On request, the department, 17580
through its employees or contracts with state or community child 17581
care resource and referral service organizations, shall provide 17582
consultation to groups and individuals interested in developing 17583
child care. The department of job and family services may enter 17584
into interagency agreements with the department of education, the 17585
board of regents, the department of development, and other state 17586
agencies and entities whenever the cooperative efforts of the 17587
other state agencies and entities are necessary for the department 17588
of job and family services to fulfill its duties and 17589
responsibilities under this chapter. 17590

The department shall develop and maintain a registry of 17591
persons providing child care. The director shall adopt rules 17592
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code 17593
establishing procedures and requirements for the registry's 17594
administration. 17595

(E)(1) The director shall adopt rules in accordance with 17596
Chapter 119. of the Revised Code establishing both of the 17597

following:	17598
(a) Reimbursement ceilings for providers of publicly funded child care not later than the first day of July in each odd-numbered year;	17599 17600 17601
(b) A procedure for reimbursing and paying providers of publicly funded child care.	17602 17603
(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:	17604 17605 17606
(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;	17607 17608
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	17609 17610 17611
(c) For a type B family day care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code <u>an in-home aide</u> , establish a reimbursement ceiling that is the following:	17612 17613 17614 17615
(i) If the provider is a person described in division (G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a <u>licensed</u> type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code;	17616 17617 17618 17619 17620 17621
(ii) If the provider is a person described in division (G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day care home certified by the same county department pursuant to section 5104.11 of the Revised Code.	17622 17623 17624 17625 17626
(d) With regard to the tiered quality rating and improvement	17627

system established pursuant to division (C)(3)(d) of this section, 17628
do both of the following: 17629

(i) Establish enhanced reimbursement ceilings for child 17630
day-care providers that participate in the system and maintain 17631
quality ratings under the system; 17632

(ii) ~~Weigh~~ In the case of child day-care providers that have 17633
been given access to the system by the department, weigh any 17634
reduction in reimbursement ceilings more heavily against ~~child~~ 17635
~~day-care~~ those providers that do not participate in the system or 17636
do not maintain quality ratings under the system. 17637

(3) In establishing reimbursement ceilings under division 17638
(E)(1)(a) of this section, the director may establish different 17639
reimbursement ceilings based on any of the following: 17640

(a) Geographic location of the provider; 17641

(b) Type of care provided; 17642

(c) Age of the child served; 17643

(d) Special needs of the child served; 17644

(e) Whether the expanded hours of service are provided; 17645

(f) Whether weekend service is provided; 17646

(g) Whether the provider has exceeded the minimum 17647
requirements of state statutes and rules governing child care; 17648

(h) Any other factors the director considers appropriate. 17649

(F) The director shall adopt rules in accordance with Chapter 17650
119. of the Revised Code to implement the tiered quality rating 17651
and improvement system described in division (C)(3)(d) of this 17652
section. 17653

Sec. 5104.31. (A) Publicly funded child care may be provided 17654
only by the following: 17655

~~(1) A child day care center or type A family day care home,~~ 17656
~~including a parent cooperative child day care center or parent~~ 17657
~~cooperative type A family day care home, Any of the following~~ 17658
licensed by the department of job and family services pursuant to 17659
section 5104.03 of the Revised Code ~~or pursuant to rules adopted~~ 17660
~~under section 5104.018 of the Revised Code:~~ 17661

~~(a) A child day-care center, including a parent cooperative~~ 17662
~~child day-care center;~~ 17663

~~(b) A type A family day-care home, including a parent~~ 17664
~~cooperative type A family day-care home;~~ 17665

~~(c) A licensed type B family day-care home.~~ 17666

~~(2) A type B family day care home certified by the county~~ 17667
~~department of job and family services pursuant to section 5104.11~~ 17668
~~of the Revised Code;~~ 17669

~~(3) A type B family day care home that has received a limited~~ 17670
~~certification pursuant to rules adopted under division (G)(1) of~~ 17671
~~section 5104.011 of the Revised Code;~~ 17672

~~(4) An in-home aide who has been certified by the county~~ 17673
~~department of job and family services pursuant to section 5104.12~~ 17674
~~of the Revised Code;~~ 17675

