

As Passed by the Senate

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

Sub. S. B. No. 316

**Senator Lehner
(by request)**

**Cosponsors: Senators Bacon, Eklund, Hite, Jones, LaRose, Niehaus,
Sawyer, Turner, Wagoner**

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A B I L L

To amend sections 3301.079, 3301.0712, 3301.0714, 1
3301.0715, 3301.0723, 3301.52, 3301.53, 3301.58, 2
3301.90, 3301.922, 3302.03, 3302.032, 3302.042, 3
3302.12, 3302.20, 3302.21, 3302.25, 3310.03, 4
3310.08, 3310.15, 3313.37, 3313.41, 3313.411, 5
3313.603, 3313.608, 3313.609, 3313.6013, 3313.674, 6
3313.813, 3313.816, 3313.845, 3313.978, 3314.015, 7
3314.016, 3314.02, 3314.029, 3314.03, 3314.06, 8
3314.08, 3314.17, 3314.18, 3314.35, 3317.01, 9
3318.023, 3318.034, 3318.36, 3318.37, 3318.371, 10
3318.70, 3319.02, 3319.06, 3319.11, 3319.111, 11
3319.112, 3321.01, 3323.011, 3323.052, 3326.03, 12
3326.11, 3326.17, 3326.21, 3328.15, 3328.24, 13
3333.0411, 4139.01, 4139.03, 4139.04, 4139.05, 14
4141.29, 4301.20, 5104.01, 5104.011, 5104.02, 15
5104.21, 5104.30, 5104.31, 5104.34, 5104.38, 16
5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 17
6301.07, 6301.08, and 6301.10; to enact sections 18
3301.941, 3302.022, 3302.033, 3302.41, 3310.031, 19
3313.6411, 3313.847, 3314.025, 3314.11, 3314.15, 20
3318.364, 3319.031, 3326.031, 3326.26, 4123.391, 21

5104.031, 5104.032, 5104.033, and 5123.022; and to 22
repeal sections 3319.19 and 3319.58 of the Revised 23
Code; to amend Sections 267.10, 267.10.90, 24
267.40.40, and 283.20 of Am. Sub. H.B. 153 of the 25
129th General Assembly; and to repeal Section 26
267.60.23 of Am. Sub. H.B. 153 of the 129th 27
General Assembly and Section 265.20.15 of Am. Sub. 28
H.B. 1 of the 128th General Assembly to revise 29
authorizations and conditions with respect to 30
education, workforce development, and early 31
childhood care; and to amend sections 109.57, 32
2151.011, 2919.227, 2923.124, 2923.126, 2923.1212, 33
2950.11, 2950.13, 3109.051, 3701.63, 3737.22, 34
3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 35
5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 36
5104.022, 5104.03, 5104.04, 5104.041, 5104.052, 37
5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 38
5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 39
5104.36, 5104.38, 5107.60, and 5153.175, to amend, 40
for the purpose of adopting new section numbers as 41
indicated in parentheses, sections 5104.011 42
(5104.015), 5104.015 (5104.25), 5104.031 43
(5104.035), 5104.032 (5104.036), and 5104.033 44
(5104.037), to enact new sections 5104.032 and 45
5104.033 and sections 5104.016, 5104.017, 46
5104.018, 5104.019, 5104.0110, 5104.0111, 47
5104.0112, 5104.034, 5104.038, 5104.039, and 48
5104.14, to repeal sections 5104.014 and 5104.11 49
of the Revised Code to revise the law governing 50
type B family day-care homes on January 1, 2014, 51
and to make an appropriation. 52

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

Section 101.01. That sections 3301.079, 3301.0712, 3301.0714, 53
3301.0715, 3301.0723, 3301.52, 3301.53, 3301.58, 3301.90, 54
3301.922, 3302.03, 3302.032, 3302.042, 3302.12, 3302.20, 3302.21, 55
3302.25, 3310.03, 3310.08, 3310.15, 3313.37, 3313.41, 3313.411, 56
3313.603, 3313.608, 3313.609, 3313.6013, 3313.674, 3313.813, 57
3313.816, 3313.845, 3313.978, 3314.015, 3314.016, 3314.02, 58
3314.029, 3314.03, 3314.06, 3314.08, 3314.17, 3314.18, 3314.35, 59
3317.01, 3318.023, 3318.034, 3318.36, 3318.37, 3318.371, 3318.70, 60
3319.02, 3319.06, 3319.11, 3319.111, 3319.112, 3321.01, 3323.011, 61
3323.052, 3326.03, 3326.11, 3326.17, 3326.21, 3328.15, 3328.24, 62
3333.0411, 4139.01, 4139.03, 4139.04, 4139.05, 4141.29, 4301.20, 63
5104.01, 5104.011, 5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 64
5104.38, 5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 65
6301.08, and 6301.10 be amended; and sections 3301.941, 3302.022, 66
3302.033, 3302.41, 3310.031, 3313.6411, 3313.847, 3314.025, 67
3314.11, 3314.15, 3318.364, 3319.031, 3326.031, 3326.26, 4123.391, 68
5104.031, 5104.032, 5104.033, and 5123.022 of the Revised Code be 69
enacted to read as follows: 70

Sec. 3301.079. (A)(1) ~~Not later than June 30, 2010, and~~ 71
~~periodically thereafter, the~~ The state board of education shall 72
periodically adopt statewide academic standards with emphasis on 73
coherence, focus, and rigor for each of grades kindergarten 74
through twelve in English language arts, mathematics, science, and 75
social studies. 76

The standards shall specify the following: 77

(a) The core academic content and skills that students are 78
expected to know and be able to do at each grade level that will 79
allow each student to be prepared for postsecondary instruction 80
and the workplace for success in the twenty-first century; 81

(b) The development of skill sets that promote information, 82

media, and technological literacy;	83
(c) Interdisciplinary, project-based, real-world learning opportunities.	84 85
(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 divisions (A)(1)(a) to (c) of this section.	86 87 88 89 90 91 92
(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.	93 94 95 96 97
The department <u>of education</u> shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.	98 99 100 101 102 103 104 105
(4) When academic standards have been completed for any subject area required by this section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards.	106 107 108 109 110 111 112 113

(B) ~~Not later than March 31, 2011, the~~ (1) The state board 114
shall adopt a model curriculum for instruction in each subject 115
area for which updated academic standards are required by division 116
(A)(1) of this section and for each of grades kindergarten through 117
twelve that is sufficient to meet the needs of students in every 118
community. The model curriculum shall be aligned with the 119
standards, to ensure that the academic content and skills 120
specified for each grade level are taught to students, and shall 121
demonstrate vertical articulation and emphasize coherence, focus, 122
and rigor. When any model curriculum has been completed, the state 123
board shall inform all school districts, community schools, and 124
STEM schools of the content of that model curriculum. 125

(2) Not later than June 30, 2013, the state board, in 126
consultation with any office housed in the governor's office that 127
deals with workforce development, shall adopt model curricula for 128
grades kindergarten through twelve that embed career connection 129
learning strategies into regular classroom instruction. 130

(3) All school districts, community schools, and STEM schools 131
may utilize the state standards and the model curriculum 132
established by the state board, together with other relevant 133
resources, examples, or models to ensure that students have the 134
opportunity to attain the academic standards. Upon request, the 135
department ~~of education~~ shall provide technical assistance to any 136
district, community school, or STEM school in implementing the 137
model curriculum. 138

Nothing in this section requires any school district to 139
utilize all or any part of a model curriculum developed under this 140
~~division~~ section. 141

(C) The state board shall develop achievement assessments 142
aligned with the academic standards and model curriculum for each 143
of the subject areas and grade levels required by divisions (A)(1) 144
and (B)(1) of section 3301.0710 of the Revised Code. 145

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

(D)(1) The state board shall adopt a diagnostic assessment aligned with the academic standards and model curriculum for each of grades kindergarten through two in English language arts and mathematics and for grade three in English language arts. The diagnostic assessment shall be designed to measure student comprehension of academic content and mastery of related skills for the relevant subject area and grade level. Any diagnostic assessment shall not include components to identify gifted students. Blank copies of diagnostic assessments shall not be public records.

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

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

(F) Whenever the state board or the department ~~of education~~ consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the state board or the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom

teachers, other school personnel, and administrators with 178
expertise in the appropriate subject area. Whenever practicable, 179
the state board and department shall consult with teachers 180
recognized as outstanding in their fields. 181

If the department contracts with more than one outside entity 182
for the development of the achievement assessments required by 183
this section, the department shall ensure the interchangeability 184
of those assessments. 185

(G) Whenever the state board adopts standards or model 186
curricula under this section, the department also shall provide 187
information on the use of blended or digital learning in the 188
delivery of the standards or curricula to students in accordance 189
with division (A)(4) of this section. 190

(H) The fairness sensitivity review committee, established by 191
rule of the state board of education, shall not allow any question 192
on any achievement or diagnostic assessment developed under this 193
section or any proficiency test prescribed by former section 194
3301.0710 of the Revised Code, as it existed prior to September 195
11, 2001, to include, be written to promote, or inquire as to 196
individual moral or social values or beliefs. The decision of the 197
committee shall be final. This section does not create a private 198
cause of action. 199

~~(H)~~(I) Not later than forty-five days prior to the ~~initial 200~~
~~deadline established~~ adoption by the state board of updated 201
academic standards under division (A)(1) of this section ~~and the 202~~
~~deadline established~~ or updated model curricula under division 203
(B)(1) of this section, the superintendent of public instruction 204
shall present the academic standards or model curricula, as 205
applicable, to the respective committees of the house of 206
representatives and senate that consider education legislation. 207

~~(I)~~(J) As used in this section: 208

(1) "Blended learning" means the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning. 209
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(2) "Coherence" means a reflection of the structure of the discipline being taught. 213
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~~(2)~~(3) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of their learning. 215
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(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 218
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~~(3)~~(5) "Rigor" means more challenging and demanding when compared to international standards. 220
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~~(4)~~(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 222
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Sec. 3301.0712. (A) The state board of education, the superintendent of public instruction, and the chancellor of the Ohio board of regents shall develop a system of college and work ready assessments as described in divisions (B)(1) and (2) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. The system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and a prerequisite for eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (D) of this section. 228
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(B) The college and work ready assessment system shall 239
consist of the following: 240

(1) A nationally standardized assessment that measures 241
college and career readiness selected jointly by the state 242
superintendent and the chancellor. 243

(2) A series of end-of-course examinations in the areas of 244
science, mathematics, English language arts, and social studies 245
selected jointly by the state superintendent and the chancellor in 246
consultation with faculty in the appropriate subject areas at 247
institutions of higher education of the university system of Ohio. 248
For each subject area, the state superintendent and chancellor 249
shall select multiple assessments that school districts, public 250
schools, and chartered nonpublic schools may use as end-of-course 251
examinations. Those assessments shall include nationally 252
recognized subject area assessments, such as advanced placement 253
examinations, SAT subject tests, international baccalaureate 254
examinations, and other assessments of college and work readiness. 255

(C) ~~Not later than thirty days after the state board adopts~~ 256
~~the model curricula required by division (B) of section 3301.079~~ 257
~~of the Revised Code, the~~ The state board shall convene a group of 258
national experts, state experts, and local practitioners to 259
provide advice, guidance, and recommendations for the alignment of 260
standards and model curricula to the assessments and in the design 261
of the end-of-course examinations prescribed by this section. 262

(D) Upon completion of the development of the assessment 263
system, the state board shall adopt rules prescribing all of the 264
following: 265

(1) A timeline and plan for implementation of the assessment 266
system, including a phased implementation if the state board 267
determines such a phase-in is warranted; 268

(2) The date after which a person entering ninth grade shall 269

meet the requirements of the entire assessment system as a 270
prerequisite for a high school diploma under section 3313.61, 271
3313.612, or 3325.08 of the Revised Code; 272

(3) The date after which a person shall meet the requirements 273
of the entire assessment system as a prerequisite for a diploma of 274
adult education under section 3313.611 of the Revised Code; 275

(4) Whether and the extent to which a person may be excused 276
from a social studies end-of-course examination under division (H) 277
of section 3313.61 and division (B)(2) of section 3313.612 of the 278
Revised Code; 279

(5) The date after which a person who has fulfilled the 280
curriculum requirement for a diploma but has not passed one or 281
more of the required assessments at the time the person fulfilled 282
the curriculum requirement shall meet the requirements of the 283
entire assessment system as a prerequisite for a high school 284
diploma under division (B) of section 3313.614 of the Revised 285
Code; 286

(6) The extent to which the assessment system applies to 287
students enrolled in a dropout recovery and prevention program for 288
purposes of division (F) of section 3313.603 and section 3314.36 289
of the Revised Code. 290

No rule adopted under this division shall be effective 291
earlier than one year after the date the rule is filed in final 292
form pursuant to Chapter 119. of the Revised Code. 293

(E) Not later than forty-five days prior to the state board's 294
adoption of a resolution directing the department of education to 295
file the rules prescribed by division (D) of this section in final 296
form under section 119.04 of the Revised Code, the superintendent 297
of public instruction shall present the assessment system 298
developed under this section to the respective committees of the 299
house of representatives and senate that consider education 300

legislation. 301

Sec. 3301.0714. (A) The state board of education shall adopt 302
rules for a statewide education management information system. The 303
rules shall require the state board to establish guidelines for 304
the establishment and maintenance of the system in accordance with 305
this section and the rules adopted under this section. The 306
guidelines shall include: 307

(1) Standards identifying and defining the types of data in 308
the system in accordance with divisions (B) and (C) of this 309
section; 310

(2) Procedures for annually collecting and reporting the data 311
to the state board in accordance with division (D) of this 312
section; 313

(3) Procedures for annually compiling the data in accordance 314
with division (G) of this section; 315

(4) Procedures for annually reporting the data to the public 316
in accordance with division (H) of this section. 317

(B) The guidelines adopted under this section shall require 318
the data maintained in the education management information system 319
to include at least the following: 320

(1) Student participation and performance data, for each 321
grade in each school district as a whole and for each grade in 322
each school building in each school district, that includes: 323

(a) The numbers of students receiving each category of 324
instructional service offered by the school district, such as 325
regular education instruction, vocational education instruction, 326
specialized instruction programs or enrichment instruction that is 327
part of the educational curriculum, instruction for gifted 328
students, instruction for students with disabilities, and remedial 329
instruction. The guidelines shall require instructional services 330

under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

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

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

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(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.	362 363
(h) Expulsion rates;	364
(i) Suspension rates;	365
(j) Dropout rates;	366
(k) Rates of retention in grade;	367
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	368 369 370
(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;	371 372 373 374 375
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	376 377 378 379 380 381 382
(2) Personnel and classroom enrollment data for each school district, including:	383 384
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school	385 386 387 388 389 390 391

district as a whole and, wherever applicable, for each grade in 392
the school district as a whole, for each school building as a 393
whole, and for each grade in each school building. 394

(b) The total number of employees and the number of full-time 395
equivalent employees providing each category of service used 396
pursuant to divisions (C)(4)(a) and (b) of this section, and the 397
total numbers of licensed employees and nonlicensed employees and 398
the numbers of full-time equivalent licensed employees and 399
nonlicensed employees providing each category used pursuant to 400
division (C)(4)(c) of this section. The guidelines adopted under 401
this section shall require these categories of data to be 402
maintained for the school district as a whole and, wherever 403
applicable, for each grade in the school district as a whole, for 404
each school building as a whole, and for each grade in each school 405
building. 406

(c) The total number of regular classroom teachers teaching 407
classes of regular education and the average number of pupils 408
enrolled in each such class, in each of grades kindergarten 409
through five in the district as a whole and in each school 410
building in the school district. 411

(d) The number of lead teachers employed by each school 412
district and each school building. 413

(3)(a) Student demographic data for each school district, 414
including information regarding the gender ratio of the school 415
district's pupils, the racial make-up of the school district's 416
pupils, the number of limited English proficient students in the 417
district, and an appropriate measure of the number of the school 418
district's pupils who reside in economically disadvantaged 419
households. The demographic data shall be collected in a manner to 420
allow correlation with data collected under division (B)(1) of 421
this section. Categories for data collected pursuant to division 422
(B)(3) of this section shall conform, where appropriate, to 423

standard practices of agencies of the federal government. 424

(b) With respect to each student entering kindergarten, 425
whether the student previously participated in a public preschool 426
program, a private preschool program, or a head start program, and 427
the number of years the student participated in each of these 428
programs. 429

(4) Any data required to be collected pursuant to federal 430
law. 431

(C) The education management information system shall include 432
cost accounting data for each district as a whole and for each 433
school building in each school district. The guidelines adopted 434
under this section shall require the cost data for each school 435
district to be maintained in a system of mutually exclusive cost 436
units and shall require all of the costs of each school district 437
to be divided among the cost units. The guidelines shall require 438
the system of mutually exclusive cost units to include at least 439
the following: 440

(1) Administrative costs for the school district as a whole. 441
The guidelines shall require the cost units under this division 442
(C)(1) to be designed so that each of them may be compiled and 443
reported in terms of average expenditure per pupil in formula ADM 444
in the school district, as determined pursuant to section 3317.03 445
of the Revised Code. 446

(2) Administrative costs for each school building in the 447
school district. The guidelines shall require the cost units under 448
this division (C)(2) to be designed so that each of them may be 449
compiled and reported in terms of average expenditure per 450
full-time equivalent pupil receiving instructional or support 451
services in each building. 452

(3) Instructional services costs for each category of 453
instructional service provided directly to students and required 454

by guidelines adopted pursuant to division (B)(1)(a) of this 455
section. The guidelines shall require the cost units under 456
division (C)(3) of this section to be designed so that each of 457
them may be compiled and reported in terms of average expenditure 458
per pupil receiving the service in the school district as a whole 459
and average expenditure per pupil receiving the service in each 460
building in the school district and in terms of a total cost for 461
each category of service and, as a breakdown of the total cost, a 462
cost for each of the following components: 463

(a) The cost of each instructional services category required 464
by guidelines adopted under division (B)(1)(a) of this section 465
that is provided directly to students by a classroom teacher; 466

(b) The cost of the instructional support services, such as 467
services provided by a speech-language pathologist, classroom 468
aide, multimedia aide, or librarian, provided directly to students 469
in conjunction with each instructional services category; 470

(c) The cost of the administrative support services related 471
to each instructional services category, such as the cost of 472
personnel that develop the curriculum for the instructional 473
services category and the cost of personnel supervising or 474
coordinating the delivery of the instructional services category. 475

(4) Support or extracurricular services costs for each 476
category of service directly provided to students and required by 477
guidelines adopted pursuant to division (B)(1)(b) of this section. 478
The guidelines shall require the cost units under division (C)(4) 479
of this section to be designed so that each of them may be 480
compiled and reported in terms of average expenditure per pupil 481
receiving the service in the school district as a whole and 482
average expenditure per pupil receiving the service in each 483
building in the school district and in terms of a total cost for 484
each category of service and, as a breakdown of the total cost, a 485
cost for each of the following components: 486

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

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

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

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the

school district or the information technology center operated 519
under section 3301.075 of the Revised Code and is authorized by 520
the district or technology center to have access to such 521
information or is employed by an entity with which the department 522
contracts for the scoring of assessments administered under 523
section 3301.0711 of the Revised Code. The guidelines may require 524
school districts to provide the social security numbers of 525
individual staff members. 526

(2)(a) The guidelines shall provide for each school district 527
or community school to assign a data verification code that is 528
unique on a statewide basis over time to each student whose 529
initial Ohio enrollment is in that district or school and to 530
report all required individual student data for that student 531
utilizing such code. The guidelines shall also provide for 532
assigning data verification codes to all students enrolled in 533
districts or community schools on the effective date of the 534
guidelines established under this section. The assignment of data 535
verification codes for other entities, as described in division 536
(D)(2)(c) of this section, the use of those codes, and the 537
reporting and use of associated individual student data shall be 538
coordinated by the department in accordance with state and federal 539
law. 540

~~Individual~~ School districts shall report individual student 541
data ~~shall be reported~~ to the department through the information 542
technology centers utilizing the code ~~but, except.~~ The entities 543
described in division (D)(2)(c) of this section shall report 544
individual student data to the department in the manner prescribed 545
by the department. 546

Except as provided in sections 3301.941, 3310.11, 3310.42, 547
3310.63, 3313.978, ~~3310.63~~, and 3317.20 of the Revised Code, at no 548
time shall the state board or the department have access to 549
information that would enable any data verification code to be 550

matched to personally identifiable student data. 551

(b) Each school district and community school shall ensure 552
that the data verification code is included in the student's 553
records reported to any subsequent school district, community 554
school, or state institution of higher education, as defined in 555
section 3345.011 of the Revised Code, in which the student 556
enrolls. Any such subsequent district or school shall utilize the 557
same identifier in its reporting of data under this section. 558

(c) The director of any state agency that administers a 559
publicly funded program providing services to children who are 560
younger than compulsory school age, as defined in section 3321.01 561
of the Revised Code, including the directors of health, job and 562
family services, mental health, and developmental disabilities, 563
shall request and receive, pursuant to sections 3301.0723 and 564
3701.62 of the Revised Code, a data verification code for a child 565
who is receiving those services ~~under division (A)(2) of section~~ 566
~~3701.61 of the Revised Code.~~ 567

(E) The guidelines adopted under this section may require 568
school districts to collect and report data, information, or 569
reports other than that described in divisions (A), (B), and (C) 570
of this section for the purpose of complying with other reporting 571
requirements established in the Revised Code. The other data, 572
information, or reports may be maintained in the education 573
management information system but are not required to be compiled 574
as part of the profile formats required under division (G) of this 575
section or the annual statewide report required under division (H) 576
of this section. 577

(F) Beginning with the school year that begins July 1, 1991, 578
the board of education of each school district shall annually 579
collect and report to the state board, in accordance with the 580
guidelines established by the board, the data required pursuant to 581
this section. A school district may collect and report these data 582

notwithstanding section 2151.357 or 3319.321 of the Revised Code. 583

(G) The state board shall, in accordance with the procedures 584
it adopts, annually compile the data reported by each school 585
district pursuant to division (D) of this section. The state board 586
shall design formats for profiling each school district as a whole 587
and each school building within each district and shall compile 588
the data in accordance with these formats. These profile formats 589
shall: 590

(1) Include all of the data gathered under this section in a 591
manner that facilitates comparison among school districts and 592
among school buildings within each school district; 593

(2) Present the data on academic achievement levels as 594
assessed by the testing of student achievement maintained pursuant 595
to division (B)(1)(d) of this section. 596

(H)(1) The state board shall, in accordance with the 597
procedures it adopts, annually prepare a statewide report for all 598
school districts and the general public that includes the profile 599
of each of the school districts developed pursuant to division (G) 600
of this section. Copies of the report shall be sent to each school 601
district. 602

(2) The state board shall, in accordance with the procedures 603
it adopts, annually prepare an individual report for each school 604
district and the general public that includes the profiles of each 605
of the school buildings in that school district developed pursuant 606
to division (G) of this section. Copies of the report shall be 607
sent to the superintendent of the district and to each member of 608
the district board of education. 609

(3) Copies of the reports received from the state board under 610
divisions (H)(1) and (2) of this section shall be made available 611
to the general public at each school district's offices. Each 612
district board of education shall make copies of each report 613

available to any person upon request and payment of a reasonable 614
fee for the cost of reproducing the report. The board shall 615
annually publish in a newspaper of general circulation in the 616
school district, at least twice during the two weeks prior to the 617
week in which the reports will first be available, a notice 618
containing the address where the reports are available and the 619
date on which the reports will be available. 620

(I) Any data that is collected or maintained pursuant to this 621
section and that identifies an individual pupil is not a public 622
record for the purposes of section 149.43 of the Revised Code. 623

(J) As used in this section: 624

(1) "School district" means any city, local, exempted 625
village, or joint vocational school district and, in accordance 626
with section 3314.17 of the Revised Code, any community school. As 627
used in division (L) of this section, "school district" also 628
includes any educational service center or other educational 629
entity required to submit data using the system established under 630
this section. 631

(2) "Cost" means any expenditure for operating expenses made 632
by a school district excluding any expenditures for debt 633
retirement except for payments made to any commercial lending 634
institution for any loan approved pursuant to section 3313.483 of 635
the Revised Code. 636

(K) Any person who removes data from the information system 637
established under this section for the purpose of releasing it to 638
any person not entitled under law to have access to such 639
information is subject to section 2913.42 of the Revised Code 640
prohibiting tampering with data. 641

(L)(1) In accordance with division (L)(2) of this section and 642
the rules adopted under division (L)(10) of this section, the 643
department of education may sanction any school district that 644

reports incomplete or inaccurate data, reports data that does not 645
conform to data requirements and descriptions published by the 646
department, fails to report data in a timely manner, or otherwise 647
does not make a good faith effort to report data as required by 648
this section. 649

(2) If the department decides to sanction a school district 650
under this division, the department shall take the following 651
sequential actions: 652

(a) Notify the district in writing that the department has 653
determined that data has not been reported as required under this 654
section and require the district to review its data submission and 655
submit corrected data by a deadline established by the department. 656
The department also may require the district to develop a 657
corrective action plan, which shall include provisions for the 658
district to provide mandatory staff training on data reporting 659
procedures. 660

(b) Withhold up to ten per cent of the total amount of state 661
funds due to the district for the current fiscal year and, if not 662
previously required under division (L)(2)(a) of this section, 663
require the district to develop a corrective action plan in 664
accordance with that division; 665

(c) Withhold an additional amount of up to twenty per cent of 666
the total amount of state funds due to the district for the 667
current fiscal year; 668

(d) Direct department staff or an outside entity to 669
investigate the district's data reporting practices and make 670
recommendations for subsequent actions. The recommendations may 671
include one or more of the following actions: 672

(i) Arrange for an audit of the district's data reporting 673
practices by department staff or an outside entity; 674

(ii) Conduct a site visit and evaluation of the district; 675

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 676
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(iv) Continue monitoring the district's data reporting; 679

(v) Assign department staff to supervise the district's data management system; 680
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(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 682
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(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 685
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(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 689
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(ix) Any other action designed to correct the district's data reporting problems. 694
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(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 696
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(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department 702
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withheld funds from the district under that division, the 706
department may release those funds to the district, except that if 707
the department withheld funding under division (L)(2)(c) of this 708
section, the department shall not release the funds withheld under 709
division (L)(2)(b) of this section and, if the department withheld 710
funding under division (L)(2)(d) of this section, the department 711
shall not release the funds withheld under division (L)(2)(b) or 712
(c) of this section. 713

(5) Notwithstanding anything in this section to the contrary, 714
the department may use its own staff or an outside entity to 715
conduct an audit of a school district's data reporting practices 716
any time the department has reason to believe the district has not 717
made a good faith effort to report data as required by this 718
section. If any audit conducted by an outside entity under 719
division (L)(2)(d)(i) or (5) of this section confirms that a 720
district has not made a good faith effort to report data as 721
required by this section, the district shall reimburse the 722
department for the full cost of the audit. The department may 723
withhold state funds due to the district for this purpose. 724

(6) Prior to issuing a revised report card for a school 725
district under division (L)(2)(d)(viii) of this section, the 726
department may hold a hearing to provide the district with an 727
opportunity to demonstrate that it made a good faith effort to 728
report data as required by this section. The hearing shall be 729
conducted by a referee appointed by the department. Based on the 730
information provided in the hearing, the referee shall recommend 731
whether the department should issue a revised report card for the 732
district. If the referee affirms the department's contention that 733
the district did not make a good faith effort to report data as 734
required by this section, the district shall bear the full cost of 735
conducting the hearing and of issuing any revised report card. 736

(7) If the department determines that any inaccurate data 737

reported under this section caused a school district to receive 738
excess state funds in any fiscal year, the district shall 739
reimburse the department an amount equal to the excess funds, in 740
accordance with a payment schedule determined by the department. 741
The department may withhold state funds due to the district for 742
this purpose. 743

(8) Any school district that has funds withheld under 744
division (L)(2) of this section may appeal the withholding in 745
accordance with Chapter 119. of the Revised Code. 746

(9) In all cases of a disagreement between the department and 747
a school district regarding the appropriateness of an action taken 748
under division (L)(2) of this section, the burden of proof shall 749
be on the district to demonstrate that it made a good faith effort 750
to report data as required by this section. 751

(10) The state board of education shall adopt rules under 752
Chapter 119. of the Revised Code to implement division (L) of this 753
section. 754

(M) No information technology center or school district shall 755
acquire, change, or update its student administration software 756
package to manage and report data required to be reported to the 757
department unless it converts to a student software package that 758
is certified by the department. 759

(N) The state board of education, in accordance with sections 760
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 761
license as defined under division (A) of section 3319.31 of the 762
Revised Code that has been issued to any school district employee 763
found to have willfully reported erroneous, inaccurate, or 764
incomplete data to the education management information system. 765

(O) No person shall release or maintain any information about 766
any student in violation of this section. Whoever violates this 767
division is guilty of a misdemeanor of the fourth degree. 768

(P) The department shall disaggregate the data collected 769
under division (B)(1)(n) of this section according to the race and 770
socioeconomic status of the students assessed. No data collected 771
under that division shall be included on the report cards required 772
by section 3302.03 of the Revised Code. 773

(Q) If the department cannot compile any of the information 774
required by division (C)(5) of section 3302.03 of the Revised Code 775
based upon the data collected under this section, the department 776
shall develop a plan and a reasonable timeline for the collection 777
of any data necessary to comply with that division. 778

Sec. 3301.0715. (A) Except as ~~provided in division (E) of~~ 779
~~this section~~ otherwise required under division (B)(1) of section 780
3313.608 of the Revised Code, the board of education of each city, 781
local, and exempted village school district shall administer each 782
applicable diagnostic assessment developed and provided to the 783
district in accordance with section 3301.079 of the Revised Code 784
to the following: 785

(1) Each student enrolled in a building that has failed to 786
make adequate yearly progress for two or more consecutive school 787
years; 788

(2) Any student who transfers into the district or to a 789
different school within the district if each applicable diagnostic 790
assessment was not administered by the district or school the 791
student previously attended in the current school year, within 792
thirty days after the date of transfer. If the district or school 793
into which the student transfers cannot determine whether the 794
student has taken any applicable diagnostic assessment in the 795
current school year, the district or school may administer the 796
diagnostic assessment to the student. 797

(3) Each kindergarten student, not earlier than four weeks 798
prior to the first day of school and not later than the first day 799

of October. For the purpose of division (A)(3) of this section, 800
the district shall administer the kindergarten readiness 801
assessment provided by the department of education. In no case 802
shall the results of the readiness assessment be used to prohibit 803
a student from enrolling in kindergarten. 804

(4) Each student enrolled in first or second grade. 805

(B) Each district board shall administer each diagnostic 806
assessment as the board deems appropriate, provided the 807
administration complies with section 3313.608 of the Revised Code. 808
However, the board shall administer any diagnostic assessment at 809
least once annually to all students in the appropriate grade 810
level. A district board may administer any diagnostic assessment 811
in the fall and spring of a school year to measure the amount of 812
academic growth attributable to the instruction received by 813
students during that school year. 814

(C) Each district board shall utilize and score any 815
diagnostic assessment administered under division (A) of this 816
section in accordance with rules established by the department. 817
~~Except as required by division (B)(1)(n) of section 3301.0714 of~~ 818
~~the Revised Code, neither the state board of education nor the~~ 819
~~department shall require school districts to report the results of~~ 820
~~diagnostic assessments for any students to the department or to~~ 821
~~make any such results available in any form to the public. After~~ 822
the administration of any diagnostic assessment, each district 823
shall provide a student's completed diagnostic assessment, the 824
results of such assessment, and any other accompanying documents 825
used during the administration of the assessment to the parent of 826
that student ~~upon the parent's request, and shall include all such~~ 827
documents and information in any plan developed for the student 828
under division (C) of section 3313.608 of the Revised Code. Each 829
district shall submit to the department, in the manner the 830
department prescribes, the results of the diagnostic assessments 831

administered under this section, regardless of the type of 832
assessment used under section 3313.608 of the Revised Code. The 833
department may issue reports with respect to the data collected. 834

(D) Each district board shall provide intervention services 835
to students whose diagnostic assessments show that they are 836
failing to make satisfactory progress toward attaining the 837
academic standards for their grade level. 838

~~(E) Any district that made adequate yearly progress in the~~ 839
~~immediately preceding school year may assess student progress in~~ 840
~~grades one through three using a diagnostic assessment other than~~ 841
~~the diagnostic assessment required by division (A) of this~~ 842
~~section.~~ 843

~~(F) A district board may administer the third grade English~~ 844
~~language arts diagnostic assessment provided to the district in~~ 845
~~accordance with section 3301.079 of the Revised Code to any~~ 846
~~student enrolled in a building that is not subject to division~~ 847
~~(A)(1) of this section. Any district electing to administer the~~ 848
~~diagnostic assessment to students under this division shall~~ 849
~~provide intervention services to any such student whose diagnostic~~ 850
~~assessment shows unsatisfactory progress toward attaining the~~ 851
~~academic standards for the student's grade level.~~ 852

~~(G) As used in this section, "adequate yearly progress" has~~ 853
~~the same meaning as in section 3302.01 of the Revised Code.~~ 854

Sec. 3301.0723. (A) The independent contractor engaged by the 855
department of education to create and maintain for school 856
districts and community schools the student data verification 857
codes required by division (D)(2) of section 3301.0714 of the 858
Revised Code shall, upon request of the director of any state 859
agency that administers a publicly funded program providing 860
services to children who are younger than compulsory school age, 861
as defined in section 3321.01 of the Revised Code, including the 862

directors of health under section 3701.62 of the Revised Code, job 863
and family services, mental health, and developmental 864
disabilities, shall assign a data verification code to a child who 865
is receiving such services under division (A)(2) of section 866
3701.61 of the Revised Code. The contractor and shall provide that 867
code to the director, who shall submit it, as specified in section 868
3701.62 of the Revised Code, to the public school in which the 869
child will be enrolled for special education and related services 870
under Chapter 3323. of the Revised Code. The contractor also shall 871
provide that code to the department of education. 872

(B) The director of a state agency that receives a child's 873
data verification code under division (A) of this section shall 874
use that code to submit information for that child to the 875
department of education in accordance with section 3301.0714 of 876
the Revised Code. 877

(C) A public school that receives a from the independent 878
contractor the data verification code for a child from the 879
director of health assigned under division (A) of this section 880
shall not request or assign to that child another data 881
verification code under division (D)(2) of section 3301.0714 of 882
the Revised Code. That school and any other public school in which 883
the child subsequently enrolls shall use the data verification 884
code provided by the director assigned under division (A) of this 885
section to report data relative to that student that is required 886
under section 3301.0714 of the Revised Code. 887

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 888
Revised Code: 889

(A) "Preschool program" means either of the following: 890

(1) A child care program for preschool children that is 891
operated by a school district board of education or an eligible 892

nonpublic school.	893
(2) A child care program for preschool children age three or older that is operated by a county DD board.	894 895
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	896 897
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	898 899 900
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school.	901 902 903
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	904 905 906
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	907 908 909
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	910 911 912 913
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	914 915 916 917 918
(I) "County DD board" means a county board of developmental disabilities.	919 920
(J) "School child program" means a child care program for only school children that is operated by a school district board	921 922

of education, county DD board, or eligible nonpublic school. 923

(K) ~~"School child" and "child care" have the same meanings as~~ 924
~~in section 5104.01 of the Revised Code~~ means a child who is 925
enrolled in or is eligible to be enrolled in a grade of 926
kindergarten or above but is less than fifteen years old. 927

(L) "School child program staff member" means an employee 928
whose primary responsibility is the care, teaching, or supervision 929
of children in a school child program. 930

(M) "Child care" means administering to the needs of infants, 931
toddlers, preschool children, and school children outside of 932
school hours by persons other than their parents or guardians, 933
custodians, or relatives by blood, marriage, or adoption for any 934
part of the twenty-four-hour day in a place or residence other 935
than a child's own home. 936

(N) "Child day-care center," "publicly funded child care," 937
and "school-age child care center" have the same meanings as in 938
section 5104.01 of the Revised Code. 939

Sec. 3301.53. (A) The state board of education, in 940
consultation with the director of job and family services, shall 941
formulate and prescribe by rule adopted under Chapter 119. of the 942
Revised Code minimum standards to be applied to preschool programs 943
operated by school district boards of education, county DD boards, 944
or eligible nonpublic schools. The rules shall include the 945
following: 946

(1) Standards ensuring that the preschool program is located 947
in a safe and convenient facility that accommodates the enrollment 948
of the program, is of the quality to support the growth and 949
development of the children according to the program objectives, 950
and meets the requirements of section 3301.55 of the Revised Code; 951

(2) Standards ensuring that supervision, discipline, and 952

programs will be administered according to established objectives 953
and procedures; 954

(3) Standards ensuring that preschool staff members and 955
nonteaching employees are recruited, employed, assigned, 956
evaluated, and provided inservice education without discrimination 957
on the basis of age, color, national origin, race, or sex; and 958
that preschool staff members and nonteaching employees are 959
assigned responsibilities in accordance with written position 960
descriptions commensurate with their training and experience; 961

(4) A requirement that boards of education intending to 962
establish a preschool program demonstrate a need for a preschool 963
program prior to establishing the program; 964

(5) Requirements that children participating in preschool 965
programs have been immunized to the extent considered appropriate 966
by the state board to prevent the spread of communicable disease; 967

(6) Requirements that the parents of preschool children 968
complete the emergency medical authorization form specified in 969
section 3313.712 of the Revised Code. 970

(B) The state board of education in consultation with the 971
director of job and family services shall ensure that the rules 972
adopted by the state board under sections 3301.52 to 3301.58 of 973
the Revised Code are consistent with and meet or exceed the 974
requirements of Chapter 5104. of the Revised Code with regard to 975
child day-care centers. The state board and the director of job 976
and family services shall review all such rules at least once 977
every five years. 978

(C) The state board of education, in consultation with the 979
director of job and family services, shall adopt rules for school 980
child programs that are consistent with and meet or exceed the 981
requirements of the rules adopted for ~~school~~ school-age child 982
~~day-care~~ care centers under Chapter 5104. of the Revised Code. 983

Sec. 3301.58. (A) The department of education is responsible 984
for the licensing of preschool programs and school child programs 985
and for the enforcement of sections 3301.52 to 3301.59 of the 986
Revised Code and of any rules adopted under those sections. No 987
school district board of education, county DD board, or eligible 988
nonpublic school shall operate, establish, manage, conduct, or 989
maintain a preschool program without a license issued under this 990
section. A school district board of education, county DD board, or 991
eligible nonpublic school may obtain a license under this section 992
for a school child program. The school district board of 993
education, county DD board, or eligible nonpublic school shall 994
post the ~~current~~ license for each preschool program and licensed 995
school child program it operates, establishes, manages, conducts, 996
or maintains in a conspicuous place in the preschool program or 997
licensed school child program that is accessible to parents, 998
custodians, or guardians and employees and staff members of the 999
program at all times when the program is in operation. 1000

(B) Any school district board of education, county DD board, 1001
or eligible nonpublic school that desires to operate, establish, 1002
manage, conduct, or maintain a preschool program shall apply to 1003
the department of education for a license on a form that the 1004
department shall prescribe by rule. Any school district board of 1005
education, county DD board, or eligible nonpublic school that 1006
desires to obtain a license for a school child program shall apply 1007
to the department for a license on a form that the department 1008
shall prescribe by rule. The department shall provide at no charge 1009
to each applicant for a license under this section a copy of the 1010
requirements under sections 3301.52 to 3301.59 of the Revised Code 1011
and any rules adopted under those sections. ~~The department shall~~ 1012
~~mail application forms for the renewal of a license at least one~~ 1013
~~hundred twenty days prior to the date of the expiration of the~~ 1014
~~license, and the application for renewal of a license shall be~~ 1015

~~filed with the department at least sixty days before the date of~~ 1016
~~the expiration of the existing license.~~ The department may 1017
establish application fees by rule adopted under Chapter 119. of 1018
the Revised Code, and all applicants for a license shall pay any 1019
fee established by the department at the time of making an 1020
application for a license. All fees collected pursuant to this 1021
section shall be paid into the state treasury to the credit of the 1022
general revenue fund. 1023

(C) Upon the filing of an application for a license, the 1024
department of education shall investigate and inspect the 1025
preschool program or school child program to determine the license 1026
capacity for each age category of children of the program and to 1027
determine whether the program complies with sections 3301.52 to 1028
3301.59 of the Revised Code and any rules adopted under those 1029
sections. When, after investigation and inspection, the department 1030
of education is satisfied that sections 3301.52 to 3301.59 of the 1031
Revised Code and any rules adopted under those sections are 1032
complied with by the applicant, the department of education shall 1033
issue the program a provisional license as soon as practicable in 1034
the form and manner prescribed by the rules of the department. The 1035
provisional license shall be valid for ~~six months~~ one year from 1036
the date of issuance unless revoked. 1037

(D) The department of education shall investigate and inspect 1038
a preschool program or school child program that has been issued a 1039
provisional license at least once during operation under the 1040
provisional license. If, after the investigation and inspection, 1041
the department of education determines that the requirements of 1042
sections 3301.52 to 3301.59 of the Revised Code and any rules 1043
adopted under those sections are met by the provisional licensee, 1044
the department of education shall issue the program a license ~~that~~ 1045
~~is effective for two years from the date of the issuance of the~~ 1046
~~provisional license.~~ The license shall remain valid unless revoked 1047

or the program ceases operations. 1048

(E) ~~Upon the filing of an application for the renewal of a~~ 1049
~~license by a preschool program or school child program, the~~ 1050
~~The~~ department of education annually shall investigate and inspect ~~the~~ 1051
~~each~~ preschool program or school child program. ~~If the department~~ 1052
~~of education determines that~~ licensed under division (D) of this 1053
section to determine if the requirements of sections 3301.52 to 1054
3301.59 of the Revised Code and any rules adopted under those 1055
sections are met by the applicant, ~~the department of education~~ 1056
~~shall renew the license for two years from the date of the~~ 1057
~~expiration date of the previous license~~ program, and shall notify 1058
the program of the results. 1059

(F) The license or provisional license shall state the name 1060
of the school district board of education, county DD board, or 1061
eligible nonpublic school that operates the preschool program or 1062
school child program and the license capacity of the program. ~~The~~ 1063
~~license shall include any other information required by section~~ 1064
~~5104.03 of the Revised Code for the license of a child day care~~ 1065
~~center.~~ 1066

(G) The department of education may revoke the license of any 1067
preschool program or school child program that is not in 1068
compliance with the requirements of sections 3301.52 to 3301.59 of 1069
the Revised Code and any rules adopted under those sections. 1070

(H) If the department of education revokes a license ~~or~~ 1071
~~refuses to renew a license to a program,~~ the department shall not 1072
issue a license to the program within two years from the date of 1073
the revocation ~~or refusal~~. All actions of the department with 1074
respect to licensing preschool programs and school child programs 1075
shall be in accordance with Chapter 119. of the Revised Code. 1076

Sec. 3301.90. The governor shall create the early childhood 1077
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 1078

shall appoint one of its members to serve as chairperson of the 1079
council. The council shall serve as the state advisory council on 1080
early childhood education and care, as described in 42 U.S.C. 1081
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 1082
9837b(b)(1), the council ~~shall advise the state regarding the~~ 1083
~~creation and duties of the center for early childhood development~~ 1084
~~and~~ shall promote family-centered programs and services that 1085
acknowledge and support the social, emotional, cognitive, 1086
intellectual, and physical development of children and the vital 1087
role of families in ensuring the well-being and success of 1088
children. 1089

Sec. 3301.922. The department of education shall issue an 1090
annual report on the ~~compliance of~~ participation by public and 1091
chartered nonpublic schools ~~with in the requirements option of~~ 1092
~~section sections~~ 3313.674, 3314.15, and 3326.26 of the Revised 1093
Code to screen students for body mass index and weight status 1094
category. The department shall include in the report any data 1095
regarding student health and wellness collected ~~by the department~~ 1096
in conjunction with those ~~requirements~~ sections. The department 1097
shall submit each report to the governor, the general assembly, 1098
and the healthy choices for healthy children council. 1099

Sec. 3301.941. As used in this section, "early childhood 1100
program" means any publicly funded program providing services to 1101
children younger than compulsory school age, as defined in section 1102
3321.01 of the Revised Code. 1103

Student level data records collected and maintained for 1104
purposes of administering early childhood programs shall be 1105
assigned a unique student data verification code in accordance 1106
with division (D)(2) of section 3301.0714 of the Revised Code and 1107
shall be included in the combined data repository authorized by 1108

section 3301.94 of the Revised Code. The department may require 1109
certain personally identifiable student data, including student 1110
names, to be reported to the department for purposes of 1111
administering early childhood programs but not be included in the 1112
combined data repository. The department and each school or center 1113
providing services through an early childhood program that 1114
receives a student level data record, a data verification code, or 1115
other personally identifiable information shall not release that 1116
record, code, or other information to any person except as 1117
provided by section 3319.321 of the Revised Code or the "Family 1118
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 1119
U.S.C. 1232g. Any document relative to an early childhood program 1120
that the department holds in its files that contains a student's 1121
name, data verification code, or other personally identifiable 1122
information shall not be a public record under section 149.43 of 1123
the Revised Code. 1124

Any state agency that administers an early childhood program 1125
may use student data contained in the combined data repository to 1126
conduct research and analysis designed to evaluate the 1127
effectiveness of and investments in that program, in compliance 1128
with the Family Educational Rights and Privacy Act and regulations 1129
promulgated under that act. 1130

Sec. 3302.022. Not later than March 31, 2013, the state board 1131
of education shall adopt performance indicators for dropout 1132
prevention and recovery programs operated by school districts or 1133
community schools for the purposes of the report cards required 1134
under sections 3302.03 and 3314.012 of the Revised Code. The 1135
department shall use those indicators to rate the performance of 1136
an entire district building, or an entire community school, in 1137
which a majority of the students are enrolled in a dropout 1138
prevention and recovery program operated by the district or 1139
community school. 1140

The performance indicators shall measure all of the 1141
following: 1142

(A) The extent to which the district's or school's program 1143
meets each of the applicable performance indicators established 1144
under section 3302.02 of the Revised Code and the number of 1145
applicable performance indicators that have been achieved; 1146

(B) The performance index score of the district's or school's 1147
program; 1148

(C) Student academic growth in English language arts, 1149
mathematics, science, and social studies measured using nationally 1150
normed tests, the assessments prescribed by section 3301.0710 of 1151
the Revised Code, or other assessments approved by the department 1152
of education; 1153

(D) Graduation rate for both of the following student 1154
cohorts: 1155

(1) Percentage of students currently enrolled in a school who 1156
entered ninth grade for the first time five years prior to the 1157
current school year and earned a high school diploma by the 1158
completion of the current school year; 1159

(2) Percentage of students currently enrolled in a school who 1160
entered ninth grade for the first time six years prior to the 1161
current school year and earned a high school diploma by the 1162
completion of the current school year. 1163

Sec. 3302.03. (A) Annually the department of education shall 1164
report for each city, local, and exempted village school district 1165
and each school building in a each district all of the following: 1166

(1) The extent to which the school district or building meets 1167
each of the applicable performance indicators created by the state 1168
board of education under section 3302.02 of the Revised Code and 1169
the number of applicable performance indicators that have been 1170

achieved;	1171
(2) The performance index score of the school district or building;	1172 1173
(3) Whether the school district or building has made adequate yearly progress;	1174 1175
(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.	1176 1177 1178
(B) Except as otherwise provided in division (B)(6) of this section:	1179 1180
(1) A school district or building shall be declared excellent if it meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared effective.	1181 1182 1183 1184 1185 1186
(2) A school district or building shall be declared effective if it meets at least seventy-five per cent but less than ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared in need of continuous improvement.	1187 1188 1189 1190 1191 1192 1193 1194
(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements:	1195 1196 1197
(a) It makes adequate yearly progress, meets less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the	1198 1199 1200

department. 1201

(b) It does not make adequate yearly progress and either 1202
meets at least fifty per cent but less than seventy-five per cent 1203
of the applicable state performance indicators or has a 1204
performance index score established by the department. 1205