~~(5)(3) A child day camp approved pursuant to section 5104.22~~ 17676
~~of the Revised Code;~~ 17677

~~(6)(4) A licensed preschool program;~~ 17678

~~(7)(5) A licensed school child program;~~ 17679

~~(8)(6) A border state child care provider, except that a~~ 17680
~~border state child care provider may provide publicly funded child~~ 17681
~~care only to an individual who resides in an Ohio county that~~ 17682
~~borders the state in which the provider is located.~~ 17683

(B) Publicly funded child day-care may be provided in a 17684
child's own home only by an in-home aide. 17685

(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.

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~~ licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child care or the reimbursement ceiling or rate of payment established pursuant to section 5104.30 of the Revised Code;

(2) That, if a provider provides child care to an individual 17717
potentially eligible for publicly funded child care who is 17718
subsequently determined to be eligible, the department agrees to 17719
pay for all child care provided between the date the county 17720
department of job and family services receives the individual's 17721
completed application and the date the individual's eligibility is 17722
determined; 17723

(3) Whether the county department of job and family services, 17724
the provider, or a child care resource and referral service 17725
organization will make eligibility determinations, whether the 17726
provider or a child care resource and referral service 17727
organization will be required to collect information to be used by 17728
the county department to make eligibility determinations, and the 17729
time period within which the provider or child care resource and 17730
referral service organization is required to complete required 17731
eligibility determinations or to transmit to the county department 17732
any information collected for the purpose of making eligibility 17733
determinations; 17734

(4) That the provider, other than a border state child care 17735
provider, shall continue to be licensed, approved, or certified 17736
pursuant to this chapter and shall comply with all standards and 17737
other requirements in this chapter and in rules adopted pursuant 17738
to this chapter for maintaining the provider's license, approval, 17739
or certification; 17740

(5) That, in the case of a border state child care provider, 17741
the provider shall continue to be licensed, certified, or 17742
otherwise approved by the state in which the provider is located 17743
and shall comply with all standards and other requirements 17744
established by that state for maintaining the provider's license, 17745
certificate, or other approval; 17746

(6) Whether the provider will be paid by the state department 17747
of job and family services or in some other manner as prescribed 17748

by rules adopted under section 5104.42 of the Revised Code; 17749

(7) That the contract is subject to the availability of state 17750
and federal funds. 17751

(C) Unless specifically prohibited by federal law or by rules 17752
adopted under section 5104.42 of the Revised Code, the county 17753
department of job and family services shall give individuals 17754
eligible for publicly funded child care the option of obtaining 17755
certificates that the individual may use to purchase services from 17756
any provider qualified to provide publicly funded child care under 17757
section 5104.31 of the Revised Code. Providers of publicly funded 17758
child care may present these certificates for payment in 17759
accordance with rules that the director of job and family services 17760
shall adopt. Only providers may receive payment for certificates. 17761
The value of the certificate shall be based on the lower of the 17762
rate customarily charged by the provider or the rate of payment 17763
established pursuant to section 5104.30 of the Revised Code. The 17764
county department may provide the certificates to the individuals 17765
or may contract with child care providers or child care resource 17766
and referral service organizations that make determinations of 17767
eligibility for publicly funded child care pursuant to contracts 17768
entered into under section 5104.34 of the Revised Code for the 17769
providers or resource and referral service organizations to 17770
provide the certificates to individuals whom they determine are 17771
eligible for publicly funded child care. 17772

For each six-month period a provider of publicly funded child 17773
care provides publicly funded child care to the child of an 17774
individual given certificates, the individual shall provide the 17775
provider certificates for days the provider would have provided 17776
publicly funded child care to the child had the child been 17777
present. The maximum number of days providers shall be provided 17778
certificates shall not exceed ten days in a six-month period 17779
during which publicly funded child care is provided to the child 17780

regardless of the number of providers that provide publicly funded 17781
child care to the child during that period. 17782

Sec. 5104.35. (A) Each county department of job and family 17783
services shall do all of the following: 17784

(1) Accept any gift, grant, or other funds from either public 17785
or private sources offered unconditionally or under conditions 17786
which are, in the judgment of the department, proper and 17787
consistent with this chapter and deposit the funds in the county 17788
public assistance fund established by section 5101.161 of the 17789
Revised Code; 17790

(2) Recruit individuals and groups interested in 17791
certification as in-home aides or in developing and operating 17792
suitable licensed child day-care centers, type A family day-care 17793
homes, or ~~certified~~ licensed type B family day-care homes, 17794
especially in areas with high concentrations of recipients of 17795
public assistance, and for that purpose provide consultation to 17796
interested individuals and groups on request; 17797

(3) Inform clients of the availability of child care 17798
services. 17799

(B) A county department of job and family services may, to 17800
the extent permitted by federal law, use public child care funds 17801
to extend the hours of operation of the county department to 17802
accommodate the needs of working caretaker parents and enable 17803
those parents to apply for publicly funded child care. 17804

Sec. 5104.36. The licensee or administrator of a child 17805
day-care center ~~or~~, type A family day-care home, ~~the authorized~~ 17806
~~provider of a certified~~ or licensed type B family day-care home, 17807
an in-home aide providing child care services, the director or 17808
administrator of an approved child day camp, and a border state 17809
child care provider shall keep a record for each eligible child, 17810

to be made available to the county department of job and family 17811
services or the department of job and family services on request. 17812
The record shall include all of the following: 17813

- (A) The name and date of birth of the child; 17814
- (B) The name and address of the child's caretaker parent; 17815
- (C) The name and address of the caretaker parent's place of 17816
employment or program of education or training; 17817
- (D) The hours for which child care services have been 17818
provided for the child; 17819
- (E) Any other information required by the county department 17820
of job and family services or the state department of job and 17821
family services. 17822

Sec. 5104.38. In addition to any other rules adopted under 17823
this chapter, the director of job and family services shall adopt 17824
rules in accordance with Chapter 119. of the Revised Code 17825
governing financial and administrative requirements for publicly 17826
funded child care and establishing all of the following: 17827

- (A) Procedures and criteria to be used in making 17828
determinations of eligibility for publicly funded child care that 17829
give priority to children of families with lower incomes and 17830
procedures and criteria for eligibility for publicly funded 17831
protective child care. The rules shall specify the maximum amount 17832
of income a family may have for initial and continued eligibility. 17833
The maximum amount shall not exceed two hundred per cent of the 17834
federal poverty line. The rules may specify exceptions to the 17835
eligibility requirements in the case of a family that previously 17836
received publicly funded child care and is seeking to have the 17837
child care reinstated after the family's eligibility was 17838
terminated. 17839

- (B) Procedures under which a county department of job and 17840

family services may, if the department, under division (A) of this 17841
section, specifies a maximum amount of income a family may have 17842
for eligibility for publicly funded child care that is less than 17843
the maximum amount specified in that division, specify a maximum 17844
amount of income a family residing in the county the county 17845
department serves may have for initial and continued eligibility 17846
for publicly funded child care that is higher than the amount 17847
specified by the department but does not exceed the maximum amount 17848
specified in division (A) of this section; 17849

(C) A schedule of fees requiring all eligible caretaker 17850
parents to pay a fee for publicly funded child care according to 17851
income and family size, which shall be uniform for all types of 17852
publicly funded child care, except as authorized by rule, and, to 17853
the extent permitted by federal law, shall permit the use of state 17854
and federal funds to pay the customary deposits and other advance 17855
payments that a provider charges all children who receive child 17856
care from that provider. The schedule of fees may not provide for 17857
a caretaker parent to pay a fee that exceeds ten per cent of the 17858
parent's family income. 17859

(D) A formula for determining the amount of state and federal 17860
funds appropriated for publicly funded child care that may be 17861
allocated to a county department to use for administrative 17862
purposes; 17863

(E) Procedures to be followed by the department and county 17864
departments in recruiting individuals and groups to become 17865
providers of child care; 17866

(F) Procedures to be followed in establishing state or local 17867
programs designed to assist individuals who are eligible for 17868
publicly funded child care in identifying the resources available 17869
to them and to refer the individuals to appropriate sources to 17870
obtain child care; 17871