(4) A school district or building shall be declared to be 1206
under an academic watch if it does not make adequate yearly 1207
progress and either meets at least thirty-one per cent but less 1208
than fifty per cent of the applicable state performance indicators 1209
or has a performance index score established by the department. 1210

(5) A school district or building shall be declared to be in 1211
a state of academic emergency if it does not make adequate yearly 1212
progress, does not meet at least thirty-one per cent of the 1213
applicable state performance indicators, and has a performance 1214
index score established by the department. 1215

(6) Division (B)(6) of this section does not apply to any 1216
community school established under Chapter 3314. of the Revised 1217
Code in which a majority of the students are enrolled in a dropout 1218
prevention and recovery program. 1219

A school district or building shall not be assigned a higher 1220
performance rating than in need of continuous improvement if at 1221
least ten per cent but not more than fifteen per cent of the 1222
enrolled students do not take all achievement assessments 1223
prescribed for their grade level under division (A)(1) or (B)(1) 1224
of section 3301.0710 of the Revised Code from which they are not 1225
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 1226
the Revised Code. A school district or building shall not be 1227
assigned a higher performance rating than under an academic watch 1228
if more than fifteen per cent but not more than twenty per cent of 1229
the enrolled students do not take all achievement assessments 1230
prescribed for their grade level under division (A)(1) or (B)(1) 1231

of section 3301.0710 of the Revised Code from which they are not 1232
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 1233
the Revised Code. A school district or building shall not be 1234
assigned a higher performance rating than in a state of academic 1235
emergency if more than twenty per cent of the enrolled students do 1236
not take all achievement assessments prescribed for their grade 1237
level under division (A)(1) or (B)(1) of section 3301.0710 of the 1238
Revised Code from which they are not excused pursuant to division 1239
(C)(1) or (3) of section 3301.0711 of the Revised Code. 1240

(C)(1) The department shall issue annual report cards for 1241
each city, local, and exempted village school district, each 1242
building within each district, and for the state as a whole 1243
reflecting performance on the indicators created by the state 1244
board under section 3302.02 of the Revised Code, the performance 1245
index score, and adequate yearly progress. 1246

(2) The department shall include on the report card for each 1247
city, local, and exempted village school district information 1248
pertaining to any change from the previous year made by the school 1249
district or school buildings within the district on any 1250
performance indicator. 1251

(3) When reporting data on student performance, the 1252
department shall disaggregate that data according to the following 1253
categories: 1254

(a) Performance of students by age group; 1255

(b) Performance of students by race and ethnic group; 1256

(c) Performance of students by gender; 1257

(d) Performance of students grouped by those who have been 1258
enrolled in a district or school for three or more years; 1259

(e) Performance of students grouped by those who have been 1260
enrolled in a district or school for more than one year and less 1261

than three years;	1262
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1263 1264
(g) Performance of students grouped by those who are economically disadvantaged;	1265 1266
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1267 1268 1269
(i) Performance of students grouped by those who are classified as limited English proficient;	1270 1271
(j) Performance of students grouped by those who have disabilities;	1272 1273
(k) Performance of students grouped by those who are classified as migrants;	1274 1275
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	1276 1277 1278
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	1279 1280 1281 1282 1283 1284
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.	1285 1286 1287 1288 1289 1290 1291

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

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

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

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

For (a) On the report card issued under this section or section 3302.033 of the Revised Code, for any city, local, exempted village, or joint vocational school district that sponsors a ~~conversion~~ community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the report card issued for the district and shall include the students attending the community school in the district's average

daily student enrollment. 1324

(b) Any city, local, exempted village, or joint vocational 1325
school district that leases a building to a community school 1326
located in the district or that enters into an agreement with a 1327
community school located in the district whereby the district and 1328
the school endorse each other's programs may elect to have data 1329
regarding the academic performance of students enrolled in the 1330
community school combined with comparable data from the schools of 1331
the district for the purpose of calculating the performance of the 1332
district as a whole on the district report card. Any district that 1333
so elects shall annually file a copy of the lease or agreement 1334
with the department. 1335

(7) The department shall include on each report card the 1336
percentage of teachers in the district or building who are highly 1337
qualified, as defined by the "No Child Left Behind Act of 2001," 1338
and a comparison of that percentage with the percentages of such 1339
teachers in similar districts and buildings. 1340

(8) The department shall include on the report card the 1341
number of lead teachers employed by each district and each 1342
building once the data is available from the education management 1343
information system established under section 3301.0714 of the 1344
Revised Code. 1345

(D)(1) In calculating English language arts, mathematics, 1346
social studies, or science assessment passage rates used to 1347
determine school district or building performance under this 1348
section, the department shall include all students taking an 1349
assessment with accommodation or to whom an alternate assessment 1350
is administered pursuant to division (C)(1) or (3) of section 1351
3301.0711 of the Revised Code. 1352

(2) In calculating performance index scores, rates of 1353
achievement on the performance indicators established by the state 1354

board under section 3302.02 of the Revised Code, and adequate 1355
yearly progress for school districts and buildings under this 1356
section, the department shall do all of the following: 1357

(a) Include for each district or building only those students 1358
who are included in the ADM certified for the first full school 1359
week of October and are continuously enrolled in the district or 1360
building through the time of the spring administration of any 1361
assessment prescribed by division (A)(1) or (B)(1) of section 1362
3301.0710 of the Revised Code that is administered to the 1363
student's grade level; 1364

(b) Include cumulative totals from both the fall and spring 1365
administrations of the third grade English language arts 1366
achievement assessment; 1367

(c) Except as required by the "No Child Left Behind Act of 1368
2001" for the calculation of adequate yearly progress, exclude for 1369
each district or building any limited English proficient student 1370
who has been enrolled in United States schools for less than one 1371
full school year. 1372

Sec. 3302.032. (A) Not later than December 31, 2011, the 1373
state board of education shall establish a measure of the 1374
following: 1375

(1) Student success in meeting the benchmarks contained in 1376
the physical education standards adopted under division (A)(3) of 1377
section 3301.079 of the Revised Code; 1378

(2) Compliance with the requirements for local wellness 1379
policies prescribed by section 204 of the "Child Nutrition and WIC 1380
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 1381

(3) Whether a school district or building ~~is complying with~~ 1382
section has elected to administer the screenings authorized by 1383
sections 3313.674, 3314.15, and 3326.26 of the Revised Code 1384

~~instead of operating under a waiver from the requirements of that~~ 1385
~~section;~~ 1386

(4) Whether a school district or building is participating in 1387
the physical activity pilot program administered under section 1388
3313.6016 of the Revised Code. 1389

(B) The measure shall be included on the school district and 1390
building report cards issued under section 3302.03 of the Revised 1391
Code, beginning with the report cards issued for the 2012-2013 1392
school year, but it shall not be a factor in the performance 1393
ratings issued under that section. 1394

(C) The department of education may accept, receive, and 1395
expend gifts, devises, or bequests of money for the purpose of 1396
establishing the measure required by this section. 1397

Sec. 3302.033. The state board of education, in consultation 1398
with the chancellor of the Ohio board of regents and any office 1399
within the office of the governor concerning workforce 1400
development, shall approve a report card for joint vocational 1401
school districts and for other career-technical planning districts 1402
that are not joint vocational school districts. The state board 1403
shall submit details of the approved report card to the governor, 1404
the speaker of the house of representatives, the president of the 1405
senate, and the chairpersons of the standing committees of the 1406
house of representatives and the senate principally responsible 1407
for education policy. The department of education annually shall 1408
issue a report card for each joint vocational school district and 1409
career-technical planning district, beginning with report cards 1410
for the 2012-2013 school year to be published not later than 1411
September 1, 2013. 1412

As used in this section, "career-technical planning district" 1413
means a school district or group of school districts designated by 1414
the department as being responsible for the planning for and 1415

provision of career-technical education services to students 1416
within the district or group. 1417

Sec. 3302.042. (A) This section shall operate as a pilot 1418
project that applies to any school that has been ranked according 1419
to performance index score under section 3302.21 of the Revised 1420
Code in the lowest five per cent of all public school buildings 1421
statewide for three or more consecutive school years and is 1422
operated by the Columbus city school district. The pilot project 1423
shall commence once the department of education establishes 1424
implementation guidelines for the pilot project in consultation 1425
with the Columbus city school district. 1426

(B) Except as provided in division (D), (E), or (F) of this 1427
section, if the parents or guardians of at least fifty per cent of 1428
the students enrolled in a school to which this section applies, 1429
or if the parents or guardians of at least fifty per cent of the 1430
total number of students enrolled in that school and the schools 1431
of lower grade levels whose students typically matriculate into 1432
that school, by the thirty-first day of December of any school 1433
year in which the school is subject to this section, sign and file 1434
with the school district treasurer a petition requesting the 1435
district board of education to implement one of the following 1436
reforms in the school, and if the validity and sufficiency of the 1437
petition is certified in accordance with division (C) of this 1438
section, the board shall implement the requested reform in the 1439
next school year: 1440

(1) Reopen the school as a community school under Chapter 1441
3314. of the Revised Code; 1442

(2) Replace at least seventy per cent of the school's 1443
personnel who are related to the school's poor academic 1444
performance or, at the request of the petitioners, retain not more 1445
than thirty per cent of the personnel; 1446

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

(4) Turn operation of the school over to the department;

(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance.

(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 public instruction and the state board of education of the certification.

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

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

student safety. 1478

(2) The state superintendent has determined that 1479
implementation of the requested reform would not comply with the 1480
model of differentiated accountability described in section 1481
3302.041 of the Revised Code. 1482

(3) The petitioners have requested the district board to 1483
implement the reform described in division (B)(4) of this section 1484
and the department has not agreed to take over the school's 1485
operation. 1486

(4) When all of the following have occurred: 1487

(a) After a public hearing on the matter, the district board 1488
issued a written statement explaining the reasons that it is 1489
unable to implement the requested reform and agreeing to implement 1490
one of the other reforms described in division (B) of this 1491
section. 1492

(b) The district board submitted its written statement to the 1493
state superintendent and the state board along with evidence 1494
showing how the alternative reform the district board has agreed 1495
to implement will enable the school to improve its academic 1496
performance. 1497

(c) Both the state superintendent and the state board have 1498
approved implementation of the alternative reform. 1499

(E) If the provisions of this section conflict in any way 1500
with the requirements of federal law, federal law shall prevail 1501
over the provisions of this section. 1502

(F) If a school is restructured under this section, section 1503
3302.10 or 3302.12 of the Revised Code, or federal law, the school 1504
shall not be required to restructure again under state law for 1505
three consecutive years after the implementation of that prior 1506
restructuring. 1507

(G) Beginning not later than six months after the first 1508
petition under this section has been resolved, the department of 1509
education shall annually evaluate the pilot program and submit a 1510
report to the general assembly under section 101.68 of the Revised 1511
Code. Such reports shall contain its recommendations to the 1512
general assembly with respect to the continuation of the pilot 1513
program, its expansion to other school districts, or the enactment 1514
of further legislation establishing the program statewide under 1515
permanent law. 1516

Sec. 3302.12. (A) ~~For~~ Except as provided in divisions (C) and 1517
(D) of this section, for any school building that is ranked 1518
according to performance index score under section 3302.21 of the 1519
Revised Code in the lowest five per cent of all public school 1520
buildings statewide for three consecutive years and is declared to 1521
be under an academic watch or in a state of academic emergency 1522
under section 3302.03 of the Revised Code, the district board of 1523
education shall do one of the following at the conclusion of the 1524
school year in which the building first becomes subject to this 1525
division: 1526

(1) Close the school and direct the district superintendent 1527
to reassign the students enrolled in the school to other school 1528
buildings that demonstrate higher academic achievement; 1529

(2) Contract with another school district or a nonprofit or 1530
for-profit entity with a demonstrated record of effectiveness to 1531
operate the school; 1532

(3) Replace the principal and all teaching staff of the 1533
school and, upon request from the new principal, exempt the school 1534
from all requested policies and regulations of the board regarding 1535
curriculum and instruction. The board also shall distribute 1536
funding to the school in an amount that is at least equal to the 1537
product of the per pupil amount of state and local revenues 1538

received by the district multiplied by the student population of 1539
the school. 1540

(4) Reopen the school as a conversion community school under 1541
Chapter 3314. of the Revised Code. 1542

(B) If an action taken by the board under division (A) of 1543
this section causes the district to no longer maintain all grades 1544
kindergarten through twelve, as required by section 3311.29 of the 1545
Revised Code, the board shall enter into a contract with another 1546
school district pursuant to section 3327.04 of the Revised Code 1547
for enrollment of students in the schools of that other district 1548
to the extent necessary to comply with the requirement of section 1549
3311.29 of the Revised Code. Notwithstanding any provision of the 1550
Revised Code to the contrary, if the board enters into and 1551
maintains a contract under section 3327.04 of the Revised Code, 1552
the district shall not be considered to have failed to comply with 1553
the requirement of section 3311.29 of the Revised Code. If, 1554
however, the district board fails to or is unable to enter into or 1555
maintain such a contract, the state board of education shall take 1556
all necessary actions to dissolve the district as provided in 1557
division (A) of section 3311.29 of the Revised Code. 1558

(C) If a particular school is required to restructure under 1559
this section and a petition with respect to that same school has 1560
been filed and verified under divisions (B) and (C) of section 1561
3302.042 of the Revised Code, the provisions of that section and 1562
the petition filed and verified under it shall prevail over the 1563
provisions of this section and the school shall be restructured 1564
under that section. However, if division (D)(1), (2), or (3) of 1565
section 3302.042 of the Revised Code also applies to the school, 1566
the school shall be subject to restructuring under this section 1567
and not section 3302.042 of the Revised Code. 1568

If the provisions of this section conflict in any way with 1569
the requirements of federal law, federal law shall prevail over 1570

the provisions of this section. 1571

(D) If a school is restructured under this section, section 1572
3302.042 or 3302.10 of the Revised Code, or federal law, the 1573
school shall not be required to restructure again under state law 1574
for three consecutive years after the implementation of that prior 1575
restructuring. 1576

Sec. 3302.20. (A) The department of education shall develop 1577
standards for determining, from the existing data reported in 1578
accordance with sections 3301.0714 and 3314.17 of the Revised 1579
Code, the amount of annual operating expenditures for classroom 1580
instructional purposes and for nonclassroom purposes for each 1581
city, exempted village, local, and joint vocational school 1582
district, each community school established under Chapter 3314. 1583
that is not an internet- or computer-based community school, each 1584
internet- or computer-based community school, and each STEM school 1585
established under Chapter 3326. of the Revised Code. Not later 1586
than January 1, ~~2012~~ 2013, the department shall present those 1587
standards to the state board of education for consideration. In 1588
developing the standards, the department shall adapt existing 1589
standards used by professional organizations, research 1590
organizations, and other state governments. The department also 1591
shall align the expenditure categories required for reporting 1592
under the standards with the categories that are required for 1593
reporting to the United States department of education under 1594
federal law. 1595

The state board shall consider the proposed standards and 1596
adopt a final set of standards not later than July 1, ~~2012~~ 2013. 1597

(B)(1) The department shall categorize all city, exempted 1598
village, and local school districts into not less than three nor 1599
more than five groups based primarily on average daily student 1600
enrollment as reported on the most recent report card issued for 1601

each district under section 3302.03 of the Revised Code. 1602

(2) The department shall categorize all joint vocational 1603
school districts into not less than three nor more than five 1604
groups based primarily on average daily membership as reported 1605
under division (D) of section 3317.03 of the Revised Code rounded 1606
to the nearest whole number. 1607

(3) The department shall categorize all community schools 1608
that are not internet- or computer-based community schools into 1609
not less than three nor more than five groups based primarily on 1610
average daily student enrollment as reported on the most recent 1611
report card issued for each community school under sections 1612
3302.03 and 3314.012 of the Revised Code. 1613

(4) The department shall categorize all internet- or 1614
computer-based community schools into a single category. 1615

(5) The department shall categorize all STEM schools into a 1616
single category. 1617

(C) Using the standards adopted under division (A) of this 1618
section and the data reported under sections 3301.0714 and 3314.17 1619
of the Revised Code, the department shall compute, ~~for fiscal~~ 1620
~~years 2008 through 2012, and~~ annually for each fiscal year 1621
~~thereafter~~, the following: 1622

(1) The percentage of each district's, community school's, or 1623
STEM school's total operating budget spent for classroom 1624
instructional purposes; 1625

(2) The statewide average percentage for all districts, 1626
community schools, and STEM schools combined spent for classroom 1627
instructional purposes; 1628

(3) The average percentage for each of the categories of 1629
districts and schools established under division (B) of this 1630
section spent for classroom instructional purposes; 1631

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:	1632 1633 1634
(a) From highest to lowest percentage spent for classroom instructional purposes;	1635 1636
(b) From lowest to highest percentage spent for noninstructional purposes.	1637 1638
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	1639 1640 1641
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	1642 1643 1644
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditures per pupil;	1645 1646 1647
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	1648 1649 1650
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	1651 1652
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil;	1653 1654 1655
(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.	1656 1657 1658 1659 1660
(3) Within each category of community schools that are not	1661

internet- or computer-based community schools, the department 1662
shall denote each school that is: 1663

(a) Among the twenty per cent of all such community schools 1664
statewide with the lowest total operating expenditures per pupil; 1665

(b) Among the twenty per cent of all such community schools 1666
statewide with the highest performance index scores. 1667

(4) Within the category of internet- or computer-based 1668
community schools, the department shall denote each school that 1669
is: 1670

(a) Among the twenty per cent of all such community schools 1671
statewide with the lowest total operating expenditures per pupil; 1672

(b) Among the twenty per cent of all such community schools 1673
statewide with the highest performance index scores. 1674

(5) Within the category of STEM schools, the department shall 1675
denote each school that is: 1676

(a) Among the twenty per cent of all STEM schools statewide 1677
with the lowest total operating expenditures per pupil; 1678

(b) Among the twenty per cent of all STEM schools statewide 1679
with the highest performance index scores. 1680

(E) The department shall post in a prominent location on its 1681
web site the information prescribed by divisions (C) and (D) of 1682
this section. The department also shall include on each 1683
district's, community school's, and STEM school's annual report 1684
card issued under section 3302.03 of the Revised Code the 1685
respective information computed for the district or school under 1686
divisions (C)(1) and (4) of this section, the statewide 1687
information computed under division (C)(2) of this section, and 1688
the information computed for the district's or school's category 1689
under division (C)(3) of this section. 1690

(F) As used in this section: 1691

(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~~ 1723
~~required by division (B) of this section.~~ 1724

~~(4)~~ Current operating expenditures per pupil as determined 1725
under standards adopted by the state board of education under 1726
section 3302.20 of the Revised Code; 1727

~~(5)~~(4) Of total current operating expenditures, percentage 1728
spent for classroom instruction as determined under standards 1729
adopted by the state board ~~of education~~ under section 3302.20 of 1730
the Revised Code; 1731

~~(6)~~(5) Performance of, and opportunities provided to, 1732
students identified as gifted using value-added progress 1733
dimensions, if applicable, and other relevant measures as 1734
designated by the superintendent of public instruction. 1735

The department shall rank each district, community school, 1736
and STEM school annually in accordance with the system developed 1737
under this section. 1738

(B) In addition to the reports required by sections 3302.03 1739
and 3302.031 of the Revised Code, not later than the first day of 1740
September each year, the department shall issue a report for each 1741
city, exempted village, and local, ~~and joint vocational~~ school 1742
district, each community school, and each STEM school indicating 1743
the district's or school's rank on each measure described in 1744
divisions (A)(1) to ~~(5)~~(4) of this section, including each 1745
separate building's rank among all public school buildings 1746
according to performance index score under division (A)(1) of this 1747
section. 1748

Sec. 3302.25. (A) In accordance with standards prescribed by 1749
the state board of education for categorization of school district 1750
expenditures adopted under division (A) of section 3302.20 of the 1751
Revised Code, the department of education annually shall determine 1752

all of the following for the previous fiscal year: 1753

(1) For each school district, the ratio of the district's 1754
operating expenditures for classroom instructional purposes 1755
compared to its operating expenditures for ~~administrative~~ 1756
nonclassroom purposes; 1757

(2) For each school district, the per pupil amount of the 1758
district's expenditures for classroom instructional purposes; 1759

(3) For each school district, the per pupil amount of the 1760
district's operating expenditures for ~~administrative~~ nonclassroom 1761
purposes; 1762

(4) For each school district, the percentage of the 1763
district's operating expenditures attributable to school district 1764
funds; 1765

(5) The statewide average among all school districts for each 1766
of the items described in divisions (A)(1) to (4) of this section. 1767

(B) The department annually shall submit a report to each 1768
school district indicating the district's information for each of 1769
the items described in divisions (A)(1) to (4) of this section and 1770
the statewide averages described in division (A)(5) of this 1771
section. 1772

(C) Each school district, upon receipt of the report 1773
prescribed by division (B) of this section, shall publish the 1774
information contained in that report in a prominent location on 1775
the district's web site and publish the report in another fashion 1776
so that it is available to all parents of students enrolled in the 1777
district and to taxpayers of the district. 1778

Sec. 3302.41. As used in this section, "blended learning" has 1779
the same meaning as in section 3301.079 of the Revised Code. 1780

(A) Any local, city, exempted village, or joint vocational 1781

school district, community school established under Chapter 3314. 1782
of the Revised Code, STEM school established under Chapter 3326. 1783
of the Revised Code, or college-preparatory boarding school 1784
established under Chapter 3328. of the Revised Code may operate 1785
all or part of a school using a blended learning model. If a 1786
school is operated using a blended learning model or is to cease 1787
operating using a blended learning model, the superintendent of 1788
the school or district or director of the school shall notify the 1789
department of education of that fact not later than the first day 1790
of July of the school year for which the change is effective. If 1791
any school is already operated using a blended learning model on 1792
the effective date of this section, the superintendent of the 1793
school or district may notify the department within ninety days 1794
after the effective date of this section of that fact and request 1795
that the school be classified as a blended learning school. 1796

(B) The state board of education shall adopt standards for 1797
the operation of blended learning classrooms under this section 1798
that provide for all of the following: 1799

(1) Student-to-teacher ratios whereby no school or classroom 1800
is required to have more than one teacher for every one hundred 1801
twenty-five students in blended learning classrooms; 1802

(2) The extent to which the school is or is not obligated to 1803
provide students with access to digital learning tools; 1804

(3) The ability of all students, at any grade level, to earn 1805
credits or advance grade levels upon demonstrating mastery of 1806
knowledge or skills through competency-based learning models. 1807
Credits or grade level advancement shall not be based on a minimum 1808
number of days or hours in a classroom. 1809

(4) An exemption from minimum school year or school day 1810
requirements in sections 3313.48 and 3313.481 of the Revised Code; 1811

(5) Adequate provisions for: the licensing of teachers, 1812

administrators, and other professional personnel and their 1813
assignment according to training and qualifications; efficient and 1814
effective instructional materials and equipment, including library 1815
facilities; the proper organization, administration, and 1816
supervision of each school, including regulations for preparing 1817
all necessary records and reports and the preparation of a 1818
statement of policies and objectives for each school; buildings, 1819
grounds, and health and sanitary facilities and services; 1820
admission of pupils, and such requirements for their promotion 1821
from grade to grade as will ensure that they are capable and 1822
prepared for the level of study to which they are certified; 1823
requirements for graduation; and such other factors as the board 1824
finds necessary. 1825

(C) An internet- or computer-based community school, as 1826
defined in section 3314.02 of the Revised Code, is not a blended 1827
learning school authorized under this section. Nor does this 1828
section affect any provisions for the operation of and payments to 1829
an internet- or computer-based community school prescribed in 1830
Chapter 3314. of the Revised Code. 1831

Sec. 3310.03. A student is an "eligible student" for purposes 1832
of the educational choice scholarship pilot program if the 1833
student's resident district is not a school district in which the 1834
pilot project scholarship program is operating under sections 1835
3313.974 to 3313.979 of the Revised Code and the student satisfies 1836
one of the conditions in division (A) ~~or~~, (B), or (C) of this 1837
section: 1838

(A)(1) The student is enrolled in a school building that is 1839
operated by the student's resident district and to which both of 1840
the following apply: 1841

(a) The building was declared, in at least two of the three 1842
most recent ratings of school buildings published prior to the 1843

first day of July of the school year for which a scholarship is 1844
sought, to be in a state of academic emergency or academic watch 1845
under section 3302.03 of the Revised Code; 1846

(b) The building was not declared to be excellent or 1847
effective under that section in the most recent rating published 1848
prior to the first day of July of the school year for which a 1849
scholarship is sought. 1850

(2) The student is eligible to enroll in kindergarten in the 1851
school year for which a scholarship is sought and otherwise would 1852
be assigned under section 3319.01 of the Revised Code to a school 1853
building described in division (A)(1) of this section. 1854

(3) The student is enrolled in a community school established 1855
under Chapter 3314. of the Revised Code but otherwise would be 1856
assigned under section 3319.01 of the Revised Code to a building 1857
described in division (A)(1) of this section. 1858

(4) The student is enrolled in a school building that is 1859
operated by the student's resident district or in a community 1860
school established under Chapter 3314. of the Revised Code and 1861
otherwise would be assigned under section 3319.01 of the Revised 1862
Code to a school building described in division (A)(1) of this 1863
section in the school year for which the scholarship is sought. 1864

(5) The student is eligible to enroll in kindergarten in the 1865
school year for which a scholarship is sought, or is enrolled in a 1866
community school established under Chapter 3314. of the Revised 1867
Code, and all of the following apply to the student's resident 1868
district: 1869

(a) The district has in force an intradistrict open 1870
enrollment policy under which no student in kindergarten or the 1871
community school student's grade level, respectively, is 1872
automatically assigned to a particular school building; 1873

(b) In at least two of the three most recent ratings of 1874

school districts published prior to the first day of July of the 1875
school year for which a scholarship is sought, the district was 1876
declared to be in a state of academic emergency under section 1877
3302.03 of the Revised Code; 1878

(c) The district was not declared to be excellent or 1879
effective under that section in the most recent rating published 1880
prior to the first day of July of the school year for which a 1881
scholarship is sought. 1882

(B)(1) The student is enrolled in a school building that is 1883
operated by the student's resident district and to which both of 1884
the following apply: 1885

(a) The building was ranked, for at least two of the three 1886
most recent rankings published under section 3302.21 of the 1887
Revised Code prior to the first day of July of the school year for 1888
which a scholarship is sought, in the lowest ten per cent of all 1889
public school buildings according to performance index score under 1890
section 3302.21 of the Revised Code. 1891

(b) The building was not declared to be excellent or 1892
effective under section 3302.03 of the Revised Code in the most 1893
recent rating published prior to the first day of July of the 1894
school year for which a scholarship is sought. 1895

(2) The student is eligible to enroll in kindergarten in the 1896
school year for which a scholarship is sought and otherwise would 1897
be assigned under section 3319.01 of the Revised Code to a school 1898
building described in division (B)(1) of this section. 1899

(3) The student is enrolled in a community school established 1900
under Chapter 3314. of the Revised Code but otherwise would be 1901
assigned under section 3319.01 of the Revised Code to a building 1902
described in division (B)(1) of this section. 1903

(4) The student is enrolled in a school building that is 1904
operated by the student's resident district or in a community 1905

school established under Chapter 3314. of the Revised Code and 1906
otherwise would be assigned under section 3319.01 of the Revised 1907
Code to a school building described in division (B)(1) of this 1908
section in the school year for which the scholarship is sought. 1909

(C) The student is enrolled in a nonpublic school at the time 1910
the school is granted a charter by the state board of education 1911
under section 3301.16 of the Revised Code and the student meets 1912
the standards of division (B) of section 3302.031 of the Revised 1913
Code. 1914

(D) A student who receives a scholarship under the 1915
educational choice scholarship pilot program remains an eligible 1916
student and may continue to receive scholarships in subsequent 1917
school years until the student completes grade twelve, so long as 1918
all of the following apply: 1919

(1) The student's resident district remains the same, or the 1920
student transfers to a new resident district and otherwise would 1921
be assigned in the new resident district to a school building 1922
described in division (A)(1) or (B)(1) of this section; 1923

(2) The student takes each assessment prescribed for the 1924
student's grade level under section 3301.0710 or 3301.0712 of the 1925
Revised Code while enrolled in a chartered nonpublic school; 1926

(3) In each school year that the student is enrolled in a 1927
chartered nonpublic school, the student is absent from school for 1928
not more than twenty days that the school is open for instruction, 1929
not including excused absences. 1930

~~(D)~~(E)(1) The department shall cease awarding first-time 1931
scholarships pursuant to divisions (A)(1) to (4) of this section 1932
with respect to a school building that, in the most recent ratings 1933
of school buildings published under section 3302.03 of the Revised 1934
Code prior to the first day of July of the school year, ceases to 1935
meet the criteria in division (A)(1) of this section. The 1936

department shall cease awarding first-time scholarships pursuant 1937
to division (A)(5) of this section with respect to a school 1938
district that, in the most recent ratings of school districts 1939
published under section 3302.03 of the Revised Code prior to the 1940
first day of July of the school year, ceases to meet the criteria 1941
in division (A)(5) of this section. 1942

(2) The department shall cease awarding first-time 1943
scholarships pursuant to divisions (B)(1) to (4) of this section 1944
with respect to a school building that, in the most recent ratings 1945
of school buildings under section 3302.03 of the Revised Code 1946
prior to the first day of July of the school year, ceases to meet 1947
the criteria in division (B)(1) of this section. 1948

(3) However, students who have received scholarships in the 1949
prior school year remain eligible students pursuant to division 1950
~~(C)~~(D) of this section. 1951

~~(E)~~(F) The state board of education shall adopt rules 1952
defining excused absences for purposes of division ~~(C)~~(D)(3) of 1953
this section. 1954

Sec. 3310.031. (A) The state board of education shall adopt 1955
rules under section 3310.17 of the Revised Code establishing 1956
procedures for granting educational choice scholarships to 1957
eligible students attending a nonpublic school at the time the 1958
state board grants the school a charter under section 3301.16 of 1959
the Revised Code. The procedures shall include at least the 1960
following: 1961

(1) Provisions for extending the application period for 1962
scholarships for the following school year, if necessary due to 1963
the timing of the award of the nonpublic school's charter, in 1964
order for students enrolled in the school at the time the charter 1965
is granted to apply for scholarships for the following school 1966
year; 1967

(2) Provisions for notifying the resident districts of the nonpublic school's students that the nonpublic school has been granted a charter and that educational choice scholarships may be awarded to the school's students for the following school year. 1968
1969
1970
1971

(B) A student who is enrolled in a nonpublic school at the time the school's charter is granted is an eligible student if any of the following applies: 1972
1973
1974

(1) 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 or in a community school established under Chapter 3314. of the Revised Code and, for the current or following school year, the student 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. 1975
1976
1977
1978
1979
1980
1981
1982

(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. 1983
1984
1985
1986
1987
1988

(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. 1989
1990
1991
1992
1993
1994

(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 1995
1996
1997
1998

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. 1999
2000
2001

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. 2002
2003
2004
2005
2006

(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. 2007
2008
2009
2010

(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. 2011
2012
2013

(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. 2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026

(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 2027
2028
2029

resident district or in a community school, established under 2030
Chapter 3314. of the Revised Code, before the end of the school 2031
year, the department shall proportionally restore to the resident 2032
district the amount deducted for that student under division 2033
(C)(1) of this section. 2034

Sec. 3310.15. (A) The department of education annually shall 2035
compile the scores attained by scholarship students to whom an 2036
assessment is administered under section 3310.14 of the Revised 2037
Code. The scores shall be aggregated as follows: 2038

(1) By state, which shall include all students awarded a 2039
scholarship under the educational choice scholarship pilot program 2040
and who were required to take an assessment under section 3310.14 2041
of the Revised Code; 2042

(2) By school district, which shall include all scholarship 2043
students who were required to take an assessment under section 2044
3310.14 of the Revised Code and for whom the district is the 2045
student's resident district; 2046

(3) By chartered nonpublic school, which shall include all 2047
scholarship students enrolled in that school who were required to 2048
take an assessment under section 3310.14 of the Revised Code. 2049

(B) The department shall disaggregate the student performance 2050
data described in division (A) of this section according to the 2051
following categories: 2052

(1) Age Grade level; 2053

(2) Race and ethnicity; 2054

(3) Gender; 2055

(4) Students who have participated in the scholarship program 2056
for three or more years; 2057

(5) Students who have participated in the scholarship program 2058

for more than one year and less than three years; 2059

(6) Students who have participated in the scholarship program 2060
for one year or less; 2061

(7) Economically disadvantaged students. 2062

(C) The department shall post the student performance data 2063
required under divisions (A) and (B) of this section on its web 2064
site and, by the first day of February each year, shall distribute 2065
that data to the parent of each eligible student. In reporting 2066
student performance data under this division, the department shall 2067
not include any data that is statistically unreliable or that 2068
could result in the identification of individual students. For 2069
this purpose, the department shall not report performance data for 2070
any group that contains less than ten students. 2071

(D) The department shall provide the parent of each 2072
scholarship student with information comparing the student's 2073
performance on the assessments administered under section 3310.14 2074
of the Revised Code with the average performance of similar 2075
students enrolled in the building operated by the student's 2076
resident district that the scholarship student would otherwise 2077
attend. In calculating the performance of similar students, the 2078
department shall consider age, grade, race and ethnicity, gender, 2079
and socioeconomic status. 2080

Sec. 3313.37. (A)(1) The board of education of any city, 2081
local, or exempted village school district may build, enlarge, 2082
repair, and furnish the necessary schoolhouses, purchase or lease 2083
sites therefor, or rights-of-way thereto, or purchase or lease 2084
real estate to be used as playgrounds for children or rent 2085
suitable schoolrooms, either within or without the district, and 2086
provide the necessary apparatus and make all other necessary 2087
provisions for the schools under its control. 2088

(2) A governing board of an educational service center may 2089
acquire, lease or lease-purchase, or enter into a contract to 2090
purchase, lease or lease-purchase, or sell real and personal 2091
property and may construct, enlarge, repair, renovate, furnish, or 2092
equip facilities, buildings, or structures for the educational 2093
service center's purposes. The board may enter into loan 2094
agreements, including mortgages, for the acquisition of such 2095
property. ~~If a governing board exercises any of these powers to 2096~~
~~acquire office or classroom space, the board of county 2097~~
~~commissioners has no obligation to provide and equip offices and 2098~~
~~to provide heat, light, water, and janitorial services for the use 2099~~
~~of the service center pursuant to section 3319.19 of the Revised 2100~~
~~Code, unless there is a contract as provided by division (D) of 2101~~
~~that section. 2102~~

(3) A board of county commissioners may issue securities of 2103
the county pursuant to Chapter 133. of the Revised Code for the 2104
acquisition of real and personal property or for the construction, 2105
enlargement, repair, or renovation of facilities, buildings, or 2106
structures by an educational service center, but only if the 2107
county has a contract ~~under division (D) of section 3319.19 of the 2108~~
~~Revised Code~~ with the educational service center whereby the 2109
educational service center agrees to pay the county an amount 2110
equal to the debt charges on the issued securities on or before 2111
the date those charges fall due. For the purposes of this section, 2112
"debt charges" and "securities" have the same meanings as in 2113
section 133.01 of the Revised Code. 2114

(B)(1) Boards of education of city, local, and exempted 2115
village school districts may acquire land by gift or devise, by 2116
purchase, or by appropriation. Lands purchased may be purchased 2117
for cash, by installment payments, with or without a mortgage, by 2118
entering into lease-purchase agreements, or by lease with an 2119
option to purchase, provided that if the purchase price is to be 2120

paid over a period of time, such payments shall not extend for a 2121
period of more than five years. A special tax levy may be 2122
authorized by the voters of the school district in accordance with 2123
section 5705.21 of the Revised Code to provide a special fund to 2124
meet the future time payments. 2125

(2) For the purposes of section 5705.21 of the Revised Code, 2126
acquisition of land under the provisions of this division shall be 2127
considered a necessary requirement of the school district. 2128

(3) Boards of education of city, local, and exempted village 2129
school districts may acquire federal land at a discount by a 2130
lease-purchase agreement for use as a site for the construction of 2131
educational facilities or for other related purposes. External 2132
administrative and other costs pertaining to the acquisition of 2133
federal land at a discount may be paid from funds available to the 2134
school district for operating purposes. Such boards of education 2135
may also acquire federal land by lease-purchase agreements, by 2136
negotiation, or otherwise. 2137

(4) As used in this division: 2138

(a) "Office equipment" includes but is not limited to 2139
typewriters, copying and duplicating equipment, and computer and 2140
data processing equipment. 2141

(b) "Software for instructional purposes" includes computer 2142
programs usable for computer assisted instruction, computer 2143
managed instruction, drill and practice, and problem simulations. 2144

A board of education or governing board of an educational 2145
service center may acquire the necessary office equipment, and 2146
computer hardware and software for instructional purposes, for the 2147
schools under its control by purchase, by lease, by installment 2148
payments, by entering into lease-purchase agreements, or by lease 2149
with an option to purchase. In the case of a city, exempted 2150
village, or local school district, if the purchase price is to be 2151

paid over a period of time, the contract setting forth the terms 2152
of such purchase shall be considered a continuing contract 2153
pursuant to section 5705.41 of the Revised Code. Payments shall 2154
not extend for a period of more than five years. Costs relating to 2155
the acquisition of necessary apparatus may be paid from funds 2156
available to the school district or educational service center for 2157
operating purposes. 2158

(5) A board of education or governing board of an educational 2159
service center may acquire the necessary equipment for the 2160
maintenance or physical upkeep of facilities and land under its 2161
control by entering into lease-purchase agreements. If payments 2162
under the lease-purchase agreement are to be made over a period of 2163
time, the agreement shall be considered a continuing contract 2164
pursuant to section 5705.41 of the Revised Code, and such payments 2165
shall not extend for a period of more than five years. 2166

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 2167
(F), and (G) of this section, when a board of education decides to 2168
dispose of real or personal property that it owns in its corporate 2169
capacity and that exceeds in value ten thousand dollars, it shall 2170
sell the property at public auction, after giving at least thirty 2171
days' notice of the auction by publication in a newspaper of 2172
general circulation in the school district, by publication as 2173
provided in section 7.16 of the Revised Code, or by posting 2174
notices in five of the most public places in the school district 2175
in which the property, if it is real property, is situated, or, if 2176
it is personal property, in the school district of the board of 2177
education that owns the property. The board may offer real 2178
property for sale as an entire tract or in parcels. 2179

(B) When the board of education has offered real or personal 2180
property for sale at public auction at least once pursuant to 2181
division (A) of this section, and the property has not been sold, 2182

the board may sell it at a private sale. Regardless of how it was 2183
offered at public auction, at a private sale, the board shall, as 2184
it considers best, sell real property as an entire tract or in 2185
parcels, and personal property in a single lot or in several lots. 2186

(C) If a board of education decides to dispose of real or 2187
personal property that it owns in its corporate capacity and that 2188
exceeds in value ten thousand dollars, it may sell the property to 2189
the adjutant general; to any subdivision or taxing authority as 2190
respectively defined in divisions (A) and (C) of section 5705.01 2191
of the Revised Code, township park district, board of park 2192
commissioners established under Chapter 755. of the Revised Code, 2193
or park district established under Chapter 1545. of the Revised 2194
Code; to a wholly or partially tax-supported university, 2195
university branch, or college; or to the board of trustees of a 2196
school district library, upon such terms as are agreed upon. The 2197
sale of real or personal property to the board of trustees of a 2198
school district library is limited, in the case of real property, 2199
to a school district library within whose boundaries the real 2200
property is situated, or, in the case of personal property, to a 2201
school district library whose boundaries lie in whole or in part 2202
within the school district of the selling board of education. 2203

(D) When a board of education decides to trade as a part or 2204
an entire consideration, an item of personal property on the 2205
purchase price of an item of similar personal property, it may 2206
trade the same upon such terms as are agreed upon by the parties 2207
to the trade. 2208

(E) The president and the treasurer of the board of education 2209
shall execute and deliver deeds or other necessary instruments of 2210
conveyance to complete any sale or trade under this section. 2211

(F) When a board of education has identified a parcel of real 2212
property that it determines is needed for school purposes, the 2213
board may, upon a majority vote of the members of the board, 2214

acquire that property by exchanging real property that the board 2215
owns in its corporate capacity for the identified real property or 2216
by using real property that the board owns in its corporate 2217
capacity as part or an entire consideration for the purchase price 2218
of the identified real property. Any exchange or acquisition made 2219
pursuant to this division shall be made by a conveyance executed 2220
by the president and the treasurer of the board. 2221

(G) When a school district board of education decides to 2222
dispose of real property, prior to disposing of that property 2223
under divisions (A) to (F) of this section, it shall first offer 2224
that property for sale to the governing authorities of the 2225
start-up community schools established under Chapter 3314. of the 2226
Revised Code, and the board of trustees of any college-preparatory 2227
boarding school established under Chapter 3328. of the Revised 2228
Code, that are located within the territory of the school 2229
district⁷. The district board shall offer the property at a price 2230
that is not higher than the appraised fair market value of that 2231
property. If more than one community school governing authority or 2232
college-preparatory boarding school board of trustees accepts the 2233
offer made by the school district board, the board shall sell the 2234
property to the governing authority or board that accepted the 2235
offer first in time. If no community school governing authority or 2236
college-preparatory boarding school board of trustees accepts the 2237
offer within sixty days after the offer is made by the school 2238
district board, the board may dispose of the property in the 2239
applicable manner prescribed under divisions (A) to (F) of this 2240
section. 2241

(H) When a school district board of education has property 2242
that the board, by resolution, finds is not needed for school 2243
district use, is obsolete, or is unfit for the use for which it 2244
was acquired, the board may donate that property in accordance 2245
with this division if the fair market value of the property is, in 2246

the opinion of the board, two thousand five hundred dollars or 2247
less. 2248

The property may be donated to an eligible nonprofit 2249
organization that is located in this state and is exempt from 2250
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 2251
Before donating any property under this division, the board shall 2252
adopt a resolution expressing its intent to make unneeded, 2253
obsolete, or unfit-for-use school district property available to 2254
these organizations. The resolution shall include guidelines and 2255
procedures the board considers to be necessary to implement the 2256
donation program and shall indicate whether the school district 2257
will conduct the donation program or the board will contract with 2258
a representative to conduct it. If a representative is known when 2259
the resolution is adopted, the resolution shall provide contact 2260
information such as the representative's name, address, and 2261
telephone number. 2262

The resolution shall include within its procedures a 2263
requirement that any nonprofit organization desiring to obtain 2264
donated property under this division shall submit a written notice 2265
to the board or its representative. The written notice shall 2266
include evidence that the organization is a nonprofit organization 2267
that is located in this state and is exempt from federal income 2268
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 2269
the organization's primary purpose; a description of the type or 2270
types of property the organization needs; and the name, address, 2271
and telephone number of a person designated by the organization's 2272
governing board to receive donated property and to serve as its 2273
agent. 2274

After adoption of the resolution, the board shall publish, in 2275
a newspaper of general circulation in the school district or as 2276
provided in section 7.16 of the Revised Code, notice of its intent 2277
to donate unneeded, obsolete, or unfit-for-use school district 2278

property to eligible nonprofit organizations. The notice shall 2279
include a summary of the information provided in the resolution 2280
and shall be published twice. The second notice shall be published 2281
not less than ten nor more than twenty days after the previous 2282
notice. A similar notice also shall be posted continually in the 2283
board's office. If the school district maintains a web site on the 2284
internet, the notice shall be posted continually at that web site. 2285

The board or its representatives shall maintain a list of all 2286
nonprofit organizations that notify the board or its 2287
representative of their desire to obtain donated property under 2288
this division and that the board or its representative determines 2289
to be eligible, in accordance with the requirements set forth in 2290
this section and in the donation program's guidelines and 2291
procedures, to receive donated property. 2292

The board or its representative also shall maintain a list of 2293
all school district property the board finds to be unneeded, 2294
obsolete, or unfit for use and to be available for donation under 2295
this division. The list shall be posted continually in a 2296
conspicuous location in the board's office, and, if the school 2297
district maintains a web site on the internet, the list shall be 2298
posted continually at that web site. An item of property on the 2299
list shall be donated to the eligible nonprofit organization that 2300
first declares to the board or its representative its desire to 2301
obtain the item unless the board previously has established, by 2302
resolution, a list of eligible nonprofit organizations that shall 2303
be given priority with respect to the item's donation. Priority 2304
may be given on the basis that the purposes of a nonprofit 2305
organization have a direct relationship to specific school 2306
district purposes of programs provided or administered by the 2307
board. A resolution giving priority to certain nonprofit 2308
organizations with respect to the donation of an item of property 2309
shall specify the reasons why the organizations are given that 2310

priority. 2311

Members of the board shall consult with the Ohio ethics 2312
commission, and comply with Chapters 102. and 2921. of the Revised 2313
Code, with respect to any donation under this division to a 2314
nonprofit organization of which a board member, any member of a 2315
board member's family, or any business associate of a board member 2316
is a trustee, officer, board member, or employee. 2317

Sec. 3313.411. (A) As used in this section, ~~"unused:~~ 2318

(1) "College-preparatory boarding school" means a 2319
college-preparatory boarding school established under Chapter 2320
3328. of the Revised Code. 2321

(2) "Community school" means a community school established 2322
under Chapter 3314. of the Revised Code. 2323

(3) "Unused school facilities" means any real property that 2324
has been used by a school district for school operations, 2325
including, but not limited to, academic instruction or 2326
administration, since July 1, 1998, but has not been used in that 2327
capacity for two years. 2328

(B)(1) On and after ~~the effective date of this section June~~ 2329
~~30, 2011~~, any school district board of education shall offer any 2330
unused school facilities it owns in its corporate capacity for 2331
lease or sale to the governing authorities of community schools 2332
~~established under Chapter 3314. of the Revised Code, and the board~~ 2333
~~of trustees of any college-preparatory boarding school, that are~~ 2334
located within the territory of the ~~school~~ district. 2335

(2) At the same time that a district board makes the offer 2336
required under division (B)(1) of this section, the board also 2337
may, but shall not be required to, offer that property for sale or 2338
lease to both of the following: 2339

(a) The governing authorities of community schools with 2340

plans, stipulated in their contracts entered into under section 2341
3314.03 of the Revised Code, either to relocate their operations 2342
to the territory of the district or to add facilities, as 2343
authorized by division (B)(3) or (4) of section 3314.05 of the 2344
Revised Code, to be located within the territory of the district; 2345

(b) Persons or groups of individuals holding valid 2346
preliminary agreements under section 3314.02 of the Revised Code 2347
proposing the establishment of a community school within the 2348
territory of the district. 2349

(C)(1) If, not later than sixty days after the district board 2350
makes the offer, ~~the governing authority of only one community~~ 2351
~~school located within the territory of the school district~~ 2352
~~governing authority, board of trustees, person, or group of~~ 2353
~~individuals offered the property under division (B) of this~~ 2354
~~section~~ notifies the district treasurer in writing of ~~its~~ the 2355
intention to purchase the property, the district board shall sell 2356
the property to ~~the community school~~ that party for the appraised 2357
fair market value of the property. 2358

(2) If, not later than sixty days after the district board 2359
makes the offer, ~~the governing authorities of two or more~~ 2360
~~community schools located within the territory of the school~~ 2361
~~district~~ notify more than one party offered the property under 2362
division (B) of this section notifies the district treasurer in 2363
writing of ~~their~~ the intention to purchase the property, the board 2364
shall conduct a public auction in the manner required for auctions 2365
of district property under division (A) of section 3313.41 of the 2366
Revised Code. Only the ~~governing authorities of all community~~ 2367
~~schools located within the territory of the school district~~ 2368
parties offered the property under division (B) of this section 2369
that notify the district treasurer of the intention to purchase 2370
the property are eligible to bid at the auction. The district 2371
board is not obligated to accept any bid for the property that is 2372

lower than the appraised fair market value of the property. 2373

(3) If the ~~governing authorities of two or more community~~ 2374
~~schools located within the territory of the school district notify~~ 2375
more than one party offered the property under division (B) of 2376
this section notifies the district treasurer in writing of ~~their~~ 2377
the intention to lease the property, the district board shall 2378
conduct a lottery to select from among those parties the ~~community~~ 2379
school to which the district board shall lease the property. 2380

(4) The lease price offered by a district board to ~~the~~ 2381
~~governing authority of~~ a community school or college-preparatory 2382
boarding school under this section shall not be higher than the 2383
fair market value for such a leasehold. 2384

(5) If no ~~community school governing authority party offered~~ 2385
the property under division (B) of this section accepts the offer 2386
to lease or buy the property within sixty days after the offer is 2387
made, the district board may offer the property to any other 2388
entity in accordance with divisions (A) to (F) of section 3313.41 2389
of the Revised Code. 2390

~~(C)~~(D) Notwithstanding division (B) of this section, a school 2391
district board may renew any agreement it originally entered into 2392
prior to ~~the effective date of this section~~ June 30, 2011, to 2393
lease real property to an entity other than a community school or 2394
college-preparatory boarding school. Nothing in this section shall 2395
affect the leasehold arrangements between the district board and 2396
that other entity. 2397

(E) Any property leased or sold under this section to the 2398
governing authority of a community school, or to a person or group 2399
of individuals described in division (B)(2)(b) of this section, 2400
shall be used by the governing authority or person or group of 2401
individuals only for the purpose of operating a community school. 2402

Sec. 3313.603. (A) As used in this section:	2403
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	2404 2405 2406 2407
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	2408 2409 2410 2411
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	2412 2413 2414 2415 2416
(1) English language arts, four units;	2417
(2) Health, one-half unit;	2418
(3) Mathematics, three units;	2419
(4) Physical education, one-half unit;	2420
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	2421 2422 2423
(a) Biological sciences, one unit;	2424
(b) Physical sciences, one unit.	2425
(6) History <u>American history</u> and <u>American</u> government, one unit, which shall comply with division (M) of this section and shall include both of the following:	2426 2427 2428
(a) American history, one-half unit;	2429
(b) American government, one-half unit.	2430

(7) Social studies, which may include the study of history and government other than American history and American government, two units. 2431
2432
2433

(8) Elective units, seven units until September 15, 2003, and six units thereafter. 2434
2435

Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language. 2436
2437
2438

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows: 2439
2440
2441
2442
2443
2444
2445

(1) English language arts, four units; 2446

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health; 2447
2448
2449

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II; 2450
2451

(4) Physical education, one-half unit; 2452

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent: 2453
2454
2455
2456

(a) Physical sciences, one unit; 2457

(b) Life sciences, one unit; 2458

(c) Advanced study in one or more of the following sciences, one unit: 2459
2460

(i) Chemistry, physics, or other physical science;	2461
(ii) Advanced biology or other life science;	2462
(iii) Astronomy, physical geology, or other earth or space science.	2463 2464
(6) History <u>American history</u> and <u>American</u> government, one unit, which shall comply with division (M) of this section and shall include both of the following:	2465 2466 2467
(a) American history, one-half unit;	2468
(b) American government, one-half unit.	2469
(7) Social studies, <u>which may include the study of history and government other than American history and American government</u> , two units.	2470 2471 2472
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486
(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, a junior reserve officer training corps (JROTC) program approved	2487 2488 2489 2490

by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.

Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills quickly to meet the rapidly changing conditions of the twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of the opportunities they pursue after graduation. The goal of Ohio's system of elementary and secondary education is to prepare all students for and seamlessly connect all students to success in life beyond high school graduation, regardless of whether the next step is entering the workforce, beginning an apprenticeship, engaging in post-secondary training, serving in the military, or pursuing a college degree.

The Ohio core curriculum is the standard expectation for all students entering ninth grade for the first time at a public or chartered nonpublic high school on or after July 1, 2010. A student may satisfy this expectation through a variety of methods, including, but not limited to, integrated, applied, career-technical, and traditional coursework.

Whereas teacher quality is essential for student success in completing the Ohio core curriculum, the general assembly shall appropriate funds for strategic initiatives designed to strengthen schools' capacities to hire and retain highly qualified teachers in the subject areas required by the curriculum. Such initiatives are expected to require an investment of \$120,000,000 over five years.

Stronger coordination between high schools and institutions of higher education is necessary to prepare students for more challenging academic endeavors and to lessen the need for academic

remediation in college, thereby reducing the costs of higher 2523
education for Ohio's students, families, and the state. The state 2524
board and the chancellor of the Ohio board of regents shall 2525
develop policies to ensure that only in rare instances will 2526
students who complete the Ohio core curriculum require academic 2527
remediation after high school. 2528

School districts, community schools, and chartered nonpublic 2529
schools shall integrate technology into learning experiences 2530
across the curriculum in order to maximize efficiency, enhance 2531
learning, and prepare students for success in the 2532
technology-driven twenty-first century. Districts and schools 2533
shall use distance and web-based course delivery as a method of 2534
providing or augmenting all instruction required under this 2535
division, including laboratory experience in science. Districts 2536
and schools shall utilize technology access and electronic 2537
learning opportunities provided by the eTech Ohio commission, the 2538
Ohio learning network, education technology centers, public 2539
television stations, and other public and private providers. 2540

(D) Except as provided in division (E) of this section, a 2541
student who enters ninth grade on or after July 1, 2010, and 2542
before July 1, 2014, may qualify for graduation from a public or 2543
chartered nonpublic high school even though the student has not 2544
completed the Ohio core curriculum prescribed in division (C) of 2545
this section if all of the following conditions are satisfied: 2546

(1) After the student has attended high school for two years, 2547
as determined by the school, the student and the student's parent, 2548
guardian, or custodian sign and file with the school a written 2549
statement asserting the parent's, guardian's, or custodian's 2550
consent to the student's graduating without completing the Ohio 2551
core curriculum and acknowledging that one consequence of not 2552
completing the Ohio core curriculum is ineligibility to enroll in 2553
most state universities in Ohio without further coursework. 2554

(2) The student and parent, guardian, or custodian fulfill 2555
any procedural requirements the school stipulates to ensure the 2556
student's and parent's, guardian's, or custodian's informed 2557
consent and to facilitate orderly filing of statements under 2558
division (D)(1) of this section. 2559

(3) The student and the student's parent, guardian, or 2560
custodian and a representative of the student's high school 2561
jointly develop an individual career plan for the student that 2562
specifies the student matriculating to a two-year degree program, 2563
acquiring a business and industry credential, or entering an 2564
apprenticeship. 2565

(4) The student's high school provides counseling and support 2566
for the student related to the plan developed under division 2567
(D)(3) of this section during the remainder of the student's high 2568
school experience. 2569

(5) The student successfully completes, at a minimum, the 2570
curriculum prescribed in division (B) of this section. 2571

The department of education, in collaboration with the 2572
chancellor, shall analyze student performance data to determine if 2573
there are mitigating factors that warrant extending the exception 2574
permitted by division (D) of this section to high school classes 2575
beyond those entering ninth grade before July 1, 2014. The 2576
department shall submit its findings and any recommendations not 2577
later than August 1, 2014, to the speaker and minority leader of 2578
the house of representatives, the president and minority leader of 2579
the senate, the chairpersons and ranking minority members of the 2580
standing committees of the house of representatives and the senate 2581
that consider education legislation, the state board of education, 2582
and the superintendent of public instruction. 2583

(E) Each school district and chartered nonpublic school 2584
retains the authority to require an even more rigorous minimum 2585

curriculum for high school graduation than specified in division 2586
(B) or (C) of this section. A school district board of education, 2587
through the adoption of a resolution, or the governing authority 2588
of a chartered nonpublic school may stipulate any of the 2589
following: 2590

(1) A minimum high school curriculum that requires more than 2591
twenty units of academic credit to graduate; 2592

(2) An exception to the district's or school's minimum high 2593
school curriculum that is comparable to the exception provided in 2594
division (D) of this section but with additional requirements, 2595
which may include a requirement that the student successfully 2596
complete more than the minimum curriculum prescribed in division 2597
(B) of this section; 2598

(3) That no exception comparable to that provided in division 2599
(D) of this section is available. 2600

(F) A student enrolled in a dropout prevention and recovery 2601
program, which program has received a waiver from the department, 2602
may qualify for graduation from high school by successfully 2603
completing a competency-based instructional program administered 2604
by the dropout prevention and recovery program in lieu of 2605
completing the Ohio core curriculum prescribed in division (C) of 2606
this section. The department shall grant a waiver to a dropout 2607
prevention and recovery program, within sixty days after the 2608
program applies for the waiver, if the program meets all of the 2609
following conditions: 2610

(1) The program serves only students not younger than sixteen 2611
years of age and not older than twenty-one years of age. 2612

(2) The program enrolls students who, at the time of their 2613
initial enrollment, either, or both, are at least one grade level 2614
behind their cohort age groups or experience crises that 2615
significantly interfere with their academic progress such that 2616

they are prevented from continuing their traditional programs. 2617

(3) The program requires students to attain at least the 2618
applicable score designated for each of the assessments prescribed 2619
under division (B)(1) of section 3301.0710 of the Revised Code or, 2620
to the extent prescribed by rule of the state board under division 2621
(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) 2622
of that section. 2623

(4) The program develops an individual career plan for the 2624
student that specifies the student's matriculating to a two-year 2625
degree program, acquiring a business and industry credential, or 2626
entering an apprenticeship. 2627

(5) The program provides counseling and support for the 2628
student related to the plan developed under division (F)(4) of 2629
this section during the remainder of the student's high school 2630
experience. 2631

(6) The program requires the student and the student's 2632
parent, guardian, or custodian to sign and file, in accordance 2633
with procedural requirements stipulated by the program, a written 2634
statement asserting the parent's, guardian's, or custodian's 2635
consent to the student's graduating without completing the Ohio 2636
core curriculum and acknowledging that one consequence of not 2637
completing the Ohio core curriculum is ineligibility to enroll in 2638
most state universities in Ohio without further coursework. 2639

(7) Prior to receiving the waiver, the program has submitted 2640
to the department an instructional plan that demonstrates how the 2641
academic content standards adopted by the state board under 2642
section 3301.079 of the Revised Code will be taught and assessed. 2643

If the department does not act either to grant the waiver or 2644
to reject the program application for the waiver within sixty days 2645
as required under this section, the waiver shall be considered to 2646
be granted. 2647

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board, in consultation with the chancellor,

shall adopt a statewide plan implementing methods for students to 2679
earn units of high school credit based on a demonstration of 2680
subject area competency, instead of or in combination with 2681
completing hours of classroom instruction. The state board shall 2682
adopt the plan not later than March 31, 2009, and commence phasing 2683
in the plan during the 2009-2010 school year. The plan shall 2684
include a standard method for recording demonstrated proficiency 2685
on high school transcripts. Each school district and community 2686
school shall comply with the state board's plan adopted under this 2687
division and award units of high school credit in accordance with 2688
the plan. The state board may adopt existing methods for earning 2689
high school credit based on a demonstration of subject area 2690
competency as necessary prior to the 2009-2010 school year. 2691

(K) This division does not apply to students who qualify for 2692
graduation from high school under division (D) or (F) of this 2693
section, or to students pursuing a career-technical instructional 2694
track as determined by the school district board of education or 2695
the chartered nonpublic school's governing authority. 2696
Nevertheless, the general assembly encourages such students to 2697
consider enrolling in a fine arts course as an elective. 2698

Beginning with students who enter ninth grade for the first 2699
time on or after July 1, 2010, each student enrolled in a public 2700
or chartered nonpublic high school shall complete two semesters or 2701
the equivalent of fine arts to graduate from high school. The 2702
coursework may be completed in any of grades seven to twelve. Each 2703
student who completes a fine arts course in grade seven or eight 2704
may elect to count that course toward the five units of electives 2705
required for graduation under division (C)(8) of this section, if 2706
the course satisfied the requirements of division (G) of this 2707
section. In that case, the high school shall award the student 2708
high school credit for the course and count the course toward the 2709
five units required under division (C)(8) of this section. If the 2710

course in grade seven or eight did not satisfy the requirements of 2711
division (G) of this section, the high school shall not award the 2712
student high school credit for the course but shall count the 2713
course toward the two semesters or the equivalent of fine arts 2714
required by this division. 2715

(L) Notwithstanding anything to the contrary in this section, 2716
the board of education of each school district and the governing 2717
authority of each chartered nonpublic school may adopt a policy to 2718
excuse from the high school physical education requirement each 2719
student who, during high school, has participated in 2720
interscholastic athletics, marching band, or cheerleading for at 2721
least two full seasons or in the junior reserve officer training 2722
corps for at least two full school years. If the board or 2723
authority adopts such a policy, the board or authority shall not 2724
require the student to complete any physical education course as a 2725
condition to graduate. However, the student shall be required to 2726
complete one-half unit, consisting of at least sixty hours of 2727
instruction, in another course of study. In the case of a student 2728
who has participated in the junior reserve officer training corps 2729
for at least two full school years, credit received for that 2730
participation may be used to satisfy the requirement to complete 2731
one-half unit in another course of study. 2732

(M) It is important that high school students learn and 2733
understand United States history and the governments of both the 2734
United States and the state of Ohio. Therefore, beginning with 2735
students who enter ninth grade for the first time on or after July 2736
1, 2012, the study of American history and American government 2737
required by divisions (B)(6) and (C)(6) of this section shall 2738
include the study of all of the following documents: 2739

(1) The Declaration of Independence; 2740

(2) The Northwest Ordinance; 2741

(3) The Constitution of the United States with emphasis on the Bill of Rights;	2742 2743
(4) The Ohio Constitution.	2744
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	2745 2746 2747
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	2748 2749 2750 2751 2752 2753
Sec. 3313.608. (A) <u>(1)</u> Beginning with students who enter third grade in the school year that starts July 1, 2009, <u>and until June 30, 2013,</u> for any student who attains a score in the range designated under division (A)(2)(c) 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, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:	2754 2755 2756 2757 2758 2759 2760 2761 2762
(1) <u>(a)</u> Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;	2763 2764 2765 2766
(2) <u>(b)</u> Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;	2767 2768
(3) <u>(c)</u> Retain the student in third grade.	2769
<u>(2) Beginning with students who enter third grade in the 2013-2014 school year, no city, exempted village, or local school</u>	2770 2771

district shall promote to fourth grade any student who attains a 2772
score in the range designated under division (A)(2)(c) of section 2773
3301.0710 of the Revised Code on the assessment prescribed under 2774
that section to measure skill in English language arts expected at 2775
the end of third grade, unless one of the following applies: 2776

(a) The student is a limited English proficient student who 2777
has been enrolled in United States schools for less than two full 2778
school years and has had less than two years of instruction in an 2779
English as a second language program. 2780

(b) The student is a child with a disability entitled to 2781
special education and related services under Chapter 3323. of the 2782
Revised Code and the student's individualized education program 2783
exempts the student from retention under this division. 2784

(c) The student demonstrates an acceptable level of 2785
performance on an alternative standardized reading assessment as 2786
determined by the principal. 2787

(d) The student demonstrates through a student portfolio that 2788
the student is reading at grade level. The student's principal 2789
shall determine if the work in the portfolio complies with 2790
guidelines adopted by the superintendent of public instruction for 2791
student portfolios. 2792

(e) All of the following apply: 2793

(i) The student is a child with a disability entitled to 2794
special education and related services under Chapter 3323. of the 2795
Revised Code. 2796

(ii) The student has taken the third grade English language 2797
arts achievement assessment prescribed under section 3301.0710 of 2798
the Revised Code. 2799

(iii) The student's individualized education program or plan 2800
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 2801

355, 29 U.S.C. 794, as amended, shows that the student has 2802
received intensive remediation in reading for more than two years 2803
but still demonstrates a deficiency in reading. 2804

(iv) The student previously was retained in any of grades 2805
kindergarten to three. 2806

(f)(i) The student received intensive remediation for reading 2807
for at least two years but still demonstrates a deficiency in 2808
reading and was previously retained in any of grades kindergarten 2809
to three. 2810

(ii) A student who is promoted under division (A)(2)(f)(i) of 2811
this section shall continue to receive intensive reading 2812
instruction in grade four. The instruction shall include an 2813
altered instructional day that includes specialized diagnostic 2814
information and specific research-based reading strategies for the 2815
student that have been successful in improving reading among 2816
low-performing readers. 2817

(B)(1) ~~To~~ Beginning in the 2012-2013 school year, to assist 2818
students in meeting ~~this~~ the third grade guarantee established by 2819
this section, each school district board of education shall adopt 2820
policies and procedures with which it ~~shall~~ annually shall assess 2821
the reading skills of each student ~~at the end of first and second~~ 2822
enrolled in kindergarten to third grade by the thirtieth day of 2823
September and shall identify students who are reading below their 2824
grade level by the end of the school year. ~~If~~ Each district shall 2825
use the diagnostic assessment to measure English language arts 2826
ability for the appropriate grade level ~~has been developed in~~ 2827
~~accordance with division (D)(1) of~~ adopted under section 3301.079 2828
of the Revised Code, ~~each school district shall use such~~ 2829
~~diagnostic assessment~~ or a comparable tool approved by the 2830
department of education, to identify such students, ~~except that~~ 2831
~~any district to which division (E) of section 3301.0715 of the~~ 2832
~~Revised Code applies may use another assessment to identify such~~ 2833

~~students. The policies and procedures shall require the students'~~ 2834
~~classroom teachers to be involved in the assessment and the~~ 2835
~~identification of students reading below grade level. The district~~ 2836
~~shall notify the parent or guardian of~~ 2837

(2) For each student whose identified under this section as 2838
having reading skills are below grade level and, the district 2839
shall do both of the following: 2840

(a) Provide to the student's parent or guardian, in writing, 2841
all of the following: 2842

(i) Notification that the student has been identified as 2843
having a substantial deficiency in reading; 2844

(ii) A description of the current services that are provided 2845
to the student; 2846

(iii) A description of the proposed supplemental 2847
instructional services and supports that will be provided to the 2848
student that are designed to remediate the identified areas of 2849
reading deficiency; 2850

(iv) Notification that if the student attains a score in the 2851
range designated under division (A)(2)(c) of section 3301.0710 of 2852
the Revised Code on the assessment prescribed under that section 2853
to measure skill in English language arts expected at the end of 2854
third grade, the student shall be retained unless the student is 2855
exempt under division (A) of this section. The notification shall 2856
specify that the assessment under section 3301.0710 of the Revised 2857
Code is not the sole determinant of promotion and that additional 2858
evaluations, portfolio reviews, and assessments are available to 2859
the student to assist parents and the district in knowing when a 2860
student is reading at or above grade level and ready for 2861
promotion. 2862

(b) Provide intensive reading instruction to the student 2863
immediately following identification of a reading deficiency, in 2864

accordance with division (C) of this section, ~~provide intervention~~ 2865
~~services to each student reading below grade level.~~ Such 2866
intervention services shall include research-based reading 2867
strategies that have been shown to be successful in improving 2868
reading among low-performing readers and instruction in intensive, 2869
~~systematic phonetics pursuant to rules adopted by the state board~~ 2870
~~of education targeted at the student's identified reading~~ 2871
deficiencies. 2872

~~(2)(3) For each student entering third grade after July 1,~~ 2873
~~2009, who does not attain by the end of the third grade at least a~~ 2874
~~score in the range designated under division (A)(2)(b) of section~~ 2875
~~3301.0710 of the Revised Code on the assessment prescribed under~~ 2876
~~that section to measure skill in English language arts expected at~~ 2877
~~the end of third grade retained under division (A) of this~~ 2878
section, the district also shall offer do all of the following: 2879

(a) Provide intense remediation services during the summer 2880
following third grade until the student is able to read at grade 2881
level. The remediation services shall include intensive 2882
interventions in reading that address the areas of deficiencies 2883
identified under this section, including not less than ninety 2884
minutes of daily, uninterrupted, research-based reading 2885
instruction and other strategies prescribed by the school 2886
district, including, but not limited to, any of the following: 2887

(i) Small group instruction; 2888

(ii) Reduced teacher-student ratios; 2889

(iii) More frequent progress monitoring; 2890

(iv) Tutoring or mentoring; 2891

(v) Transition classes containing third and fourth grade 2892
students; 2893

(vi) Extended school day, week, or year; 2894

<u>(vii) Summer reading camps.</u>	2895
<u>(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;</u>	2896 2897 2898
<u>(c) Provide each student with a high-performing teacher, as determined by the teacher's student performance data and performance reviews.</u>	2899 2900 2901
<u>The district may offer the option for students to receive applicable services from one or more providers other than the district. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.</u>	2902 2903 2904 2905 2906 2907
<u>(C) For each student required to be offered provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services plan. The plan shall include all of the following:</u>	2908 2909 2910 2911 2912 2913 2914 2915 2916 2917
<u>(1) Identification of the student's specific reading deficiencies;</u>	2918 2919
<u>(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;</u>	2920 2921 2922
<u>(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;</u>	2923 2924 2925

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section; 2926
2927
2928

(5) A reading curriculum during regular school hours that does all of the following: 2929
2930

(a) Assists students to read at grade level; 2931

(b) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension; 2932
2933

(c) Provides scientifically based and reliable assessment; 2934

(d) Provides initial and ongoing analysis of each student's reading progress. 2935
2936

(6) A statement that if the student attains a score in the range designated under division (A)(2)(c) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade. 2937
2938
2939
2940
2941

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who has either received a passing score on a rigorous test of principles of scientifically based reading instruction approved by the state board of education or has a reading endorsement on the teacher's license. 2942
2943
2944
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The district shall report any information requested by the department about the plans developed under this division in the manner required by the department. 2948
2949
2950

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. 2951
2952
2953
2954

(E) Any summer remediation services funded in whole or in 2955

part by the state and offered by school districts to students 2956
under this section shall meet the following conditions: 2957

(1) The remediation methods are based on reliable educational 2958
research. 2959

(2) The school districts conduct assessment before and after 2960
students participate in the program to facilitate monitoring 2961
results of the remediation services. 2962

(3) The parents of participating students are involved in 2963
programming decisions. 2964

~~(4) The services are conducted in a school building or 2965
community center and not on an at-home basis. 2966~~

~~(E)(F) Any intervention or remediation services required by 2967
this section shall include intensive, explicit, and systematic 2968
instruction. 2969~~

(G) This section does not create a new cause of action or a 2970
substantive legal right for any person. 2971

Sec. 3313.609. (A) As used in this section: 2972

(1) "Truant" means absent without excuse. 2973

(2) "Academically prepared" means whatever educational 2974
standard the board of education of each city, exempted village, 2975
local, and joint vocational school district establishes as 2976
necessary for the promotion of a student to the next grade level 2977
pursuant to the policy adopted under division (B) of this section. 2978

(B) The board of education of each city, exempted village, 2979
local, and joint vocational school district shall adopt a grade 2980
promotion and retention policy for students that complies with 2981
this section and section 3313.608 of the Revised Code. The policy 2982
shall prohibit the promotion of a student to the next grade level 2983
if the student has been truant for more than ten per cent of the 2984

required attendance days of the current school year and has failed 2985
two or more of the required curriculum subject areas in the 2986
current grade unless the student's principal and the teachers of 2987
any failed subject areas agree that the student is academically 2988
prepared to be promoted to the next grade level. 2989

Sec. 3313.6013. (A) As used in this section, "dual enrollment 2990
program" means a program that enables a student to earn credit 2991
toward a degree from an institution of higher education while 2992
enrolled in high school or that enables a student to complete 2993
coursework while enrolled in high school that may earn credit 2994
toward a degree from an institution of higher education upon the 2995
student's attainment of a specified score on an examination 2996
covering the coursework. Dual enrollment programs may include any 2997
of the following: 2998

(1) The post-secondary enrollment options program established 2999
under Chapter 3365. of the Revised Code; 3000

(2) Advanced placement courses; 3001

(3) Any similar program established pursuant to an agreement 3002
between a school district or chartered nonpublic high school and 3003
an institution of higher education. 3004

(B) Each city, local, exempted village, and joint vocational 3005
school district and each chartered nonpublic high school shall 3006
provide students enrolled in grades nine through twelve with the 3007
opportunity to participate in a dual enrollment program. For this 3008
purpose, each school district and chartered nonpublic high school 3009
shall offer at least one dual enrollment program in accordance 3010
with division (B)(1) or (2) of this section, as applicable. 3011

(1) A city, local, or exempted village school district meets 3012
the requirements of this division through its mandatory 3013
participation in the post-secondary enrollment options program 3014

established under Chapter 3365. of the Revised Code. However, a 3015
city, local, or exempted village school district may offer any 3016
other dual enrollment program, in addition to the post-secondary 3017
enrollment options program, and each joint vocational school 3018
district shall offer at least one other ~~due~~ dual enrollment 3019
program, to students in good standing, as defined by the 3020
partnership for continued learning under section 3301.42 of the 3021
Revised Code as it existed prior to ~~the effective date of this~~ 3022
~~amendment~~ October 16, 2009, or as subsequently defined by the 3023
department of education. 3024

(2) A chartered nonpublic high school that elects to 3025
participate in the post-secondary enrollment options program 3026
established under Chapter 3365. of the Revised Code meets the 3027
requirements of this division. Each chartered nonpublic high 3028
school that elects not to participate in the post-secondary 3029
enrollment options program instead shall offer at least one other 3030
dual enrollment program to students in good standing, as defined 3031
by the partnership for continued learning under section 3301.42 of 3032
the Revised Code as it existed prior to ~~the effective date of this~~ 3033
~~amendment~~ October 16, 2009, or as subsequently defined by the 3034
department of education. 3035

(C) Each school district and each chartered nonpublic high 3036
school shall provide information about the dual enrollment 3037
programs offered by the district or school to all students 3038
enrolled in grades eight through eleven. 3039

Sec. 3313.6411. (A) As used in this section, "parent" has the 3040
same meaning as in section 3313.98 of the Revised Code. 3041

(B) When a student enrolls in a school operated by a city, 3042
exempted village, or local school district, a school official with 3043
responsibility for admissions shall provide the student's parent, 3044
during the admissions process, with a copy of the most recent 3045

report card issued under section 3302.03 of the Revised Code. 3046

Sec. 3313.674. (A) Except as provided in ~~divisions~~ division 3047
(D) ~~and (H)~~ of this section, the board of education of each city, 3048
exempted village, or local school district and the governing 3049
authority of each chartered nonpublic school ~~shall~~ may require 3050
each student enrolled in kindergarten, third grade, fifth grade, 3051
and ninth grade to undergo a screening for body mass index and 3052
weight status category ~~prior to the first day of May of the school~~ 3053
~~year.~~ 3054

(B) The board or governing authority may provide any 3055
screenings ~~required~~ authorized by this section itself, contract 3056
with another entity for provision of the screenings, or request 3057
the parent or guardian of each student subject to ~~this section~~ the 3058
screening to obtain the screening from a provider selected by the 3059
parent or guardian and to submit the results to the board or 3060
governing authority. If the board or governing authority provides 3061
the screenings itself or contracts with another entity for 3062
provision of the screenings, the board or governing authority 3063
shall protect student privacy by ensuring that each student is 3064
screened alone and not in the presence of other students or staff. 3065

(C) ~~Prior to the first day of February of each~~ Each school 3066
year, ~~the~~ each board or governing authority electing to require 3067
the screening shall provide the parent or guardian of each student 3068
subject to ~~this section~~ the screening with information about the 3069
screening program. If the board or governing authority requests 3070
parents and guardians to obtain a screening from a provider of 3071
their choosing, the board or governing authority shall provide 3072
them with a list of providers and information about screening 3073
services available in the community to parents and guardians who 3074
cannot afford a private provider. 3075

(D) If the parent or guardian of a student subject to ~~this~~ 3076

~~section~~ the screening signs and submits to the board or governing authority a written statement indicating that the parent or guardian does not wish to have the student undergo the screening, the board or governing authority shall not require the student to be screened.

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

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

(G) In a manner prescribed by rule of the director of health, ~~the~~ each board or governing authority electing to require the screening shall report aggregated body mass index and weight status category data collected under this section, and any other demographic data required by the director, to the department of health. In the case of a school district, data shall be aggregated for the district as a whole and not for individual schools within the district, unless the district operates only one school. In the case of a chartered nonpublic school, data shall be aggregated for the school as a whole. The department annually may publish the data reported under this division, aggregated by county. ~~If any~~ For each county in which a district, community school, STEM

~~school, or chartered nonpublic school was granted a waiver under~~ 3109
~~division (H) of this section has elected not to require the~~ 3110
~~screening~~ for a school year for which data is published, the 3111
department shall note that the data for the county in which the 3112
district or school is located is incomplete. The department may 3113
share data reported under this division with other governmental 3114
entities for the purpose of monitoring population health, making 3115
reports, or public health promotional activities. 3116

~~(H) A board or governing authority may obtain a waiver of the~~ 3117
~~requirement to have students undergo screenings for body mass~~ 3118
~~index and weight status category by submitting to the~~ 3119
~~superintendent of public instruction an affidavit, attested to by~~ 3120
~~the president or presiding officer of the board or governing~~ 3121
~~authority, stating that the board or governing authority is unable~~ 3122
~~to comply with the requirement. The superintendent shall grant the~~ 3123
~~waiver upon receipt of the affidavit.~~ 3124

Sec. 3313.813. (A) As used in this section: 3125

(1) "Outdoor education center" means a public or nonprofit 3126
private entity that provides to pupils enrolled in any public or 3127
chartered nonpublic elementary or secondary school an outdoor 3128
educational curriculum that the school considers to be part of its 3129
educational program. 3130

(2) "Outside-school-hours care center" has the meaning 3131
established in 7 C.F.R. 226.2. 3132

(B) The state board of education shall establish standards 3133
for a school lunch program, school breakfast program, child and 3134
adult care food program, special food service program for 3135
children, summer food service program for children, special milk 3136
program for children, food service equipment assistance program, 3137
and commodity distribution program established under the "National 3138
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 3139

amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 3140
U.S.C. 1771, as amended. Any board of education of a school 3141
district, nonprofit private school, outdoor education center, 3142
child care institution, outside-school-hours care center, or 3143
summer camp desiring to participate in such a program or required 3144
to participate under this section shall, if eligible to 3145
participate under the "National School Lunch Act," as amended, or 3146
the "Child Nutrition Act of 1966," as amended, make application to 3147
the state board of education for assistance. The board shall 3148
administer the allocation and distribution of all state and 3149
federal funds for these programs. 3150

(C) The state board of education shall require the board of 3151
education of each school district to establish and maintain a 3152
school breakfast, lunch, and summer food service program pursuant 3153
to the "National School Lunch Act" and the "Child Nutrition Act of 3154
1966," as described in divisions (C)(1) to (4) of this section. 3155

(1) The state board shall require the board of education in 3156
each school district to establish a breakfast program in every 3157
school where at least one-fifth of the pupils in the school are 3158
eligible under federal requirements for free breakfasts and to 3159
establish a lunch program in every school where at least one-fifth 3160
of the pupils are eligible for free lunches. The board of 3161
education required to establish a breakfast program under this 3162
division may make a charge in accordance with federal requirements 3163
for each reduced price breakfast or paid breakfast to cover the 3164
cost incurred in providing that meal. 3165

(2) The state board shall require the board of education in 3166
each school district to establish a breakfast program in every 3167
school in which the parents of at least one-half of the children 3168
enrolled in the school have requested that the breakfast program 3169
be established. The board of education required to establish a 3170
program under this division may make a charge in accordance with 3171

federal requirements for each meal to cover all or part of the 3172
costs incurred in establishing such a program. 3173

(3) The state board shall require the board of education in 3174
each school district to establish one of the following for summer 3175
intervention services described in division (D) of section 3176
3301.0711 ~~and~~ or provided under section 3313.608 of the Revised 3177
Code, and any other summer intervention program required by law: 3178

(a) An extension of the school breakfast program pursuant to 3179
the "National School Lunch Act" and the "Child Nutrition Act of 3180
1966"; 3181

(b) An extension of the school lunch program pursuant to 3182
those acts; 3183

(c) A summer food service program pursuant to those acts. 3184

(4)(a) If the board of education of a school district 3185
determines that, for financial reasons, it cannot comply with 3186
division (C)(1) or (3) of this section, the district board may 3187
choose not to comply with either or both divisions, except as 3188
provided in division (C)(4)(b) of this section. The district board 3189
publicly shall communicate to the residents of the district, in 3190
the manner it determines appropriate, its decision not to comply. 3191

(b) If a district board chooses not to comply with division 3192
(C)(1) of this section, the state board nevertheless shall require 3193
the district board to establish a breakfast program in every 3194
school where at least one-third of the pupils in the school are 3195
eligible under federal requirements for free breakfasts and to 3196
establish a lunch program in every school where at least one-third 3197
of the pupils are eligible for free lunches. The district board 3198
may make a charge in accordance with federal requirements for each 3199
reduced price breakfast or paid breakfast to cover the cost 3200
incurred in providing that meal. 3201

(c) If a school district cannot for good cause comply with 3202

the requirements of division (C)(2) or (4)(b) of this section at 3203
the time the state board determines that a district is subject to 3204
these requirements, the state board shall grant a reasonable 3205
extension of time. Good cause for an extension of time shall 3206
include, but need not be limited to, economic impossibility of 3207
compliance with the requirements at the time the state board 3208
determines that a district is subject to them. 3209

(D)(1) The state board shall accept the application of any 3210
outdoor education center in the state making application for 3211
participation in a program pursuant to division (B) of this 3212
section. 3213

(2) For purposes of participation in any program pursuant to 3214
this section, the board shall certify any outdoor education center 3215
making application as an educational unit that is part of the 3216
educational system of the state, if the center: 3217

(a) Meets the definition of an outdoor education center; 3218

(b) Provides its outdoor education curriculum to pupils on an 3219
overnight basis so that pupils are in residence at the center for 3220
more than twenty-four consecutive hours; 3221

(c) Operates under public or nonprofit private ownership in a 3222
single building or complex of buildings. 3223

(3) The board shall approve any outdoor education center 3224
certified under this division for participation in the program for 3225
which the center is making application on the same basis as any 3226
other applicant for that program. 3227

(E) Any school district board of education or chartered 3228
nonpublic school that participates in a breakfast program pursuant 3229
to this section may offer breakfast to pupils in their classrooms 3230
during the school day. 3231

(F) Notwithstanding anything in this section to the contrary, 3232

in each fiscal year in which the general assembly appropriates 3233
funds for purposes of this division, the board of education of 3234
each school district and each chartered nonpublic school that 3235
participates in a breakfast program pursuant to this section shall 3236
provide a breakfast free of charge to each pupil who is eligible 3237
under federal requirements for a reduced price breakfast. 3238

Sec. 3313.816. No public or chartered nonpublic school shall 3239
permit the sale of a la carte beverage items other than the 3240
following during the regular and extended school day: 3241

(A) For a school in which the majority of grades offered are 3242
in the range from kindergarten to grade four: 3243

(1) Water; 3244

(2) Milk; 3245

(3) Eight ounces or less of one hundred per cent fruit juice, 3246
or a one hundred per cent fruit juice and water blend with no 3247
added sweeteners, that contains not more than one hundred sixty 3248
calories per eight ounces. 3249

(B) For a school in which the majority of grades offered are 3250
in the range from grade five to grade eight: 3251

(1) Water; 3252

(2) Milk; 3253

(3) Ten ounces or less of one hundred per cent fruit juice, 3254
or a one hundred per cent fruit juice and water blend with no 3255
added sweeteners, that contains not more than one hundred sixty 3256
calories per eight ounces. 3257

(C) For a school in which the majority of grades offered are 3258
in the range from grade nine to grade twelve: 3259

(1) Water; 3260

(2) Milk; 3261

(3) Twelve ounces or less of one hundred per cent fruit juice, or a one hundred per cent fruit juice and water blend with no added sweeteners, that contains not more than one hundred sixty calories per eight ounces;

(4) Twelve ounces or less of any beverage that contains not more than sixty-six calories per eight ounces;

(5) Any size of a beverage that contains not more than ten calories per eight ounces, which may include caffeinated beverages and beverages with added sweeteners, carbonation, or artificial flavoring.

~~(D) Each public and chartered nonpublic school shall require at least fifty per cent of the a la carte beverage items available for sale from each of the following sources during the regular and extended school day to be water or other beverages that contain not more than ten calories per eight ounces:~~

~~(1) A school food service program;~~

~~(2) A vending machine located on school property that does not sell only milk or reimbursable meals;~~

~~(3) A store operated by the school, a student association, or other school sponsored organization.~~

Sec. 3313.845. The board of education of a city, exempted village, or local school district and the governing board of an educational service center may enter into an agreement under which the educational service center will provide services to the school district. Services provided under the agreement and the amount to be paid for such services shall be mutually agreed to by the district board of education and the service center governing board, and shall be specified in the agreement. Payment for services specified in the agreement shall be made pursuant to division (D) of section 3317.11 of the Revised Code and shall not

include any deduction under division (B), (C), or (F) of that 3292
section. Any agreement entered into pursuant to this section shall 3293
be valid only if a copy is filed with the department of education 3294
~~by the first day of the school year for which the agreement is in~~ 3295
~~effect.~~ 3296

The authority granted under this section to the boards of 3297
education of city, exempted village, and local school districts is 3298
in addition to the authority granted to such boards under section 3299
3313.843 of the Revised Code. 3300

Sec. 3313.847. In the case of a child placed in the custody 3301
of a juvenile facility established under section 2151.65 or a 3302
detention facility established under section 2152.41 of the 3303
Revised Code, if that facility contracts directly with an 3304
educational service center for services for that child, the 3305
service center may submit its request for payment for services for 3306
the child directly to the school district that is responsible to 3307
bear the cost of educating the child, as determined under section 3308
2151.362 of the Revised Code. That district shall pay the service 3309
center directly for those services. Notwithstanding anything to 3310
the contrary in section 3317.03 of the Revised Code, the district 3311
that pays a service center for services for a particular child 3312
under this section shall include that child in the district's 3313
average daily membership as reported under division (A) of section 3314
3317.03 of the Revised Code. No other district shall include the 3315
child in its average daily membership. 3316

Sec. 3313.978. (A) Annually by the first day of November, the 3317
superintendent of public instruction shall notify the pilot 3318
project school district of the number of initial scholarships that 3319
the state superintendent will be awarding in each of grades 3320
kindergarten through twelve. 3321

The state superintendent shall provide information about the scholarship program to all students residing in the district, shall accept applications from any such students until such date as shall be established by the state superintendent as a deadline for applications, and shall establish criteria for the selection of students to receive scholarships from among all those applying prior to the deadline, which criteria shall give preference to students from low-income families. For each student selected, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the scholarship amount. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the scholarship amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the scholarship amount. The state superintendent shall notify students of their selection prior to the fifteenth day of January and whether they qualify for seventy-five or ninety per cent of the scholarship amount.

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

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

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

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

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

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

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

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

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish. For each student awarded a grant, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the grant amount and so notify the student. Students whose

family income is at or above two hundred per cent of the maximum 3385
income level established by the state superintendent for 3386
low-income families shall qualify for seventy-five per cent of the 3387
grant amount and students whose family income is below two hundred 3388
per cent of that maximum income level shall qualify for ninety per 3389
cent of the grant amount. 3390

(C)(1) In the case of basic scholarships for students in 3391
grades kindergarten through eight, the scholarship amount shall 3392
not exceed the lesser of the tuition charges of the alternative 3393
school the scholarship recipient attends or three thousand dollars 3394
before fiscal year 2007, three thousand four hundred fifty dollars 3395
in fiscal year 2007 through fiscal year 2011, and four thousand 3396
two hundred fifty dollars in fiscal year 2012 and thereafter. 3397

In the case of basic scholarships for students in grades nine 3398
through twelve, the scholarship amount shall not exceed the lesser 3399
of the tuition charges of the alternative school the scholarship 3400
recipient attends or two thousand seven hundred dollars before 3401
fiscal year 2007, three thousand four hundred fifty dollars in 3402
fiscal year 2007 through fiscal year 2011, and five thousand 3403
dollars in fiscal year 2012 and thereafter. 3404

(2) The state superintendent shall provide for an increase in 3405
the basic scholarship amount in the case of any student who is a 3406
mainstreamed student with a disability and shall further increase 3407
such amount in the case of any separately educated student with a 3408
disability. Such increases shall take into account the 3409
instruction, related services, and transportation costs of 3410
educating such students. 3411

(3) In the case of tutorial assistance grants, the grant 3412
amount shall not exceed the lesser of the provider's actual 3413
charges for such assistance or: 3414

(a) Before fiscal year 2007, a percentage established by the 3415

state superintendent, not to exceed twenty per cent, of the amount 3416
of the pilot project school district's average basic scholarship 3417
amount; 3418

(b) In fiscal year 2007 and thereafter, four hundred dollars. 3419

(4) No scholarship or tutorial assistance grant shall be 3420
awarded unless the state superintendent determines that 3421
twenty-five or ten per cent, as applicable, of the amount 3422
specified for such scholarship or grant pursuant to division 3423
(C)(1), (2), or (3) of this section will be furnished by a 3424
political subdivision, a private nonprofit or for profit entity, 3425
or another person. Only seventy-five or ninety per cent of such 3426
amounts, as applicable, shall be paid from state funds pursuant to 3427
section 3313.979 of the Revised Code. 3428

(D)(1) Annually by the first day of November, the state 3429
superintendent shall estimate the maximum per-pupil scholarship 3430
amounts for the ensuing school year. The state superintendent 3431
shall make this estimate available to the general public at the 3432
offices of the district board of education together with the forms 3433
required by division (D)(2) of this section. 3434

(2) Annually by the fifteenth day of January, the chief 3435
administrator of each registered private school located in the 3436
pilot project district and the principal of each public school in 3437
such district shall complete a parental information form and 3438
forward it to the president of the board of education. The 3439
parental information form shall be prescribed by the department of 3440
education and shall provide information about the grade levels 3441
offered, the numbers of students, tuition amounts, achievement 3442
test results, and any sectarian or other organizational 3443
affiliations. 3444

(E)(1) Only for the purpose of administering the pilot 3445
project scholarship program, the department may request from any 3446

of the following entities the data verification code assigned 3447
under division (D)(2) of section 3301.0714 of the Revised Code to 3448
any student who is seeking a scholarship under the program: 3449

(a) The school district in which the student is entitled to 3450
attend school under section 3313.64 or 3313.65 of the Revised 3451
Code; 3452

(b) If applicable, the community school in which the student 3453
is enrolled; 3454

(c) The independent contractor engaged to create and maintain 3455
data verification codes. 3456

(2) Upon a request by the department under division (E)(1) of 3457
this section for the data verification code of a student seeking a 3458
scholarship or a request by the student's parent for that code, 3459
the school district or community school shall submit that code to 3460
the department or parent in the manner specified by the 3461
department. If the student has not been assigned a code, because 3462
the student will be entering kindergarten during the school year 3463
for which the scholarship is sought, the district shall assign a 3464
code to that student and submit the code to the department or 3465
parent by a date specified by the department. If the district does 3466
not assign a code to the student by the specified date, the 3467
department shall assign a code to the student. 3468

The department annually shall submit to each school district 3469
the name and data verification code of each student residing in 3470
the district who is entering kindergarten, who has been awarded a 3471
scholarship under the program, and for whom the department has 3472
assigned a code under this division. 3473

(3) The department shall not release any data verification 3474
code that it receives under division (E) of this section to any 3475
person except as provided by law. 3476

(F) Any document relative to the pilot project scholarship 3477

program that the department holds in its files that contains both 3478
a student's name or other personally identifiable information and 3479
the student's data verification code shall not be a public record 3480
under section 149.43 of the Revised Code. 3481

(G)(1) The department annually shall compile the scores 3482
attained by scholarship students enrolled in registered private 3483
schools on the assessments administered to the students pursuant 3484
to division (A)(11) of section 3313.976 of the Revised Code. The 3485
scores shall be aggregated as follows: 3486

(a) By school district, which shall include all scholarship 3487
students residing in the pilot project school district who are 3488
enrolled in a registered private school and were required to take 3489
an assessment pursuant to division (A)(11) of section 3313.976 of 3490
the Revised Code; 3491

(b) By registered private school, which shall include all 3492
scholarship students enrolled in that school who were required to 3493
take an assessment pursuant to division (A)(11) of section 3494
3313.976 of the Revised Code. 3495

(2) The department shall disaggregate the student performance 3496
data described in division (G)(1) of this section according to the 3497
following categories: 3498

(a) ~~Age~~ Grade level; 3499

(b) Race and ethnicity; 3500

(c) Gender; 3501

(d) Students who have participated in the scholarship program 3502
for three or more years; 3503

(e) Students who have participated in the scholarship program 3504
for more than one year and less than three years; 3505

(f) Students who have participated in the scholarship program 3506
for one year or less; 3507

(g) Economically disadvantaged students. 3508

(3) The department shall post the student performance data 3509
required under divisions (G)(1) and (2) of this section on its web 3510
site and shall include that data in the information about the 3511
scholarship program provided to students under division (A) of 3512
this section. In reporting student performance data under this 3513
division, the department shall not include any data that is 3514
statistically unreliable or that could result in the 3515
identification of individual students. For this purpose, the 3516
department shall not report performance data for any group that 3517
contains less than ten students. 3518

(4) The department shall provide the parent of each 3519
scholarship student enrolled in a registered private school with 3520
information comparing the student's performance on the assessments 3521
administered pursuant to division (A)(11) of section 3313.976 of 3522
the Revised Code with the average performance of similar students 3523
enrolled in the building operated by the pilot project school 3524
district that the scholarship student would otherwise attend. In 3525
calculating the performance of similar students, the department 3526
shall consider age, grade, race and ethnicity, gender, and 3527
socioeconomic status. 3528

Sec. 3314.015. (A) The department of education shall be 3529
responsible for the oversight of any and all sponsors of the 3530
community schools established under this chapter and shall provide 3531
technical assistance to schools and sponsors in their compliance 3532
with applicable laws and the terms of the contracts entered into 3533
under section 3314.03 of the Revised Code and in the development 3534
and start-up activities of those schools. In carrying out its 3535
duties under this section, the department shall do all of the 3536
following: 3537