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	17872 17873
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	17874 17875
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	17876 17877
(J) A definition of "person who stands in loco parentis" for the purposes of division (KK) (JJ)(1) of section 5104.01 of the Revised Code;	17878 17879 17880
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	17881 17882 17883 17884 17885
(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	17886 17887 17888 17889 17890
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;	17891 17892 17893 17894 17895 17896 17897 17898
(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.	17899 17900
Sec. 5107.60. In accordance with Title IV-A, federal	17901

regulations, state law, the Title IV-A state plan prepared under 17902
section 5101.80 of the Revised Code, and amendments to the plan, 17903
county departments of job and family services shall establish and 17904
administer the following work activities, in addition to the work 17905
activities established under sections 5107.50, 5107.52, 5107.54, 17906
and 5107.58 of the Revised Code, for minor heads of households and 17907
adults participating in Ohio works first: 17908

(A) Unsubsidized employment activities, including activities 17909
a county department determines are legitimate entrepreneurial 17910
activities; 17911

(B) On-the-job training activities, including training to 17912
become an employee of a child day-care center or type A family 17913
day-care home, ~~authorized provider~~ administrator of a ~~certified~~ 17914
licensed type B family day-care home, or in-home aide; 17915

(C) Community service activities including a program under 17916
which a participant of Ohio works first who is the parent, 17917
guardian, custodian, or specified relative responsible for the 17918
care of a minor child enrolled in grade twelve or lower is 17919
involved in the minor child's education on a regular basis; 17920

(D) Vocational educational training activities; 17921

(E) Jobs skills training activities that are directly related 17922
to employment; 17923

(F) Education activities that are directly related to 17924
employment for participants who have not earned a high school 17925
diploma or high school equivalence diploma; 17926

(G) Education activities for participants who have not 17927
completed secondary school or received a high school equivalence 17928
diploma under which the participants attend a secondary school or 17929
a course of study leading to a high school equivalence diploma, 17930
including LEAP participation by a minor head of household; 17931

(H) Child-care service activities aiding another participant 17932
assigned to a community service activity or other work activity. A 17933
county department may provide for a participant assigned to this 17934
work activity to receive training necessary to provide child-care 17935
services. 17936

Sec. 5153.175. (A) Notwithstanding division (H)(1) of section 17937
2151.421, section 5153.17, and any other section of the Revised 17938
Code pertaining to confidentiality, when a public children 17939
services agency has determined that child abuse or neglect 17940
occurred and that abuse or neglect involves a person who has 17941
applied for licensure ~~or renewal of licensure~~ as a type A family 17942
day-care home or ~~certification or renewal of certification as a~~ 17943
type B family day-care home, the agency shall promptly provide to 17944
the department of job and family services ~~or to a county~~ 17945
~~department of job and family services~~ any information the agency 17946
determines to be relevant for the purpose of evaluating the 17947
fitness of the person, including, but not limited to, both of the 17948
following: 17949

(1) A summary report of the chronology of abuse and neglect 17950
reports made pursuant to section 2151.421 of the Revised Code of 17951
which the person is the subject where the agency determined that 17952
abuse or neglect occurred and the final disposition of the 17953
investigation of the reports or, if the investigations have not 17954
been completed, the status of the investigations; 17955

(2) Any underlying documentation concerning those reports. 17956

(B) The agency shall not include in the information provided 17957
to the department ~~or county department~~ under division (A) of this 17958
section the name of the person or entity that made the report or 17959
participated in the making of the report of child abuse or 17960
neglect. 17961

(C) Upon provision of information under division (A) of this 17962

section, the agency shall notify the department ~~or county~~ 17963
~~department~~ of both of the following: 17964

(1) That the information is confidential; 17965

(2) That unauthorized dissemination of the information is a 17966
violation of division (H)(2) of section 2151.421 of the Revised 17967
Code and any person who permits or encourages unauthorized 17968
dissemination of the information is guilty of a misdemeanor of the 17969
fourth degree pursuant to section 2151.99 of the Revised Code. 17970