(1) In providing technical assistance to proposing parties, 3538

governing authorities, and sponsors, conduct training sessions and	3539
distribute informational materials;	3540
(2) Approve entities to be sponsors of community schools;	3541
(3) Monitor the effectiveness of any and all sponsors in	3542
their oversight of the schools with which they have contracted;	3543
(4) By December thirty-first of each year, issue a report to	3544
the governor, the speaker of the house of representatives, the	3545
president of the senate, and the chairpersons of the house and	3546
senate committees principally responsible for education matters	3547
regarding the effectiveness of academic programs, operations, and	3548
legal compliance and of the financial condition of all community	3549
schools established under this chapter and on the performance of	3550
community school sponsors;	3551
(5) From time to time, make legislative recommendations to	3552
the general assembly designed to enhance the operation and	3553
performance of community schools.	3554
(B)(1) Except as provided in sections 3314.021 and 3314.027	3555
of the Revised Code, no entity listed in division (C)(1) of	3556
section 3314.02 of the Revised Code shall enter into a preliminary	3557
agreement under division (C)(2) of section 3314.02 of the Revised	3558
Code until it has received approval from the department of	3559
education to sponsor community schools under this chapter and has	3560
entered into a written agreement with the department regarding the	3561
manner in which the entity will conduct such sponsorship. The	3562
department shall adopt in accordance with Chapter 119. of the	3563
Revised Code rules containing criteria, procedures, and deadlines	3564
for processing applications for such approval, for oversight of	3565
sponsors, for revocation of the approval of sponsors, and for	3566
entering into written agreements with sponsors. The rules shall	3567
require an entity to submit evidence of the entity's ability and	3568
willingness to comply with the provisions of division (D) of	3569

section 3314.03 of the Revised Code. The rules also shall require 3570
entities approved as sponsors on and after June 30, 2005, to 3571
demonstrate a record of financial responsibility and successful 3572
implementation of educational programs. If an entity seeking 3573
approval on or after June 30, 2005, to sponsor community schools 3574
in this state sponsors or operates schools in another state, at 3575
least one of the schools sponsored or operated by the entity must 3576
be comparable to or better than the performance of Ohio schools in 3577
need of continuous improvement under section 3302.03 of the 3578
Revised Code, as determined by the department. 3579

Subject to section 3314.016 of the Revised Code, an entity 3580
that sponsors community schools may enter into preliminary 3581
agreements and sponsor up to one hundred schools, provided each 3582
school and the contract for sponsorship meets the requirements of 3583
this chapter. 3584

(2) The department of education shall determine, pursuant to 3585
criteria adopted by rule of the department, whether the mission 3586
proposed to be specified in the contract of a community school to 3587
be sponsored by a state university board of trustees or the 3588
board's designee under division (C)(1)(e) of section 3314.02 of 3589
the Revised Code complies with the requirements of that division. 3590
Such determination of the department is final. 3591

(3) The department of education shall determine, pursuant to 3592
criteria adopted by rule of the department, if any tax-exempt 3593
entity under section 501(c)(3) of the Internal Revenue Code that 3594
is proposed to be a sponsor of a community school is an 3595
education-oriented entity for purpose of satisfying the condition 3596
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 3597
Revised Code. Such determination of the department is final. 3598

(C) If at any time the state board of education finds that a 3599
sponsor is not in compliance or is no longer willing to comply 3600
with its contract with any community school or with the 3601

department's rules for sponsorship, the state board or designee 3602
shall conduct a hearing in accordance with Chapter 119. of the 3603
Revised Code on that matter. If after the hearing, the state board 3604
or designee has confirmed the original finding, the department of 3605
education may revoke the sponsor's approval to sponsor community 3606
schools ~~and~~. In that case, the department's office of Ohio school 3607
sponsorship, established under section 3314.029 of the Revised 3608
Code, may assume the sponsorship of any schools with which the 3609
sponsor has contracted until the earlier of the expiration of two 3610
school years or until a new sponsor as described in division 3611
(C)(1) of section 3314.02 of the Revised Code is secured by the 3612
school's governing authority. The ~~department~~ office of Ohio school 3613
sponsorship may extend the term of the contract in the case of a 3614
school for which it has assumed sponsorship under this division as 3615
necessary to accommodate the term of the department's 3616
authorization to sponsor the school specified in this division. 3617
Community schools sponsored under this division shall not apply to 3618
the limit on directly authorized community schools under division 3619
(A)(3) of section 3314.029 of the Revised Code. However, nothing 3620
in this division shall preclude a community school affected by 3621
this division from applying for sponsorship under that section. 3622

(D) The decision of the department to disapprove an entity 3623
for sponsorship of a community school or to revoke approval for 3624
such sponsorship under division (C) of this section, may be 3625
appealed by the entity in accordance with section 119.12 of the 3626
Revised Code. 3627

(E) The department shall adopt procedures for use by a 3628
community school governing authority and sponsor when the school 3629
permanently closes and ceases operation, which shall include at 3630
least procedures for data reporting to the department, handling of 3631
student records, distribution of assets in accordance with section 3632
3314.074 of the Revised Code, and other matters related to ceasing 3633

operation of the school. 3634

(F) In carrying out its duties under this chapter, the 3635
department shall not impose requirements on community schools or 3636
their sponsors that are not permitted by law or duly adopted 3637
rules. 3638

Sec. 3314.016. This section applies to any entity that 3639
sponsors a community school, regardless of whether section 3640
3314.021 or 3314.027 of the Revised Code exempts the entity from 3641
the requirement to be approved for sponsorship under divisions 3642
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 3643
office of Ohio school sponsorship established under section 3644
3314.029 of the Revised Code shall be rated under division (D) of 3645
this section, but the prohibitions of divisions (A), (B), (C), and 3646
(E) of this section do not apply to the office. 3647

(A) ~~An~~ No entity that sponsors a community school shall be 3648
permitted to enter into contracts under section 3314.03 of the 3649
Revised Code to sponsor additional community schools ~~only~~ if the 3650
entity ~~meets both of the following criteria:~~ 3651

~~(1) The entity is not in compliance with all provisions of~~ 3652
~~this chapter requiring sponsors of community schools to report~~ 3653
~~data or information to the department of education.~~ 3654

~~(2) The (B) No entity that sponsors a conversion community~~ 3655
~~school shall be permitted to enter into contracts under section~~ 3656
~~3314.03 of the Revised Code to sponsor additional conversion~~ 3657
~~schools if the entity is rated "academic watch" or "academic~~ 3658
~~emergency" under division (D)(1)(a) of this section.~~ 3659

(C) No entity that sponsors a new start-up community school 3660
shall be permitted to enter into contracts under section 3314.03 3661
of the Revised Code to sponsor additional new start-up schools if 3662
the entity is ~~not~~ ranked in the lowest twenty per cent of 3663

~~community school sponsors on the ranking prescribed by rated 3664
"academic watch" or "academic emergency" under division 3665
~~(B)(D)(1)(b) of this section. 3666~~~~

~~(B)(D)(1) For purposes of this section, the department shall 3667
develop a composite performance index score, as defined in section 3668
3302.01 of the Revised Code, that measures use the performance 3669
metrics and rating system prescribed by sections 3302.022 and 3670
3302.03 of the Revised Code to do both of the following: 3671~~

~~(a) Assign each entity that sponsors conversion community 3672
schools a rating that reflects the academic performance of 3673
students enrolled in ~~community~~ all conversion schools sponsored by 3674
~~the same~~ that entity as if those schools constituted a school 3675
district; 3676~~

~~(b) Assign each entity that sponsors new start-up community 3677
schools a rating that reflects the academic performance of 3678
students enrolled in all new start-up schools sponsored by that 3679
entity as if those schools constituted a school district. ~~In 3680~~~~

~~(2) In calculating the composite performance index score of a 3681
sponsor's schools under division (D)(1) of this section, the 3682
department shall exclude all of the following: 3683~~

~~(a) All community schools that have been in operation for 3684
less than two full school years; 3685~~

~~(b) All community schools described in division (A)(3) of 3686
section 3314.35 of the Revised Code, but the department shall 3687
cease to exclude ~~those schools beginning January 1, 2013, if the 3688~~
~~general assembly does not enact by that date separate performance 3689~~
~~standards for community schools that operate dropout prevention 3690~~
~~and recovery programs and for community schools that serve 3691~~
~~students with disabilities any community school in which a 3692~~
~~majority of the students are enrolled in a dropout prevention and 3693~~
~~recovery program that is operated by the school and that has been 3694~~~~

granted a waiver under section 3314.36 of the Revised Code after 3695
the date the first district and building report cards using the 3696
performance indicators for dropout prevention and recovery 3697
programs, adopted under section 3302.022 of the Revised Code, are 3698
issued. The On and after that date, the department shall continue 3699
to exclude any community school in which a majority of the 3700
enrolled students are children with disabilities receiving special 3701
education and related services in accordance with Chapter 3323. of 3702
the Revised Code. 3703

The department annually shall rank all entities that sponsor 3704
community schools from highest to lowest according to the 3705
entities' composite performance index scores publish the ratings 3706
required by division (D)(1) of this section between the first day 3707
of October and the fifteenth day of October. 3708

~~(C)~~(E)(1) If the governing authority of a community school 3709
enters into a contract with a sponsor prior to the date on which 3710
the sponsor is prohibited from sponsoring additional schools under 3711
division (A) of this section and the school has not opened for 3712
operation as of that date, that contract shall be void and the 3713
school shall not open until the governing authority secures a new 3714
sponsor by entering into a contract with the new sponsor under 3715
section 3314.03 of the Revised Code. 3716

(2) If the governing authority of a conversion community 3717
school enters into a contract with a sponsor prior to the date on 3718
which the sponsor is prohibited from sponsoring additional 3719
conversion schools under division (B) of this section and the 3720
school has not opened for operation as of that date, that contract 3721
shall be void and the school shall not open until the governing 3722
authority secures a new sponsor by entering into a contract with 3723
the new sponsor under section 3314.03 of the Revised Code. 3724

(3) If the governing authority of a new start-up community 3725
school enters into a contract with a sponsor prior to the date on 3726

which the sponsor is prohibited from sponsoring additional new 3727
start-up schools under division (C) of this section and the school 3728
has not opened for operation as of that date, that contract shall 3729
be void and the school shall not open until the governing 3730
authority secures a new sponsor by entering into a contract with 3731
the new sponsor under section 3314.03 of the Revised Code. 3732

Sec. 3314.02. (A) As used in this chapter: 3733

(1) "Sponsor" means the board of education of a school 3734
district or the governing board of an educational service center 3735
that agrees to the conversion of all or part of a school or 3736
building under division (B) of this section, or an entity listed 3737
in division (C)(1) of this section, which either has been approved 3738
by the department of education to sponsor community schools or is 3739
exempted by section 3314.021 or 3314.027 of the Revised Code from 3740
obtaining approval, and with which the governing authority of ~~the~~ 3741
~~proposed~~ a community school enters into a contract ~~pursuant to~~ 3742
~~this~~ under section 3314.03 of the Revised Code. 3743

(2) "Pilot project area" means the school districts included 3744
in the territory of the former community school pilot project 3745
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 3746
the 122nd general assembly. 3747

(3) "Challenged school district" means any of the following: 3748

(a) A school district that is part of the pilot project area; 3749

(b) A school district that is either in a state of academic 3750
emergency or in a state of academic watch under section 3302.03 of 3751
the Revised Code; 3752

(c) A big eight school district; 3753

(d) A school district ranked in the lowest five per cent of 3754
school districts according to performance index score under 3755
section 3302.21 of the Revised Code. 3756

(4) "Big eight school district" means a school district that 3757
for fiscal year 1997 had both of the following: 3758

(a) A percentage of children residing in the district and 3759
participating in the predecessor of Ohio works first greater than 3760
thirty per cent, as reported pursuant to section 3317.10 of the 3761
Revised Code; 3762

(b) An average daily membership greater than twelve thousand, 3763
as reported pursuant to former division (A) of section 3317.03 of 3764
the Revised Code. 3765

(5) "New start-up school" means a community school other than 3766
one created by converting all or part of an existing public school 3767
or educational service center building, as designated in the 3768
school's contract pursuant to division (A)(17) of section 3314.03 3769
of the Revised Code. 3770

(6) "Urban school district" means one of the state's 3771
twenty-one urban school districts as defined in division (O) of 3772
section 3317.02 of the Revised Code as that section existed prior 3773
to July 1, 1998. 3774

(7) "Internet- or computer-based community school" means a 3775
community school established under this chapter in which the 3776
enrolled students work primarily from their residences on 3777
assignments in nonclassroom-based learning opportunities provided 3778
via an internet- or other computer-based instructional method that 3779
does not rely on regular classroom instruction or via 3780
comprehensive instructional methods that include internet-based, 3781
other computer-based, and noncomputer-based learning 3782
opportunities. 3783

(8) "Operator" means either of the following: 3784

(a) An individual or organization that manages the daily 3785
operations of a community school pursuant to a contract between 3786
the operator and the school's governing authority; 3787

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

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

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

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

(b) The board of education of any joint vocational school

district with territory in the county in which is located the 3820
majority of the territory of the district in which the school is 3821
proposed to be located; 3822

(c) The board of education of any other city, local, or 3823
exempted village school district having territory in the same 3824
county where the district in which the school is proposed to be 3825
located has the major portion of its territory; 3826

(d) The governing board of any educational service center, ~~as~~ 3827
~~long as the proposed school will be located in a county within the~~ 3828
~~territory of the service center or in a county contiguous to such~~ 3829
~~county;~~ 3830

(e) A sponsoring authority designated by the board of 3831
trustees of any of the thirteen state universities listed in 3832
section 3345.011 of the Revised Code or the board of trustees 3833
itself as long as a mission of the proposed school to be specified 3834
in the contract under division (A)(2) of section 3314.03 of the 3835
Revised Code and as approved by the department of education under 3836
division (B)(2) of section 3314.015 of the Revised Code will be 3837
the practical demonstration of teaching methods, educational 3838
technology, or other teaching practices that are included in the 3839
curriculum of the university's teacher preparation program 3840
approved by the state board of education; 3841

(f) Any qualified tax-exempt entity under section 501(c)(3) 3842
of the Internal Revenue Code as long as all of the following 3843
conditions are satisfied: 3844

(i) The entity has been in operation for at least five years 3845
prior to applying to be a community school sponsor. 3846

(ii) The entity has assets of at least five hundred thousand 3847
dollars and a demonstrated record of financial responsibility. 3848

(iii) The department of education has determined that the 3849
entity is an education-oriented entity under division (B)(3) of 3850

section 3314.015 of the Revised Code and the entity has a 3851
demonstrated record of successful implementation of educational 3852
programs. 3853

(iv) The entity is not a community school. 3854

Any entity described in division (C)(1) of this section may 3855
enter into a preliminary agreement pursuant to division (C)(2) of 3856
this section with the proposing person or group. 3857

(2) A preliminary agreement indicates the intention of an 3858
entity described in division (C)(1) of this section to sponsor the 3859
community school. A proposing person or group that has such a 3860
preliminary agreement may proceed to finalize plans for the 3861
school, establish a governing authority as described in division 3862
(E) of this section for the school, and negotiate a contract with 3863
the entity. Provided the proposing person or group adheres to the 3864
preliminary agreement and all provisions of this chapter, the 3865
entity shall negotiate in good faith to enter into a contract in 3866
accordance with section 3314.03 of the Revised Code. 3867

(3) A new start-up school that is established in a school 3868
district while that district is either in a state of academic 3869
emergency or in a state of academic watch under section 3302.03 of 3870
the Revised Code or ranked in the lowest five per cent according 3871
to performance index score under section 3302.21 of the Revised 3872
Code may continue in existence once the school district is no 3873
longer in a state of academic emergency or academic watch or 3874
ranked in the lowest five per cent according to performance index 3875
score, provided there is a valid contract between the school and a 3876
sponsor. 3877

(4) A copy of every preliminary agreement entered into under 3878
this division shall be filed with the superintendent of public 3879
instruction. 3880

(D) A majority vote of the board of a sponsoring entity and a 3881

majority vote of the members of the governing authority of a 3882
community school shall be required to adopt a contract and convert 3883
the public school or educational service center building to a 3884
community school or establish the new start-up school. Beginning 3885
September 29, 2005, adoption of the contract shall occur not later 3886
than the fifteenth day of March, and signing of the contract shall 3887
occur not later than the fifteenth day of May, prior to the school 3888
year in which the school will open. The governing authority shall 3889
notify the department of education when the contract has been 3890
signed. Subject to sections 3314.013 and 3314.016 of the Revised 3891
Code, an unlimited number of community schools may be established 3892
in any school district provided that a contract is entered into 3893
for each community school pursuant to this chapter. 3894

(E)(1) As used in this division, "immediate relatives" are 3895
limited to spouses, children, parents, grandparents, siblings, and 3896
in-laws. 3897

Each new start-up community school established under this 3898
chapter shall be under the direction of a governing authority 3899
which shall consist of a board of not less than five individuals. 3900

No person shall serve on the governing authority or operate 3901
the community school under contract with the governing authority 3902
so long as the person owes the state any money or is in a dispute 3903
over whether the person owes the state any money concerning the 3904
operation of a community school that has closed. 3905

(2) ~~No~~ (a) Except as provided in division (E)(2)(b) of this 3906
section, no person shall serve on the governing authorities of 3907
more than two start-up community schools at the same time. 3908

(b) On or after the effective date of this amendment, a 3909
person may serve on the governing authorities of more than two, 3910
but not more than five, community schools at one time, subject to 3911
divisions (E)(2)(b)(i) and (ii) of this section. 3912

(i) If any of the community schools for which a person is a member of the governing authority is rated "academic emergency" or "academic watch" under section 3302.03 of the Revised Code, the person may serve on the governing authorities of additional community schools only if, and only to the extent that, the rating of one or more of the community schools for which the person is currently serving as a governing authority member improves to at least "continuous improvement." The person may serve on the governing authority of one additional community school for each community school that has an improved rating of at least "continuous improvement," up to the maximum of five schools, as prescribed by division (E)(2)(b) of this section.

(ii) A single governing authority, consisting of all five members, may direct up to five separate community schools, only as long as not more than one of the schools under its direction is ranked in the lowest twenty-five per cent of all public school buildings statewide according to performance index score under section 3302.21 of the Revised Code.

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

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

(F)(1) A new start-up school that is established prior to 3945
August 15, 2003, in an urban school district that is not also a 3946
big-eight school district may continue to operate after that date 3947
and the contract between the school's governing authority and the 3948
school's sponsor may be renewed, as provided under this chapter, 3949
after that date, but no additional new start-up schools may be 3950
established in such a district unless the district is a challenged 3951
school district as defined in this section as it exists on and 3952
after that date. 3953

(2) A community school that was established prior to June 29, 3954
1999, and is located in a county contiguous to the pilot project 3955
area and in a school district that is not a challenged school 3956
district may continue to operate after that date, provided the 3957
school complies with all provisions of this chapter. The contract 3958
between the school's governing authority and the school's sponsor 3959
may be renewed, but no additional start-up community school may be 3960
established in that district unless the district is a challenged 3961
school district. 3962

~~(3) Any educational service center that, on June 30, 2007, 3963
sponsors a community school that is not located in a county within 3964
the territory of the service center or in a county contiguous to 3965
such county may continue to sponsor that community school on and 3966
after June 30, 2007, and may renew its contract with the school. 3967
However, the educational service center shall not enter into a 3968
contract with any additional community school unless the school is 3969
located in a county within the territory of the service center or 3970
in a county contiguous to such county. 3971~~

Sec. 3314.025. (A)(1) Notwithstanding anything to the 3972
contrary in this chapter, any nonprofit organization whose 3973
membership consists solely of entities described in divisions 3974
(C)(1)(a) to (f) of section 3314.02 of the Revised Code may 3975

sponsor community schools, provided that, in accordance with 3976
division (B) of section 3314.015 of the Revised Code, the 3977
department of education approves the organization as a sponsor and 3978
the organization enters into a written agreement with the 3979
department regarding the manner in which the organization will 3980
conduct its sponsorship. 3981

(2) Each organization approved under this division shall 3982
include as members at least one of each of the following: 3983

(a) A city, local, exempted village, or joint vocational 3984
school district that sponsors a community school; 3985

(b) An educational service center that sponsors a community 3986
school; 3987

(c) A qualified tax-exempt entity described in division 3988
(C)(1)(f) of section 3314.02 of the Revised Code that sponsors a 3989
community school. 3990

(B) An organization approved under division (A) of this 3991
section may do all of the following: 3992

(1) Assume the sponsorship of any community school with which 3993
a member of the organization has entered into a contract under 3994
section 3314.03 of the Revised Code, provided the transfer of the 3995
sponsorship authority takes effect only at the beginning of a 3996
school year and one of the following conditions is met: 3997

(a) If the contract has expired, the governing authority of 3998
the community school enters into a successor contract with the 3999
organization under section 3314.03 of the Revised Code. 4000

(b) If the contract has not expired, both the governing 4001
authority of the community school and the governing body of the 4002
member adopt a resolution consenting to the organization becoming 4003
the school's sponsor prior to the expiration of the contract, and 4004
the governing authority and the organization amend the contract to 4005

reflect the transfer of the school's sponsorship to the 4006
organization. 4007

(2) Enter into a preliminary agreement with a person or group 4008
proposing to convert all or a portion of a building operated by a 4009
school district or educational service center that is a member of 4010
the organization into a community school and, if the district 4011
board of education or service center governing board adopts a 4012
resolution approving the conversion, enter into a contract with 4013
the governing authority of the school under section 3314.03 of the 4014
Revised Code; 4015

(3) Enter into a preliminary agreement with a person or group 4016
proposing the establishment of a new start-up school to be located 4017
in a challenged school district and enter into a contract with the 4018
governing authority of the school under section 3314.03 of the 4019
Revised Code. 4020

(C) An organization approved under division (A) of this 4021
section shall comply with all applicable requirements of this 4022
chapter in the same manner as any other sponsor. 4023

(D) Nothing in this section prohibits a member of an 4024
organization approved under division (A) of this section from 4025
sponsoring a community school on its own in its capacity as an 4026
autonomous entity authorized to sponsor community schools under 4027
section 3314.02 of the Revised Code. 4028

Sec. 3314.029. This section establishes the Ohio school 4029
sponsorship program. The department of education shall establish 4030
an office of Ohio school sponsorship to perform the department's 4031
duties prescribed by this section. 4032

(A)(1) Notwithstanding anything to the contrary in this 4033
chapter, but subject to section ~~3314.20~~ 3314.013 of the Revised 4034
Code, any person, group of individuals, or entity may apply to the 4035

department for direct authorization to establish a community 4036
school and, upon approval of the application, may establish the 4037
school. Notwithstanding anything to the contrary in this chapter, 4038
the governing authority of an existing community school, upon the 4039
expiration or termination of its contract with the school's 4040
sponsor entered into under section 3314.03 of the Revised Code, 4041
may apply to the department for direct authorization to continue 4042
operating the school and, upon approval of the application and 4043
contract, may continue to operate the school. 4044

The office of Ohio school sponsorship shall adopt 4045
application, rating, and selection procedures, including, but not 4046
limited to, application format, deadlines for submission and 4047
processing of applications, and parameters for written agreements 4048
with developers of new community schools or the governing 4049
authorities of existing community schools. The procedures shall 4050
apply first to applications counting against the limits prescribed 4051
by division (A)(3) of this section for the 2012-2013 school year. 4052

Each application submitted to the department under this 4053
division shall include, but not be limited to, all of the 4054
following: 4055

(a) Evidence that the applicant will be able to comply with 4056
division (C) of this section; 4057

(b) A statement indicating that the applicant agrees to 4058
comply with all applicable provisions of this chapter, including 4059
the requirement to be established as a nonprofit corporation or 4060
public benefit corporation in accordance with division (A)(1) of 4061
section 3314.03 of the Revised Code; 4062

(c) A statement attesting that no unresolved finding of 4063
recovery has been issued by the auditor of state against any 4064
person, group of individuals, or entity that is a party to the 4065
application and that no person who is party to the application has 4066

been a member of the governing authority of any community school 4067
that has permanently closed and against which an unresolved 4068
finding of recovery has been issued by the auditor of state. In 4069
the case of an application submitted by the governing authority of 4070
an existing community school, a person who is party to the 4071
application shall include each individual member of that governing 4072
authority. 4073

(d) A statement that the school will be nonsectarian in its 4074
programs, admission policies, employment practices, and all other 4075
operations, and will not be operated by a sectarian school or 4076
religious institution; 4077

(e) A statement of whether the school is to be created by 4078
converting all or part of an existing public school or educational 4079
service center building or is to be a new start-up school. If it 4080
is a converted public school or service center building, the 4081
statement shall include a specification of any duties or 4082
responsibilities of an employer that the board of education or 4083
service center governing board that operated the school or 4084
building before conversion is delegating to the governing 4085
authority of the community school with respect to all or any 4086
specified group of employees, provided the delegation is not 4087
prohibited by a collective bargaining agreement applicable to such 4088
employees. 4089

(f) A statement that the school's teachers will be licensed 4090
in the manner prescribed by division (A)(10) of section 3314.03 of 4091
the Revised Code; 4092

(g) A statement that the school will comply with all of the 4093
provisions of law enumerated in divisions (A)(11)(d) and (e) of 4094
section 3314.03 of the Revised Code and of division (A)(11)(h) of 4095
that section, if applicable; 4096

(h) A statement that the school's graduation and curriculum 4097

requirements will comply with division (A)(11)(f) of section	4098
3314.03 of the Revised Code;	4099
(i) A description of each of the following:	4100
(i) The school's mission and educational program, the	4101
characteristics of the students the school is expected to attract,	4102
the ages and grade levels of students, and the focus of the	4103
curriculum;	4104
(ii) The school's governing authority, which shall be in	4105
compliance with division (E) of section 3314.02 of the Revised	4106
Code;	4107
(iii) The school's admission and dismissal policies, which	4108
shall be in compliance with divisions (A)(5) and (6) of section	4109
3314.03 of the Revised Code;	4110
(iv) The school's business plan, including a five-year	4111
financial forecast;	4112
(v) In the case of an application to establish a community	4113
school, the applicant's resources and capacity to establish and	4114
operate the school;	4115
(vi) The school's academic goals to be achieved and the	4116
method of measurement that will be used to determine progress	4117
toward those goals, which shall include the statewide achievement	4118
assessments;	4119
(vii) The facilities to be used by the school and their	4120
locations;	4121
(viii) A description of the learning opportunities that will	4122
be offered to students including both classroom-based and	4123
nonclassroom-based learning opportunities that are in compliance	4124
with criteria for student participation established by the	4125
department under division (L)(2) of section 3314.08 of the Revised	4126
Code.	4127

(2) Subject to division (A)(3) of this section; 4128

(a) For the 2011-2012 school year, the department shall 4129
approve each application, unless, within thirty days after receipt 4130
of the application, the department determines that the application 4131
does not satisfy the requirements of division (A)(1) of this 4132
section and provides the applicant a written explanation of the 4133
reasons for the determination. In that case, the department shall 4134
grant the applicant thirty days to correct the insufficiencies in 4135
the application. If the department determines that the 4136
insufficiencies have been corrected, it shall approve the 4137
application. If the department determines that the insufficiencies 4138
have not been corrected, it shall deny the application and provide 4139
the applicant with a written explanation of the reasons for the 4140
denial. The denial of an application may be appealed in accordance 4141
with section 119.12 of the Revised Code. 4142

(b) For the 2012-2013 school year and the next three school 4143
years thereafter, the department shall approve a number of 4144
applications submitted under division (A)(1) of this section up to 4145
the number prescribed by division (A)(3) of this section. If the 4146
number of applications exceeds the limits prescribed by that 4147
division, the department shall approve the highest rated 4148
applications as determined through the process established under 4149
division (A)(1) of this section. The decision of the department is 4150
final and is not subject to appeal. 4151

(3) For each of five school years, beginning with the school 4152
year that begins in the calendar year in which this section takes 4153
effect, the department may approve up to twenty applications for 4154
community schools to be established or to continue operation under 4155
division (A) of this section; however, of the twenty applications 4156
that may be approved each school year, only up to five may be for 4157
the establishment of new schools. 4158

(B) The department and the governing authority of each 4159

community school authorized under this section shall enter into a 4160
contract under section 3314.03 of the Revised Code. 4161

Notwithstanding division (A)(13) of that section, the contract 4162
with an existing community school may begin at any time during the 4163
academic year. The length of the initial contract of any community 4164
school under this section may be for any term up to five years. 4165
The contract may be renewed in accordance with division (E) of 4166
that section. The contract may provide for the school's governing 4167
authority to pay a fee for oversight and monitoring of the school 4168
that does not exceed three per cent of the total amount of 4169
payments for operating expenses that the school receives from the 4170
state. 4171

(C) The department may require a community school authorized 4172
under this section to post and file with the superintendent of 4173
public instruction a bond payable to the state or to file with the 4174
state superintendent a guarantee, which shall be used to pay the 4175
state any moneys owed by the community school in the event the 4176
school closes. 4177

(D) Except as otherwise provided in this section, a community 4178
school authorized under this section shall comply with all 4179
applicable provisions of this chapter. The department may take any 4180
action that a sponsor may take under this chapter to enforce the 4181
school's compliance with this division and the terms of the 4182
contract entered into under division (B) of this section. 4183

(E) Not later than December 31, 2012, and annually 4184
thereafter, the department shall issue a report on the program, 4185
including information about the number of community schools 4186
participating in the program and their compliance with the 4187
provisions of this chapter. In its fifth report, the department 4188
shall include a complete evaluation of the program and 4189
recommendations regarding the program's continuation. Each report 4190
shall be provided to the general assembly, in accordance with 4191

section 101.68 of the Revised Code, and to the governor. 4192

Sec. 3314.03. A copy of every contract entered into under 4193
this section shall be filed with the superintendent of public 4194
instruction. The department of education shall make available on 4195
its web site a copy of every approved, executed contract filed 4196
with the superintendent under this section. 4197

(A) Each contract entered into between a sponsor and the 4198
governing authority of a community school shall specify the 4199
following: 4200

(1) That the school shall be established as either of the 4201
following: 4202

(a) A nonprofit corporation established under Chapter 1702. 4203
of the Revised Code, if established prior to April 8, 2003; 4204

(b) A public benefit corporation established under Chapter 4205
1702. of the Revised Code, if established after April 8, 2003. 4206

(2) The education program of the school, including the 4207
school's mission, the characteristics of the students the school 4208
is expected to attract, the ages and grades of students, and the 4209
focus of the curriculum; 4210

(3) The academic goals to be achieved and the method of 4211
measurement that will be used to determine progress toward those 4212
goals, which shall include the statewide achievement assessments; 4213

(4) Performance standards by which the success of the school 4214
will be evaluated by the sponsor; 4215

(5) The admission standards of section 3314.06 of the Revised 4216
Code and, if applicable, section 3314.061 of the Revised Code; 4217

(6)(a) Dismissal procedures; 4218

(b) A requirement that the governing authority adopt an 4219
attendance policy that includes a procedure for automatically 4220

withdrawing a student from the school if the student without a 4221
legitimate excuse fails to participate in one hundred five 4222
consecutive hours of the learning opportunities offered to the 4223
student. 4224

(7) The ways by which the school will achieve racial and 4225
ethnic balance reflective of the community it serves; 4226

(8) Requirements for financial audits by the auditor of 4227
state. The contract shall require financial records of the school 4228
to be maintained in the same manner as are financial records of 4229
school districts, pursuant to rules of the auditor of state. 4230
Audits shall be conducted in accordance with section 117.10 of the 4231
Revised Code. 4232

(9) The facilities to be used and their locations; 4233

(10) Qualifications of teachers, including the following: 4234

(a) A requirement that the school's classroom teachers be 4235
licensed in accordance with sections 3319.22 to 3319.31 of the 4236
Revised Code, except that a community school may engage 4237
noncertificated persons to teach up to twelve hours per week 4238
pursuant to section 3319.301 of the Revised Code; 4239

(b) A requirement that each classroom teacher initially hired 4240
by the school on or after July 1, 2013, and employed to provide 4241
instruction in physical education hold a valid license issued 4242
pursuant to section 3319.22 of the Revised Code for teaching 4243
physical education. 4244

(11) That the school will comply with the following 4245
requirements: 4246

(a) The school will provide learning opportunities to a 4247
minimum of twenty-five students for a minimum of nine hundred 4248
twenty hours per school year. 4249

(b) The governing authority will purchase liability 4250

insurance, or otherwise provide for the potential liability of the school. 4251
4252

(c) The school will be nonsectarian in its programs, 4253
admission policies, employment practices, and all other 4254
operations, and will not be operated by a sectarian school or 4255
religious institution. 4256

(d) The school will comply with sections 9.90, 9.91, 109.65, 4257
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 4258
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 4259
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 4260
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 4261
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 4262
3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 4263
3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 4264
3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 4265
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 4266
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 4267
and 4167. of the Revised Code as if it were a school district and 4268
will comply with section 3301.0714 of the Revised Code in the 4269
manner specified in section 3314.17 of the Revised Code. 4270

(e) The school shall comply with Chapter 102. and section 4271
2921.42 of the Revised Code. 4272

(f) The school will comply with sections 3313.61, 3313.611, 4273
and 3313.614 of the Revised Code, except that for students who 4274
enter ninth grade for the first time before July 1, 2010, the 4275
requirement in sections 3313.61 and 3313.611 of the Revised Code 4276
that a person must successfully complete the curriculum in any 4277
high school prior to receiving a high school diploma may be met by 4278
completing the curriculum adopted by the governing authority of 4279
the community school rather than the curriculum specified in Title 4280
XXXIII of the Revised Code or any rules of the state board of 4281
education. Beginning with students who enter ninth grade for the 4282

first time on or after July 1, 2010, the requirement in sections 4283
3313.61 and 3313.611 of the Revised Code that a person must 4284
successfully complete the curriculum of a high school prior to 4285
receiving a high school diploma shall be met by completing the 4286
Ohio core curriculum prescribed in division (C) of section 4287
3313.603 of the Revised Code, unless the person qualifies under 4288
division (D) or (F) of that section. Each school shall comply with 4289
the plan for awarding high school credit based on demonstration of 4290
subject area competency, adopted by the state board of education 4291
under division (J) of section 3313.603 of the Revised Code. 4292

(g) The school governing authority will submit within four 4293
months after the end of each school year a report of its 4294
activities and progress in meeting the goals and standards of 4295
divisions (A)(3) and (4) of this section and its financial status 4296
to the sponsor and the parents of all students enrolled in the 4297
school. 4298

(h) The school, unless it is an internet- or computer-based 4299
community school, will comply with ~~sections 3313.674 and~~ section 4300
3313.801 of the Revised Code as if it were a school district. 4301

(i) If the school is the recipient of moneys from a grant 4302
awarded under the federal race to the top program, Division (A), 4303
Title XIV, Sections 14005 and 14006 of the "American Recovery and 4304
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 4305
school will pay teachers based upon performance in accordance with 4306
section 3317.141 and will comply with section 3319.111 of the 4307
Revised Code as if it were a school district. 4308

(12) Arrangements for providing health and other benefits to 4309
employees; 4310

(13) The length of the contract, which shall begin at the 4311
beginning of an academic year. No contract shall exceed five years 4312
unless such contract has been renewed pursuant to division (E) of 4313

this section. 4314

(14) The governing authority of the school, which shall be 4315
responsible for carrying out the provisions of the contract; 4316

(15) A financial plan detailing an estimated school budget 4317
for each year of the period of the contract and specifying the 4318
total estimated per pupil expenditure amount for each such year. 4319
The plan shall specify for each year the base formula amount that 4320
will be used for purposes of funding calculations under section 4321
3314.08 of the Revised Code. This base formula amount for any year 4322
shall not exceed the formula amount defined under section 3317.02 4323
of the Revised Code. The plan may also specify for any year a 4324
percentage figure to be used for reducing the per pupil amount of 4325
the subsidy calculated pursuant to section 3317.029 of the Revised 4326
Code the school is to receive that year under section 3314.08 of 4327
the Revised Code. 4328

(16) Requirements and procedures regarding the disposition of 4329
employees of the school in the event the contract is terminated or 4330
not renewed pursuant to section 3314.07 of the Revised Code; 4331

(17) Whether the school is to be created by converting all or 4332
part of an existing public school or educational service center 4333
building or is to be a new start-up school, and if it is a 4334
converted public school or service center building, specification 4335
of any duties or responsibilities of an employer that the board of 4336
education or service center governing board that operated the 4337
school or building before conversion is delegating to the 4338
governing authority of the community school with respect to all or 4339
any specified group of employees provided the delegation is not 4340
prohibited by a collective bargaining agreement applicable to such 4341
employees; 4342

(18) Provisions establishing procedures for resolving 4343
disputes or differences of opinion between the sponsor and the 4344

governing authority of the community school; 4345

(19) A provision requiring the governing authority to adopt a 4346
policy regarding the admission of students who reside outside the 4347
district in which the school is located. That policy shall comply 4348
with the admissions procedures specified in sections 3314.06 and 4349
3314.061 of the Revised Code and, at the sole discretion of the 4350
authority, shall do one of the following: 4351

(a) Prohibit the enrollment of students who reside outside 4352
the district in which the school is located; 4353

(b) Permit the enrollment of students who reside in districts 4354
adjacent to the district in which the school is located; 4355

(c) Permit the enrollment of students who reside in any other 4356
district in the state. 4357

(20) A provision recognizing the authority of the department 4358
of education to take over the sponsorship of the school in 4359
accordance with the provisions of division (C) of section 3314.015 4360
of the Revised Code; 4361

(21) A provision recognizing the sponsor's authority to 4362
assume the operation of a school under the conditions specified in 4363
division (B) of section 3314.073 of the Revised Code; 4364

(22) A provision recognizing both of the following: 4365

(a) The authority of public health and safety officials to 4366
inspect the facilities of the school and to order the facilities 4367
closed if those officials find that the facilities are not in 4368
compliance with health and safety laws and regulations; 4369

(b) The authority of the department of education as the 4370
community school oversight body to suspend the operation of the 4371
school under section 3314.072 of the Revised Code if the 4372
department has evidence of conditions or violations of law at the 4373
school that pose an imminent danger to the health and safety of 4374

the school's students and employees and the sponsor refuses to 4375
take such action. 4376

(23) A description of the learning opportunities that will be 4377
offered to students including both classroom-based and 4378
non-classroom-based learning opportunities that is in compliance 4379
with criteria for student participation established by the 4380
department under division (L)(2) of section 3314.08 of the Revised 4381
Code; 4382

(24) The school will comply with sections 3302.04 and 4383
3302.041 of the Revised Code, except that any action required to 4384
be taken by a school district pursuant to those sections shall be 4385
taken by the sponsor of the school. However, the sponsor shall not 4386
be required to take any action described in division (F) of 4387
section 3302.04 of the Revised Code. 4388

(25) Beginning in the 2006-2007 school year, the school will 4389
open for operation not later than the thirtieth day of September 4390
each school year, unless the mission of the school as specified 4391
under division (A)(2) of this section is solely to serve dropouts. 4392
In its initial year of operation, if the school fails to open by 4393
the thirtieth day of September, or within one year after the 4394
adoption of the contract pursuant to division (D) of section 4395
3314.02 of the Revised Code if the mission of the school is solely 4396
to serve dropouts, the contract shall be void. 4397

(B) The community school shall also submit to the sponsor a 4398
comprehensive plan for the school. The plan shall specify the 4399
following: 4400

(1) The process by which the governing authority of the 4401
school will be selected in the future; 4402

(2) The management and administration of the school; 4403

(3) If the community school is a currently existing public 4404
school or educational service center building, alternative 4405

arrangements for current public school students who choose not to 4406
attend the converted school and for teachers who choose not to 4407
teach in the school or building after conversion; 4408

(4) The instructional program and educational philosophy of 4409
the school; 4410

(5) Internal financial controls. 4411

(C) A contract entered into under section 3314.02 of the 4412
Revised Code between a sponsor and the governing authority of a 4413
community school may provide for the community school governing 4414
authority to make payments to the sponsor, which is hereby 4415
authorized to receive such payments as set forth in the contract 4416
between the governing authority and the sponsor. The total amount 4417
of such payments for oversight and monitoring of the school shall 4418
not exceed three per cent of the total amount of payments for 4419
operating expenses that the school receives from the state. 4420

(D) The contract shall specify the duties of the sponsor 4421
which shall be in accordance with the written agreement entered 4422
into with the department of education under division (B) of 4423
section 3314.015 of the Revised Code and shall include the 4424
following: 4425

(1) Monitor the community school's compliance with all laws 4426
applicable to the school and with the terms of the contract; 4427

(2) Monitor and evaluate the academic and fiscal performance 4428
and the organization and operation of the community school on at 4429
least an annual basis; 4430

(3) Report on an annual basis the results of the evaluation 4431
conducted under division (D)(2) of this section to the department 4432
of education and to the parents of students enrolled in the 4433
community school; 4434

(4) Provide technical assistance to the community school in 4435

complying with laws applicable to the school and terms of the 4436
contract; 4437

(5) Take steps to intervene in the school's operation to 4438
correct problems in the school's overall performance, declare the 4439
school to be on probationary status pursuant to section 3314.073 4440
of the Revised Code, suspend the operation of the school pursuant 4441
to section 3314.072 of the Revised Code, or terminate the contract 4442
of the school pursuant to section 3314.07 of the Revised Code as 4443
determined necessary by the sponsor; 4444

(6) Have in place a plan of action to be undertaken in the 4445
event the community school experiences financial difficulties or 4446
closes prior to the end of a school year. 4447

(E) Upon the expiration of a contract entered into under this 4448
section, the sponsor of a community school may, with the approval 4449
of the governing authority of the school, renew that contract for 4450
a period of time determined by the sponsor, but not ending earlier 4451
than the end of any school year, if the sponsor finds that the 4452
school's compliance with applicable laws and terms of the contract 4453
and the school's progress in meeting the academic goals prescribed 4454
in the contract have been satisfactory. Any contract that is 4455
renewed under this division remains subject to the provisions of 4456
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 4457

(F) If a community school fails to open for operation within 4458
one year after the contract entered into under this section is 4459
adopted pursuant to division (D) of section 3314.02 of the Revised 4460
Code or permanently closes prior to the expiration of the 4461
contract, the contract shall be void and the school shall not 4462
enter into a contract with any other sponsor. A school shall not 4463
be considered permanently closed because the operations of the 4464
school have been suspended pursuant to section 3314.072 of the 4465
Revised Code. 4466

Sec. 3314.06. The governing authority of each community 4467
school established under this chapter shall adopt admission 4468
procedures that specify the following: 4469

(A) That, except as otherwise provided in this section, 4470
admission to the school shall be open to any individual age five 4471
to twenty-two entitled to attend school pursuant to section 4472
3313.64 or 3313.65 of the Revised Code in a school district in the 4473
state. 4474

(B)(1) That admission to the school may be limited to 4475
students who have attained a specific grade level or are within a 4476
specific age group; to students that meet a definition of 4477
"at-risk," as defined in the contract; to residents of a specific 4478
geographic area within the district, as defined in the contract; 4479
or to separate groups of autistic students and nondisabled 4480
students, as authorized in section 3314.061 of the Revised Code 4481
and as defined in the contract. 4482

(2) For purposes of division (B)(1) of this section, 4483
"at-risk" students may include those students identified as gifted 4484
students under section 3324.03 of the Revised Code. 4485

(C) Whether enrollment is limited to students who reside in 4486
the district in which the school is located or is open to 4487
residents of other districts, as provided in the policy adopted 4488
pursuant to the contract. 4489

(D)(1) That there will be no discrimination in the admission 4490
of students to the school on the basis of race, creed, color, 4491
disability, or sex except that: 4492

(a) The governing authority may ~~establish single-gender~~ 4493
~~schools~~ do either of the following for the purpose described in 4494
division (G) of this section: 4495

(i) Establish a single-gender school for either sex; 4496

(ii) Establish single-gender schools for each sex under the same contract, provided comparable substantially equal facilities 4497
and learning opportunities are offered for both boys and girls. 4498
Such ~~comparable~~ facilities and opportunities may be offered for 4499
each sex at separate locations. 4500
4501

(b) The governing authority may establish a school that 4502
simultaneously serves a group of students identified as autistic 4503
and a group of students who are not disabled, as authorized in 4504
section 3314.061 of the Revised Code. However, unless the total 4505
capacity established for the school has been filled, no student 4506
with any disability shall be denied admission on the basis of that 4507
disability. 4508

(2) That upon admission of any student with a disability, the 4509
community school will comply with all federal and state laws 4510
regarding the education of students with disabilities. 4511

(E) That the school may not limit admission to students on 4512
the basis of intellectual ability, measures of achievement or 4513
aptitude, or athletic ability, except that a school may limit its 4514
enrollment to students as described in division (B) of this 4515
section. 4516

(F) That the community school will admit the number of 4517
students that does not exceed the capacity of the school's 4518
programs, classes, grade levels, or facilities. 4519

(G) That the purpose of single-gender schools that are 4520
established shall be to take advantage of the academic benefits 4521
some students realize from single-gender instruction and 4522
facilities and to offer students and parents residing in the 4523
district the option of a single-gender education. 4524

(H) That, except as otherwise provided under division (B) of 4525
this section or section 3314.061 of the Revised Code, if the 4526
number of applicants exceeds the capacity restrictions of division 4527

(F) of this section, students shall be admitted by lot from all 4528
those submitting applications, except preference shall be given to 4529
students attending the school the previous year and to students 4530
who reside in the district in which the school is located. 4531
Preference may be given to siblings of students attending the 4532
school the previous year. 4533

Notwithstanding divisions (A) to (H) of this section, in the 4534
event the racial composition of the enrollment of the community 4535
school is violative of a federal desegregation order, the 4536
community school shall take any and all corrective measures to 4537
comply with the desegregation order. 4538

Sec. 3314.08. The deductions under division (C) and the 4539
payments under division (D) of this section for fiscal years 2012 4540
and 2013 shall be made in accordance with section 3314.088 of the 4541
Revised Code. 4542

(A) As used in this section: 4543

(1) "Base formula amount" means the amount specified as such 4544
in a community school's financial plan for a school year pursuant 4545
to division (A)(15) of section 3314.03 of the Revised Code. 4546

(2) "IEP" has the same meaning as in section 3323.01 of the 4547
Revised Code. 4548

(3) "Applicable special education weight" means the multiple 4549
specified in section 3317.013 of the Revised Code for a disability 4550
described in that section. 4551

(4) "Applicable vocational education weight" means: 4552

(a) For a student enrolled in vocational education programs 4553
or classes described in division (A) of section 3317.014 of the 4554
Revised Code, the multiple specified in that division; 4555

(b) For a student enrolled in vocational education programs 4556
or classes described in division (B) of section 3317.014 of the 4557

Revised Code, the multiple specified in that division. 4558

(5) "Entitled to attend school" means entitled to attend 4559
school in a district under section 3313.64 or 3313.65 of the 4560
Revised Code. 4561

(6) A community school student is "included in the poverty 4562
student count" of a school district if the student is entitled to 4563
attend school in the district and the student's family receives 4564
assistance under the Ohio works first program. 4565

(7) "Poverty-based assistance reduction factor" means the 4566
percentage figure, if any, for reducing the per pupil amount of 4567
poverty-based assistance a community school is entitled to receive 4568
pursuant to divisions (D)(5) to (9) of this section in any year, 4569
as specified in the school's financial plan for the year pursuant 4570
to division (A)(15) of section 3314.03 of the Revised Code. 4571

(8) "All-day kindergarten" has the same meaning as in section 4572
3321.05 of the Revised Code. 4573

(9) "State education aid" has the same meaning as in section 4574
5751.20 of the Revised Code. 4575

(B) The state board of education shall adopt rules requiring 4576
both of the following: 4577

(1) The board of education of each city, exempted village, 4578
and local school district to annually report the number of 4579
students entitled to attend school in the district who are 4580
enrolled in grades one through twelve in a community school 4581
established under this chapter, the number of students entitled to 4582
attend school in the district who are enrolled in kindergarten in 4583
a community school, the number of those kindergartners who are 4584
enrolled in all-day kindergarten in their community school, and 4585
for each child, the community school in which the child is 4586
enrolled. 4587

(2) The governing authority of each community school established under this chapter to annually report all of the following:	4588 4589 4590
(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	4591 4592 4593 4594
(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	4595 4596 4597 4598
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	4599 4600 4601 4602
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;	4603 4604 4605 4606 4607
(e) Twenty per cent of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code at a joint vocational school district under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational school district;	4608 4609 4610 4611 4612 4613 4614 4615 4616 4617
(f) The number of enrolled preschool children with	4618

disabilities receiving special education services in a 4619
state-funded unit; 4620

(g) The community school's base formula amount; 4621

(h) For each student, the city, exempted village, or local 4622
school district in which the student is entitled to attend school; 4623

(i) Any poverty-based assistance reduction factor that 4624
applies to a school year. 4625

(C) From the state education aid calculated for a city, 4626
exempted village, or local school district and, if necessary, from 4627
the payment made to the district under sections 321.24 and 323.156 4628
of the Revised Code, the department of education shall annually 4629
subtract the sum of the amounts described in divisions (C)(1) to 4630
(9) of this section. However, when deducting payments on behalf of 4631
students enrolled in internet- or computer-based community 4632
schools, the department shall deduct only those amounts described 4633
in divisions (C)(1) and (2) of this section. Furthermore, the 4634
aggregate amount deducted under this division shall not exceed the 4635
sum of the district's state education aid and its payment under 4636
sections 321.24 and 323.156 of the Revised Code. 4637

(1) An amount equal to the sum of the amounts obtained when, 4638
for each community school where the district's students are 4639
enrolled, the number of the district's students reported under 4640
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 4641
in grades one through twelve, and one-half the number of students 4642
reported under those divisions who are enrolled in kindergarten, 4643
in that community school is multiplied by the sum of the base 4644
formula amount of that community school plus the per pupil amount 4645
of the base funding supplements specified in divisions (C)(1) to 4646
(4) of section 3317.012 of the Revised Code. 4647

(2) The sum of the amounts calculated under divisions 4648
(C)(2)(a) and (b) of this section: 4649

(a) For each of the district's students reported under 4650
division (B)(2)(c) of this section as enrolled in a community 4651
school in grades one through twelve and receiving special 4652
education and related services pursuant to an IEP for a disability 4653
described in section 3317.013 of the Revised Code, the product of 4654
the applicable special education weight times the community 4655
school's base formula amount; 4656

(b) For each of the district's students reported under 4657
division (B)(2)(c) of this section as enrolled in kindergarten in 4658
a community school and receiving special education and related 4659
services pursuant to an IEP for a disability described in section 4660
3317.013 of the Revised Code, one-half of the amount calculated as 4661
prescribed in division (C)(2)(a) of this section. 4662

(3) For each of the district's students reported under 4663
division (B)(2)(d) of this section for whom payment is made under 4664
division (D)(4) of this section, the amount of that payment; 4665

(4) An amount equal to the sum of the amounts obtained when, 4666
for each community school where the district's students are 4667
enrolled, the number of the district's students enrolled in that 4668
community school who are included in the district's poverty 4669
student count is multiplied by the per pupil amount of 4670
poverty-based assistance the school district receives that year 4671
pursuant to division (C) of section 3317.029 of the Revised Code, 4672
as adjusted by any poverty-based assistance reduction factor of 4673
that community school. The per pupil amount of that aid for the 4674
district shall be calculated by the department. 4675

(5) An amount equal to the sum of the amounts obtained when, 4676
for each community school where the district's students are 4677
enrolled, the district's per pupil amount of aid received under 4678
division (E) of section 3317.029 of the Revised Code, as adjusted 4679
by any poverty-based assistance reduction factor of the community 4680
school, is multiplied by the sum of the following: 4681

(a) The number of the district's students reported under 4682
division (B)(2)(a) of this section who are enrolled in grades one 4683
to three in that community school and who are not receiving 4684
special education and related services pursuant to an IEP; 4685

(b) One-half of the district's students who are enrolled in 4686
all-day or any other kindergarten class in that community school 4687
and who are not receiving special education and related services 4688
pursuant to an IEP; 4689

(c) One-half of the district's students who are enrolled in 4690
all-day kindergarten in that community school and who are not 4691
receiving special education and related services pursuant to an 4692
IEP. 4693

The district's per pupil amount of aid under division (E) of 4694
section 3317.029 of the Revised Code is the quotient of the amount 4695
the district received under that division divided by the 4696
district's kindergarten through third grade ADM, as defined in 4697
that section. 4698

(6) An amount equal to the sum of the amounts obtained when, 4699
for each community school where the district's students are 4700
enrolled, the district's per pupil amount received under division 4701
(F) of section 3317.029 of the Revised Code, as adjusted by any 4702
poverty-based assistance reduction factor of that community 4703
school, is multiplied by the number of the district's students 4704
enrolled in the community school who are identified as 4705
limited-English proficient. 4706

(7) An amount equal to the sum of the amounts obtained when, 4707
for each community school where the district's students are 4708
enrolled, the district's per pupil amount received under division 4709
(G) of section 3317.029 of the Revised Code, as adjusted by any 4710
poverty-based assistance reduction factor of that community 4711
school, is multiplied by the sum of the following: 4712

(a) The number of the district's students enrolled in grades 4713
one through twelve in that community school; 4714

(b) One-half of the number of the district's students 4715
enrolled in kindergarten in that community school. 4716

The district's per pupil amount under division (G) of section 4717
3317.029 of the Revised Code is the district's amount per teacher 4718
calculated under division (G)(1) or (2) of that section divided by 4719
17. 4720

(8) An amount equal to the sum of the amounts obtained when, 4721
for each community school where the district's students are 4722
enrolled, the district's per pupil amount received under divisions 4723
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 4724
by any poverty-based assistance reduction factor of that community 4725
school, is multiplied by the sum of the following: 4726

(a) The number of the district's students enrolled in grades 4727
one through twelve in that community school; 4728

(b) One-half of the number of the district's students 4729
enrolled in kindergarten in that community school. 4730

The district's per pupil amount under divisions (H) and (I) 4731
of section 3317.029 of the Revised Code is the amount calculated 4732
under each division divided by the district's formula ADM, as 4733
defined in section 3317.02 of the Revised Code. 4734

(9) An amount equal to the per pupil state parity aid funding 4735
calculated for the school district under either division (C) or 4736
(D) of section 3317.0217 of the Revised Code multiplied by the sum 4737
of the number of students in grades one through twelve, and 4738
one-half of the number of students in kindergarten, who are 4739
entitled to attend school in the district and are enrolled in a 4740
community school as reported under division (B)(1) of this 4741
section. 4742

(D) The department shall annually pay to a community school 4743
established under this chapter the sum of the amounts described in 4744
divisions (D)(1) to (10) of this section. However, the department 4745
shall calculate and pay to each internet- or computer-based 4746
community school only the amounts described in divisions (D)(1) to 4747
(3) of this section. Furthermore, the sum of the payments to all 4748
community schools under divisions (D)(1), (2), and (4) to (10) of 4749
this section for the students entitled to attend school in any 4750
particular school district shall not exceed the sum of that 4751
district's state education aid and its payment under sections 4752
321.24 and 323.156 of the Revised Code. If the sum of the payments 4753
calculated under those divisions for the students entitled to 4754
attend school in a particular school district exceeds the sum of 4755
that district's state education aid and its payment under sections 4756
321.24 and 323.156 of the Revised Code, the department shall 4757
calculate and apply a proration factor to the payments to all 4758
community schools under those divisions for the students entitled 4759
to attend school in that district. 4760

(1) An amount equal to the sum of the amounts obtained when 4761
the number of students enrolled in grades one through twelve, plus 4762
one-half of the kindergarten students in the school, reported 4763
under divisions (B)(2)(a), (b), and (e) of this section who are 4764
not receiving special education and related services pursuant to 4765
an IEP for a disability described in section 3317.013 of the 4766
Revised Code is multiplied by the sum of the community school's 4767
base formula amount plus the per pupil amount of the base funding 4768
supplements specified in divisions (C)(1) to (4) of section 4769
3317.012 of the Revised Code. 4770

(2) The sum of the following amounts: 4771

(a) For each student reported under division (B)(2)(c) of 4772
this section as enrolled in the school in grades one through 4773
twelve and receiving special education and related services 4774

pursuant to an IEP for a disability described in section 3317.013 4775
of the Revised Code, the following amount: 4776

(the school's base formula amount plus 4777
the per pupil amount of the base funding supplements specified in 4778
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 4779
+ (the applicable special education weight X the 4780
community school's base formula amount); 4781

(b) For each student reported under division (B)(2)(c) of 4782
this section as enrolled in kindergarten and receiving special 4783
education and related services pursuant to an IEP for a disability 4784
described in section 3317.013 of the Revised Code, one-half of the 4785
amount calculated under the formula prescribed in division 4786
(D)(2)(a) of this section. 4787

(3) An amount received from federal funds to provide special 4788
education and related services to students in the community 4789
school, as determined by the superintendent of public instruction. 4790

(4) For each student reported under division (B)(2)(d) of 4791
this section as enrolled in vocational education programs or 4792
classes that are described in section 3317.014 of the Revised 4793
Code, are provided by the community school, and are comparable as 4794
determined by the superintendent of public instruction to school 4795
district vocational education programs and classes eligible for 4796
state weighted funding under section 3317.014 of the Revised Code, 4797
an amount equal to the applicable vocational education weight 4798
times the community school's base formula amount times the 4799
percentage of time the student spends in the vocational education 4800
programs or classes. 4801

(5) An amount equal to the sum of the amounts obtained when, 4802
for each school district where the community school's students are 4803
entitled to attend school, the number of that district's students 4804
enrolled in the community school who are included in the 4805
district's poverty student count is multiplied by the per pupil 4806

amount of poverty-based assistance that school district receives 4807
that year pursuant to division (C) of section 3317.029 of the 4808
Revised Code, as adjusted by any poverty-based assistance 4809
reduction factor of the community school. The per pupil amount of 4810
aid shall be determined as described in division (C)(4) of this 4811
section. 4812

(6) An amount equal to the sum of the amounts obtained when, 4813
for each school district where the community school's students are 4814
entitled to attend school, the district's per pupil amount of aid 4815
received under division (E) of section 3317.029 of the Revised 4816
Code, as adjusted by any poverty-based assistance reduction factor 4817
of the community school, is multiplied by the sum of the 4818
following: 4819

(a) The number of the district's students reported under 4820
division (B)(2)(a) of this section who are enrolled in grades one 4821
to three in that community school and who are not receiving 4822
special education and related services pursuant to an IEP; 4823

(b) One-half of the district's students who are enrolled in 4824
all-day or any other kindergarten class in that community school 4825
and who are not receiving special education and related services 4826
pursuant to an IEP; 4827

(c) One-half of the district's students who are enrolled in 4828
all-day kindergarten in that community school and who are not 4829
receiving special education and related services pursuant to an 4830
IEP. 4831

The district's per pupil amount of aid under division (E) of 4832
section 3317.029 of the Revised Code shall be determined as 4833
described in division (C)(5) of this section. 4834

(7) An amount equal to the sum of the amounts obtained when, 4835
for each school district where the community school's students are 4836
entitled to attend school, the number of that district's students 4837

enrolled in the community school who are identified as 4838
limited-English proficient is multiplied by the district's per 4839
pupil amount received under division (F) of section 3317.029 of 4840
the Revised Code, as adjusted by any poverty-based assistance 4841
reduction factor of the community school. 4842

(8) An amount equal to the sum of the amounts obtained when, 4843
for each school district where the community school's students are 4844
entitled to attend school, the district's per pupil amount 4845
received under division (G) of section 3317.029 of the Revised 4846
Code, as adjusted by any poverty-based assistance reduction factor 4847
of the community school, is multiplied by the sum of the 4848
following: 4849

(a) The number of the district's students enrolled in grades 4850
one through twelve in that community school; 4851

(b) One-half of the number of the district's students 4852
enrolled in kindergarten in that community school. 4853

The district's per pupil amount under division (G) of section 4854
3317.029 of the Revised Code shall be determined as described in 4855
division (C)(7) of this section. 4856

(9) An amount equal to the sum of the amounts obtained when, 4857
for each school district where the community school's students are 4858
entitled to attend school, the district's per pupil amount 4859
received under divisions (H) and (I) of section 3317.029 of the 4860
Revised Code, as adjusted by any poverty-based assistance 4861
reduction factor of the community school, is multiplied by the sum 4862
of the following: 4863

(a) The number of the district's students enrolled in grades 4864
one through twelve in that community school; 4865

(b) One-half of the number of the district's students 4866
enrolled in kindergarten in that community school. 4867

The district's per pupil amount under divisions (H) and (I) 4868
of section 3317.029 of the Revised Code shall be determined as 4869
described in division (C)(8) of this section. 4870

(10) An amount equal to the sum of the amounts obtained when, 4871
for each school district where the community school's students are 4872
entitled to attend school, the district's per pupil amount of 4873
state parity aid funding calculated under either division (C) or 4874
(D) of section 3317.0217 of the Revised Code is multiplied by the 4875
sum of the number of that district's students enrolled in grades 4876
one through twelve, and one-half of the number of that district's 4877
students enrolled in kindergarten, in the community school as 4878
reported under divisions (B)(2)(a) and (b) of this section. 4879

(E)(1) If a community school's costs for a fiscal year for a 4880
student receiving special education and related services pursuant 4881
to an IEP for a disability described in divisions (B) to (F) of 4882
section 3317.013 of the Revised Code exceed the threshold 4883
catastrophic cost for serving the student as specified in division 4884
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 4885
submit to the superintendent of public instruction documentation, 4886
as prescribed by the superintendent, of all its costs for that 4887
student. Upon submission of documentation for a student of the 4888
type and in the manner prescribed, the department shall pay to the 4889
community school an amount equal to the school's costs for the 4890
student in excess of the threshold catastrophic costs. 4891

(2) The community school shall only report under division 4892
(E)(1) of this section, and the department shall only pay for, the 4893
costs of educational expenses and the related services provided to 4894
the student in accordance with the student's individualized 4895
education program. Any legal fees, court costs, or other costs 4896
associated with any cause of action relating to the student may 4897
not be included in the amount. 4898

(F) A community school may apply to the department of 4899

education for preschool children with disabilities unit funding 4900
the school would receive if it were a school district. Upon 4901
request of its governing authority, a community school that 4902
received such unit funding as a school district-operated school 4903
before it became a community school shall retain any units awarded 4904
to it as a school district-operated school provided the school 4905
continues to meet eligibility standards for the unit. 4906

A community school shall be considered a school district and 4907
its governing authority shall be considered a board of education 4908
for the purpose of applying to any state or federal agency for 4909
grants that a school district may receive under federal or state 4910
law or any appropriations act of the general assembly. The 4911
governing authority of a community school may apply to any private 4912
entity for additional funds. 4913

(G) A board of education sponsoring a community school may 4914
utilize local funds to make enhancement grants to the school or 4915
may agree, either as part of the contract or separately, to 4916
provide any specific services to the community school at no cost 4917
to the school. 4918

(H) A community school may not levy taxes or issue bonds 4919
secured by tax revenues. 4920

(I) No community school shall charge tuition for the 4921
enrollment of any student. 4922

(J)(1)(a) A community school may borrow money to pay any 4923
necessary and actual expenses of the school in anticipation of the 4924
receipt of any portion of the payments to be received by the 4925
school pursuant to division (D) of this section. The school may 4926
issue notes to evidence such borrowing. The proceeds of the notes 4927
shall be used only for the purposes for which the anticipated 4928
receipts may be lawfully expended by the school. 4929

(b) A school may also borrow money for a term not to exceed 4930

fifteen years for the purpose of acquiring facilities. 4931

(2) Except for any amount guaranteed under section 3318.50 of 4932
the Revised Code, the state is not liable for debt incurred by the 4933
governing authority of a community school. 4934

(K) For purposes of determining the number of students for 4935
which divisions (D)(5) and (6) of this section applies in any 4936
school year, a community school may submit to the department of 4937
job and family services, no later than the first day of March, a 4938
list of the students enrolled in the school. For each student on 4939
the list, the community school shall indicate the student's name, 4940
address, and date of birth and the school district where the 4941
student is entitled to attend school. Upon receipt of a list under 4942
this division, the department of job and family services shall 4943
determine, for each school district where one or more students on 4944
the list is entitled to attend school, the number of students 4945
residing in that school district who were included in the 4946
department's report under section 3317.10 of the Revised Code. The 4947
department shall make this determination on the basis of 4948
information readily available to it. Upon making this 4949
determination and no later than ninety days after submission of 4950
the list by the community school, the department shall report to 4951
the state department of education the number of students on the 4952
list who reside in each school district who were included in the 4953
department's report under section 3317.10 of the Revised Code. In 4954
complying with this division, the department of job and family 4955
services shall not report to the state department of education any 4956
personally identifiable information on any student. 4957

(L) The department of education shall adjust the amounts 4958
subtracted and paid under divisions (C) and (D) of this section to 4959
reflect any enrollment of students in community schools for less 4960
than the equivalent of a full school year. The state board of 4961
education within ninety days after April 8, 2003, shall adopt in 4962

accordance with Chapter 119. of the Revised Code rules governing 4963
the payments to community schools under this section and section 4964
3314.13 of the Revised Code including initial payments in a school 4965
year and adjustments and reductions made in subsequent periodic 4966
payments to community schools and corresponding deductions from 4967
school district accounts as provided under divisions (C) and (D) 4968
of this section and section 3314.13 of the Revised Code. For 4969
purposes of this section and section 3314.13 of the Revised Code: 4970

(1) A student shall be considered enrolled in the community 4971
school for any portion of the school year the student is 4972
participating at a college under Chapter 3365. of the Revised 4973
Code. 4974

(2) A student shall be considered to be enrolled in a 4975
community school for the period of time beginning on the later of 4976
the date on which the school both has received documentation of 4977
the student's enrollment from a parent and the student has 4978
commenced participation in learning opportunities as defined in 4979
the contract with the sponsor, or thirty days prior to the date on 4980
which the student is entered into the education management 4981
information system established under section 3301.0714 of the 4982
Revised Code. For purposes of applying this division and divisions 4983
(L)(3) and (4) of this section to a community school student, 4984
"learning opportunities" shall be defined in the contract, which 4985
shall describe both classroom-based and non-classroom-based 4986
learning opportunities and shall be in compliance with criteria 4987
and documentation requirements for student participation which 4988
shall be established by the department. Any student's instruction 4989
time in non-classroom-based learning opportunities shall be 4990
certified by an employee of the community school. A student's 4991
enrollment shall be considered to cease on the date on which any 4992
of the following occur: 4993

(a) The community school receives documentation from a parent 4994

terminating enrollment of the student. 4995

(b) The community school is provided documentation of a 4996
student's enrollment in another public or private school. 4997

(c) The community school ceases to offer learning 4998
opportunities to the student pursuant to the terms of the contract 4999
with the sponsor or the operation of any provision of this 5000
chapter. 5001

Except as otherwise specified in this paragraph, beginning in 5002
the 2011-2012 school year, any student who completed the prior 5003
school year in an internet- or computer-based community school 5004
shall be considered to be enrolled in the same school in the 5005
subsequent school year until the student's enrollment has ceased 5006
as specified in division (L)(2) of this section. The department 5007
shall continue subtracting and paying amounts for the student 5008
under divisions (C) and (D) of this section without interruption 5009
at the start of the subsequent school year. However, if the 5010
student without a legitimate excuse fails to participate in the 5011
first one hundred five consecutive hours of learning opportunities 5012
offered to the student in that subsequent school year, the student 5013
shall be considered not to have re-enrolled in the school for that 5014
school year and the department shall recalculate the payments to 5015
the school for that school year to account for the fact that the 5016
student is not enrolled. 5017

(3) The department shall determine each community school 5018
student's percentage of full-time equivalency based on the 5019
percentage of learning opportunities offered by the community 5020
school to that student, reported either as number of hours or 5021
number of days, is of the total learning opportunities offered by 5022
the community school to a student who attends for the school's 5023
entire school year. However, no internet- or computer-based 5024
community school shall be credited for any time a student spends 5025
participating in learning opportunities beyond ten hours within 5026

any period of twenty-four consecutive hours. Whether it reports 5027
hours or days of learning opportunities, each community school 5028
shall offer not less than nine hundred twenty hours of learning 5029
opportunities during the school year. 5030

(4) With respect to the calculation of full-time equivalency 5031
under division (L)(3) of this section, the department shall waive 5032
the number of hours or days of learning opportunities not offered 5033
to a student because the community school was closed during the 5034
school year due to disease epidemic, hazardous weather conditions, 5035
law enforcement emergencies, inoperability of school buses or 5036
other equipment necessary to the school's operation, damage to a 5037
school building, or other temporary circumstances due to utility 5038
failure rendering the school building unfit for school use, so 5039
long as the school was actually open for instruction with students 5040
in attendance during that school year for not less than the 5041
minimum number of hours required by this chapter. The department 5042
shall treat the school as if it were open for instruction with 5043
students in attendance during the hours or days waived under this 5044
division. 5045

(M) The department of education shall reduce the amounts paid 5046
under division (D) of this section to reflect payments made to 5047
colleges under division (B) of section 3365.07 of the Revised Code 5048
or through alternative funding agreements entered into under rules 5049
adopted under section 3365.12 of the Revised Code. 5050

(N)(1) No student shall be considered enrolled in any 5051
internet- or computer-based community school or, if applicable to 5052
the student, in any community school that is required to provide 5053
the student with a computer pursuant to division (C) of section 5054
3314.22 of the Revised Code, unless both of the following 5055
conditions are satisfied: 5056

(a) The student possesses or has been provided with all 5057
required hardware and software materials and all such materials 5058

are operational so that the student is capable of fully 5059
participating in the learning opportunities specified in the 5060
contract between the school and the school's sponsor as required 5061
by division (A)(23) of section 3314.03 of the Revised Code; 5062

(b) The school is in compliance with division (A) of section 5063
3314.22 of the Revised Code, relative to such student. 5064

(2) In accordance with policies adopted jointly by the 5065
superintendent of public instruction and the auditor of state, the 5066
department shall reduce the amounts otherwise payable under 5067
division (D) of this section to any community school that includes 5068
in its program the provision of computer hardware and software 5069
materials to any student, if such hardware and software materials 5070
have not been delivered, installed, and activated for each such 5071
student in a timely manner or other educational materials or 5072
services have not been provided according to the contract between 5073
the individual community school and its sponsor. 5074

The superintendent of public instruction and the auditor of 5075
state shall jointly establish a method for auditing any community 5076
school to which this division pertains to ensure compliance with 5077
this section. 5078

The superintendent, auditor of state, and the governor shall 5079
jointly make recommendations to the general assembly for 5080
legislative changes that may be required to assure fiscal and 5081
academic accountability for such schools. 5082

(O)(1) If the department determines that a review of a 5083
community school's enrollment is necessary, such review shall be 5084
completed and written notice of the findings shall be provided to 5085
the governing authority of the community school and its sponsor 5086
within ninety days of the end of the community school's fiscal 5087
year, unless extended for a period not to exceed thirty additional 5088
days for one of the following reasons: 5089

(a) The department and the community school mutually agree to the extension. 5090
5091

(b) Delays in data submission caused by either a community school or its sponsor. 5092
5093

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply: 5094
5095
5096
5097
5098

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee. 5099
5100
5101

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing. 5102
5103
5104
5105

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter. 5106
5107
5108
5109

(d) Any decision made by the board under this division is final. 5110
5111

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction. 5112
5113
5114
5115

(P) The department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for any of the following: 5116
5117
5118
5119

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for that veteran.

Sec. 3314.11. (A) The board of education of each city, exempted village, and local school district monthly shall review enrollment for students enrolled in start-up community schools established under this chapter and entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code.

For each student, the district shall verify to the department of 5151
education both of the following: 5152

(1) The community school in which the student is enrolled; 5153

(2) That the student is entitled to attend school in the 5154
district under section 3313.64 or 3313.65 of the Revised Code. 5155

(B) In determining division (A)(2) of this section, the 5156
governing authority of a community school may adopt a policy that 5157
prescribes the number of documents listed in division (C) of this 5158
section required to verify a student's residency. This policy, if 5159
adopted, shall supersede any policy adopted by the district the 5160
student is entitled to attend. If a community school does not 5161
adopt a policy under this division, the policy of the school 5162
district in which the student is entitled to attend shall prevail. 5163

(C) For purposes of this section, the following documents 5164
belonging to the student's residential parent or legal guardian 5165
are a valid proof of residency: 5166

(1) A deed, mortgage, lease, current home owner's or renter's 5167
insurance declaration page, or current real property tax bill; 5168

(2) A utility bill or receipt of utility installation issued 5169
within ninety days of enrollment; 5170

(3) A valid vehicle registration; 5171

(4) A copy of the most recent tax return or W-2 form; 5172

(5) A voter registration card that is dated not more than two 5173
years earlier than the date of enrollment; 5174

(6) A paycheck or paystub issued within ninety days of the 5175
date of enrollment that includes the residential parent or legal 5176
custodian's address; 5177

(7) The most current available bank statement that includes 5178
the residential parent or legal custodian's address; 5179

(8) Any official document issued by an agency of the federal, state, or county government dated within ninety days of enrollment, including, but not limited to, documents issued by the social security administration, the bureau of workers' compensation, or a county department of job and family services. The superintendent of public instruction shall define what qualifies as an "official document" under this division.

(D) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, one of the following applies:

(1) If the student was enrolled in a start-up community school prior to becoming homeless, the school district in which the student was entitled to attend school shall remain so.

(2) If the student is homeless and enrolls in a start-up community school subsequent to becoming homeless, the student shall be entitled to attend school in the school district in which the student currently resides.

In verifying a student's residence status under division (D) of this section, a school district shall accept, in addition to the documents listed in division (C) of this section, a notarized statement containing the address of the place where the student is residing signed by the student's residential parent or legal guardian or a notarized statement signed by the owner or lessee of a property in which a student is residing, as a student's proof of residency.

(E) In the event of a disagreement as to which school district a student is entitled to attend, the superintendent of public instruction shall determine which district the student is entitled to attend.

(F) The department shall not withhold payments to a community

school based on a challenge brought by a school district 5211
concerning the community school's enrollment and student residency 5212
reports. 5213

(G) This section does not apply to students enrolled in 5214
conversion community schools. 5215

Sec. 3314.15. The governing authority of a community school, 5216
other than an internet- or computer-based community school, may 5217
screen students for body mass index and weight status category. If 5218
a governing authority elects to require the screenings, it shall 5219
comply with section 3313.674 of the Revised Code in the same 5220
manner required of a school district board of education. 5221

Sec. 3314.17. (A) Each community school established under 5222
this chapter shall participate in the statewide education 5223
management information system established under section 3301.0714 5224
of the Revised Code. All provisions of that section and the rules 5225
adopted under that section apply to each community school as if it 5226
were a school district, except as modified for community schools 5227
under division (B) of this section. Each community school shall 5228
comply with division ~~(B)~~(C) of section 3301.0723 of the Revised 5229
Code. 5230

(B) The rules adopted by the state board of education under 5231
section 3301.0714 of the Revised Code may distinguish methods and 5232
timelines for community schools to annually report data, which 5233
methods and timelines differ from those prescribed for school 5234
districts. Any methods and timelines prescribed for community 5235
schools shall be appropriate to the academic schedule and 5236
financing of community schools. The guidelines, however, shall not 5237
modify the actual data required to be reported under that section. 5238

(C) Each fiscal officer appointed under section 3314.011 of 5239
the Revised Code is responsible for annually reporting the 5240

community school's data under section 3301.0714 of the Revised Code. If the superintendent of public instruction determines that a community school fiscal officer has willfully failed to report data or has willfully reported erroneous, inaccurate, or incomplete data in any year, or has negligently reported erroneous, inaccurate, or incomplete data in the current and any previous year, the superintendent may impose a civil penalty of one hundred dollars on the fiscal officer after providing the officer with notice and an opportunity for a hearing in accordance with Chapter 119. of the Revised Code. The superintendent's authority to impose civil penalties under this division does not preclude the state board of education from suspending or revoking the license of a community school employee under division (N) of section 3301.0714 of the Revised Code.

(D) No community school shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

Sec. 3314.18. (A) Subject to division (C) of this section, the governing authority of each community school shall establish a breakfast program pursuant to the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts, and shall establish a lunch program pursuant to those acts if at least one-fifth of the pupils are eligible for free lunches. The governing authority required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

(B) Subject to division (C) of this section, the governing authority of each community school shall establish one of the following for summer intervention services described in division (D) of section 3301.0711 ~~and~~ or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law:

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

(2) An extension of the school lunch program pursuant to those acts;

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

(C) If the governing authority of a community school determines that, for financial reasons, it cannot comply with division (A) or (B) of this section, the governing authority may choose not to comply with either or both divisions. In that case, the governing authority shall communicate to the parents of its students, in the manner it determines appropriate, its decision not to comply.

(D) The governing authority of each community school required to establish a school breakfast, school lunch, or summer food service program under this section shall apply for state and federal funds allocated by the state board of education under division (B) of section 3313.813 of the Revised Code and shall comply with the state board's standards adopted under that division.

(E) The governing authority of any community school required to establish a breakfast program under this section or that elects to participate in a breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966" may offer breakfast to pupils in their classrooms during the school day.

(F) Notwithstanding anything in this section to the contrary, 5303
in each fiscal year in which the general assembly appropriates 5304
funds for purposes of this division, the governing authority of 5305
each community school required to establish a breakfast program 5306
under this section or that elects to participate in a breakfast 5307
program pursuant to the "National School Lunch Act" and the "Child 5308
Nutrition Act of 1966" shall provide a breakfast free of charge to 5309
each pupil who is eligible under federal requirements for a 5310
reduced price breakfast. 5311

(G) This section does not apply to internet- or 5312
computer-based community schools. 5313

Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of 5314
this section, this section applies to any community school that 5315
meets one of the following criteria after July 1, 2009, but before 5316
July 1, 2011: 5317

(a) The school does not offer a grade level higher than three 5318
and has been declared to be in a state of academic emergency under 5319
section 3302.03 of the Revised Code for three of the four most 5320
recent school years. 5321

(b) The school satisfies all of the following conditions: 5322

(i) The school offers any of grade levels four to eight but 5323
does not offer a grade level higher than nine. 5324

(ii) The school has been declared to be in a state of 5325
academic emergency under section 3302.03 of the Revised Code for 5326
two of the three most recent school years. 5327

(iii) In at least two of the three most recent school years, 5328
the school showed less than one standard year of academic growth 5329
in either reading or mathematics, as determined by the department 5330
of education in accordance with rules adopted under division (A) 5331
of section 3302.021 of the Revised Code. 5332

(c) The school offers any of grade levels ten to twelve and 5333
has been declared to be in a state of academic emergency under 5334
section 3302.03 of the Revised Code for three of the four most 5335
recent school years. 5336

(2) Except as provided in division (A)(3) of this section, 5337
this section applies to any community school that meets one of the 5338
following criteria after July 1, 2011: 5339

(a) The school does not offer a grade level higher than three 5340
and has been declared to be in a state of academic emergency under 5341
section 3302.03 of the Revised Code for two of the three most 5342
recent school years. 5343

(b) The school satisfies all of the following conditions: 5344

(i) The school offers any of grade levels four to eight but 5345
does not offer a grade level higher than nine. 5346

(ii) The school has been declared to be in a state of 5347
academic emergency under section 3302.03 of the Revised Code for 5348
two of the three most recent school years. 5349

(iii) In at least two of the three most recent school years, 5350
the school showed less than one standard year of academic growth 5351
in either reading or mathematics, as determined by the department 5352
in accordance with rules adopted under division (A) of section 5353
3302.021 of the Revised Code. 5354

(c) The school offers any of grade levels ten to twelve and 5355
has been declared to be in a state of academic emergency under 5356
section 3302.03 of the Revised Code for two of the three most 5357
recent school years. 5358

(3) This section does not apply to either of the following: 5359

(a) Any community school in which a majority of the students 5360
are enrolled in a dropout prevention and recovery program that is 5361
operated by the school and that has been granted a waiver under 5362

section 3314.36 of the Revised Code, until the date the first 5363
district and building report cards using the performance 5364
indicators for dropout prevention and recovery programs, adopted 5365
under section 3302.022 of the Revised Code, are issued; 5366

(b) Any community school in which a majority of the enrolled 5367
students are children with disabilities receiving special 5368
education and related services in accordance with Chapter 3323. of 5369
the Revised Code. 5370

(B) Any community school to which this section applies shall 5371
permanently close at the conclusion of the school year in which 5372
the school first becomes subject to this section. The sponsor and 5373
governing authority of the school shall comply with all procedures 5374
for closing a community school adopted by the department under 5375
division (E) of section 3314.015 of the Revised Code. The 5376
governing authority of the school shall not enter into a contract 5377
with any other sponsor under section 3314.03 of the Revised Code 5378
after the school closes. 5379

(C) In accordance with division (B) of section 3314.012 of 5380
the Revised Code, the department shall not consider the 5381
performance ratings assigned to a community school for its first 5382
two years of operation when determining whether the school meets 5383
the criteria prescribed by division (A)(1) or (2) of this section. 5384

Sec. 3317.01. As used in this section, "school district," 5385
unless otherwise specified, means any city, local, exempted 5386
village, joint vocational, or cooperative education school 5387
district and any educational service center. 5388

This chapter shall be administered by the state board of 5389
education. The superintendent of public instruction shall 5390
calculate the amounts payable to each school district and shall 5391
certify the amounts payable to each eligible district to the 5392
treasurer of the district as provided by this chapter. As soon as 5393

possible after such amounts are calculated, the superintendent 5394
shall certify to the treasurer of each school district the 5395
district's adjusted charge-off increase, as defined in section 5396
5705.211 of the Revised Code. No moneys shall be distributed 5397
pursuant to this chapter without the approval of the controlling 5398
board. 5399

The state board of education shall, in accordance with 5400
appropriations made by the general assembly, meet the financial 5401
obligations of this chapter. 5402

Moneys distributed pursuant to this chapter shall be 5403
calculated and paid on a fiscal year basis, beginning with the 5404
first day of July and extending through the thirtieth day of June. 5405
The moneys appropriated for each fiscal year shall be distributed 5406
periodically to each school district unless otherwise provided 5407
for. The state board, in June of each year, shall submit to the 5408
controlling board the state board's year-end distributions 5409
pursuant to this chapter. 5410

Except as otherwise provided, payments under this chapter 5411
shall be made only to those school districts in which: 5412

(A) The school district, except for any educational service 5413
center and any joint vocational or cooperative education school 5414
district, levies for current operating expenses at least twenty 5415
mills. Levies for joint vocational or cooperative education school 5416
districts or county school financing districts, limited to or to 5417
the extent apportioned to current expenses, shall be included in 5418
this qualification requirement. School district income tax levies 5419
under Chapter 5748. of the Revised Code, limited to or to the 5420
extent apportioned to current operating expenses, shall be 5421
included in this qualification requirement to the extent 5422
determined by the tax commissioner under division (D) of section 5423
3317.021 of the Revised Code. 5424

(B) The school year next preceding the fiscal year for which 5425
such payments are authorized meets the requirement of section 5426
3313.48 or 3313.481 of the Revised Code, with regard to the 5427
minimum number of days or hours school must be open for 5428
instruction with pupils in attendance, for individualized 5429
parent-teacher conference and reporting periods, and for 5430
professional meetings of teachers. This requirement shall be 5431
waived by the superintendent of public instruction if it had been 5432
necessary for a school to be closed because of disease epidemic, 5433
hazardous weather conditions, law enforcement emergencies, 5434
inoperability of school buses or other equipment necessary to the 5435
school's operation, damage to a school building, or other 5436
temporary circumstances due to utility failure rendering the 5437
school building unfit for school use, provided that for those 5438
school districts operating pursuant to section 3313.48 of the 5439
Revised Code the number of days the school was actually open for 5440
instruction with pupils in attendance and for individualized 5441
parent-teacher conference and reporting periods is not less than 5442
one hundred seventy-five, or for those school districts operating 5443
on a trimester plan the number of days the school was actually 5444
open for instruction with pupils in attendance not less than 5445
seventy-nine days in any trimester, for those school districts 5446
operating on a quarterly plan the number of days the school was 5447
actually open for instruction with pupils in attendance not less 5448
than fifty-nine days in any quarter, or for those school districts 5449
operating on a pentamester plan the number of days the school was 5450
actually open for instruction with pupils in attendance not less 5451
than forty-four days in any pentamester. 5452

A school district shall not be considered to have failed to 5453
comply with this division or section 3313.481 of the Revised Code 5454
because schools were open for instruction but either twelfth grade 5455
students were excused from attendance for up to three days or only 5456
a portion of the kindergarten students were in attendance for up 5457

to three days in order to allow for the gradual orientation to 5458
school of such students. 5459

The superintendent of public instruction shall waive the 5460
requirements of this section with reference to the minimum number 5461
of days or hours school must be in session with pupils in 5462
attendance for the school year succeeding the school year in which 5463
a board of education initiates a plan of operation pursuant to 5464
section 3313.481 of the Revised Code. The minimum requirements of 5465
this section shall again be applicable to such a district 5466
beginning with the school year commencing the second July 5467
succeeding the initiation of one such plan, and for each school 5468
year thereafter. 5469

A school district shall not be considered to have failed to 5470
comply with this division or section 3313.48 or 3313.481 of the 5471
Revised Code because schools were open for instruction but the 5472
length of the regularly scheduled school day, for any number of 5473
days during the school year, was reduced by not more than two 5474
hours due to hazardous weather conditions. 5475

A board of education or governing board of an educational 5476
service center which has not conformed with other law and the 5477
rules pursuant thereto, shall not participate in the distribution 5478
of funds authorized by this chapter, except for good and 5479
sufficient reason established to the satisfaction of the state 5480
board of education and the state controlling board. 5481

All funds allocated to school districts under this chapter, 5482
except those specifically allocated for other purposes, shall be 5483
used to pay current operating expenses only. 5484

Sec. 3318.023. Notwithstanding anything to the contrary in 5485
section 3318.02 of the Revised Code, each fiscal year, at the time 5486
that the Ohio school facilities commission conditionally approves 5487
projects of school districts under sections 3318.01 to 3318.20 of 5488

the Revised Code for which it plans to provide assistance under 5489
those sections for that fiscal year, the commission also shall 5490
identify the next ten school districts from lowest to highest in 5491
order of the ranking calculated for the previous fiscal year under 5492
section 3318.011 of the Revised Code that have not yet been 5493
conditionally approved for assistance under sections 3318.01 to 5494
3318.20 of the Revised Code. Those districts shall have priority 5495
in the order of such ranking with the lowest valuation having the 5496
highest priority for future assistance under those sections over 5497
all other school districts, except for districts receiving 5498
assistance under division (B)(2) of section 3318.04, section 5499
3318.37, or section 3318.38 ~~of the Revised Code or~~ districts that 5500
have priority under section 3318.05, or districts offered 5501
assistance under section 3318.364 of the Revised Code. 5502

Sec. 3318.034. (A) This section applies to both of the 5503
following: 5504

(1) Any school district that has not executed an agreement 5505
for a project under sections 3318.01 to 3318.20 of the Revised 5506
Code prior to June 24, 2008; 5507

(2) Any school district that is eligible for additional 5508
assistance under sections 3318.01 to 3318.20 of the Revised Code 5509
pursuant to division (B)(2) of section 3318.04 of the Revised 5510
Code. 5511

Notwithstanding any provision of this chapter to the 5512
contrary, with the approval of the Ohio school facilities 5513
commission, any school district to which this section applies may 5514
opt to divide the district's entire classroom facilities needs, as 5515
those needs are jointly determined by the staff of the commission 5516
and the school district, into discrete segments and shall comply 5517
with all of the provisions of those sections unless otherwise 5518
provided in this section. 5519

(B) Except as provided in division (C) of this section, each segment shall comply with all of the following:

(1) The segment shall consist of the new construction of one or more entire buildings or the complete renovation of one or more entire existing buildings, with any necessary additions to that building.

(2) The segment shall not include any construction of or renovation or repair to any building that does not complete the needs of the district with respect to that particular building at the time the segment is completed.

(3) The segment shall consist of new construction, renovations, additions, reconstruction, or repair of classroom facilities to the extent that the school district portion, as determined under section 3318.032 of the Revised Code, is an amount not less than the product of ~~0.040~~ 0.020 times the district's valuation at the time the agreement for the segment is executed, unless the district previously has undertaken a segment under this section and the district's portion of the estimated basic project cost of the remainder of its entire classroom facilities needs, as determined jointly by the staff of the commission and the district, is less than the amount otherwise required by this division.

(C) A district described in division (A)(2) of this section that has not received the additional assistance authorized under division (B)(2) of section 3318.04 of the Revised Code may undertake a segment, with commission approval, for the purpose of renovating or replacing work performed on a facility under the district's prior project. The commission may approve that segment if the commission determines that the renovation or replacement is necessary to protect the facility. The basic project cost of the segment shall be allocated between the state and the district in accordance with section 3318.032 of the Revised Code. However, the

requirements of division (B) of this section shall not apply to a 5552
segment undertaken under this division. 5553

(D) The commission shall conditionally approve and seek 5554
controlling board approval in accordance with division (A) of 5555
section 3318.04 of the Revised Code of each segment. 5556

(E) The school district's maintenance levy requirement, as 5557
defined in section 3318.18 of the Revised Code, shall run for 5558
twenty-three years from the date the first segment is undertaken; 5559
however, the maintenance levy requirement does not apply to a 5560
segment undertaken under division (C) of this section. 5561

Sec. 3318.36. (A)(1) As used in this section: 5562

(a) "Ohio school facilities commission," "classroom 5563
facilities," "school district," "school district board," "net 5564
bonded indebtedness," "required percentage of the basic project 5565
costs," "basic project cost," "valuation," and "percentile" have 5566
the same meanings as in section 3318.01 of the Revised Code. 5567

(b) "Required level of indebtedness" means five per cent of 5568
the school district's valuation for the year preceding the year in 5569
which the commission and school district enter into an agreement 5570
under division (B) of this section, plus [two one-hundredths of 5571
one per cent multiplied by (the percentile in which the district 5572
ranks minus one)]. 5573

(c) "Local resources" means any moneys generated in any 5574
manner permitted for a school district board to raise the school 5575
district portion of a project undertaken with assistance under 5576
sections 3318.01 to 3318.20 of the Revised Code. 5577

(2) For purposes of determining the required level of 5578
indebtedness, the required percentage of the basic project costs 5579
under division (C)(1) of this section, and priority for assistance 5580
under sections 3318.01 to 3318.20 of the Revised Code, the 5581

percentile ranking of a school district with which the commission 5582
has entered into an agreement under this section between the first 5583
day of July and the thirty-first day of August in each fiscal year 5584
is the percentile ranking calculated for that district for the 5585
immediately preceding fiscal year, and the percentile ranking of a 5586
school district with which the commission has entered into such 5587
agreement between the first day of September and the thirtieth day 5588
of June in each fiscal year is the percentile ranking calculated 5589
for that district for the current fiscal year. 5590

(B)(1) There is hereby established the school building 5591
assistance expedited local partnership program. Under the program, 5592
the Ohio school facilities commission may enter into an agreement 5593
with the ~~school-district~~ board of any school district under which 5594
the ~~school-district~~ board may proceed with the new construction or 5595
major repairs of a part of the ~~school~~ district's classroom 5596
facilities needs, as determined under sections 3318.01 to 3318.20 5597
of the Revised Code, through the expenditure of local resources 5598
prior to the school district's eligibility for state assistance 5599
under those sections, and may apply that expenditure toward 5600
meeting the school district's portion of the basic project cost of 5601
the total of the ~~school~~ district's classroom facilities needs, ~~as~~ 5602
~~determined under sections 3318.01 to 3318.20 of the Revised Code~~ 5603
~~and~~ as recalculated under division (E) of this section, ~~that are~~ 5604
when the district becomes eligible for state assistance under 5605
sections 3318.01 to 3318.20 or section 3318.364 of the Revised 5606
Code ~~when the school district becomes eligible for that~~ 5607
~~assistance~~. Any school district that is reasonably expected to 5608
receive assistance under sections 3318.01 to 3318.20 of the 5609
Revised Code within two fiscal years from the date the school 5610
district adopts its resolution under division (B) of this section 5611
shall not be eligible to participate in the program established 5612
under this section. 5613

(2) To participate in the program, a school district board 5614
shall first adopt a resolution certifying to the commission the 5615
board's intent to participate in the program. 5616

The resolution shall specify the approximate date that the 5617
board intends to seek elector approval of any bond or tax measures 5618
or to apply other local resources to use to pay the cost of 5619
classroom facilities to be constructed under this section. The 5620
resolution may specify the application of local resources or 5621
elector-approved bond or tax measures after the resolution is 5622
adopted by the board, and in such case the board may proceed with 5623
a discrete portion of its project under this section as soon as 5624
the commission and the controlling board have approved the basic 5625
project cost of the district's classroom facilities needs as 5626
specified in division (D) of this section. The board shall submit 5627
its resolution to the commission not later than ten days after the 5628
date the resolution is adopted by the board. 5629

The commission shall not consider any resolution that is 5630
submitted pursuant to division (B)(2) of this section, as amended 5631
by this amendment, sooner than September 14, 2000. 5632

(3) For purposes of determining when a district that enters 5633
into an agreement under this section becomes eligible for 5634
assistance under sections 3318.01 to 3318.20 of the Revised Code 5635
or priority for assistance under section 3318.364 of the Revised 5636
Code, the commission shall use the district's percentile ranking 5637
determined at the time the district entered into the agreement 5638
under this section, as prescribed by division (A)(2) of this 5639
section. 5640

(4) Any project under this section shall comply with section 5641
3318.03 of the Revised Code and with any specifications for plans 5642
and materials for classroom facilities adopted by the commission 5643
under section 3318.04 of the Revised Code. 5644

(5) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(6) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of on-site visits and assessment, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of:

(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking;

(2) An amount necessary to raise the school district's net bonded indebtedness, as of the fiscal year the commission and the school district enter into the agreement under division (B) of this section, to within five thousand dollars of the required level of indebtedness.