Section 120.02. That existing sections 109.57, 2151.011, 17971
2919.227, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 17972
3109.051, 3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 17973
5103.03, 5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 17974
5104.022, 5104.03, 5104.031, 5104.032, 5104.033, 5104.04, 17975
5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 17976
5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 5104.36, 5104.38, 17977
5107.60, and 5153.175 of the Revised Code are hereby repealed. 17978

Section 120.03. That sections 5104.014 and 5104.11 of the 17979
Revised Code are hereby repealed. 17980

Section 120.04. Sections 120.01, 120.02, and 120.03 of this 17981
act take effect on January 1, 2014. 17982

Section 610.10. That Sections 267.10.90, 267.50.30, and 17983
283.20 of Am. Sub. H.B. 153 of the 129th General Assembly be 17984
amended to read as follows: 17985

Sec. 267.10.90. (A) Notwithstanding anything to the contrary 17986
in section 3301.0710, 3301.0711, 3301.0715, or 3313.608 of the 17987
Revised Code, the administration of the English language arts 17988
assessments for elementary grades as a replacement for the 17989
separate reading and writing assessments prescribed by sections 17990

3301.0710 and 3301.0711 of the Revised Code, as those sections 17991
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 17992
shall not be required until a date prescribed by rule of the State 17993
Board of Education. Until that date, the Department of Education 17994
and school districts and schools shall continue to administer 17995
separate reading assessments for elementary grades, as prescribed 17996
by the versions of sections 3301.0710 and 3301.0711 of the Revised 17997
Code that were in effect prior to the effective date of Section 17998
265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The 17999
intent for delaying implementation of the replacement English 18000
language arts assessment is to provide adequate time for the 18001
complete development of the new assessment. 18002

(B) Notwithstanding anything to the contrary in section 18003
3301.0710 of the Revised Code, the State Board shall not prescribe 18004
the three ranges of scores for the assessments prescribed by 18005
division (A)(2) of section 3301.0710 of the Revised Code, as 18006
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until 18007
the Board adopts the rule required by division (A) of this 18008
section. Until that date, the Board shall continue to prescribe 18009
the five ranges of scores required by the version of section 18010
3301.0710 of the Revised Code in effect prior to the effective 18011
date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General 18012
Assembly, and the ~~following apply~~: 18013

~~(1) The range of scores designated by the State Board as a 18014
proficient level of skill remains the passing score on the Ohio 18015
Graduation Tests for purposes of sections 3313.61, 3313.611, 18016
3313.612, and 3325.08 of the Revised Code.~~ 18017

~~(2) The range of scores designated as a limited level of 18018
skill remains the standard for applying the third grade reading 18019
guarantee under division (A) of section 3313.608 of the Revised 18020
Code.~~ 18021

~~(3) The range of scores designated by the State Board as a 18022~~

~~proficient level of skill remains the standard for the summer
remediation requirement of division (B)(2) of section 3313.608 of
the Revised Code.~~ 18023
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(C) Not later than December 31, 2013, the State Board shall
submit to the General Assembly recommended changes to divisions
(A)(2) and (3) of section 3301.0710 of the Revised Code necessary
to successfully implement the common core curriculum and
assessments in the 2014-2015 school year. 18026
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(D) This section is not subject to expiration after June 30,
2013, under Section 809.10 of this act. 18031
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Sec. 267.50.30. PROHIBITION FROM OPERATING FROM HOME 18033

~~No~~ A community school established under Chapter 3314. of the
Revised Code that was ~~not~~ open for operation as a community school
as of May 1, 2005, ~~shall~~ may operate from a or in any home, as
defined in section 3313.64 of the Revised Code, located in the
state, regardless of when the community school's operations from
or in a particular home began. 18034
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Sec. 283.20. STATEHOUSE NEWS BUREAU 18040

The foregoing appropriation item 935401, Statehouse News
Bureau, shall be used solely to support the operations of the Ohio
Statehouse News Bureau. 18041
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 18044

The foregoing appropriation item 935402, Ohio Government
Telecommunications Services, shall be used solely to support the
operations of Ohio Government Telecommunications Services which
include providing multimedia support to the state government and
its affiliated organizations and broadcasting the activities of
the legislative, judicial, and executive branches of state
government, among its other functions. 18045
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TECHNOLOGY OPERATIONS 18052