(D)(1) When the commission determines the basic project cost of the classroom facilities needs of a school district and the school district's portion of that basic project cost under division (C) of this section, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, and the amount of the state's portion of the

basic project cost; however, no state funds shall be encumbered 5676
under this section. Upon approval by the controlling board, the 5677
school district board may identify a discrete part of its 5678
classroom facilities needs, which shall include only new 5679
construction of or additions or major repairs to a particular 5680
building, to address with local resources. Upon identifying a part 5681
of the school district's basic project cost to address with local 5682
resources, the school district board may allocate any available 5683
school district moneys to pay the cost of that identified part, 5684
including the proceeds of an issuance of bonds if approved by the 5685
electors of the school district. 5686

All local resources utilized under this division shall first 5687
be deposited in the project construction account required under 5688
section 3318.08 of the Revised Code. 5689

(2) Unless the school district board exercises its option 5690
under division (D)(3) of this section, for a school district to 5691
qualify for participation in the program authorized under this 5692
section, one of the following conditions shall be satisfied: 5693

(a) The electors of the school district by a majority vote 5694
shall approve the levy of taxes outside the ten-mill limitation 5695
for a period of twenty-three years at the rate of not less than 5696
one-half mill for each dollar of valuation to be used to pay the 5697
cost of maintaining the classroom facilities included in the basic 5698
project cost as determined by the commission. The form of the 5699
ballot to be used to submit the question whether to approve the 5700
tax required under this division to the electors of the school 5701
district shall be the form for an additional levy of taxes 5702
prescribed in section 3318.361 of the Revised Code, which may be 5703
combined in a single ballot question with the questions prescribed 5704
under section 5705.218 of the Revised Code. 5705

(b) As authorized under division (C) of section 3318.05 of 5706
the Revised Code, the school district board shall earmark from the 5707

proceeds of a permanent improvement tax levied under section 5708
5705.21 of the Revised Code, an amount equivalent to the 5709
additional tax otherwise required under division (D)(2)(a) of this 5710
section for the maintenance of the classroom facilities included 5711
in the basic project cost as determined by the commission. 5712

(c) As authorized under section 3318.051 of the Revised Code, 5713
the school district board shall, if approved by the commission, 5714
annually transfer into the maintenance fund required under section 5715
3318.05 of the Revised Code the amount prescribed in section 5716
3318.051 of the Revised Code in lieu of the tax otherwise required 5717
under division (D)(2)(a) of this section for the maintenance of 5718
the classroom facilities included in the basic project cost as 5719
determined by the commission. 5720

(d) If the school district board has rescinded the agreement 5721
to make transfers under section 3318.051 of the Revised Code, as 5722
provided under division (F) of that section, the electors of the 5723
school district, in accordance with section 3318.063 of the 5724
Revised Code, first shall approve the levy of taxes outside the 5725
ten-mill limitation for the period specified in that section at a 5726
rate of not less than one-half mill for each dollar of valuation. 5727

(e) The school district board shall apply the proceeds of a 5728
tax to leverage bonds as authorized under section 3318.052 of the 5729
Revised Code or dedicate a local donated contribution in the 5730
manner described in division (B) of section 3318.084 of the 5731
Revised Code in an amount equivalent to the additional tax 5732
otherwise required under division (D)(2)(a) of this section for 5733
the maintenance of the classroom facilities included in the basic 5734
project cost as determined by the commission. 5735

(3) A school district board may opt to delay taking any of 5736
the actions described in division (D)(2) of this section until the 5737
school district becomes eligible for state assistance under 5738
sections 3318.01 to 3318.20 of the Revised Code. In order to 5739

exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code based on its percentile ranking under division (B)(3) of this section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then

recalculate the school district's portion of the new basic project 5771
cost, which shall be the percentage of the original basic project 5772
cost assigned to the school district as its portion under division 5773
(C) of this section. The commission shall deduct the expenditure 5774
of school district moneys made under division (D)(1) of this 5775
section from the school district's portion of the basic project 5776
cost as recalculated under this division. If the amount of school 5777
district resources applied by the school district board to the 5778
school district's portion of the basic project cost under this 5779
section is less than the total amount of such portion as 5780
recalculated under this division, the school district board by a 5781
majority vote of all of its members shall, if it desires to seek 5782
state assistance under sections 3318.01 to 3318.20 of the Revised 5783
Code, adopt a resolution as specified in section 3318.06 of the 5784
Revised Code to submit to the electors of the school district the 5785
question of approval of a bond issue in order to pay any 5786
additional amount of school district portion required for state 5787
assistance. Any tax levy approved under division (D) of this 5788
section satisfies the requirements to levy the additional tax 5789
under section 3318.06 of the Revised Code. 5790

(2) If the amount of school district resources applied by the 5791
school district board to the school district's portion of the 5792
basic project cost under this section is more than the total 5793
amount of such portion as recalculated under this division, within 5794
one year after the school district's portion is recalculated under 5795
division (E)(1) of this section the commission may grant to the 5796
school district the difference between the two calculated 5797
portions, but at no time shall the commission expend any state 5798
funds on a project in an amount greater than the state's portion 5799
of the basic project cost as recalculated under this division. 5800

Any reimbursement under this division shall be only for local 5801
resources the school district has applied toward construction cost 5802

expenditures for the classroom facilities approved by the 5803
commission, which shall not include any financing costs associated 5804
with that construction. 5805

The school district board shall use any moneys reimbursed to 5806
the district under this division to pay off any debt service the 5807
district owes for classroom facilities constructed under its 5808
project under this section before such moneys are applied to any 5809
other purpose. However, the district board first may deposit 5810
moneys reimbursed under this division into the district's general 5811
fund or a permanent improvement fund to replace local resources 5812
the district withdrew from those funds, as long as, and to the 5813
extent that, those local resources were used by the district for 5814
constructing classroom facilities included in the district's basic 5815
project cost. 5816

Sec. 3318.364. In any fiscal year, the Ohio school facilities 5817
commission may, at its discretion, provide assistance under 5818
sections 3318.01 to 3318.20 of the Revised Code to a school 5819
district that has entered into an expedited local partnership 5820
agreement under section 3318.36 of the Revised Code before the 5821
district is otherwise eligible for that assistance based on its 5822
percentile rank, if the commission determines all of the 5823
following: 5824

(A) The district has made an expenditure of local resources 5825
under its expedited local partnership agreement on a discrete part 5826
of its district-wide project. 5827

(B) The district is ready to complete its district-wide 5828
project or a segment of the project, in accordance with section 5829
3318.034 of the Revised Code. 5830

(C) The district is in compliance with division (D)(2) of 5831
section 3318.36 of the Revised Code. 5832

(D) Sufficient state funds have been appropriated for 5833
classroom facilities projects for the fiscal year to pay the state 5834
share of the district's project or segment after paying the state 5835
share of projects for all of the following: 5836

(1) Districts that previously had their conditional approval 5837
lapse pursuant to section 3318.05 and currently have a new 5838
conditional approval under section 3318.054 of the Revised Code; 5839

(2) Districts eligible for assistance under division (B)(2) 5840
of section 3318.04 of the Revised Code; 5841

(3) Districts participating in the exceptional needs school 5842
facilities assistance program under section 3318.37 or 3318.371 of 5843
the Revised Code; 5844

(4) Districts participating in the accelerated urban school 5845
building assistance program under section 3318.38 of the Revised 5846
Code. 5847

A district that is eligible for assistance under this section 5848
shall have priority over any of the current next ten school 5849
districts identified under section 3318.023 of the Revised Code. 5850
Assistance under this section shall be offered to eligible 5851
districts in the order of their percentile rankings at the time 5852
they entered into their expedited local partnership agreements, 5853
from lowest to highest percentile. In the event that more than one 5854
district has the same percentile ranking, those districts shall be 5855
offered assistance in the order of the date they entered into 5856
their expedited local partnership agreements, from earliest to 5857
latest date. 5858

As used in this section, "local resources" and "percentile" 5859
have the same meanings as in section 3318.36 of the Revised Code. 5860

Sec. 3318.37. (A)(1) As used in this section: 5861

~~(a) "Large land area school district" means a school district~~ 5862

~~with a territory of greater than three hundred square miles in any~~ 5863
~~percentile as determined under section 3318.011 of the Revised~~ 5864
~~Code.~~ 5865

~~(b) "Low wealth school district" means a school district in~~ 5866
~~the first through seventy fifth percentiles as determined under~~ 5867
~~section 3318.011 of the Revised Code.~~ 5868

~~(c) A, a "school district with an exceptional need for~~ 5869
~~immediate classroom facilities assistance" means a low wealth or~~ 5870
~~large land area school district with an exceptional need for new~~ 5871
~~facilities in order to protect the health and safety of all or a~~ 5872
~~portion of its students.~~ 5873

(2) No school district that participates in the school 5874
building assistance expedited local partnership program under 5875
section 3318.36 of the Revised Code shall receive assistance under 5876
the program established under this section unless the following 5877
conditions are satisfied: 5878

(a) The district board adopted a resolution certifying its 5879
intent to participate in the school building assistance expedited 5880
local partnership program under section 3318.36 of the Revised 5881
Code prior to September 14, 2000. 5882

(b) The district was selected by the Ohio school facilities 5883
commission for participation in the school building assistance 5884
expedited local partnership program under section 3318.36 of the 5885
Revised Code in the manner prescribed by the commission under that 5886
section as it existed prior to September 14, 2000. 5887

(B)(1) There is hereby established the exceptional needs 5888
school facilities assistance program. Under the program, the Ohio 5889
school facilities commission may set aside from the moneys 5890
annually appropriated to it for classroom facilities assistance 5891
projects up to twenty-five per cent for assistance to school 5892
districts with exceptional needs for immediate classroom 5893

facilities assistance. 5894

(2)(a) After consulting with education and construction 5895
experts, the commission shall adopt guidelines for identifying 5896
school districts with an exceptional need for immediate classroom 5897
facilities assistance. 5898

(b) The guidelines shall include application forms and 5899
instructions for school districts to use in applying for 5900
assistance under this section. 5901

(3) The commission shall evaluate the classroom facilities, 5902
and the need for replacement classroom facilities from the 5903
applications received under this section. The commission, 5904
utilizing the guidelines adopted under division (B)(2)(a) of this 5905
section, shall prioritize the school districts to be assessed. 5906

Notwithstanding section 3318.02 of the Revised Code, the 5907
commission may conduct on-site evaluation of the school districts 5908
prioritized under this section and approve and award funds until 5909
such time as all funds set aside under division (B)(1) of this 5910
section have been encumbered. However, the commission need not 5911
conduct the evaluation of facilities if the commission determines 5912
that a district's assessment conducted under section 3318.36 of 5913
the Revised Code is sufficient for purposes of this section. 5914

(4) Notwithstanding division (A) of section 3318.05 of the 5915
Revised Code, the school district's portion of the basic project 5916
cost under this section shall be the "required percentage of the 5917
basic project costs," as defined in division (K) of section 5918
3318.01 of the Revised Code. 5919

(5) Except as otherwise specified in this section, any 5920
project undertaken with assistance under this section shall comply 5921
with all provisions of sections 3318.01 to 3318.20 of the Revised 5922
Code. A school district may receive assistance under sections 5923
3318.01 to 3318.20 of the Revised Code for the remainder of the 5924

district's classroom facilities needs as assessed under this 5925
section when the district is eligible for such assistance pursuant 5926
to section 3318.02 of the Revised Code, but any classroom facility 5927
constructed with assistance under this section shall not be 5928
included in a district's project at that time unless the 5929
commission determines the district has experienced the increased 5930
enrollment specified in division (B)(1) of section 3318.04 of the 5931
Revised Code. 5932

(C) No school district shall receive assistance under this 5933
section for a classroom facility that has been included in the 5934
discrete part of the district's classroom facilities needs 5935
identified and addressed in the district's project pursuant to an 5936
agreement entered into under section 3318.36 of the Revised Code, 5937
unless the district's entire classroom facilities plan consists of 5938
only a single building designed to house grades kindergarten 5939
through twelve. 5940

Sec. 3318.371. The Ohio school facilities commission may 5941
provide assistance under the exceptional needs school facilities 5942
program established by section 3318.37 of the Revised Code to any 5943
school district for the purpose of the relocation or replacement 5944
of classroom facilities required as a result of any contamination 5945
of air, soil, or water that impacts the occupants of the facility. 5946
~~Assistance under this section is not limited to school districts 5947
in the first through seventy fifth percentiles as determined under 5948
section 3318.011 of the Revised Code. 5949~~

The commission shall make a determination in accordance with 5950
guidelines adopted by the commission regarding eligibility and 5951
funding for projects under this section. The commission may 5952
contract with an independent environmental consultant to conduct a 5953
study to assist the commission in making the determination. 5954

If the federal government or other public or private entity 5955

provides funds for restitution of costs incurred by the state or 5956
school district in the relocation or replacement of the classroom 5957
facilities, the school district shall use such funds in excess of 5958
the school district's share to refund the state for the state's 5959
contribution to the environmental contamination portion of the 5960
project. The school district may apply an amount of such 5961
restitution funds up to an amount equal to the school district's 5962
portion of the project, as defined by the commission, toward 5963
paying its portion of that project to reduce the amount of bonds 5964
the school district otherwise must issue to receive state 5965
assistance under sections 3318.01 to 3318.20 of the Revised Code. 5966

Sec. 3318.70. (A) As used in this section: 5967

(1) "Acquisition of classroom facilities" has the same 5968
meaning as in section 3318.40 of the Revised Code. 5969

(2) "Classroom facilities" has the same meaning as in section 5970
3318.01 of the Revised Code. 5971

(3) "STEM school" means a science, technology, engineering, 5972
and mathematics school established under Chapter 3326. of the 5973
Revised Code that is not governed by a single school district 5974
board of education, as prescribed by section 3326.51 of the 5975
Revised Code. 5976

(B) Upon receipt of a written proposal by the governing body 5977
of a STEM school, the Ohio school facilities commission, subject 5978
to approval of the controlling board, may provide funding to 5979
assist that STEM school in the acquisition of classroom 5980
facilities. The proposal of the governing body shall be submitted 5981
in a form and in the manner prescribed by the commission and shall 5982
indicate both the total amount of state funding requested and the 5983
amount of nonstate funding pledged for the acquisition of the 5984
classroom facilities, which shall not be less than the total 5985
amount of state funding requested. If the commission decides in 5986

favor of providing funding for the classroom facilities and if the 5987
controlling board approves that funding, the commission shall 5988
enter into an agreement with the governing body for the 5989
acquisition of the classroom facilities and shall encumber, in 5990
accordance with section 3318.11 of the Revised Code, the approved 5991
funding from the amounts appropriated to the commission for 5992
classroom facilities assistance projects. The agreement shall 5993
include a stipulation of the ownership of the classroom facilities 5994
in the event the STEM school permanently closes at any time. 5995

(C) In the case of the governing body of a group of STEM 5996
schools, as prescribed by section 3326.031 of the Revised Code, 5997
the governing body shall submit a proposal for each school under 5998
its direction separately, and the commission shall consider each 5999
proposal separately. 6000

Sec. 3319.02. (A)(1) As used in this section, "other 6001
administrator" means any of the following: 6002

(a) Except as provided in division (A)(2) of this section, 6003
any employee in a position for which a board of education requires 6004
a license designated by rule of the department of education for 6005
being an administrator issued under section 3319.22 of the Revised 6006
Code, including a professional pupil services employee or 6007
administrative specialist or an equivalent of either one who is 6008
not employed as a school counselor and spends less than fifty per 6009
cent of the time employed teaching or working with students; 6010

(b) Any nonlicensed employee whose job duties enable such 6011
employee to be considered as either a "supervisor" or a 6012
"management level employee," as defined in section 4117.01 of the 6013
Revised Code; 6014

(c) A business manager appointed under section 3319.03 of the 6015
Revised Code. 6016

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

(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 6049
recommends, the term of the contract of a person who has been 6050
employed by the district or service center as an assistant 6051
superintendent, principal, assistant principal, or other 6052
administrator for three years or more may be one year, but all 6053
subsequent contracts granted such person shall be for a term of 6054
not less than two years and not more than five years. When a 6055
teacher with continuing service status becomes an assistant 6056
superintendent, principal, assistant principal, or other 6057
administrator with the district or service center with which the 6058
teacher holds continuing service status, the teacher retains such 6059
status in the teacher's nonadministrative position as provided in 6060
sections 3319.08 and 3319.09 of the Revised Code. 6061

A board of education or governing board may reemploy an 6062
assistant superintendent, principal, assistant principal, or other 6063
administrator at any regular or special meeting held during the 6064
period beginning on the first day of January of the calendar year 6065
immediately preceding the year of expiration of the employment 6066
contract and ending on the ~~last~~ first day of ~~March~~ June of the 6067
year the employment contract expires. 6068

Except by mutual agreement of the parties thereto, no 6069
assistant superintendent, principal, assistant principal, or other 6070
administrator shall be transferred during the life of a contract 6071
to a position of lesser responsibility. No contract may be 6072
terminated by a board except pursuant to section 3319.16 of the 6073
Revised Code. No contract may be suspended except pursuant to 6074
section 3319.17 or 3319.171 of the Revised Code. The salaries and 6075
compensation prescribed by such contracts shall not be reduced by 6076
a board unless such reduction is a part of a uniform plan 6077
affecting the entire district or center. The contract shall 6078
specify the employee's administrative position and duties as 6079
included in the job description adopted under division (D) of this 6080

section, the salary and other compensation to be paid for 6081
performance of duties, the number of days to be worked, the number 6082
of days of vacation leave, if any, and any paid holidays in the 6083
contractual year. 6084

An assistant superintendent, principal, assistant principal, 6085
or other administrator is, at the expiration of the current term 6086
of employment, deemed reemployed at the same salary plus any 6087
increments that may be authorized by the board, unless such 6088
employee notifies the board in writing to the contrary on or 6089
before the ~~first~~ fifteenth day of June, or unless such board, on 6090
or before the ~~last~~ first day of ~~March~~ June of the year in which 6091
the contract of employment expires, either reemploys such employee 6092
for a succeeding term or gives written notice of its intention not 6093
to reemploy the employee. The term of reemployment of a person 6094
reemployed under this paragraph shall be one year, except that if 6095
such person has been employed by the school district or service 6096
center as an assistant superintendent, principal, assistant 6097
principal, or other administrator for three years or more, the 6098
term of reemployment shall be two years. 6099

(D)(1) Each board shall adopt procedures for the evaluation 6100
of all assistant superintendents, principals, assistant 6101
principals, and other administrators and shall evaluate such 6102
employees in accordance with those procedures. The procedures for 6103
the evaluation of principals and assistant principals shall be 6104
based on principles comparable to the teacher evaluation policy 6105
adopted by the board under section 3319.111 of the Revised Code, 6106
but shall be tailored to the duties and responsibilities of 6107
principals and assistant principals and the environment in which 6108
~~principals~~ they work. An evaluation based upon procedures adopted 6109
under this division shall be considered by the board in deciding 6110
whether to renew the contract of employment of an assistant 6111
superintendent, principal, assistant principal, or other 6112

administrator. 6113

(2) The evaluation shall measure each assistant 6114
superintendent's, principal's, assistant principal's, and other 6115
administrator's effectiveness in performing the duties included in 6116
the job description and the evaluation procedures shall provide 6117
for, but not be limited to, the following: 6118

(a) Each assistant superintendent, principal, assistant 6119
principal, and other administrator shall be evaluated annually 6120
through a written evaluation process. 6121

(b) The evaluation shall be conducted by the superintendent 6122
or designee. 6123

(c) In order to provide time to show progress in correcting 6124
the deficiencies identified in the evaluation process, the 6125
evaluation process shall be completed as follows: 6126

(i) In any school year that the employee's contract of 6127
employment is not due to expire, at least one evaluation shall be 6128
completed in that year. A written copy of the evaluation shall be 6129
provided to the employee no later than the end of the employee's 6130
contract year as defined by the employee's annual salary notice. 6131

(ii) In any school year that the employee's contract of 6132
employment is due to expire, at least a preliminary evaluation and 6133
at least a final evaluation shall be completed in that year. A 6134
written copy of the preliminary evaluation shall be provided to 6135
the employee at least sixty days prior to any action by the board 6136
on the employee's contract of employment. The final evaluation 6137
shall indicate the superintendent's intended recommendation to the 6138
board regarding a contract of employment for the employee. A 6139
written copy of the evaluation shall be provided to the employee 6140
at least five days prior to the board's acting to renew or not 6141
renew the contract. 6142

(3) Termination of an assistant superintendent, principal, 6143

assistant principal, or other administrator's contract shall be 6144
pursuant to section 3319.16 of the Revised Code. Suspension of any 6145
such employee shall be pursuant to section 3319.17 or 3319.171 of 6146
the Revised Code. 6147

(4) Before taking action to renew or nonrenew the contract of 6148
an assistant superintendent, principal, assistant principal, or 6149
other administrator under this section and prior to the ~~last~~ first 6150
day of ~~March~~ June of the year in which such employee's contract 6151
expires, the board shall notify each such employee of the date 6152
that the contract expires and that the employee may request a 6153
meeting with the board. Upon request by such an employee, the 6154
board shall grant the employee a meeting in executive session. In 6155
that meeting, the board shall discuss its reasons for considering 6156
renewal or nonrenewal of the contract. The employee shall be 6157
permitted to have a representative, chosen by the employee, 6158
present at the meeting. 6159

(5) The establishment of an evaluation procedure shall not 6160
create an expectancy of continued employment. Nothing in division 6161
(D) of this section shall prevent a board from making the final 6162
determination regarding the renewal or nonrenewal of the contract 6163
of any assistant superintendent, principal, assistant principal, 6164
or other administrator. However, if a board fails to provide 6165
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 6166
section, or if the board fails to provide at the request of the 6167
employee a meeting as prescribed in division (D)(4) of this 6168
section, the employee automatically shall be reemployed at the 6169
same salary plus any increments that may be authorized by the 6170
board for a period of one year, except that if the employee has 6171
been employed by the district or service center as an assistant 6172
superintendent, principal, assistant principal, or other 6173
administrator for three years or more, the period of reemployment 6174
shall be for two years. 6175

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

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

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

Sec. 3319.031. Notwithstanding any provision of the Revised Code to the contrary, if the board of education of a city, local,

or exempted village school district does not appoint a business manager under section 3319.03 of the Revised Code, the board may assign powers and duties specified in section 3319.04 of the Revised Code to one or more employees or officers of the board, including the treasurer, and may give the employees or officers any title recognizing the assignment of the powers and duties. The prohibition, in section 3319.04 of the Revised Code, against a business manager having possession of moneys does not prevent a board from assigning powers and duties specified in that section to the treasurer and does not prevent a treasurer who is assigned those powers and duties from exercising the powers and duties of treasurer.

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

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

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

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

Sec. 3319.11. (A) As used in this section:

(1) "Evaluation procedures" means the procedures required by the policy adopted pursuant to division (A) of section 3319.111 of the Revised Code.

(2) "Limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a school district board of education or governing board of an educational service center enters into with a teacher who is not eligible for continuing service status.

(3) "Extended limited contract" means a limited contract, as

described in section 3319.08 of the Revised Code, that a board of
education or governing board enters into with a teacher who is
eligible for continuing service status.

(B) Teachers eligible for continuing service status in any
city, exempted village, local, or joint vocational school district
or educational service center shall be those teachers qualified as
described in division (D) of section 3319.08 of the Revised Code,
who within the last five years have taught for at least three
years in the district or center, and those teachers who, having
attained continuing contract status elsewhere, have served two
years in the district or center, but the board, upon the
recommendation of the superintendent, may at the time of
employment or at any time within such two-year period, declare any
of the latter teachers eligible.

(1) Upon the recommendation of the superintendent that a
teacher eligible for continuing service status be reemployed, a
continuing contract shall be entered into between the board and
the teacher unless the board by a three-fourths vote of its full
membership rejects the recommendation of the superintendent. If
the board rejects by a three-fourths vote of its full membership
the recommendation of the superintendent that a teacher eligible
for continuing service status be reemployed and the superintendent
makes no recommendation to the board pursuant to division (C) of
this section, the board may declare its intention not to reemploy
the teacher by giving the teacher written notice on or before the
~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy
the teacher. If evaluation procedures have not been complied with
pursuant to section 3319.111 of the Revised Code or the board does
not give the teacher written notice on or before the ~~thirtieth~~
first day of ~~April~~ June of its intention not to reemploy the
teacher, the teacher is deemed reemployed under an extended
limited contract for a term not to exceed one year at the same

salary plus any increment provided by the salary schedule. The 6301
teacher is presumed to have accepted employment under the extended 6302
limited contract for a term not to exceed one year unless such 6303
teacher notifies the board in writing to the contrary on or before 6304
the ~~first~~ fifteenth day of June, and an extended limited contract 6305
for a term not to exceed one year shall be executed accordingly. 6306
Upon any subsequent reemployment of the teacher only a continuing 6307
contract may be entered into. 6308

(2) If the superintendent recommends that a teacher eligible 6309
for continuing service status not be reemployed, the board may 6310
declare its intention not to reemploy the teacher by giving the 6311
teacher written notice on or before the ~~thirtieth~~ first day of 6312
~~April~~ June of its intention not to reemploy the teacher. If 6313
evaluation procedures have not been complied with pursuant to 6314
section 3319.111 of the Revised Code or the board does not give 6315
the teacher written notice on or before the ~~thirtieth~~ first day of 6316
~~April~~ June of its intention not to reemploy the teacher, the 6317
teacher is deemed reemployed under an extended limited contract 6318
for a term not to exceed one year at the same salary plus any 6319
increment provided by the salary schedule. The teacher is presumed 6320
to have accepted employment under the extended limited contract 6321
for a term not to exceed one year unless such teacher notifies the 6322
board in writing to the contrary on or before the ~~first~~ fifteenth 6323
day of June, and an extended limited contract for a term not to 6324
exceed one year shall be executed accordingly. Upon any subsequent 6325
reemployment of a teacher only a continuing contract may be 6326
entered into. 6327

(3) Any teacher receiving written notice of the intention of 6328
a board not to reemploy such teacher pursuant to this division is 6329
entitled to the hearing provisions of division (G) of this 6330
section. 6331

(C)(1) If a board rejects the recommendation of the 6332

superintendent for reemployment of a teacher pursuant to division 6333
(B)(1) of this section, the superintendent may recommend 6334
reemployment of the teacher, if continuing service status has not 6335
previously been attained elsewhere, under an extended limited 6336
contract for a term not to exceed two years, provided that written 6337
notice of the superintendent's intention to make such 6338
recommendation has been given to the teacher with reasons directed 6339
at the professional improvement of the teacher on or before the 6340
~~thirtieth~~ first day of ~~April~~ June. Upon subsequent reemployment of 6341
the teacher only a continuing contract may be entered into. 6342

(2) If a board of education takes affirmative action on a 6343
superintendent's recommendation, made pursuant to division (C)(1) 6344
of this section, of an extended limited contract for a term not to 6345
exceed two years but the board does not give the teacher written 6346
notice of its affirmative action on the superintendent's 6347
recommendation of an extended limited contract on or before the 6348
~~thirtieth~~ first day of ~~April~~ June, the teacher is deemed 6349
reemployed under a continuing contract at the same salary plus any 6350
increment provided by the salary schedule. The teacher is presumed 6351
to have accepted employment under such continuing contract unless 6352
such teacher notifies the board in writing to the contrary on or 6353
before the ~~first~~ fifteenth day of June, and a continuing contract 6354
shall be executed accordingly. 6355

(3) A board shall not reject a superintendent's 6356
recommendation, made pursuant to division (C)(1) of this section, 6357
of an extended limited contract for a term not to exceed two years 6358
except by a three-fourths vote of its full membership. If a board 6359
rejects by a three-fourths vote of its full membership the 6360
recommendation of the superintendent of an extended limited 6361
contract for a term not to exceed two years, the board may declare 6362
its intention not to reemploy the teacher by giving the teacher 6363
written notice on or before the ~~thirtieth~~ first day of ~~April~~ June 6364

of its intention not to reemploy the teacher. If evaluation 6365
procedures have not been complied with pursuant to section 6366
3319.111 of the Revised Code or if the board does not give the 6367
teacher written notice on or before the ~~thirtieth~~ first day of 6368
~~April~~ June of its intention not to reemploy the teacher, the 6369
teacher is deemed reemployed under an extended limited contract 6370
for a term not to exceed one year at the same salary plus any 6371
increment provided by the salary schedule. The teacher is presumed 6372
to have accepted employment under the extended limited contract 6373
for a term not to exceed one year unless such teacher notifies the 6374
board in writing to the contrary on or before the ~~first~~ fifteenth 6375
day of June, and an extended limited contract for a term not to 6376
exceed one year shall be executed accordingly. Upon any subsequent 6377
reemployment of the teacher only a continuing contract may be 6378
entered into. 6379

Any teacher receiving written notice of the intention of a 6380
board not to reemploy such teacher pursuant to this division is 6381
entitled to the hearing provisions of division (G) of this 6382
section. 6383

(D) A teacher eligible for continuing contract status 6384
employed under an extended limited contract pursuant to division 6385
(B) or (C) of this section, is, at the expiration of such extended 6386
limited contract, deemed reemployed under a continuing contract at 6387
the same salary plus any increment granted by the salary schedule, 6388
unless evaluation procedures have been complied with pursuant to 6389
section 3319.111 of the Revised Code and the employing board, 6390
acting on the superintendent's recommendation that the teacher not 6391
be reemployed, gives the teacher written notice on or before the 6392
~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy 6393
such teacher. A teacher who does not have evaluation procedures 6394
applied in compliance with section 3319.111 of the Revised Code or 6395
who does not receive notice on or before the ~~thirtieth~~ first day 6396

of ~~April~~ June of the intention of the board not to reemploy such 6397
teacher is presumed to have accepted employment under a continuing 6398
contract unless such teacher notifies the board in writing to the 6399
contrary on or before the ~~first~~ fifteenth day of June, and a 6400
continuing contract shall be executed accordingly. 6401

Any teacher receiving a written notice of the intention of a 6402
board not to reemploy such teacher pursuant to this division is 6403
entitled to the hearing provisions of division (G) of this 6404
section. 6405

(E) The board shall enter into a limited contract with each 6406
teacher employed by the board who is not eligible to be considered 6407
for a continuing contract. 6408

Any teacher employed under a limited contract, and not 6409
eligible to be considered for a continuing contract, is, at the 6410
expiration of such limited contract, considered reemployed under 6411
the provisions of this division at the same salary plus any 6412
increment provided by the salary schedule unless evaluation 6413
procedures have been complied with pursuant to section 3319.111 of 6414
the Revised Code and the employing board, acting upon the 6415
superintendent's written recommendation that the teacher not be 6416
reemployed, gives such teacher written notice of its intention not 6417
to reemploy such teacher on or before the ~~thirtieth~~ first day of 6418
~~April~~ June. A teacher who does not have evaluation procedures 6419
applied in compliance with section 3319.111 of the Revised Code or 6420
who does not receive notice of the intention of the board not to 6421
reemploy such teacher on or before the ~~thirtieth~~ first day of 6422
~~April~~ June is presumed to have accepted such employment unless 6423
such teacher notifies the board in writing to the contrary on or 6424
before the ~~first~~ fifteenth day of June, and a written contract for 6425
the succeeding school year shall be executed accordingly. 6426

Any teacher receiving a written notice of the intention of a 6427
board not to reemploy such teacher pursuant to this division is 6428

entitled to the hearing provisions of division (G) of this 6429
section. 6430

(F) The failure of a superintendent to make a recommendation 6431
to the board under any of the conditions set forth in divisions 6432
(B) to (E) of this section, or the failure of the board to give 6433
such teacher a written notice pursuant to divisions (C) to (E) of 6434
this section shall not prejudice or prevent a teacher from being 6435
deemed reemployed under either a limited or continuing contract as 6436
the case may be under the provisions of this section. A failure of 6437
the parties to execute a written contract shall not void any 6438
automatic reemployment provisions of this section. 6439

(G)(1) Any teacher receiving written notice of the intention 6440
of a board of education not to reemploy such teacher pursuant to 6441
division (B), (C)(3), (D), or (E) of this section may, within ten 6442
days of the date of receipt of the notice, file with the treasurer 6443
of the board a written demand for a written statement describing 6444
the circumstances that led to the board's intention not to 6445
reemploy the teacher. 6446

(2) The treasurer of a board, on behalf of the board, shall, 6447
within ten days of the date of receipt of a written demand for a 6448
written statement pursuant to division (G)(1) of this section, 6449
provide to the teacher a written statement describing the 6450
circumstances that led to the board's intention not to reemploy 6451
the teacher. 6452

(3) Any teacher receiving a written statement describing the 6453
circumstances that led to the board's intention not to reemploy 6454
the teacher pursuant to division (G)(2) of this section may, 6455
within five days of the date of receipt of the statement, file 6456
with the treasurer of the board a written demand for a hearing 6457
before the board pursuant to divisions (G)(4) to (6) of this 6458
section. 6459

(4) The treasurer of a board, on behalf of the board, shall, 6460
within ten days of the date of receipt of a written demand for a 6461
hearing pursuant to division (G)(3) of this section, provide to 6462
the teacher a written notice setting forth the time, date, and 6463
place of the hearing. The board shall schedule and conclude the 6464
hearing within forty days of the date on which the treasurer of 6465
the board receives a written demand for a hearing pursuant to 6466
division (G)(3) of this section. 6467

(5) Any hearing conducted pursuant to this division shall be 6468
conducted by a majority of the members of the board. The hearing 6469
shall be held in executive session of the board unless the board 6470
and the teacher agree to hold the hearing in public. The 6471
superintendent, assistant superintendent, the teacher, and any 6472
person designated by either party to take a record of the hearing 6473
may be present at the hearing. The board may be represented by 6474
counsel and the teacher may be represented by counsel or a 6475
designee. A record of the hearing may be taken by either party at 6476
the expense of the party taking the record. 6477

(6) Within ten days of the conclusion of a hearing conducted 6478
pursuant to this division, the board shall issue to the teacher a 6479
written decision containing an order affirming the intention of 6480
the board not to reemploy the teacher reported in the notice given 6481
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 6482
this section or an order vacating the intention not to reemploy 6483
and expunging any record of the intention, notice of the 6484
intention, and the hearing conducted pursuant to this division. 6485

(7) A teacher may appeal an order affirming the intention of 6486
the board not to reemploy the teacher to the court of common pleas 6487
of the county in which the largest portion of the territory of the 6488
school district or service center is located, within thirty days 6489
of the date on which the teacher receives the written decision, on 6490
the grounds that the board has not complied with this section or 6491

section 3319.111 of the Revised Code. 6492

Notwithstanding section 2506.04 of the Revised Code, the 6493
court in an appeal under this division is limited to the 6494
determination of procedural errors and to ordering the correction 6495
of procedural errors and shall have no jurisdiction to order a 6496
board to reemploy a teacher, except that the court may order a 6497
board to reemploy a teacher in compliance with the requirements of 6498
division (B), (C)(3), (D), or (E) of this section when the court 6499
determines that evaluation procedures have not been complied with 6500
pursuant to section 3319.111 of the Revised Code or the board has 6501
not given the teacher written notice on or before the ~~thirtieth~~ 6502
first day of ~~April~~ June of its intention not to reemploy the 6503
teacher pursuant to division (B), (C)(3), (D), or (E) of this 6504
section. Otherwise, the determination whether to reemploy or not 6505
reemploy a teacher is solely a board's determination and not a 6506
proper subject of judicial review and, except as provided in this 6507
division, no decision of a board whether to reemploy or not 6508
reemploy a teacher shall be invalidated by the court on any basis, 6509
including that the decision was not warranted by the results of 6510
any evaluation or was not warranted by any statement given 6511
pursuant to division (G)(2) of this section. 6512

No appeal of an order of a board may be made except as 6513
specified in this division. 6514

(H)(1) In giving a teacher any notice required by division 6515
(B), (C), (D), or (E) of this section, the board or the 6516
superintendent shall do either of the following: 6517

(a) Deliver the notice by personal service upon the teacher; 6518

(b) Deliver the notice by certified mail, return receipt 6519
requested, addressed to the teacher at the teacher's place of 6520
employment and deliver a copy of the notice by certified mail, 6521
return receipt requested, addressed to the teacher at the 6522

teacher's place of residence. 6523

(2) In giving a board any notice required by division (B), 6524
(C), (D), or (E) of this section, the teacher shall do either of 6525
the following: 6526

(a) Deliver the notice by personal delivery to the office of 6527
the superintendent during regular business hours; 6528

(b) Deliver the notice by certified mail, return receipt 6529
requested, addressed to the office of the superintendent and 6530
deliver a copy of the notice by certified mail, return receipt 6531
requested, addressed to the president of the board at the 6532
president's place of residence. 6533

(3) When any notice and copy of the notice are mailed 6534
pursuant to division (H)(1)(b) or (2)(b) of this section, the 6535
notice or copy of the notice with the earlier date of receipt 6536
shall constitute the notice for the purposes of division (B), (C), 6537
(D), or (E) of this section. 6538

(I) The provisions of this section shall not apply to any 6539
supplemental written contracts entered into pursuant to section 6540
3319.08 of the Revised Code. 6541

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 6542
Code, this section applies to any person who is employed under a 6543
teacher license issued under this chapter, or under a professional 6544
or permanent teacher's certificate issued under former section 6545
3319.222 of the Revised Code, and who spends at least fifty per 6546
cent of the time employed providing student instruction. However, 6547
this section does not apply to any person who is employed as a 6548
substitute teacher. 6549

(A) Not later than July 1, 2013, the board of education of 6550
each school district, in consultation with teachers employed by 6551
the board, shall adopt a standards-based teacher evaluation policy 6552

that conforms with the framework for evaluation of teachers 6553
developed under section 3319.112 of the Revised Code. ~~The policy~~ 6554
~~shall become operative at the expiration of any collective~~ 6555
~~bargaining agreement covering teachers employed by the board that~~ 6556
~~is in effect on the effective date of this section and shall be~~ 6557
~~included in any renewal or extension of such an agreement.~~ 6558

(B) When using measures of student academic growth as a 6559
component of a teacher's evaluation, those measures shall include 6560
the value-added progress dimension prescribed by section 3302.021 6561
of the Revised Code. For teachers of grade levels and subjects for 6562
which the value-added progress dimension is not applicable, the 6563
board shall administer assessments on the list developed under 6564
division (B)(2) of section 3319.112 of the Revised Code. 6565

(C)(1) The board shall conduct an evaluation of each teacher 6566
employed by the board at least once each school year, except as 6567
provided in divisions (C)(2) and (3) of this section. The 6568
evaluation shall be completed by the first day of April and the 6569
teacher shall receive a written report of the results of the 6570
evaluation by the tenth day of April. 6571

(2) If the board has entered into a limited contract or 6572
extended limited contract with the teacher pursuant to section 6573
3319.11 of the Revised Code, the board shall evaluate the teacher 6574
at least twice in any school year in which the board may wish to 6575
declare its intention not to re-employ the teacher pursuant to 6576
division (B), (C)(3), (D), or (E) of that section. One evaluation 6577
shall be conducted and completed not later than the fifteenth day 6578
of January and the teacher being evaluated shall receive a written 6579
report of the results of this evaluation not later than the 6580
twenty-fifth day of January. One evaluation shall be conducted and 6581
completed between the tenth day of February and the first day of 6582
April and the teacher being evaluated shall receive a written 6583
report of the results of this evaluation not later than the tenth 6584

day of April. 6585

(3) The board may elect, by adoption of a resolution, to 6586
evaluate each teacher who received a rating of accomplished on the 6587
teacher's most recent evaluation conducted under this section once 6588
every two school years. In that case, the biennial evaluation 6589
shall be completed by the first day of April of the applicable 6590
school year, and the teacher shall receive a written report of the 6591
results of the evaluation by the tenth day of April of that school 6592
year. 6593

(D) Each evaluation conducted pursuant to this section shall 6594
be conducted by one or more of the following persons who hold a 6595
credential established by the department of education for being an 6596
evaluator: 6597

(1) A person who is under contract with the board pursuant to 6598
section 3319.01 or 3319.02 of the Revised Code and holds a license 6599
designated for being a superintendent, assistant superintendent, 6600
or principal issued under section 3319.22 of the Revised Code; 6601

(2) A person who is under contract with the board pursuant to 6602
section 3319.02 of the Revised Code and holds a license designated 6603
for being a vocational director or a supervisor in any educational 6604
area issued under section 3319.22 of the Revised Code; 6605

(3) A person designated to conduct evaluations under an 6606
agreement ~~providing for peer review~~ entered into by the board, 6607
including an agreement providing for peer review entered into by 6608
the board and representatives of teachers employed by the board; 6609

(4) A person who is employed by an entity contracted by the 6610
board to conduct evaluations and who holds a license designated 6611
for being a superintendent, assistant superintendent, principal, 6612
vocational director, or supervisor in any educational area issued 6613
under section 3319.22 of the Revised Code. 6614

(E) Notwithstanding division (A)(3) of section 3319.112 of 6615

the Revised Code, the board may elect, by adoption of a 6616
resolution, to require only one formal observation of a teacher 6617
who received a rating of accomplished on the teacher's most recent 6618
evaluation conducted under this section, provided the teacher 6619
completes a project that has been approved by the board to 6620
demonstrate the teacher's continued growth and practice at the 6621
accomplished level. 6622

(F) The board shall include in its evaluation policy 6623
procedures for using the evaluation results for retention and 6624
promotion decisions and for removal of poorly performing teachers. 6625
Seniority shall not be the basis for a decision to retain a 6626
teacher, except when making a decision between teachers who have 6627
comparable evaluations. 6628

~~(F) This section does not apply to superintendents and~~ 6629
~~administrators subject to evaluation procedures under sections~~ 6630
~~3319.01 and 3319.02 of the Revised Code or to any teacher employed~~ 6631
~~as a substitute for less than one hundred twenty days during a~~ 6632
~~school year pursuant to section 3319.10 of the Revised Code.~~ 6633

(G)(1) When a teacher receives a rating of ineffective on an 6634
evaluation conducted under this section for the first time, the 6635
board shall develop a professional improvement plan for the 6636
teacher that is targeted to the deficiencies identified in the 6637
evaluation. 6638

(2) If the teacher receives a rating of ineffective on the 6639
teacher's next evaluation after development of the professional 6640
improvement plan under division (G)(1) of this section, the board 6641
shall require the teacher, at the teacher's expense, to complete 6642
at least twelve hours of in-service professional development prior 6643
to the teacher's next evaluation required by this section. The 6644
professional development shall be targeted to the deficiencies 6645
identified in the evaluation and shall be approved by the 6646
teacher's principal or supervisor prior to its commencement. The 6647

professional development shall be in addition to any other 6648
professional development required by the board or required as a 6649
condition of licensure under this chapter. The board also may 6650
require the teacher, at the board's expense, to take one or more 6651
written examinations of content knowledge selected by the 6652
department as appropriate to determine expertise to teach the 6653
subject area and grade level to which the teacher is assigned. 6654

(3) The receipt by a teacher of a rating of ineffective on 6655
the teacher's next evaluation after completion of the professional 6656
development required by division (G)(2) of this section, the 6657
failure of a teacher to complete the professional development as 6658
required, or the failure of a teacher required to take an 6659
examination of content knowledge under that division to complete 6660
or pass that examination shall be grounds for termination of the 6661
teacher under section 3319.16 of the Revised Code. 6662

(H) For purposes of section 3333.0411 of the Revised Code, 6663
the board annually shall report to the department of education the 6664
number of teachers for whom an evaluation was conducted under this 6665
section and the number of teachers assigned each rating prescribed 6666
under division (B)(1) of section 3319.112 of the Revised Code, 6667
aggregated by the teacher preparation programs from which and the 6668
years in which the teachers graduated. The state board of 6669
education shall establish guidelines under section 3301.0714 of 6670
the Revised Code for reporting the information required by this 6671
division. The guidelines shall not permit or require that the name 6672
of, or any other personally identifiable information about, any 6673
teacher be reported under this division. 6674

(I) Notwithstanding any provision to the contrary in Chapter 6675
4117. of the Revised Code, the requirements of this section 6676
prevail over any conflicting provisions of a collective bargaining 6677
agreement entered into on or after September 29, 2011. 6678

Sec. 3319.112. (A) Not later than December 31, 2011, the state board of education shall develop a standards-based state framework for the evaluation of teachers. The state board may update the framework periodically. The framework shall establish an evaluation system that does the following:

(1) Provides for multiple evaluation factors, including student academic growth which shall account for fifty per cent of each evaluation+. In calculating student academic growth for an evaluation, a student shall not be included if the student has sixty or more absences for the school year, whether excused or unexcused; or is an habitual truant, as defined in section 2151.011 of the Revised Code.