The foregoing appropriation item 935409, Technology 18053
Operations, shall be used by eTech Ohio to pay expenses of eTech 18054
Ohio's network infrastructure, which includes the television and 18055
radio transmission infrastructure and infrastructure that shall 18056
link all public K-12 classrooms to each other and to the Internet, 18057
and provide access to voice, video, other communication services, 18058
and data educational resources for students and teachers. The 18059
foregoing appropriation item 935409, Technology Operations, may 18060
also be used to cover student costs for taking advanced placement 18061
courses and courses that the Chancellor of the Board of Regents 18062
has determined to be eligible for postsecondary credit through the 18063
OhioLearns Gateway. To the extent that funds remain available for 18064
this purpose, students who are enrolled in public school students 18065
and chartered nonpublic schools, and students who are instructed 18066
at home pursuant to section 3321.04 of the Revised Code, who are 18067
taking advanced placement or postsecondary courses through the 18068
OhioLearns Gateway shall be eligible to receive a fee waiver to 18069
cover the cost of participating in one course. The fee waivers 18070
shall be distributed until the funds appropriated to support the 18071
waivers have been exhausted. 18072

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 18073

The foregoing appropriation item 935410, Content Development, 18074
Acquisition, and Distribution, shall be used for the development, 18075
acquisition, and distribution of information resources by public 18076
media and radio reading services and for educational use in the 18077
classroom and online. 18078

Of the foregoing appropriation item 935410, Content 18079
Development, Acquisition, and Distribution, up to \$658,099 in each 18080
fiscal year shall be allocated equally among the 12 Ohio 18081
educational television stations and used with the advice and 18082
approval of eTech Ohio. Funds shall be used for the production of 18083

interactive instructional programming series with priority given 18084
to resources aligned with state academic content standards in 18085
consultation with the Ohio Department of Education and for 18086
teleconferences to support eTech Ohio. The programming shall be 18087
targeted to the needs of the poorest two hundred school districts 18088
as determined by the district's adjusted valuation per pupil as 18089
defined in former section 3317.0213 of the Revised Code as that 18090
section existed prior to June 30, 2005. 18091

Of the foregoing appropriation item 935410, Content 18092
Development, Acquisition, and Distribution, up to \$1,749,283 in 18093
each fiscal year shall be distributed by eTech Ohio to Ohio's 18094
qualified public educational television stations and educational 18095
radio stations to support their operations. The funds shall be 18096
distributed pursuant to an allocation formula used by the Ohio 18097
Educational Telecommunications Network Commission unless a 18098
substitute formula is developed by eTech Ohio in consultation with 18099
Ohio's qualified public educational television stations and 18100
educational radio stations. 18101

Of the foregoing appropriation item 935410, Content 18102
Development, Acquisition, and Distribution, up to \$199,712 in each 18103
fiscal year shall be distributed by eTech Ohio to Ohio's qualified 18104
radio reading services to support their operations. The funds 18105
shall be distributed pursuant to an allocation formula used by the 18106
Ohio Educational Telecommunications Network Commission unless a 18107
substitute formula is developed by eTech Ohio in consultation with 18108
Ohio's qualified radio reading services. 18109

Section 610.11. That existing Sections 267.10.90, 267.50.30, 18110
and 283.20 of Am. Sub. H.B. 153 of the 129th General Assembly are 18111
hereby repealed. 18112

Section 610.20. That Section 267.60.23 of Am. Sub. H.B. 153 18113

of the 129th General Assembly and Section 265.20.15 of Am. Sub. 18114
H.B. 1 of the 128th General Assembly are hereby repealed. 18115

Section 733.10. Not later than June 20, 2013, the Department 18116
of Education shall conduct a study of the licensure requirements 18117
for educational staff responsible for the development of 18118
informational sources for the support of curriculum and literacy 18119
development in schools. The Department and the State Board of 18120
Education shall use the study to make any necessary updates or 18121
revisions to the licensure requirements for those staff. 18122