(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;

(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walkthroughs;

(4) Assigns a rating on each evaluation in accordance with division (B) of this section;

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;

(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code does not apply;

(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code;

(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;

(9) Provides for the allocation of financial resources to support professional development. 6709
6710

(B) For purposes of the framework developed under this section, the state board also shall do the following: 6711
6712

(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3319.02 and 3319.111 of the Revised Code: 6713
6714
6715
6716

(a) Accomplished; 6717

(b) Proficient; 6718

(c) Developing; 6719

(d) Ineffective. 6720

(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. 6721
6722
6723
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6728

(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. 6729
6730
6731
6732

(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: 6733
6734
6735

(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use; 6736
6737

(2) Provide technical assistance to districts in creating 6738

evaluation policies. 6739

(E) Not later than June 30, 2013, the state board, in 6740
consultation with state agencies that employ teachers, shall 6741
develop a standards-based framework for the evaluation of teachers 6742
employed by those agencies. Each state agency that employs 6743
teachers shall adopt a standards-based teacher evaluation policy 6744
that conforms with the framework developed under this division. 6745
The policy shall become operative at the expiration of any 6746
collective bargaining agreement covering teachers employed by the 6747
agency that is in effect on the effective date of this amendment 6748
and shall be included in any renewal or extension of such an 6749
agreement. 6750

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 6751
"guardian," or "other person having charge or care of a child" 6752
means either parent unless the parents are separated or divorced 6753
or their marriage has been dissolved or annulled, in which case 6754
"parent" means the parent who is the residential parent and legal 6755
custodian of the child. If the child is in the legal or permanent 6756
custody of a person or government agency, "parent" means that 6757
person or government agency. When a child is a resident of a home, 6758
as defined in section 3313.64 of the Revised Code, and the child's 6759
parent is not a resident of this state, "parent," "guardian," or 6760
"other person having charge or care of a child" means the head of 6761
the home. 6762

A child between six and eighteen years of age is "of 6763
compulsory school age" for the purpose of sections 3321.01 to 6764
3321.13 of the Revised Code. A child under six years of age who 6765
has been enrolled in kindergarten also shall be considered "of 6766
compulsory school age" for the purpose of sections 3321.01 to 6767
3321.13 of the Revised Code unless at any time the child's parent 6768
or guardian, at the parent's or guardian's discretion and in 6769

consultation with the child's teacher and principal, formally 6770
withdraws the child from kindergarten. The compulsory school age 6771
of a child shall not commence until the beginning of the term of 6772
such schools, or other time in the school year fixed by the rules 6773
of the board of the district in which the child resides. 6774

(2) No child shall be admitted to a kindergarten or a first 6775
grade of a public school in a district in which all children are 6776
admitted to kindergarten and the first grade in August or 6777
September unless the child is five or six years of age, 6778
respectively, by the thirtieth day of September of the year of 6779
admittance, or by the first day of a term or semester other than 6780
one beginning in August or September in school districts granting 6781
admittance at the beginning of such term or semester, except that 6782
in those school districts using or obtaining educationally 6783
accepted standardized testing programs for determining entrance, 6784
as approved by the board of education of such districts, the board 6785
shall admit a child to kindergarten or the first grade who fails 6786
to meet the age requirement, provided the child meets necessary 6787
standards as determined by such standardized testing programs. If 6788
the board of education has not established a standardized testing 6789
program, the board shall designate the necessary standards and a 6790
testing program it will accept for the purpose of admitting a 6791
child to kindergarten or first grade who fails to meet the age 6792
requirement. Each child who will be the proper age for entrance to 6793
kindergarten or first grade by the first day of January of the 6794
school year for which admission is requested shall be so tested 6795
upon the request of the child's parent. 6796

(3) Notwithstanding divisions (A)(2) and (D) of this section, 6797
beginning with the school year that starts in 2001 and continuing 6798
thereafter the board of education of any district may adopt a 6799
resolution establishing the first day of August in lieu of the 6800
thirtieth day of September as the required date by which students 6801

must have attained the age specified in those divisions. 6802

(4) After a student has been admitted to kindergarten in a 6803
school district or chartered nonpublic school, no board of 6804
education of a school district to which the student transfers 6805
shall deny that student admission based on the student's age. 6806

(B) As used in divisions (C) and (D) of this section, 6807
"successfully completed kindergarten" and "successful completion 6808
of kindergarten" mean that the child has completed the 6809
kindergarten requirements at one of the following: 6810

(1) A public or chartered nonpublic school; 6811

(2) A kindergarten class that is both of the following: 6812

(a) Offered by a day-care provider licensed under Chapter 6813
5104. of the Revised Code; 6814

(b) If offered after July 1, 1991, is directly taught by a 6815
teacher who holds one of the following: 6816

(i) A valid educator license issued under section 3319.22 of 6817
the Revised Code; 6818

(ii) A Montessori preprimary credential or age-appropriate 6819
diploma granted by the American Montessori society or the 6820
association Montessori internationale; 6821

(iii) Certification determined under division (G) of this 6822
section to be equivalent to that described in division 6823
(B)(2)(b)(ii) of this section; 6824

(iv) Certification for teachers in nontax-supported schools 6825
pursuant to section 3301.071 of the Revised Code. 6826

(C) Except as provided in division (D) of this section, no 6827
school district shall admit to the first grade any child who has 6828
not successfully completed kindergarten. 6829

(D) Upon request of a parent, the requirement of division (C) 6830

of this section may be waived by the district's pupil personnel 6831
services committee in the case of a child who is at least six 6832
years of age by the thirtieth day of September of the year of 6833
admittance and who demonstrates to the satisfaction of the 6834
committee the possession of the social, emotional, and cognitive 6835
skills necessary for first grade. 6836

The board of education of each city, local, and exempted 6837
village school district shall establish a pupil personnel services 6838
committee. The committee shall be composed of all of the following 6839
to the extent such personnel are either employed by the district 6840
or employed by the governing board of the educational service 6841
center within whose territory the district is located and the 6842
educational service center generally furnishes the services of 6843
such personnel to the district: 6844

- (1) The director of pupil personnel services; 6845
- (2) An elementary school counselor; 6846
- (3) An elementary school principal; 6847
- (4) A school psychologist; 6848
- (5) A teacher assigned to teach first grade; 6849
- (6) A gifted coordinator. 6850

The responsibilities of the pupil personnel services 6851
committee shall be limited to the issuing of waivers allowing 6852
admittance to the first grade without the successful completion of 6853
kindergarten. The committee shall have no other authority except 6854
as specified in this section. 6855

(E) The scheduling of times for kindergarten classes and 6856
length of the school day for kindergarten shall be determined by 6857
the board of education of a city, exempted village, or local 6858
school district. 6859

(F) Any kindergarten class offered by a day-care provider or 6860

school described by division (B)(1) or (B)(2)(a) of this section 6861
shall be developmentally appropriate. 6862

(G) Upon written request of a day-care provider described by 6863
division (B)(2)(a) of this section, the department of education 6864
shall determine whether certification held by a teacher employed 6865
by the provider meets the requirement of division (B)(2)(b)(iii) 6866
of this section and, if so, shall furnish the provider a statement 6867
to that effect. 6868

(H) As used in this division, "all-day kindergarten" has the 6869
same meaning as in section 3321.05 of the Revised Code. 6870

(1) Any school district that did not receive for fiscal year 6871
2009 poverty-based assistance for all-day kindergarten under 6872
division (D) of section 3317.029 of the Revised Code may charge 6873
fees or tuition for students enrolled in all-day kindergarten. If 6874
a district charges fees or tuition for all-day kindergarten under 6875
this division, the district shall develop a sliding fee scale 6876
based on family incomes. 6877

(2) The department of education shall conduct an annual 6878
survey of each school district described in division (H)(1) of 6879
this section to determine the following: 6880

(a) Whether the district charges fees or tuition for students 6881
enrolled in all-day kindergarten; 6882

(b) The amount of the fees or tuition charged; 6883

(c) How many of the students for whom tuition is charged are 6884
eligible for free lunches under the "National School Lunch Act," 6885
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 6886
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 6887
and how many of the students for whom tuition is charged are 6888
eligible for reduced price lunches under those acts; 6889

(d) How many students are enrolled in traditional half-day 6890

kindergarten rather than all-day kindergarten. 6891

Each district shall report to the department, in the manner 6892
prescribed by the department, the information described in 6893
divisions (H)(2)(a) to (d) of this section. 6894

The department shall issue an annual report on the results of 6895
the survey and shall post the report on its web site. The 6896
department shall issue the first report not later than April 30, 6897
2008, and shall issue a report not later than the thirtieth day of 6898
April each year thereafter. 6899

Sec. 3323.011. As used in this chapter, "individualized 6900
education program" or "IEP" means a written statement for each 6901
child with a disability that is developed, reviewed, and revised 6902
in accordance with this definition and that includes: 6903

(A) A statement of the child's present levels of academic 6904
achievement and functional performance, including: 6905

(1) How the child's disability affects the child's 6906
involvement and progress in the general education curriculum; 6907

(2) For a preschool child with a disability, as appropriate, 6908
how the disability affects the child's participation in 6909
appropriate activities; 6910

(3) For a child with a disability who is not a preschool 6911
child and who will take alternate assessments aligned to alternate 6912
achievement standards, a description of benchmarks or short-term 6913
objectives. 6914

(B) A statement of measurable annual goals, including 6915
academic and functional goals and, at the discretion of the 6916
department of education, short-term instructional objectives that 6917
are designed to: 6918

(1) Meet the child's needs that result from the child's 6919
disability so as to enable the child to be involved in and make 6920

progress in the general education curriculum; 6921

(2) Meet each of the child's other educational needs that 6922
result from the child's disability. 6923

(C) A description of how the child's progress toward meeting 6924
the annual goals described pursuant to division (B) of this 6925
section will be measured and when periodic reports on the progress 6926
the child is making toward meeting the annual goals will be 6927
provided. Such reports may be quarterly or other periodic reports 6928
that are issued concurrent with the issuance of regular report 6929
cards. 6930

(D) A statement of the special education and related services 6931
and supplementary aids and services, based on peer-reviewed 6932
research to the extent practicable, to be provided to the child, 6933
or on behalf of the child, and a statement of the program 6934
modifications or supports for school personnel that will be 6935
provided for the child so that the child may: 6936

(1) Advance appropriately toward attaining the annual goals 6937
described pursuant to division (B) of this section; 6938

(2) Be involved in and make progress in the general education 6939
curriculum and participate in extracurricular and other 6940
nonacademic activities; 6941

(3) Be educated with and participate with both other children 6942
with disabilities and nondisabled children in the specific 6943
activities described pursuant to division (D) of this section. 6944

(E) An explanation of the extent, if any, to which the child 6945
will not participate with nondisabled children in the regular 6946
class, including an early childhood education setting, and in the 6947
activities described pursuant to division (D) of this section; 6948

(F) A statement of any individual appropriate accommodations 6949
that are necessary to measure the academic achievement and 6950

functional performance of the child on state and districtwide 6951
assessments consistent with section 612(a)(16) of the "Individuals 6952
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 6953
1412(a)(16). If the IEP team determines that the child shall take 6954
an alternate assessment on a particular state or districtwide 6955
assessment of student achievement, the IEP shall contain a 6956
statement of why the child cannot participate in the regular 6957
assessment and why the particular alternate assessment selected is 6958
appropriate for the child. 6959

(G) The projected date for the beginning of the services and 6960
modifications described pursuant to division (D) of this section 6961
and the anticipated frequency, location, and duration of those 6962
services and modifications; 6963

(H) Beginning not later than the first IEP to be in effect 6964
when the child is ~~sixteen~~ fourteen years of age, and updated 6965
annually thereafter, a statement describing: 6966

(1) Appropriate measurable post-secondary goals based upon 6967
age-appropriate transition assessments related to training, 6968
education, ~~employment~~, and independent living skills; 6969

(2) Appropriate measurable post-secondary goals based on 6970
age-appropriate transition assessments related to employment in a 6971
competitive environment in which workers are integrated regardless 6972
of disability; 6973

(3) The transition services, including courses of study, 6974
needed to assist the child in reaching the goals described in 6975
~~division~~ divisions (H)(1) and (2) of this section. 6976

(I) Beginning not later than one year before the child 6977
reaches eighteen years of age, a statement that the child has been 6978
informed of the child's rights under Title XX of the United States 6979
Code that will transfer to the child on reaching eighteen years of 6980
age in accordance with section 615(m) of the "Individuals with 6981

Disabilities Education Improvement Act of 2004," 20 U.S.C. 6982
1415(m). 6983

Nothing in this section shall be construed to require that 6984
additional information be included in a child's IEP beyond the 6985
items explicitly required by this section and that the IEP team 6986
include information under one component of a child's IEP that is 6987
already contained under another component of the IEP. 6988

Sec. 3323.052. (A) Not later than ~~sixty days after the~~ 6989
~~effective date of this section~~ November 28, 2011, the department 6990
of education shall develop a document that compares a parent's and 6991
child's rights under this chapter and 20 U.S.C. 1400 et seq. with 6992
the parent's and child's rights under the Jon Peterson special 6993
needs scholarship program, established in sections 3310.51 to 6994
3310.64 of the Revised Code, including the deadline for 6995
application for a scholarship or renewal of a scholarship and 6996
notice of that application to the child's school district, 6997
prescribed in division (C) of section 3310.52 of the Revised Code, 6998
and the provisions of divisions (A) and (B) of section 3310.53 of 6999
the Revised Code. The department shall revise that document as 7000
necessary to reflect any pertinent changes in state or federal 7001
statutory law, rule, or regulation enacted or adopted after the 7002
initial document is developed. ~~The~~ 7003

(B) ~~The~~ department and each school district shall ensure that 7004
the document prescribed in division (A) of this section is 7005
included in, appended to, or otherwise distributed in conjunction 7006
with the notice required under 20 U.S.C. 1415(d), and any 7007
provision of the Code of Federal Regulations implementing that 7008
requirement, in the manner and at all the times specified for such 7009
notice in federal law or regulation. ~~As~~ 7010

(C) In addition to the requirement prescribed by division (B) 7011
of this section, each time a child's school district completes an 7012

evaluation for a child with a disability or undertakes the 7013
development, review, or revision of the child's IEP, the district 7014
shall notify the child's parent, by letter or electronic means, 7015
about both the autism scholarship program, under section 3310.41 7016
of the Revised Code, and the Jon Peterson special needs 7017
scholarship program, under sections 3310.51 to 3310.64 of the 7018
Revised Code. The notice shall include the following statement: 7019

"Your child may be eligible for a scholarship under the 7020
Autism Scholarship Program or the Jon Peterson Special Needs 7021
Scholarship Program to attend a special education program that 7022
implements the child's individualized education program and that 7023
is operated by an alternative public provider or by a registered 7024
private provider." 7025

The notice shall include the telephone number of the office 7026
of the department responsible for administering the scholarship 7027
programs and the specific location of scholarship information on 7028
the department's web site. 7029

(D) As used in this section, a "child's school district" 7030
means the school district in which the child is entitled to attend 7031
school under section 3313.64 or 3313.65 of the Revised Code. 7032

Sec. 3326.03. (A) The STEM committee shall authorize the 7033
establishment of and award grants to science, technology, 7034
engineering, and mathematics schools based on proposals submitted 7035
to the committee. 7036

The committee shall determine the criteria for proposals, 7037
establish procedures for the submission of proposals, accept and 7038
evaluate proposals, and choose which proposals to approve to 7039
become a STEM school. In approving proposals for STEM schools, the 7040
committee shall consider locating the schools in diverse 7041
geographic regions of the state so that all students have access 7042
to a STEM school. 7043

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM schools to be under the direction of a single governing body, upon a proposal from the governing body, the committee may authorize one or more additional schools to operate as part of that group.

(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following:

(1) A city, exempted village, local, or joint vocational school district;

(2) Higher education entities;

(3) Business organizations.

(C) Each proposal shall include at least the following:

(1) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

(2) Assurances that ~~the~~ each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee;

(3) Evidence that ~~the~~ each school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades six through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	7074 7075
(b) Incorporates scientific inquiry and technological design;	7076
(c) Includes the arts and humanities;	7077
(d) Emphasizes personalized learning and teamwork skills.	7078
(4) Evidence that the <u>each</u> school will attract school leaders who support the curriculum principles of division (C)(3) of this section;	7079 7080 7081
(5) A description of how the <u>each</u> school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	7082 7083 7084
(6) Evidence that the <u>each</u> school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;	7085 7086 7087
(7) Evidence that the <u>each</u> school will operate in collaboration with a partnership that includes institutions of higher education and businesses;	7088 7089 7090
(8) Assurances that the <u>each</u> school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities;	7091 7092 7093
(9) A description of how the <u>each</u> school's assets will be distributed if the school closes for any reason.	7094 7095
<u>Sec. 3326.031.</u> (A) As authorized by the STEM committee, a <u>single governing body may direct a group of multiple STEM schools</u> <u>to operate from multiple facilities located in one or more school</u> <u>districts to be organized and operated in the manner prescribed</u> <u>under this chapter except as specified by this section. Each</u> <u>school within the group shall operate as a separate school but</u> <u>under the direction of a common governing body. The governing body</u>	7096 7097 7098 7099 7100 7101 7102

may employ a single treasurer, licensed in the manner prescribed 7103
by section 3326.21 of the Revised Code, to manage the fiscal 7104
affairs of all of the schools within the group. Each school shall 7105
have a chief administrative officer, as required by section 7106
3326.08 of the Revised Code, but the governing body may in its 7107
discretion appoint a single individual to be the chief 7108
administrative officer of two or more schools in the group. No 7109
school within the group shall be organized or funded in the manner 7110
prescribed by section 3326.51 of the Revised Code. 7111

(B) The department shall calculate funds under this chapter 7112
for each STEM school within a group separately and shall pay those 7113
funds directly to each school. 7114

(C) In accordance with section 3326.17 of the Revised Code, 7115
the department shall issue a separate report card for each STEM 7116
school within a group. The department also shall compute a rating 7117
for each group of schools and report that rating in a distinct 7118
report card for the group. 7119

Sec. 3326.11. Each science, technology, engineering, and 7120
mathematics school established under this chapter and its 7121
governing body shall comply with sections 9.90, 9.91, 109.65, 7122
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 7123
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 7124
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 7125
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 7126
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 7127
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 7128
3313.67, 3313.671, 3313.672, 3313.673, ~~3313.674~~, 3313.69, 3313.71, 7129
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 7130
3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 3319.21, 7131
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 7132
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 7133

3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 7134
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 7135
4123., 4141., and 4167. of the Revised Code as if it were a school 7136
district. 7137

Sec. 3326.17. (A) The department of education shall issue an 7138
annual report card for each science, technology, engineering, and 7139
mathematics school that includes all information applicable to 7140
school buildings under section 3302.03 of the Revised Code. 7141

(B) For each student enrolled in a STEM school, the 7142
department shall combine data regarding the academic performance 7143
of that student with comparable data from the school district in 7144
which the student is entitled to attend school pursuant to section 7145
3313.64 or 3313.65 of the Revised Code for the purpose of 7146
calculating the performance of the district as a whole on the 7147
report card issued for the district under section 3302.03 of the 7148
Revised Code. 7149

(C) The department also shall compute a rating for each group 7150
of STEM schools that is under the direction of the same governing 7151
body, as authorized under section 3326.033 of the Revised Code, 7152
and issue a distinct report card for the group as a whole. 7153

(D) Each STEM school and its governing body shall comply with 7154
sections 3302.04 and 3302.041 of the Revised Code, except that any 7155
action required to be taken by a school district pursuant to those 7156
sections shall be taken by the school. However, the school shall 7157
not be required to take any action described in division (F) of 7158
section 3302.04 of the Revised Code. 7159

Sec. 3326.21. (A) Each Except as provided by section 3326.031 7160
of the Revised Code, each science, technology, engineering, and 7161
mathematics school shall have a treasurer who is licensed under 7162
section 3301.074 of the Revised Code. The governing body of the 7163

school and the treasurer shall comply with sections 3301.072, 7164
3313.22 to 3313.32, 3313.51, and 3315.08 of the Revised Code in 7165
the same manner as a school district board of education and a 7166
district treasurer. 7167

(B) Financial records of each STEM school shall be maintained 7168
in the same manner as are financial records of school districts, 7169
pursuant to rules of the auditor of state. 7170

Sec. 3326.26. The governing body of a science, technology, 7171
engineering, and mathematics school may screen students in ninth 7172
grade for body mass index and weight status category. If a 7173
governing body elects to require the screenings, it shall comply 7174
with section 3313.674 of the Revised Code in the same manner 7175
required of a school district board of education. 7176

Sec. 3328.15. (A) Each college-preparatory boarding school 7177
established under this chapter shall be governed by a board of 7178
trustees consisting of up to twenty-five members. Five of those 7179
members shall be appointed by the governor, with the advice and 7180
consent of the senate. The governor's appointments may be based on 7181
nonbinding recommendations made by the superintendent of public 7182
instruction. Of the remaining members, initial members shall be 7183
appointed by the school's operator and future members shall be 7184
appointed pursuant to the bylaws adopted under section 3328.13 of 7185
the Revised Code. The governor, operator, or any other person or 7186
entity who appoints a member of the board of trustees under this 7187
section or the bylaws adopted under section 3328.13 of the Revised 7188
Code may remove that member from the board at any time. 7189

(B) The terms of office of the initial members shall be as 7190
follows: 7191

(1) Two members appointed by the governor shall serve for an 7192
initial term of three years. 7193

(2) Two members appointed by the governor shall serve for an initial term of two years.	7194 7195
(3) One member appointed by the governor shall serve for an initial term of one year.	7196 7197
(4) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of three years.	7198 7199 7200
(5) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of two years.	7201 7202 7203
(6) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of one year.	7204 7205 7206
(7) Any remaining members appointed by the operator shall serve for an initial term of one year.	7207 7208
Thereafter the terms of office of all members shall be for three years.	7209 7210
The beginning date and ending date of terms of office shall be as prescribed by the school's operator, unless modified in the bylaws adopted under section 3328.13 of the Revised Code.	7211 7212 7213
(C) Vacancies on the board shall be filled in the same manner as the initial appointments. A member appointed to an unexpired term shall serve for the remainder of that term and may be reappointed subject to division (D) of this section.	7214 7215 7216 7217
(D) No member may serve for more than three consecutive three-year terms.	7218 7219
(E) The officers of the board shall be selected by and from among the members of the board.	7220 7221
(F) Compensation for the members of the board, if any, shall be as prescribed in the bylaws adopted under section 3328.13 of	7222 7223

the Revised Code. 7224

Sec. 3328.24. A college-preparatory boarding school 7225
established under this chapter, ~~its operator,~~ and its board of 7226
trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 7227
3301.0712, 3301.0714, 3313.6411, 3319.39, and 3319.391 of the 7228
Revised Code as if the school were a school district and the 7229
school's board of trustees were a district board of education. 7230

Sec. 3333.0411. Not later than December 31, 2012, and 7231
annually thereafter, the chancellor of the Ohio board of regents 7232
shall report aggregate academic growth data for students assigned 7233
to graduates of teacher preparation programs approved under 7234
section 3333.048 of the Revised Code who teach English language 7235
arts or mathematics in any of grades four to eight in a public 7236
school in Ohio. For this purpose, the chancellor shall use the 7237
value-added progress dimension prescribed by section 3302.021 of 7238
the Revised Code. The chancellor shall aggregate the data by 7239
graduating class for each approved teacher preparation program, 7240
except that if a particular class has ten or fewer graduates to 7241
which this section applies, the chancellor shall report the data 7242
for a group of classes over a three-year period. ~~In~~ 7243

Not later than December 31, 2014, and annually thereafter, 7244
the chancellor of the Ohio board of regents shall report for each 7245
approved teacher preparation program, the number and percentage of 7246
all graduates of the program who were rated at each of the 7247
performance levels prescribed by division (B)(1) of section 7248
3319.112 of the Revised Code on an evaluation conducted in 7249
accordance with section 3319.111 of the Revised Code in the 7250
previous school year. 7251

In no case shall the ~~report~~ reports identify any individual 7252
graduate. The department of education shall share any data 7253

necessary for the report with the chancellor. 7254

Sec. 4123.391. (A) For purposes of this section, "learn to 7255
earn program" means any program established by the department of 7256
job and family services that is designed to increase an 7257
individual's opportunity to move to permanent employment through a 7258
short-term work experience placement with an eligible employer. 7259

(B) A participant in a learn to earn program is entitled to 7260
compensation and benefits under this chapter as provided in this 7261
section. 7262

(C)(1) A learn to earn program participant who suffers an 7263
injury or contracts an occupational disease that produces a 7264
disability arising out of and in the course of participation in 7265
the learn to earn program, and who remains otherwise eligible for 7266
unemployment compensation benefits pursuant to Chapter 4141. of 7267
the Revised Code, shall receive unemployment compensation benefits 7268
while otherwise eligible for those benefits. 7269

(2) If a disability arising out of and in the course of 7270
participation in a learn to earn program causes a participant to 7271
become ineligible for unemployment compensation benefits or unable 7272
to work after the expiration of the participant's eligibility for 7273
unemployment compensation benefits, the participant shall receive 7274
compensation and benefits under this chapter. 7275

(D) For purposes of this section, a participant in a learn to 7276
earn program is an employee of the department, and not an employee 7277
of the entity conducting the training. 7278

(E)(1) A learn to earn participant is considered to have 7279
accepted the terms and conditions of this chapter and to have 7280
waived on behalf of the participant or the participant's personal 7281
or legal representatives all rights of action on account of the 7282
participant's injury or occupational disease arising out of and in 7283

the course of participation in the program whether at common law, 7284
by statute, or under the laws of any other state against the 7285
entity conducting the training, the department, or any learn to 7286
earn program established by the department. 7287

(2) The dependents of a participant shall have no direct 7288
cause of action to recover for damages on account of the 7289
participant's personal injury or death against any person 7290
identified in division (E)(1) of this section, whether at common 7291
law, by statute, or under the laws of any other state. 7292

(3) Notwithstanding division (E)(1) of this section, a 7293
participant does not waive on behalf of the participant or the 7294
participant's personal or legal representatives, any cause of 7295
action for intentional torts against any officer, director, agent, 7296
or employee acting on behalf of the entities listed in division 7297
(E)(1) of this section. 7298

(F) Notwithstanding sections 4123.39 and 4123.40 of the 7299
Revised Code, the department may insure the compensation and 7300
benefits provided under this chapter pursuant to this section. The 7301
department may include a learn to earn participant in its 7302
department workers' compensation coverage, or may establish a 7303
separate workers' compensation coverage policy with the bureau of 7304
workers' compensation upon the terms and conditions for insurance 7305
to be established by the bureau consistent with insurance 7306
principles, as is equitable in the view of degree and hazard. 7307

(G) Notwithstanding section 4123.82 of the Revised Code, the 7308
department may enter into a contract to indemnify the department 7309
against all or part of the department's loss as a result of 7310
liability of the department that is attributable to any claims for 7311
compensation or benefits under this chapter arising from 7312
participation in any learn to earn program. 7313

Sec. 4139.01. As used in ~~sections 4139.01 to 4139.06 of the~~ 7314

~~Revised Code~~ this chapter: 7315

(A) "Apprentice" means a person at least sixteen years of 7316
age, except when a higher minimum age standard is otherwise fixed 7317
by law, who is ~~covered by an~~ in a registered apprenticeship 7318
program to learn a skilled occupation, pursuant to a registered 7319
apprenticeship agreement. 7320

(B) "Apprenticeship agreement" means a written agreement, 7321
registered with the ~~Ohio state~~ apprenticeship council, providing 7322
for not less than two thousand hours of reasonably continuous 7323
employment, and for participation in an approved schedule of work 7324
experience through employment, which shall be supplemented by a 7325
minimum of one hundred forty-four hours per year of related and 7326
supplemental instructions. 7327

(C) "Council office" means the unit of the department of job 7328
and family services that staffs the apprenticeship council and 7329
performs the administrative and oversight functions concerning 7330
this state's registered apprenticeship system. 7331

Sec. 4139.03. The apprenticeship council may ~~establish~~ 7332
recommend minimum standards for apprenticeship programs and may 7333
formulate policies and ~~issue~~ recommend rules as may be necessary 7334
to carry out the purpose of ~~sections 4139.01 to 4139.06 of the~~ 7335
~~Revised Code~~ this chapter. The council shall determine the date 7336
and place of its meetings and shall prescribe its own rules of 7337
procedure. 7338

Sec. 4139.04. The director of job and family services shall 7339
appoint the executive secretary of the ~~apprenticeship~~ council 7340
office, which appointment shall be subject to confirmation by a 7341
majority vote of the apprenticeship council. The director shall 7342
appoint such additional personnel as may be necessary, subject to 7343
Chapter 124. of the Revised Code. 7344

Sec. 4139.05. The executive secretary of the apprenticeship council office has the following duties: 7345
7346

(A) Encourage the voluntary participation of employers and employees in the furtherance of the objective of ~~sections 4139.01 to 4139.06 of the Revised Code~~ this chapter; 7347
7348
7349

(B) Register any apprenticeship programs and agreements that meet the minimum standards established by ~~the council~~ federal regulations and state rules governing the registered apprenticeship system; 7350
7351
7352
7353

(C) Terminate or cancel ~~on the authority of~~ in consultation with the apprenticeship council any registered apprenticeship programs and agreements not in ~~accordance~~ compliance with the provisions of such standards; 7354
7355
7356
7357

(D) Keep a record of apprenticeship programs and their disposition; 7358
7359

(E) ~~Issue certificate of completion of apprenticeship in accordance with the council's standards;~~ 7360
7361

~~(F)~~ Devise and implement all ~~necessary~~ procedures and ~~records~~ minimum standards as are necessary for the administration of the registered apprenticeship system; 7362
7363
7364

~~(F)~~ Implement administrative rules adopted by the director of job and family services as necessary for the administration of the registered apprenticeship system; 7365
7366
7367

(G) Prepare statistical reports regarding apprenticeship training; 7368
7369

(H) Issue information related to apprenticeship; 7370

(I) Perform such other duties as ~~the council may direct~~ appropriate under the applicable rules and regulations. 7371
7372

Sec. 4141.29. Each eligible individual shall receive benefits 7373
as compensation for loss of remuneration due to involuntary total 7374
or partial unemployment in the amounts and subject to the 7375
conditions stipulated in this chapter. 7376

(A) No individual is entitled to a waiting period or benefits 7377
for any week unless the individual: 7378

(1) Has filed a valid application for determination of 7379
benefit rights in accordance with section 4141.28 of the Revised 7380
Code; 7381

(2) Has made a claim for benefits in accordance with section 7382
4141.28 of the Revised Code; 7383

(3) Has registered at an employment office or other 7384
registration place maintained or designated by the director of job 7385
and family services. Registration shall be made in accordance with 7386
the time limits, frequency, and manner prescribed by the director. 7387

(4)(a)(i) Is able to work and available for suitable work 7388
and, except as provided in division (A)(4)(a)(ii) of this section, 7389
is actively seeking suitable work either in a locality in which 7390
the individual has earned wages subject to this chapter during the 7391
individual's base period, or if the individual leaves that 7392
locality, then in a locality where suitable work normally is 7393
performed. 7394

(ii) The director may waive the requirement that a claimant 7395
be actively seeking work when the director finds that the 7396
individual has been laid off and the employer who laid the 7397
individual off has notified the director within ten days after the 7398
layoff, that work is expected to be available for the individual 7399
within a specified number of days not to exceed forty-five 7400
calendar days following the last day the individual worked. In the 7401
event the individual is not recalled within the specified period, 7402

this waiver shall cease to be operative with respect to that 7403
layoff. 7404

(b) The individual shall be instructed as to the efforts that 7405
the individual must make in the search for suitable work, except 7406
where the active search for work requirement has been waived under 7407
division (A)(4)(a) of this section, and shall keep a record of 7408
where and when the individual has sought work in complying with 7409
those instructions and, upon request, shall produce that record 7410
for examination by the director. 7411

(c) An individual who is attending a training course approved 7412
by the director meets the requirement of this division, if 7413
attendance was recommended by the director and the individual is 7414
regularly attending the course and is making satisfactory 7415
progress. An individual also meets the requirements of this 7416
division if the individual is participating and advancing in a 7417
training program, as defined in division (P) of section 5709.61 of 7418
the Revised Code, and if an enterprise, defined in division (B) of 7419
section 5709.61 of the Revised Code, is paying all or part of the 7420
cost of the individual's participation in the training program 7421
with the intention of hiring the individual for employment as a 7422
new employee, as defined in division (L) of section 5709.61 of the 7423
Revised Code, for at least ninety days after the individual's 7424
completion of the training program. 7425

(d) An individual who becomes unemployed while attending a 7426
regularly established school and whose base period qualifying 7427
weeks were earned in whole or in part while attending that school, 7428
meets the availability and active search for work requirements of 7429
division (A)(4)(a) of this section if the individual regularly 7430
attends the school during weeks with respect to which the 7431
individual claims unemployment benefits and makes self available 7432
on any shift of hours for suitable employment with the 7433
individual's most recent employer or any other employer in the 7434

individual's base period, or for any other suitable employment to 7435
which the individual is directed, under this chapter. 7436

(e) The director shall adopt any rules that the director 7437
deems necessary for the administration of division (A)(4) of this 7438
section. 7439

(f) Notwithstanding any other provisions of this section, no 7440
otherwise eligible individual shall be denied benefits for any 7441
week because the individual is in training approved under section 7442
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 7443
2296, nor shall that individual be denied benefits by reason of 7444
leaving work to enter such training, provided the work left is not 7445
suitable employment, or because of the application to any week in 7446
training of provisions in this chapter, or any applicable federal 7447
unemployment compensation law, relating to availability for work, 7448
active search for work, or refusal to accept work. 7449

For the purposes of division (A)(4)(f) of this section, 7450
"suitable employment" means with respect to an individual, work of 7451
a substantially equal or higher skill level than the individual's 7452
past adversely affected employment, as defined for the purposes of 7453
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 7454
wages for such work at not less than eighty per cent of the 7455
individual's average weekly wage as determined for the purposes of 7456
that federal act. 7457

(5) Is unable to obtain suitable work. An individual who is 7458
provided temporary work assignments by the individual's employer 7459
under agreed terms and conditions of employment, and who is 7460
required pursuant to those terms and conditions to inquire with 7461
the individual's employer for available work assignments upon the 7462
conclusion of each work assignment, is not considered unable to 7463
obtain suitable employment if suitable work assignments are 7464
available with the employer but the individual fails to contact 7465
the employer to inquire about work assignments. 7466

(6) Participates in reemployment services, such as job search 7467
assistance services, if the individual has been determined to be 7468
likely to exhaust benefits under this chapter, including 7469
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 7470
extended compensation, and needs reemployment services pursuant to 7471
the profiling system established by the director under division 7472
(K) of this section, unless the director determines that: 7473

(a) The individual has completed such services; or 7474

(b) There is justifiable cause for the claimant's failure to 7475
participate in such services. 7476

(B) An individual suffering total or partial unemployment is 7477
eligible for benefits for unemployment occurring subsequent to a 7478
waiting period of one week and no benefits shall be payable during 7479
this required waiting period. Not more than one week of waiting 7480
period shall be required of any individual in any benefit year in 7481
order to establish the individual's eligibility for total or 7482
partial unemployment benefits. 7483

(C) The waiting period for total or partial unemployment 7484
shall commence on the first day of the first week with respect to 7485
which the individual first files a claim for benefits at an 7486
employment office or other place of registration maintained or 7487
designated by the director or on the first day of the first week 7488
with respect to which the individual has otherwise filed a claim 7489
for benefits in accordance with the rules of the department of job 7490
and family services, provided such claim is allowed by the 7491
director. 7492

(D) Notwithstanding division (A) of this section, no 7493
individual may serve a waiting period or be paid benefits under 7494
the following conditions: 7495

(1) For any week with respect to which the director finds 7496
that: 7497

(a) The individual's unemployment was due to a labor dispute 7498
other than a lockout at any factory, establishment, or other 7499
premises located in this or any other state and owned or operated 7500
by the employer by which the individual is or was last employed; 7501
and for so long as the individual's unemployment is due to such 7502
labor dispute. No individual shall be disqualified under this 7503
provision if either of the following applies: 7504

(i) The individual's employment was with such employer at any 7505
factory, establishment, or premises located in this state, owned 7506
or operated by such employer, other than the factory, 7507
establishment, or premises at which the labor dispute exists, if 7508
it is shown that the individual is not financing, participating 7509
in, or directly interested in such labor dispute; 7510

(ii) The individual's employment was with an employer not 7511
involved in the labor dispute but whose place of business was 7512
located within the same premises as the employer engaged in the 7513
dispute, unless the individual's employer is a wholly owned 7514
subsidiary of the employer engaged in the dispute, or unless the 7515
individual actively participates in or voluntarily stops work 7516
because of such dispute. If it is established that the claimant 7517
was laid off for an indefinite period and not recalled to work 7518
prior to the dispute, or was separated by the employer prior to 7519
the dispute for reasons other than the labor dispute, or that the 7520
individual obtained a bona fide job with another employer while 7521
the dispute was still in progress, such labor dispute shall not 7522
render the employee ineligible for benefits. 7523

(b) The individual has been given a disciplinary layoff for 7524
misconduct in connection with the individual's work. 7525

(2) For the duration of the individual's unemployment if the 7526
director finds that: 7527

(a) The individual quit work without just cause or has been 7528

discharged for just cause in connection with the individual's 7529
work, provided division (D)(2) of this section does not apply to 7530
the separation of a person under any of the following 7531
circumstances: 7532

(i) Separation from employment for the purpose of entering 7533
the armed forces of the United States if the individual is 7534
inducted into the armed forces within one of the following 7535
periods: 7536

(I) Thirty days after separation; 7537

(II) One hundred eighty days after separation if the 7538
individual's date of induction is delayed solely at the discretion 7539
of the armed forces. 7540

(ii) Separation from employment pursuant to a 7541
labor-management contract or agreement, or pursuant to an 7542
established employer plan, program, or policy, which permits the 7543
employee, because of lack of work, to accept a separation from 7544
employment; 7545

(iii) The individual has left employment to accept a recall 7546
from a prior employer or, except as provided in division 7547
(D)(2)(a)(iv) of this section, to accept other employment as 7548
provided under section 4141.291 of the Revised Code, or left or 7549
was separated from employment that was concurrent employment at 7550
the time of the most recent separation or within six weeks prior 7551
to the most recent separation where the remuneration, hours, or 7552
other conditions of such concurrent employment were substantially 7553
less favorable than the individual's most recent employment and 7554
where such employment, if offered as new work, would be considered 7555
not suitable under the provisions of divisions (E) and (F) of this 7556
section. Any benefits that would otherwise be chargeable to the 7557
account of the employer from whom an individual has left 7558
employment or was separated from employment that was concurrent 7559

employment under conditions described in division (D)(2)(a)(iii) 7560
of this section, shall instead be charged to the mutualized 7561
account created by division (B) of section 4141.25 of the Revised 7562
Code, except that any benefits chargeable to the account of a 7563
reimbursing employer under division (D)(2)(a)(iii) of this section 7564
shall be charged to the account of the reimbursing employer and 7565
not to the mutualized account, except as provided in division 7566
(D)(2) of section 4141.24 of the Revised Code. 7567

(iv) When an individual has been issued a definite layoff 7568
date by the individual's employer and before the layoff date, the 7569
individual quits to accept other employment, the provisions of 7570
division (D)(2)(a)(iii) of this section apply and no 7571
disqualification shall be imposed under division (D) of this 7572
section. However, if the individual fails to meet the employment 7573
and earnings requirements of division (A)(2) of section 4141.291 7574
of the Revised Code, then the individual, pursuant to division 7575
(A)(5) of this section, shall be ineligible for benefits for any 7576
week of unemployment that occurs prior to the layoff date. 7577

(b) The individual has refused without good cause to accept 7578
an offer of suitable work when made by an employer either in 7579
person or to the individual's last known address, or has refused 7580
or failed to investigate a referral to suitable work when directed 7581
to do so by a local employment office of this state or another 7582
state, provided that this division shall not cause a 7583
disqualification for a waiting week or benefits under the 7584
following circumstances: 7585

(i) When work is offered by the individual's employer and the 7586
individual is not required to accept the offer pursuant to the 7587
terms of the labor-management contract or agreement; or 7588

(ii) When the individual is attending a training course 7589
pursuant to division (A)(4) of this section except, in the event 7590
of a refusal to accept an offer of suitable work or a refusal or 7591

failure to investigate a referral, benefits thereafter paid to 7592
such individual shall not be charged to the account of any 7593
employer and, except as provided in division (B)(1)(b) of section 7594
4141.241 of the Revised Code, shall be charged to the mutualized 7595
account as provided in division (B) of section 4141.25 of the 7596
Revised Code. 7597

(c) Such individual quit work to marry or because of marital, 7598
parental, filial, or other domestic obligations. 7599

(d) The individual became unemployed by reason of commitment 7600
to any correctional institution. 7601

(e) The individual became unemployed because of dishonesty in 7602
connection with the individual's most recent or any base period 7603
work. Remuneration earned in such work shall be excluded from the 7604
individual's total base period remuneration and qualifying weeks 7605
that otherwise would be credited to the individual for such work 7606
in the individual's base period shall not be credited for the 7607
purpose of determining the total benefits to which the individual 7608
is eligible and the weekly benefit amount to be paid under section 7609
4141.30 of the Revised Code. Such excluded remuneration and 7610
noncredited qualifying weeks shall be excluded from the 7611
calculation of the maximum amount to be charged, under division 7612
(D) of section 4141.24 and section 4141.33 of the Revised Code, 7613
against the accounts of the individual's base period employers. In 7614
addition, no benefits shall thereafter be paid to the individual 7615
based upon such excluded remuneration or noncredited qualifying 7616
weeks. 7617

For purposes of division (D)(2)(e) of this section, 7618
"dishonesty" means the commission of substantive theft, fraud, or 7619
deceitful acts. 7620

(E) No individual otherwise qualified to receive benefits 7621
shall lose the right to benefits by reason of a refusal to accept 7622

new work if: 7623

(1) As a condition of being so employed the individual would 7624
be required to join a company union, or to resign from or refrain 7625
from joining any bona fide labor organization, or would be denied 7626
the right to retain membership in and observe the lawful rules of 7627
any such organization. 7628

(2) The position offered is vacant due directly to a strike, 7629
lockout, or other labor dispute. 7630

(3) The work is at an unreasonable distance from the 7631
individual's residence, having regard to the character of the work 7632
the individual has been accustomed to do, and travel to the place 7633
of work involves expenses substantially greater than that required 7634
for the individual's former work, unless the expense is provided 7635
for. 7636

(4) The remuneration, hours, or other conditions of the work 7637
offered are substantially less favorable to the individual than 7638
those prevailing for similar work in the locality. 7639

(F) Subject to the special exceptions contained in division 7640
(A)(4)(f) of this section and section 4141.301 of the Revised 7641
Code, in determining whether any work is suitable for a claimant 7642
in the administration of this chapter, the director, in addition 7643
to the determination required under division (E) of this section, 7644
shall consider the degree of risk to the claimant's health, 7645
safety, and morals, the individual's physical fitness for the 7646
work, the individual's prior training and experience, the length 7647
of the individual's unemployment, the distance of the available 7648
work from the individual's residence, and the individual's 7649
prospects for obtaining local work. 7650

(G) The "duration of unemployment" as used in this section 7651
means the full period of unemployment next ensuing after a 7652
separation from any base period or subsequent work and until an 7653

individual has become reemployed in employment subject to this 7654
chapter, or the unemployment compensation act of another state, or 7655
of the United States, and until such individual has worked six 7656
weeks and for those weeks has earned or been paid remuneration 7657
equal to six times an average weekly wage of not less than: 7658
eighty-five dollars and ten cents per week beginning on June 26, 7659
1990; and beginning on and after January 1, 1992, twenty-seven and 7660
one-half per cent of the statewide average weekly wage as computed 7661
each first day of January under division (B)(3) of section 4141.30 7662
of the Revised Code, rounded down to the nearest dollar, except 7663
for purposes of division (D)(2)(c) of this section, such term 7664
means the full period of unemployment next ensuing after a 7665
separation from such work and until such individual has become 7666
reemployed subject to the terms set forth above, and has earned 7667
wages equal to one-half of the individual's average weekly wage or 7668
sixty dollars, whichever is less. 7669

(H) If a claimant is disqualified under division (D)(2)(a), 7670
(c), or (d) of this section or found to be qualified under the 7671
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 7672
this section or division (A)(2) of section 4141.291 of the Revised 7673
Code, then benefits that may become payable to such claimant, 7674
which are chargeable to the account of the employer from whom the 7675
individual was separated under such conditions, shall be charged 7676
to the mutualized account provided in section 4141.25 of the 7677
Revised Code, provided that no charge shall be made to the 7678
mutualized account for benefits chargeable to a reimbursing 7679
employer, except as provided in division (D)(2) of section 4141.24 7680
of the Revised Code. In the case of a reimbursing employer, the 7681
director shall refund or credit to the account of the reimbursing 7682
employer any over-paid benefits that are recovered under division 7683
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 7684
other states, the United States, or Canada that are subject to 7685
agreements and arrangements that are established pursuant to 7686

section 4141.43 of the Revised Code shall be credited or 7687
reimbursed according to the agreements and arrangements to which 7688
the chargeable amounts are subject. 7689

(I)(1) Benefits based on service in employment as provided in 7690
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 7691
shall be payable in the same amount, on the same terms, and 7692
subject to the same conditions as benefits payable on the basis of 7693
other service subject to this chapter; except that after December 7694
31, 1977: 7695

(a) Benefits based on service in an instructional, research, 7696
or principal administrative capacity in an institution of higher 7697
education, as defined in division (Y) of section 4141.01 of the 7698
Revised Code; or for an educational institution as defined in 7699
division (CC) of section 4141.01 of the Revised Code, shall not be 7700
paid to any individual for any week of unemployment that begins 7701
during the period between two successive academic years or terms, 7702
or during a similar period between two regular but not successive 7703
terms or during a period of paid sabbatical leave provided for in 7704
the individual's contract, if the individual performs such 7705
services in the first of those academic years or terms and has a 7706
contract or a reasonable assurance that the individual will 7707
perform services in any such capacity for any such institution in 7708
the second of those academic years or terms. 7709

(b) Benefits based on service for an educational institution 7710
or an institution of higher education in other than an 7711
instructional, research, or principal administrative capacity, 7712
shall not be paid to any individual for any week of unemployment 7713
which begins during the period between two successive academic 7714
years or terms of the employing educational institution or 7715
institution of higher education, provided the individual performed 7716
those services for the educational institution or institution of 7717
higher education during the first such academic year or term and, 7718

there is a reasonable assurance that such individual will perform 7719
those services for any educational institution or institution of 7720
higher education in the second of such academic years or terms. 7721

If compensation is denied to any individual for any week 7722
under division (I)(1)(b) of this section and the individual was 7723
not offered an opportunity to perform those services for an 7724
institution of higher education or for an educational institution 7725
for the second of such academic years or terms, the individual is 7726
entitled to a retroactive payment of compensation for each week 7727
for which the individual timely filed a claim for compensation and 7728
for which compensation was denied solely by reason of division 7729
(I)(1)(b) of this section. An application for retroactive benefits 7730
shall be timely filed if received by the director or the 7731
director's deputy within or prior to the end of the fourth full 7732
calendar week after the end of the period for which benefits were 7733
denied because of reasonable assurance of employment. The 7734
provision for the payment of retroactive benefits under division 7735
(I)(1)(b) of this section is applicable to weeks of unemployment 7736
beginning on and after November 18, 1983. The provisions under 7737
division (I)(1)(b) of this section shall be retroactive to 7738
September 5, 1982, only if, as a condition for full tax credit 7739
against the tax imposed by the "Federal Unemployment Tax Act," 53 7740
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 7741
secretary of labor determines that retroactivity is required by 7742
federal law. 7743

(c) With respect to weeks of unemployment beginning after 7744
December 31, 1977, benefits shall be denied to any individual for 7745
any week which commences during an established and customary 7746
vacation period or holiday recess, if the individual performs any 7747
services described in divisions (I)(1)(a) and (b) of this section 7748
in the period immediately before the vacation period or holiday 7749
recess, and there is a reasonable assurance that the individual 7750

will perform any such services in the period immediately following 7751
the vacation period or holiday recess. 7752

(d) With respect to any services described in division 7753
(I)(1)(a), (b), or (c) of this section, benefits payable on the 7754
basis of services in any such capacity shall be denied as 7755
specified in division (I)(1)(a), (b), or (c) of this section to 7756
any individual who performs such services in an educational 7757
institution or institution of higher education while in the employ 7758
of an educational service agency. For this purpose, the term 7759
"educational service agency" means a governmental agency or 7760
governmental entity that is established and operated exclusively 7761
for the purpose of providing services to one or more educational 7762
institutions or one or more institutions of higher education. 7763

(e) Any individual employed by a ~~public school district~~ or a 7764
county board of developmental disabilities shall be notified by 7765
the thirtieth day of April each year if the individual is not to 7766
be reemployed the following academic year. 7767

(f) Any individual employed by a school district shall be 7768
notified by the first day of June each year if the individual is 7769
not to be reemployed the following academic year. 7770

(2) No disqualification will be imposed, between academic 7771
years or terms or during a vacation period or holiday recess under 7772
this division, unless the director or the director's deputy has 7773
received a statement in writing from the educational institution 7774
or institution of higher education that the claimant has a 7775
contract for, or a reasonable assurance of, reemployment for the 7776
ensuing academic year or term. 7777

(3) If an individual has employment with an educational 7778
institution or an institution of higher education and employment 7779
with a noneducational employer, during the base period of the 7780
individual's benefit year, then the individual may become eligible 7781

for benefits during the between-term, or vacation or holiday 7782
recess, disqualification period, based on employment performed for 7783
the noneducational employer, provided that the employment is 7784
sufficient to qualify the individual for benefit rights separately 7785
from the benefit rights based on school employment. The weekly 7786
benefit amount and maximum benefits payable during a 7787
disqualification period shall be computed based solely on the 7788
nonschool employment. 7789

(J) Benefits shall not be paid on the basis of employment 7790
performed by an alien, unless the alien had been lawfully admitted 7791
to the United States for permanent residence at the time the 7792
services were performed, was lawfully present for purposes of 7793
performing the services, or was otherwise permanently residing in 7794
the United States under color of law at the time the services were 7795
performed, under section 212(d)(5) of the "Immigration and 7796
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 7797

(1) Any data or information required of individuals applying 7798
for benefits to determine whether benefits are not payable to them 7799
because of their alien status shall be uniformly required from all 7800
applicants for benefits. 7801

(2) In the case of an individual whose application for 7802
benefits would otherwise be approved, no determination that 7803
benefits to the individual are not payable because of the 7804
individual's alien status shall be made except upon a 7805
preponderance of the evidence that the individual had not, in 7806
fact, been lawfully admitted to the United States. 7807

(K) The director shall establish and utilize a system of 7808
profiling all new claimants under this chapter that: 7809

(1) Identifies which claimants will be likely to exhaust 7810
regular compensation and will need job search assistance services 7811
to make a successful transition to new employment; 7812

(2) Refers claimants identified pursuant to division (K)(1) 7813
of this section to reemployment services, such as job search 7814
assistance services, available under any state or federal law; 7815

(3) Collects follow-up information relating to the services 7816
received by such claimants and the employment outcomes for such 7817
claimant's subsequent to receiving such services and utilizes such 7818
information in making identifications pursuant to division (K)(1) 7819
of this section; and 7820

(4) Meets such other requirements as the United States 7821
secretary of labor determines are appropriate. 7822

Sec. 4301.20. This chapter and Chapter 4303. of the Revised 7823
Code do not prevent the following: 7824

(A) The storage of intoxicating liquor in bonded warehouses, 7825
established in accordance with the acts of congress and under the 7826
regulation of the United States, located in this state, or the 7827
transportation of intoxicating liquor to or from bonded warehouses 7828
of the United States wherever located; 7829

(B) A bona fide resident of this state who is the owner of a 7830
warehouse receipt from obtaining or transporting to the resident's 7831
residence for the resident's own consumption and not for resale 7832
spirituous liquor stored in a government bonded warehouse in this 7833
state or in another state prior to December 1933, subject to such 7834
terms as are prescribed by the division of liquor control; 7835

(C) The manufacture of cider from fruit for the purpose of 7836
making vinegar, and nonintoxicating cider and fruit juices for use 7837
and sale; 7838

(D) A licensed physician or dentist from administering or 7839
dispensing intoxicating liquor or alcohol to a patient in good 7840
faith in the actual course of the practice of the physician's or 7841
dentist's profession; 7842

(E) The sale of alcohol to physicians, dentists, druggists, 7843
veterinary surgeons, manufacturers, hospitals, infirmaries, or 7844
medical or educational institutions using the alcohol for 7845
medicinal, mechanical, chemical, or scientific purposes; 7846

(F) The sale, gift, or keeping for sale by druggists and 7847
others of any of the medicinal preparations manufactured in 7848
accordance with the formulas prescribed by the United States 7849
Pharmacopoeia and National Formulary, patent or proprietary 7850
preparations, and other bona fide medicinal and technical 7851
preparations, which contain no more alcohol than is necessary to 7852
hold the medicinal agents in solution and to preserve the same, 7853
which are manufactured and sold as medicine and not as beverages, 7854
are unfit for use for beverage purposes, and the sale of which 7855
does not require the payment of a United States liquor dealer's 7856
tax; 7857

(G) The manufacture and sale of tinctures or of toilet, 7858
medicinal, and antiseptic preparations and solutions not intended 7859
for internal human use nor to be sold as beverages, and which are 7860
unfit for beverage purposes, if upon the outside of each bottle, 7861
box, or package of which there is printed in the English language, 7862
conspicuously and legibly, the quantity by volume of alcohol in 7863
the preparation or solution; 7864

(H) The manufacture and keeping for sale of the food products 7865
known as flavoring extracts when manufactured and sold for 7866
cooking, culinary, or flavoring purposes, and which are unfit for 7867
use for beverage purposes; 7868

(I) The lawful sale of wood alcohol or of ethyl alcohol for 7869
external use when combined with other substances as to make it 7870
unfit for internal use; 7871

(J) The manufacture, sale, and transport of ethanol or ethyl 7872
alcohol for use as fuel. As used in this division, "ethanol" has 7873

the same meaning as in section 5733.46 of the Revised Code. 7874

(K) The purchase and importation into this state or the 7875
purchase at wholesale from A or B permit holders in this state of 7876
beer and intoxicating liquor for use in manufacturing processes of 7877
nonbeverage food products under terms prescribed by the division, 7878
provided that the terms prescribed by the division shall not 7879
increase the cost of the beer or intoxicating liquor to any 7880
person, firm, or corporation purchasing and importing it into this 7881
state or purchasing it from an A or B permit holder for that use; 7882

(L) Any resident of this state or any member of the armed 7883
forces of the United States, who has attained the age of 7884
twenty-one years, from bringing into this state, for personal use 7885
and not for resale, not more than one liter of spirituous liquor, 7886
four and one-half liters of wine, or two hundred eighty-eight 7887
ounces of beer in any thirty-day period, and the same is free of 7888
any tax consent fee when the resident or member of the armed 7889
forces physically possesses and accompanies the spirituous liquor, 7890
wine, or beer on returning from a foreign country, another state, 7891
or an insular possession of the United States; 7892

(M) Persons, at least twenty-one years of age, who collect 7893
ceramic commemorative bottles containing spirituous liquor that 7894
have unbroken federal tax stamps on them from selling or trading 7895
the bottles to other collectors. The bottles shall originally have 7896
been purchased at retail from the division, legally imported under 7897
division (L) of this section, or legally imported pursuant to a 7898
supplier registration issued by the division. The sales shall be 7899
for the purpose of exchanging a ceramic commemorative bottle 7900
between private collectors and shall not be for the purpose of 7901
selling the spirituous liquor for personal consumption. The sale 7902
or exchange authorized by this division shall not occur on the 7903
premises of any permit holder, shall not be made in connection 7904
with the business of any permit holder, and shall not be made in 7905

connection with any mercantile business. 7906

(N) The sale of beer or intoxicating liquor without a liquor 7907
permit at a private residence, not more than five times per 7908
calendar year at a residence address, at an event that has the 7909
following characteristics: 7910

(1) The event is for a charitable, benevolent, or political 7911
purpose, but shall not include any event the proceeds of which are 7912
for the profit or gain of any individual; 7913

(2) The event has in attendance not more than fifty people; 7914

(3) The event shall be for a period not to exceed twelve 7915
hours; 7916

(4) The sale of beer and intoxicating liquor at the event 7917
shall not take place between two-thirty a.m. and five-thirty a.m.; 7918

(5) No person under twenty-one years of age shall purchase or 7919
consume beer or intoxicating liquor at the event and no beer or 7920
intoxicating liquor shall be sold to any person under twenty-one 7921
years of age at the event; and 7922

(6) No person at the event shall sell or furnish beer or 7923
intoxicating liquor to an intoxicated person. 7924

(O) The possession or consumption of beer or intoxicating 7925
liquor by a person who is under twenty-one years of age and who is 7926
a student at an accredited college or university, provided that 7927
both of the following apply: 7928

(1) The person is required to taste and expectorate the beer 7929
or intoxicating liquor for a culinary, food service, or 7930
hospitality course. 7931

(2) The person is under the direct supervision of the 7932
instructor of the culinary, food service, or hospitality course. 7933

Sec. 5104.01. As used in this chapter: 7934

(A) "Administrator" means the person responsible for the 7935
daily operation of a center or type A home. The administrator and 7936
the owner may be the same person. 7937

(B) "Approved child day camp" means a child day camp approved 7938
pursuant to section 5104.22 of the Revised Code. 7939

(C) "Authorized provider" means a person authorized by a 7940
county director of job and family services to operate a certified 7941
type B family day-care home. 7942

(D) "Border state child care provider" means a child care 7943
provider that is located in a state bordering Ohio and that is 7944
licensed, certified, or otherwise approved by that state to 7945
provide child care. 7946

(E) "Career pathways model" means an alternative pathway to 7947
meeting the requirements ~~for~~ to be a child-care staff member or 7948
administrator that ~~uses one~~ does both of the following: 7949

(1) Uses a framework approved by the director of job and 7950
family services to integrate the pathways of document formal 7951
education, training, experience, and specialized credentials, and 7952
certifications, ~~and that allows;~~ 7953

(2) Allows the child-care staff member or administrator to 7954
achieve a designation as an early childhood professional level 7955
one, two, three, four, five, or six. 7956

(F) "Caretaker parent" means the father or mother of a child 7957
whose presence in the home is needed as the caretaker of the 7958
child, a person who has legal custody of a child and whose 7959
presence in the home is needed as the caretaker of the child, a 7960
guardian of a child whose presence in the home is needed as the 7961
caretaker of the child, and any other person who stands in loco 7962
parentis with respect to the child and whose presence in the home 7963
is needed as the caretaker of the child. 7964

(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) "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) "Child" includes an infant, toddler, ~~preschool~~ preschool-age child, or ~~school~~ school-age child.