Section 733.15. Not later than ninety days after the 18123
effective date of this section, the Department of Education shall 18124
make available on its web site a copy of every approved, executed 18125
contract that was filed with the Superintendent of Public 18126
Instruction under section 3314.03 of the Revised Code before the 18127
effective date of this section. 18128

Section 733.30. The State Board of Education and the Early 18129
Childhood Advisory Council, in consultation with the Governor's 18130
Office of 21st Century Education, jointly shall develop 18131
legislative recommendations regarding the state's policies on 18132
literacy education for individuals from birth through third grade, 18133
with the goal of increasing kindergarten readiness, reading 18134
proficiency in kindergarten through third grade, and increasing 18135
school success and college- and career-readiness for Ohio's 18136
children. The State Board of Education and the Early Childhood 18137
Advisory Council shall submit the recommendations to the Governor 18138
and the General Assembly, in accordance with section 101.68 of the 18139
Revised Code, not later than February 28, 2013. The 18140
recommendations shall address all of the following: 18141

(A) Alignment of the state's policies and resources for 18142

reading readiness and proficiency from birth through third grade, 18143
including literacy standards, evidence-based curricula, 18144
professional development, instructional practices, and assessments 18145
to reduce early learning difficulties and to ensure third grade 18146
reading proficiency; 18147

(B) Identification of birth through kindergarten entry 18148
strategies that reduce the kindergarten readiness gap, increase 18149
literacy success throughout the K-12 continuum, and increase 18150
college- and career-readiness; 18151

(C) Recommendations for implementing reading proficiency 18152
strategies. 18153

Section 733.40. Not later than December 31, 2012, the 18154
Superintendent of Public Instruction and the Governor's Director 18155
of 21st Century Education shall issue a report to the Governor and 18156
the General Assembly, in accordance with section 101.68 of the 18157
Revised Code, on the ability of the Ohio Department of Education 18158
to reprioritize state and federal funds appropriated or allocated 18159
to the Department, in order to identify additional funds that may 18160
be used to support the assessments and interventions associated 18161
with the third grade reading guarantee prescribed by section 18162
3313.608 of the Revised Code. The Superintendent and the Director 18163
shall examine all available sources of funding, including Title I 18164
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 18165
6301 et seq.; Title III, Part A, of the "No Child Left Behind Act 18166
of 2001," 20 U.S.C. 6811, et seq.; and the "Enhancing Education 18167
Through Technology Act of 2001," 20 U.S.C. 6751. 18168

Section 733.60. The General Assembly intends to enact a law, 18169
not later than December 31, 2012, that establishes a battery of 18170
measures to be used to rate the performance of the sponsors of 18171
community schools established under Chapter 3314. of the Revised 18172

Code and to determine whether an entity may sponsor additional 18173
community schools under that chapter. 18174

Section 733.70. The Department of Education shall conduct a 18175
second Educational Choice Scholarship application period for the 18176
2012-2013 school year to award scholarships to eligible students 18177
who were enrolled in a nonpublic school in the 2011-2012 school 18178
year that was granted a charter by the State Board of Education 18179
during the 2011-2012 school year. The second application period 18180
shall commence on the effective date of this section and shall end 18181
at the close of business of the first business day that is at 18182
least thirty days after the effective date of this section. A 18183
student is an eligible student if an application is timely 18184
submitted under this section and the student meets the eligibility 18185
standards of division (B) of section 3310.031 of the Revised Code. 18186
Notwithstanding section 3310.10 of the Revised Code, a scholarship 18187
awarded during the second application period shall be used in the 18188
2012-2013 school year only to pay tuition at the nonpublic school 18189
in which the eligible student was enrolled in the 2011-2012 school 18190
year. 18191

Section 733.81. Notwithstanding the deadline prescribed in 18192
division (G)(2) of section 3301.0711 of the Revised Code, for the 18193
achievement assessments administered under that section for the 18194
2012-2013 school year, the Department of Education, or an entity 18195
with which the Department contracts for the scoring of the 18196
assessments, shall send to each school district board a list of 18197
the individual scores of all persons taking an assessment 18198
prescribed by division (A)(1) or (B)(1) of section 3301.0710 of 18199
the Revised Code within seventy-five days after its 18200
administration, but in no case shall the scores be returned later 18201
than June 15, 2013. 18202

Section 733.91. The Department of Education shall notify each school district and community school established under Chapter 3314. of the Revised Code of the requirement of section 3323.19 of the Revised Code that students with disabilities undergo a comprehensive eye examination.

Not later than December 31, 2013, the Department shall issue a report on the compliance of school districts and community schools with the requirement to have students with disabilities undergo a comprehensive eye examination in accordance with section 3323.19 of the Revised Code. For the report, the Department shall collect data from each school district and community school for the 2012-2013 school year on the total number of students enrolled in the district or school who were subject to the requirement to undergo a comprehensive eye examination and the total number of those students who received the examination, as verified by documentation received by the district or school. The Department shall provide copies of the report to the Governor, the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the chairpersons and ranking minority members of the House and Senate education committees.

Section 751.10. The Revised Code section cited in the Administrative Code as the authority for any rules adopted under Chapter 5104. of the Revised Code shall be deemed to be the Revised Code section as renumbered by Section 101.01 of this act. The Director of Job and Family Services is not required to amend any rule previously adopted under Chapter 5104. of the Revised Code for the sole purpose of changing the citation of the Revised Code section that authorizes the rule.

Section 751.20. The Revised Code sections cited in the

Administrative Code as the authority for any rules adopted under 18233
Chapter 5104. of the Revised Code shall be deemed to be the 18234
Revised Code sections as renumbered by Section 120.01 of this act. 18235
The Director of Job and Family Services is not required to amend 18236
any rules previously adopted under Chapter 5104. of the Revised 18237
Code for the sole purpose of changing the citation of the Revised 18238
Code section that authorizes the rule. 18239

Section 751.30. On January 1, 2014, a person who is operating 18240
a type B family day-care home certified pursuant to section 18241
5104.11 of the Revised Code, as that section existed on December 18242
31, 2013, shall be issued a license to operate a type B family 18243
day-care home pursuant to section 5104.03 of the Revised Code as 18244
amended by this act. The Department of Job and Family Services 18245
shall adopt rules establishing a plan to facilitate the transition 18246
of type B homes from certification to licensure. The rules shall 18247
be adopted in accordance with Chapter 119. of the Revised Code. 18248
18249

Section 763.10. The Office of Workforce Transformation is 18250
authorized to create a web site to help link energy companies with 18251
trained workers and to provide information on industry compatible 18252
curriculum and training. The Office of Workforce Transformation is 18253
also authorized to work with veterans to match training and skills 18254
to needed jobs in industries, including to the oil and gas 18255
industry. 18256

Section 806.10. The items of law contained in this act, and 18257
their applications, are severable. If any item of law contained in 18258
this act, or if any application of any item of law contained in 18259
this act, is held invalid, the invalidity does not affect other 18260
items of law contained in this act and their applications that can 18261
be given effect without the invalid item of law or application. 18262

Section 812.10. Sections subject to referendum: general 18263
effective date. Except as otherwise provided in this act, the 18264
amendment, enactment, or repeal by this act of a section is 18265
subject to the referendum under Ohio Constitution, Article II, 18266
Section 1c and therefore takes effect on the ninety-first day 18267
after this act is filed with the Secretary of State. 18268

Section 812.11. Sections subject to referendum: special 18269
effective dates. The amendment, enactment, or repeal by this act 18270
of the following sections is subject to the referendum under Ohio 18271
Constitution, Article II, Section 1c and therefore takes effect on 18272
the ninety-first day after this act is filed with the Secretary of 18273
State or on the date specified below, whichever is later: 18274

Section 751.20 of this act takes effect January 1, 2014. 18275

Section 815.10. Section 4301.20 of the Revised Code is 18276
presented in this act as a composite of the section as amended by 18277
both Am. Sub. H.B. 114 and S.B. 73 of the 129th General Assembly. 18278
The General Assembly, applying the principle stated in division 18279
(B) of section 1.52 of the Revised Code that amendments are to be 18280
harmonized if reasonably capable of simultaneous operation, finds 18281
that the composite is the resulting version of the section in 18282
effect prior to the effective date of the section as presented in 18283
this act. 18284