(J) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.

(K) "Child day camp" means a program in which only ~~school~~ school-age children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(L) "Child care" means administering to the needs of infants,

toddlers, ~~preschool~~ preschool-age children, and ~~school~~ school-age 7996
children outside of school hours by persons other than their 7997
parents or guardians, custodians, or relatives by blood, marriage, 7998
or adoption for any part of the twenty-four-hour day in a place or 7999
residence other than a child's own home. 8000

(M) "Child day-care center" and "center" mean any place in 8001
which child care or publicly funded child care is provided for 8002
thirteen or more children at one time or any place that is not the 8003
permanent residence of the licensee or administrator in which 8004
child care or publicly funded child care is provided for seven to 8005
twelve children at one time. In counting children for the purposes 8006
of this division, any children under six years of age who are 8007
related to a licensee, administrator, or employee and who are on 8008
the premises of the center shall be counted. "Child day-care 8009
center" and "center" do not include any of the following: 8010

(1) A place located in and operated by a hospital, as defined 8011
in section 3727.01 of the Revised Code, in which the needs of 8012
children are administered to, if all the children whose needs are 8013
being administered to are monitored under the on-site supervision 8014
of a physician licensed under Chapter 4731. of the Revised Code or 8015
a registered nurse licensed under Chapter 4723. of the Revised 8016
Code, and the services are provided only for children who, in the 8017
opinion of the child's parent, guardian, or custodian, are 8018
exhibiting symptoms of a communicable disease or other illness or 8019
are injured; 8020

(2) A child day camp; 8021

(3) A place that provides child care, but not publicly funded 8022
child care, if all of the following apply: 8023

(a) An organized religious body provides the child care; 8024

(b) A parent, custodian, or guardian of at least one child 8025
receiving child care is on the premises and readily accessible at 8026

all times;	8027
(c) The child care is not provided for more than thirty days a year;	8028 8029
(d) The child care is provided only for preschool <u>preschool-age</u> and school <u>school-age</u> children.	8030 8031
(N) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	8032 8033 8034
(O) "Child care resource and referral services" means all of the following services:	8035 8036
(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;	8037 8038 8039
(2) Provision of individualized consumer education to families seeking child care;	8040 8041
(3) Provision of timely referrals of available child care providers to families seeking child care;	8042 8043
(4) Recruitment of child care providers;	8044
(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;	8045 8046 8047 8048
(6) Collection and analysis of data on the supply of and demand for child care in the community;	8049 8050
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	8051 8052 8053
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for	8054 8055

their employees and for the community;	8056
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	8057 8058
(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;	8059 8060 8061 8062
(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.	8063 8064 8065 8066
(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.	8067 8068 8069 8070 8071
(Q) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	8072 8073 8074 8075
(R) "Employee" means a person who either:	8076
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	8077 8078
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	8079 8080
(S) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	8081 8082 8083 8084
(T) "Federal poverty line" means the official poverty	8085

guideline as revised annually in accordance with section 673(2) of 8086
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 8087
U.S.C. 9902, as amended, for a family size equal to the size of 8088
the family of the person whose income is being determined. 8089

(U) "Head start program" means a comprehensive child 8090
development program that receives funds distributed under the 8091
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 8092
amended, and is licensed as a child day-care center. 8093

(V) "Income" means gross income, as defined in section 8094
5107.10 of the Revised Code, less any amounts required by federal 8095
statutes or regulations to be disregarded. 8096

(W) "Indicator checklist" means an inspection tool, used in 8097
conjunction with an instrument-based program monitoring 8098
information system, that contains selected licensing requirements 8099
that are statistically reliable indicators or predictors of a 8100
child day-care center or type A family day-care home's compliance 8101
with licensing requirements. 8102

(X) "Infant" means a child who is less than eighteen months 8103
of age. 8104

(Y) "In-home aide" means a person who does not reside with 8105
the child but provides care in the child's home and is certified 8106
by a county director of job and family services pursuant to 8107
section 5104.12 of the Revised Code to provide publicly funded 8108
child care to a child in a child's own home pursuant to this 8109
chapter and any rules adopted under it. 8110

(Z) "Instrument-based program monitoring information system" 8111
means a method to assess compliance with licensing requirements 8112
for child day-care centers and type A family day-care homes in 8113
which each licensing requirement is assigned a weight indicative 8114
of the relative importance of the requirement to the health, 8115
growth, and safety of the children that is used to develop an 8116

indicator checklist. 8117

(AA) "License capacity" means the maximum number in each age 8118
category of children who may be cared for in a child day-care 8119
center or type A family day-care home at one time as determined by 8120
the director of job and family services considering building 8121
occupancy limits established by the department of commerce, amount 8122
of available indoor floor space and outdoor play space, and amount 8123
of available play equipment, materials, and supplies. For the 8124
purposes of a provisional license issued under this chapter, the 8125
director shall also consider the number of available child-care 8126
staff members when determining "license capacity" for the 8127
provisional license. 8128

(BB) "Licensed child care program" means any of the 8129
following: 8130

(1) A child day-care center licensed by the department of job 8131
and family services pursuant to this chapter; 8132

(2) A type A family day-care home licensed by the department 8133
of job and family services pursuant to this chapter; 8134

(3) A type B family day-care home certified by a county 8135
department of job and family services pursuant to this chapter; 8136

(4) A licensed preschool program or licensed school child 8137
program. 8138

(CC) "Licensed preschool program" or "licensed school child 8139
program" means a preschool program or school child program, as 8140
defined in section 3301.52 of the Revised Code, that is licensed 8141
by the department of education pursuant to sections 3301.52 to 8142
3301.59 of the Revised Code. 8143

~~(CC)~~(DD) "Licensee" means the owner of a child day-care 8144
center or type A family day-care home that is licensed pursuant to 8145
this chapter and who is responsible for ensuring its compliance 8146

with this chapter and rules adopted pursuant to this chapter. 8147

~~(DD)~~(EE) "Operate a child day camp" means to operate, 8148
establish, manage, conduct, or maintain a child day camp. 8149

~~(EE)~~(FF) "Owner" includes a person, as defined in section 8150
1.59 of the Revised Code, or government entity. 8151

~~(FF)~~(GG) "Parent cooperative child day-care center," "parent 8152
cooperative center," "parent cooperative type A family day-care 8153
home," and "parent cooperative type A home" mean a corporation or 8154
association organized for providing educational services to the 8155
children of members of the corporation or association, without 8156
gain to the corporation or association as an entity, in which the 8157
services of the corporation or association are provided only to 8158
children of the members of the corporation or association, 8159
ownership and control of the corporation or association rests 8160
solely with the members of the corporation or association, and at 8161
least one parent-member of the corporation or association is on 8162
the premises of the center or type A home during its hours of 8163
operation. 8164

~~(GG)~~(HH) "Part-time child day-care center," "part-time 8165
center," "part-time type A family day-care home," and "part-time 8166
type A home" mean a center or type A home that provides child care 8167
or publicly funded child care for no more than four hours a day 8168
for any child. 8169

~~(HH)~~(II) "Place of worship" means a building where activities 8170
of an organized religious group are conducted and includes the 8171
grounds and any other buildings on the grounds used for such 8172
activities. 8173

~~(II)~~(JJ) "~~Preschool~~ Preschool-age child" means a child who is 8174
three years old or older but is not a ~~school~~ school-age child. 8175

~~(JJ)~~(KK) "Protective child care" means publicly funded child 8176
care for the direct care and protection of a child to whom either 8177

of the following applies: 8178

(1) A case plan prepared and maintained for the child 8179
pursuant to section 2151.412 of the Revised Code indicates a need 8180
for protective care and the child resides with a parent, 8181
stepparent, guardian, or another person who stands in loco 8182
parentis as defined in rules adopted under section 5104.38 of the 8183
Revised Code; 8184

(2) The child and the child's caretaker either temporarily 8185
reside in a facility providing emergency shelter for homeless 8186
families or are determined by the county department of job and 8187
family services to be homeless, and are otherwise ineligible for 8188
publicly funded child care. 8189

~~(KK)~~(LL) "Publicly funded child care" means administering to 8190
the needs of infants, toddlers, ~~preschool~~ preschool-age children, 8191
and ~~school~~ school-age children under age thirteen during any part 8192
of the twenty-four-hour day by persons other than their caretaker 8193
parents for remuneration wholly or in part with federal or state 8194
funds, including funds available under the child care block grant 8195
act, Title IV-A, and Title XX, distributed by the department of 8196
job and family services. 8197

~~(LL)~~(MM) "Religious activities" means any of the following: 8198
worship or other religious services; religious instruction; Sunday 8199
school classes or other religious classes conducted during or 8200
prior to worship or other religious services; youth or adult 8201
fellowship activities; choir or other musical group practices or 8202
programs; meals; festivals; or meetings conducted by an organized 8203
religious group. 8204

~~(MM)~~(NN) "~~School~~ School-age child" means a child who is 8205
enrolled in or is eligible to be enrolled in a grade of 8206
kindergarten or above but is less than fifteen years old. 8207

~~(NN)~~(OO) "~~School child day care center,~~" "~~school~~ School-age 8208

child care center," ~~"school child type A family day care home,"~~ 8209
and ~~"school~~ school-age child type A ~~family~~ home" mean a center or 8210
type A home that provides child care for ~~school~~ school-age 8211
children only and that does either or both of the following: 8212

(1) Operates only during that part of the day that 8213
immediately precedes or follows the public school day of the 8214
school district in which the center or type A home is located; 8215

(2) Operates only when the public schools in the school 8216
district in which the center or type A home is located are not 8217
open for instruction with pupils in attendance. 8218

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or 8219
certification rule violation that leads to a great risk of harm 8220
to, or death of, a child, and is observable, not inferable. 8221

~~(PP)~~(QQ) "State median income" means the state median income 8222
calculated by the department of development pursuant to division 8223
(A)(1)(g) of section 5709.61 of the Revised Code. 8224

~~(QQ)~~(RR) "Title IV-A" means Title IV-A of the "Social 8225
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 8226

~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security 8227
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 8228

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 8229
months of age but less than three years of age. 8230

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 8231
a permanent residence of the administrator in which child care or 8232
publicly funded child care is provided for seven to twelve 8233
children at one time or a permanent residence of the administrator 8234
in which child care is provided for four to twelve children at one 8235
time if four or more children at one time are under two years of 8236
age. In counting children for the purposes of this division, any 8237
children under six years of age who are related to a licensee, 8238

administrator, or employee and who are on the premises of the type 8239
A home shall be counted. "Type A family day-care home" and "type A 8240
home" do not include any child day camp. 8241

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 8242
a permanent residence of the provider in which child care is 8243
provided for one to six children at one time and in which no more 8244
than three children are under two years of age at one time. In 8245
counting children for the purposes of this division, any children 8246
under six years of age who are related to the provider and who are 8247
on the premises of the type B home shall be counted. "Type B 8248
family day-care home" and "type B home" do not include any child 8249
day camp. 8250

Sec. 5104.011. (A) The director of job and family services 8251
shall adopt rules pursuant to Chapter 119. of the Revised Code 8252
governing the operation of child day-care centers, including, but 8253
not limited to, parent cooperative centers, part-time centers, 8254
drop-in centers, and ~~school~~ school-age child care centers, which 8255
rules shall reflect the various forms of child care and the needs 8256
of children receiving child care or publicly funded child care and 8257
shall include specific rules for ~~school~~ school-age child care 8258
centers that are developed in consultation with the department of 8259
education. The rules shall not require an existing school facility 8260
that is in compliance with applicable building codes to undergo an 8261
additional building code inspection or to have structural 8262
modifications. The rules shall include the following: 8263

(1) Submission of a site plan and descriptive plan of 8264
operation to demonstrate how the center proposes to meet the 8265
requirements of this chapter and rules adopted pursuant to this 8266
chapter for the initial license application; 8267

(2) Standards for ensuring that the physical surroundings of 8268
the center are safe and sanitary including, but not limited to, 8269

the physical environment, the physical plant, and the equipment of 8270
the center; 8271

(3) Standards for the supervision, care, and discipline of 8272
children receiving child care or publicly funded child care in the 8273
center; 8274

(4) Standards for a program of activities, and for play 8275
equipment, materials, and supplies, to enhance the development of 8276
each child; however, any educational curricula, philosophies, and 8277
methodologies that are developmentally appropriate and that 8278
enhance the social, emotional, intellectual, and physical 8279
development of each child shall be permissible. As used in this 8280
division, "program" does not include instruction in religious or 8281
moral doctrines, beliefs, or values that is conducted at child 8282
day-care centers owned and operated by churches and does include 8283
methods of disciplining children at child day-care centers. 8284

(5) Admissions policies and procedures, health care policies 8285
and procedures, including, but not limited to, procedures for the 8286
isolation of children with communicable diseases, first aid and 8287
emergency procedures, procedures for discipline and supervision of 8288
children, standards for the provision of nutritious meals and 8289
snacks, and procedures for screening children and employees, that 8290
may include any necessary physical examinations and immunizations; 8291

(6) Methods for encouraging parental participation in the 8292
center and methods for ensuring that the rights of children, 8293
parents, and employees are protected and that responsibilities of 8294
parents and employees are met; 8295

(7) Procedures for ensuring the safety and adequate 8296
supervision of children traveling off the premises of the center 8297
while under the care of a center employee; 8298

(8) Procedures for record keeping, organization, and 8299
administration; 8300

(9) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	8301 8302 8303
(10) Inspection procedures;	8304
(11) Procedures and standards for setting initial license application fees;	8305 8306
(12) Procedures for receiving, recording, and responding to complaints about centers;	8307 8308
(13) Procedures for enforcing section 5104.04 of the Revised Code;	8309 8310
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	8311 8312 8313 8314 8315
(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. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	8316 8317 8318 8319 8320 8321
(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 center;	8322 8323 8324 8325
(17) A procedure for reporting of injuries of children that occur at the center;	8326 8327
(18) Any other procedures and standards necessary to carry out this chapter.	8328 8329
(B)(1) The child day-care center shall have, for each child	8330

for whom the center is licensed, at least thirty-five square feet 8331
of usable indoor floor space wall-to-wall regularly available for 8332
the child care operation exclusive of any parts of the structure 8333
in which the care of children is prohibited by law or by rules 8334
adopted by the board of building standards. The minimum of 8335
thirty-five square feet of usable indoor floor space shall not 8336
include hallways, kitchens, storage areas, or any other areas that 8337
are not available for the care of children, as determined by the 8338
director, in meeting the space requirement of this division, and 8339
bathrooms shall be counted in determining square footage only if 8340
they are used exclusively by children enrolled in the center, 8341
except that the exclusion of hallways, kitchens, storage areas, 8342
bathrooms not used exclusively by children enrolled in the center, 8343
and any other areas not available for the care of children from 8344
the minimum of thirty-five square feet of usable indoor floor 8345
space shall not apply to: 8346

(a) Centers licensed prior to or on September 1, 1986, that 8347
continue under licensure after that date; 8348

(b) Centers licensed prior to or on September 1, 1986, that 8349
are issued a new license after that date solely due to a change of 8350
ownership of the center. 8351

(2) The child day-care center shall have on the site a safe 8352
outdoor play space which is enclosed by a fence or otherwise 8353
protected from traffic or other hazards. The play space shall 8354
contain not less than sixty square feet per child using such space 8355
at any one time, and shall provide an opportunity for supervised 8356
outdoor play each day in suitable weather. The director may exempt 8357
a center from the requirement of this division, if an outdoor play 8358
space is not available and if all of the following are met: 8359

(a) The center provides an indoor recreation area that has 8360
not less than sixty square feet per child using the space at any 8361
one time, that has a minimum of one thousand four hundred forty 8362

square feet of space, and that is separate from the indoor space 8363
required under division (B)(1) of this section. 8364

(b) The director has determined that there is regularly 8365
available and scheduled for use a conveniently accessible and safe 8366
park, playground, or similar outdoor play area for play or 8367
recreation. 8368

(c) The children are closely supervised during play and while 8369
traveling to and from the area. 8370

The director also shall exempt from the requirement of this 8371
division a child day-care center that was licensed prior to 8372
September 1, 1986, if the center received approval from the 8373
director prior to September 1, 1986, to use a park, playground, or 8374
similar area, not connected with the center, for play or 8375
recreation in lieu of the outdoor space requirements of this 8376
section and if the children are closely supervised both during 8377
play and while traveling to and from the area and except if the 8378
director determines upon investigation and inspection pursuant to 8379
section 5104.04 of the Revised Code and rules adopted pursuant to 8380
that section that the park, playground, or similar area, as well 8381
as access to and from the area, is unsafe for the children. 8382

(3) The child day-care center shall have at least two 8383
responsible adults available on the premises at all times when 8384
seven or more children are in the center. The center shall 8385
organize the children in the center in small groups, shall provide 8386
child-care staff to give continuity of care and supervision to the 8387
children on a day-by-day basis, and shall ensure that no child is 8388
left alone or unsupervised. Except as otherwise provided in 8389
division (E) of this section, the maximum number of children per 8390
child-care staff member and maximum group size, by age category of 8391
children, are as follows: 8392

Maximum Number of 8393

	Children Per	Maximum	
Age Category	Child-Care	Group	8394
of Children	Staff Member	Size	8395
(a) Infants:			8396
(i) Less than twelve			8397
months old	5:1, or		8398
	12:2 if two		8399
	child-care		8400
	staff members		8401
	are in the room	12	8402
(ii) At least twelve			8403
months old, but			8404
less than eighteen			8405
months old	6:1	12	8406
(b) Toddlers:			8407
(i) At least eighteen			8408
months old, but			8409
less than thirty			8410
months old	7:1	14	8411
(ii) At least thirty months			8412
old, but less than			8413
three years old	8:1	16	8414
(c) Preschool <u>Preschool-age</u>			8415
children:			8416
(i) Three years old	12:1	24	8417
(ii) Four years old and			8418
five years old who			8419
are not school			8420
children	14:1	28	8421
(d) School <u>School-age</u>			8422
children:			8423
(i) A child who is			8424
enrolled in or is			8425

eligible to be			8426
enrolled in a grade			8427
of kindergarten			8428
or above, but			8429
is less than			8430
eleven years old	18:1	36	8431
(ii) Eleven through fourteen			8432
years old	20:1	40	8433

Except as otherwise provided in division (E) of this section, 8434
the maximum number of children per child-care staff member and 8435
maximum group size requirements of the younger age group shall 8436
apply when age groups are combined. 8437

~~(4)(a) The child day care center administrator shall show the 8438
director both of the following: 8439~~

~~(i) Evidence of at least high school graduation or 8440
certification of high school equivalency by the state board of 8441
education or the appropriate agency of another state; 8442~~

~~(ii) Evidence of having completed at least two years of 8443
training in an accredited college, university, or technical 8444
college, including courses in child development or early childhood 8445
education, at least two years of experience in supervising and 8446
giving daily care to children attending an organized group 8447
program, or the equivalent based on a designation as an "early 8448
childhood professional level three" under the career pathways 8449
model of the quality rating program established under section 8450
5104.30 of the Revised Code. 8451~~

~~(b) In addition to the requirements of division (B)(4)(a) of 8452
this section and except as provided in division (B)(4)(c) of this 8453
section, any administrator employed or designated as such prior to 8454
the effective date of this section, as amended, shall show 8455
evidence of at least one of the following within six years after 8456
the date of employment or designation: 8457~~

~~(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;~~

~~(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education.~~

~~(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 8489
year after the date of employment or designation: 8490~~

~~(i) Two years of experience working as a child care staff 8491
member in a center and at least four courses in child development 8492
or early childhood education from an accredited college, 8493
university, or technical college, except that a person who has two 8494
years of experience working as a child care staff member in a 8495
particular center and who has been promoted to or designated as 8496
administrator of that center shall have one year from the time the 8497
person was promoted to or designated as administrator to complete 8498
the required four courses; 8499~~

~~(ii) Two years of training, including at least four courses 8500
in child development or early childhood education from an 8501
accredited college, university, or technical college; 8502~~

~~(iii) A child development associate credential issued by the 8503
national child development associate credentialing commission; 8504~~

~~(iv) An associate or higher degree in child development or 8505
early childhood education from an accredited college, technical 8506
college, or university, or a license designated for teaching in an 8507
associate teaching position in a preschool setting issued by the 8508
state board of education; 8509~~

~~(v) An administrator's credential as approved by the 8510
department of job and family services. 8511~~

~~(5) All child care staff members of a child day care center 8512
shall be at least eighteen years of age, and shall furnish the 8513
director evidence of at least high school graduation or 8514
certification of high school equivalency by the state board of 8515
education or the appropriate agency of another state or evidence 8516
of completion of a training program approved by the department of 8517
job and family services or state board of education, except as 8518
follows: 8519~~

~~(a) A child care staff member may be less than eighteen years of age if the staff member is either of the following:~~ 8520
8521

~~(i) A graduate of a two year vocational child care training program approved by the state board of education;~~ 8522
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~~(ii) A student enrolled in the second year of a vocational child care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day care center under the continuous supervision of an experienced child care staff member, receives periodic supervision from the vocational child care training program teacher coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.~~ 8524
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~~(b) A child care staff member shall be exempt from the educational requirements of this division if the staff member:~~ 8533
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~~(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;~~ 8535
8536
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~~(ii) Is a student enrolled in the second year of a vocational child care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day care center under the continuous supervision of an experienced child care staff member, receives periodic supervision from the vocational child care training program teacher coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter;~~ 8539
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~~(iii) Is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code or has graduated from a nonchartered, nonpublic~~ 8548
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~~school in Ohio.~~ 8551

~~(6) Every child care staff member of a child day care center 8552
annually shall complete fifteen hours of inservice training in 8553
child development or early childhood education, child abuse 8554
recognition and prevention, first aid, and in prevention, 8555
recognition, and management of communicable diseases, until a 8556
total of forty five hours of training has been completed, unless 8557
the staff member furnishes one of the following to the director: 8558~~

~~(a) Evidence of an associate or higher degree in child 8559
development or early childhood education from an accredited 8560
college, university, or technical college; 8561~~

~~(b) A license designated for teaching in an associate 8562
teaching position in a preschool setting issued by the state board 8563
of education; 8564~~

~~(c) Evidence of a child development associate credential; 8565~~

~~(d) Evidence of a preprimary credential from the American 8566
Montessori society or the association Montessori internationale. 8567
For the purposes of division (B)(6) of this section, "hour" means 8568
sixty minutes. 8569~~

(C)(1) Each child day-care center shall have on the center 8570
premises and readily available at all times at least one 8571
child-care staff member who has completed a course in first aid, 8572
one staff member who has completed a course in prevention, 8573
recognition, and management of communicable diseases which is 8574
approved by the state department of health, and a staff member who 8575
has completed a course in child abuse recognition and prevention 8576
training which is approved by the department of job and family 8577
services. 8578

(2) The administrator of each child day-care center shall 8579
maintain enrollment, health, and attendance records for all 8580
children attending the center and health and employment records 8581

for all center employees. The records shall be confidential, 8582
except that they shall be disclosed by the administrator to the 8583
director upon request for the purpose of administering and 8584
enforcing this chapter and rules adopted pursuant to this chapter. 8585
Neither the center nor the licensee, administrator, or employees 8586
of the center shall be civilly or criminally liable in damages or 8587
otherwise for records disclosed to the director by the 8588
administrator pursuant to this division. It shall be a defense to 8589
any civil or criminal charge based upon records disclosed by the 8590
administrator to the director that the records were disclosed 8591
pursuant to this division. 8592

(3)(a) Any parent who is the residential parent and legal 8593
custodian of a child enrolled in a child day-care center and any 8594
custodian or guardian of such a child shall be permitted unlimited 8595
access to the center during its hours of operation for the 8596
purposes of contacting their children, evaluating the care 8597
provided by the center, evaluating the premises of the center, or 8598
for other purposes approved by the director. A parent of a child 8599
enrolled in a child day-care center who is not the child's 8600
residential parent shall be permitted unlimited access to the 8601
center during its hours of operation for those purposes under the 8602
same terms and conditions under which the residential parent of 8603
that child is permitted access to the center for those purposes. 8604
However, the access of the parent who is not the residential 8605
parent is subject to any agreement between the parents and, to the 8606
extent described in division (C)(3)(b) of this section, is subject 8607
to any terms and conditions limiting the right of access of the 8608
parent who is not the residential parent, as described in division 8609
(I) of section 3109.051 of the Revised Code, that are contained in 8610
a parenting time order or decree issued under that section, 8611
section 3109.12 of the Revised Code, or any other provision of the 8612
Revised Code. 8613

(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 ~~division (B)(4) of this section~~ 5104.031 of the Revised Code; the age, educational, and experience requirements of

~~division (B)(5) of this section 5104.032 of the Revised Code;~~ the 8646
number and type of inservice training hours required under 8647
~~division (B)(6) of this section 5104.033 of the Revised Code;~~ 8648
however, the rules shall provide procedures for determining 8649
compliance with those requirements. 8650

(E)(1) When age groups are combined, the maximum number of 8651
children per child-care staff member shall be determined by the 8652
age of the youngest child in the group, except that when no more 8653
than one child thirty months of age or older receives services in 8654
a group in which all the other children are in the next older age 8655
group, the maximum number of children per child-care staff member 8656
and maximum group size requirements of the older age group 8657
established under division (B)(3) of this section shall apply. 8658

(2) The maximum number of toddlers or ~~preschool~~ preschool-age 8659
children per child-care staff member in a room where children are 8660
napping shall be twice the maximum number of children per 8661
child-care staff member established under division (B)(3) of this 8662
section if all the following criteria are met: 8663

(a) At least one child-care staff member is present in the 8664
room. 8665

(b) Sufficient child-care staff members are on the child 8666
day-care center premises to meet the maximum number of children 8667
per child-care staff member requirements established under 8668
division (B)(3) of this section. 8669

(c) Naptime preparations are complete and all napping 8670
children are resting or sleeping on cots. 8671

(d) The maximum number established under division (E)(2) of 8672
this section is in effect for no more than two hours during a 8673
twenty-four-hour day. 8674

(F) The director of job and family services shall adopt rules 8675
pursuant to Chapter 119. of the Revised Code governing the 8676

operation of type A family day-care homes, including, but not 8677
limited to, parent cooperative type A homes, part-time type A 8678
homes, drop-in type A homes, and ~~school~~ school-age child type A 8679
homes, which shall reflect the various forms of child care and the 8680
needs of children receiving child care. The rules shall include 8681
the following: 8682

(1) Submission of a site plan and descriptive plan of 8683
operation to demonstrate how the type A home proposes to meet the 8684
requirements of this chapter and rules adopted pursuant to this 8685
chapter for the initial license application; 8686

(2) Standards for ensuring that the physical surroundings of 8687
the type A home are safe and sanitary, including, but not limited 8688
to, the physical environment, the physical plant, and the 8689
equipment of the type A home; 8690

(3) Standards for the supervision, care, and discipline of 8691
children receiving child care or publicly funded child care in the 8692
type A home; 8693

(4) Standards for a program of activities, and for play 8694
equipment, materials, and supplies, to enhance the development of 8695
each child; however, any educational curricula, philosophies, and 8696
methodologies that are developmentally appropriate and that 8697
enhance the social, emotional, intellectual, and physical 8698
development of each child shall be permissible; 8699

(5) Admissions policies and procedures, health care policies 8700
and procedures, including, but not limited to, procedures for the 8701
isolation of children with communicable diseases, first aid and 8702
emergency procedures, procedures for discipline and supervision of 8703
children, standards for the provision of nutritious meals and 8704
snacks, and procedures for screening children and employees, 8705
including, but not limited to, any necessary physical examinations 8706
and immunizations; 8707

(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	8708 8709 8710 8711
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	8712 8713 8714
(8) Procedures for record keeping, organization, and administration;	8715 8716
(9) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	8717 8718 8719
(10) Inspection procedures;	8720
(11) Procedures and standards for setting initial license application fees;	8721 8722
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	8723 8724
(13) Procedures for enforcing section 5104.04 of the Revised Code;	8725 8726
(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;	8727 8728 8729 8730 8731 8732
(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;	8733 8734 8735 8736
(16) Standards providing for the special needs of children	8737

who are handicapped or who require treatment for health conditions	8738
while the child is receiving child care or publicly funded child	8739
care in the type A home;	8740
(17) Standards for the maximum number of children per	8741
child-care staff member;	8742
(18) Requirements for the amount of usable indoor floor space	8743
for each child;	8744
(19) Requirements for safe outdoor play space;	8745
(20) Qualifications and training requirements for	8746
administrators and for child-care staff members;	8747
(21) Procedures for granting a parent who is the residential	8748
parent and legal custodian, or a custodian or guardian access to	8749
the type A home during its hours of operation;	8750
(22) Standards for the preparation and distribution of a	8751
roster of parents, custodians, and guardians;	8752
(23) Any other procedures and standards necessary to carry	8753
out this chapter.	8754
(G) The director of job and family services shall adopt rules	8755
pursuant to Chapter 119. of the Revised Code governing the	8756
certification of type B family day-care homes.	8757
(1) The rules shall include all of the following:	8758
(a) Procedures, standards, and other necessary provisions for	8759
granting limited certification to type B family day-care homes	8760
that are operated by the following adult providers:	8761
(i) Persons who provide child care for eligible children who	8762
are great-grandchildren, grandchildren, nieces, nephews, or	8763
siblings of the provider or for eligible children whose caretaker	8764
parent is a grandchild, child, niece, nephew, or sibling of the	8765
provider;	8766

(ii) Persons who provide child care for eligible children all 8767
of whom are the children of the same caretaker parent; 8768

(b) Procedures for the director to ensure, that type B homes 8769
that receive a limited certification provide child care to 8770
children in a safe and sanitary manner; 8771

(c) Requirements for the type B home to notify parents with 8772
children in the type B home that the type B home is also certified 8773
as a foster home under section 5103.03 of the Revised Code. 8774

With regard to providers who apply for limited certification, 8775
a provider shall be granted a provisional limited certification on 8776
signing a declaration under oath attesting that the provider meets 8777
the standards for limited certification. Such provisional limited 8778
certifications shall remain in effect for no more than sixty 8779
calendar days and shall entitle the provider to offer publicly 8780
funded child care during the provisional period. Except as 8781
otherwise provided in division (G)(1) of this section, section 8782
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 8783
section 5104.11 of the Revised Code, prior to the expiration of 8784
the provisional limited certificate, a county department of job 8785
and family services shall inspect the home and shall grant limited 8786
certification to the provider if the provider meets the 8787
requirements of this division. Limited certificates remain valid 8788
for two years unless earlier revoked. Except as otherwise provided 8789
in division (G)(1) of this section, providers operating under 8790
limited certification shall be inspected annually. 8791

If a provider is a person described in division (G)(1)(a)(i) 8792
of this section or a person described in division (G)(1)(a)(ii) of 8793
this section who is a friend of the caretaker parent, the provider 8794
and the caretaker parent may verify in writing to the county 8795
department of job and family services that minimum health and 8796
safety requirements are being met in the home. Except as otherwise 8797
provided in section 5104.013 or 5104.09 or in division (A)(2) of 8798

section 5104.11 of the Revised Code, if such verification is 8799
provided, the county shall waive any inspection required by this 8800
chapter and grant limited certification to the provider. 8801

(2) The rules shall provide for safeguarding the health, 8802
safety, and welfare of children receiving child care or publicly 8803
funded child care in a certified type B home and shall include the 8804
following: 8805

(a) Standards for ensuring that the type B home and the 8806
physical surroundings of the type B home are safe and sanitary, 8807
including, but not limited to, physical environment, physical 8808
plant, and equipment; 8809

(b) Standards for the supervision, care, and discipline of 8810
children receiving child care or publicly funded child care in the 8811
home; 8812

(c) Standards for a program of activities, and for play 8813
equipment, materials, and supplies to enhance the development of 8814
each child; however, any educational curricula, philosophies, and 8815
methodologies that are developmentally appropriate and that 8816
enhance the social, emotional, intellectual, and physical 8817
development of each child shall be permissible; 8818

(d) Admission policies and procedures, health care, first aid 8819
and emergency procedures, procedures for the care of sick 8820
children, procedures for discipline and supervision of children, 8821
nutritional standards, and procedures for screening children and 8822
authorized providers, including, but not limited to, any necessary 8823
physical examinations and immunizations; 8824

(e) Methods of encouraging parental participation and 8825
ensuring that the rights of children, parents, and authorized 8826
providers are protected and the responsibilities of parents and 8827
authorized providers are met; 8828

(f) Standards for the safe transport of children when under 8829

the care of authorized providers;	8830
(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	8831 8832
(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;	8833 8834 8835
(i) Procedures for record keeping and evaluation;	8836
(j) Procedures for receiving, recording, and responding to complaints;	8837 8838
(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;	8839 8840 8841 8842
(l) Requirements for the amount of usable indoor floor space for each child;	8843 8844
(m) Requirements for safe outdoor play space;	8845
(n) Qualification and training requirements for authorized providers;	8846 8847
(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;	8848 8849 8850
(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;	8851 8852 8853
(q) Any other procedures and standards necessary to carry out this chapter.	8854 8855
(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	8856 8857 8858

provisions for granting limited certification to in-home aides who 8859
provide child care for eligible children who are 8860
great-grandchildren, grandchildren, nieces, nephews, or siblings 8861
of the in-home aide or for eligible children whose caretaker 8862
parent is a grandchild, child, niece, nephew, or sibling of the 8863
in-home aide. The rules shall require, and shall include 8864
procedures for the director to ensure, that in-home aides that 8865
receive a limited certification provide child care to children in 8866
a safe and sanitary manner. The rules shall provide for 8867
safeguarding the health, safety, and welfare of children receiving 8868
publicly funded child care in their own home and shall include the 8869
following: 8870

(1) Standards for ensuring that the child's home and the 8871
physical surroundings of the child's home are safe and sanitary, 8872
including, but not limited to, physical environment, physical 8873
plant, and equipment; 8874

(2) Standards for the supervision, care, and discipline of 8875
children receiving publicly funded child care in their own home; 8876

(3) Standards for a program of activities, and for play 8877
equipment, materials, and supplies to enhance the development of 8878
each child; however, any educational curricula, philosophies, and 8879
methodologies that are developmentally appropriate and that 8880
enhance the social, emotional, intellectual, and physical 8881
development of each child shall be permissible; 8882

(4) Health care, first aid, and emergency procedures, 8883
procedures for the care of sick children, procedures for 8884
discipline and supervision of children, nutritional standards, and 8885
procedures for screening children and in-home aides, including, 8886
but not limited to, any necessary physical examinations and 8887
immunizations; 8888

(5) Methods of encouraging parental participation and 8889

ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;	8890
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	8892
(6) Standards for the safe transport of children when under the care of in-home aides;	8893
	8894
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	8895
	8896
(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	8897
	8898
(9) Procedures for record keeping and evaluation;	8899
(10) Procedures for receiving, recording, and responding to complaints;	8900
	8901
(11) Qualifications and training requirements for in-home aides;	8902
	8903
(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;	8904
	8905
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	8907
(13) Any other procedures and standards necessary to carry out this chapter.	8908
	8909
(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.	8910
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(J)(1) The director of job and family services shall do all of the following:	8915
	8916
(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;	8917
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(b) Give public notice of hearings regarding the rules to 8920
each licensee at least thirty days prior to the date of the public 8921
hearing, in accordance with section 119.03 of the Revised Code; 8922

(c) At least thirty days before the effective date of a rule, 8923
provide, in either paper or electronic form, a copy of the adopted 8924
rule to each licensee. 8925

(2) The director shall do all of the following: 8926

(a) Send to each county director of job and family services a 8927
notice of proposed rules governing the certification of type B 8928
family homes and in-home aides that includes an internet web site 8929
address where the proposed rules can be viewed; 8930

(b) Give public notice of hearings regarding the proposed 8931
rules not less than thirty days in advance; 8932

(c) Provide to each county director of job and family 8933
services an electronic copy of each adopted rule at least 8934
forty-five days prior to the rule's effective date. 8935

(3) The county director of job and family services shall 8936
provide or make available in either paper or electronic form to 8937
each authorized provider and in-home aide copies of proposed rules 8938
and shall give public notice of hearings regarding the rules to 8939
each authorized provider and in-home aide at least thirty days 8940
prior to the date of the public hearing, in accordance with 8941
section 119.03 of the Revised Code. At least thirty days before 8942
the effective date of a rule, the county director of job and 8943
family services shall provide, in either paper or electronic form, 8944
copies of the adopted rule to each authorized provider and in-home 8945
aide. 8946

(4) Additional copies of proposed and adopted rules shall be 8947
made available by the director of job and family services to the 8948
public on request at no charge. 8949

(5) The director of job and family services may adopt rules 8950
pursuant to Chapter 119. of the Revised Code for imposing 8951
sanctions on persons and entities that are licensed or certified 8952
under this chapter. Sanctions may be imposed only for an action or 8953
omission that constitutes a serious risk noncompliance. The 8954
sanctions imposed shall be based on the scope and severity of the 8955
violations. 8956

The director shall make a dispute resolution process 8957
available for the implementation of sanctions. The process may 8958
include an opportunity for appeal pursuant to Chapter 119. of the 8959
Revised Code. 8960

(6) The director of job and family services shall adopt rules 8961
pursuant to Chapter 119. of the Revised Code that establish 8962
standards for the training of individuals whom any county 8963
department of job and family services employs, with whom any 8964
county department of job and family services contracts, or with 8965
whom the director of job and family services contracts, to inspect 8966
or investigate type B family day-care homes pursuant to section 8967
5104.11 of the Revised Code. The department shall provide training 8968
in accordance with those standards for individuals in the 8969
categories described in this division. 8970

(K) The director of job and family services shall review all 8971
rules adopted pursuant to this chapter at least once every seven 8972
years. 8973

(L) Notwithstanding any provision of the Revised Code, the 8974
director of job and family services shall not regulate in any way 8975
under this chapter or rules adopted pursuant to this chapter, 8976
instruction in religious or moral doctrines, beliefs, or values. 8977

Sec. 5104.02. (A) The director of job and family services is 8978
responsible for the licensing of child day-care centers and type A 8979
family day-care homes. Each entity operating a head start program 8980

shall meet the criteria for, and be licensed as, a child day-care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter.

No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted in a conspicuous place in the center or type A home that is accessible to parents, custodians, or guardians and employees of the center or type A home at all times when the center or type A home is in operation.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter:

(1) A program of child care that operates for two or less consecutive weeks;

(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;

(3) Religious activities which do not provide child care;

(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;

(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 9012
more than two and one-half hours a day shall be licensed in 9013
accordance with division (A) of this section; 9014

(6)(a) Programs that provide child care funded and regulated 9015
or operated and regulated by state departments other than the 9016
department of job and family services or the state board of 9017
education when the director of job and family services has 9018
determined that the rules governing the program are equivalent to 9019
or exceed the rules promulgated pursuant to this chapter. 9020

Notwithstanding any exemption from regulation under this 9021
chapter, each state department shall submit to the director of job 9022
and family services a copy of the rules that govern programs that 9023
provide child care and are regulated or operated and regulated by 9024
the department. Annually, each state department shall submit to 9025
the director a report for each such program it regulates or 9026
operates and regulates that includes the following information: 9027

(i) The site location of the program; 9028

(ii) The maximum number of infants, toddlers, ~~preschool~~ 9029
preschool-age children, or ~~school~~ school-age children served by 9030
the program at one time; 9031

(iii) The number of adults providing child care for the 9032
number of infants, toddlers, ~~preschool~~ preschool-age children, or 9033
~~school~~ school-age children; 9034

(iv) Any changes in the rules made subsequent to the time 9035
when the rules were initially submitted to the director. 9036

The director shall maintain a record of the child care 9037
information submitted by other state departments and shall provide 9038
this information upon request to the general assembly or the 9039
public. 9040

(b) Child care programs conducted by boards of education or 9041

by chartered nonpublic schools that are conducted in school 9042
buildings and that provide child care to ~~school~~ school-age 9043
children only shall be exempt from meeting or exceeding rules 9044
promulgated pursuant to this chapter. 9045

(7) Any preschool program or school child program, except a 9046
head start program, that is subject to licensure by the department 9047
of education under sections 3301.52 to 3301.59 of the Revised 9048
Code. 9049

(8) Any program providing child care that meets all of the 9050
following requirements and, on October 20, 1987, was being 9051
operated by a nonpublic school that holds a charter issued by the 9052
state board of education for kindergarten only: 9053

(a) The nonpublic school has given the notice to the state 9054
board and the director of job and family services required by 9055
Section 4 of Substitute House Bill No. 253 of the 117th general 9056
assembly; 9057

(b) The nonpublic school continues to be chartered by the 9058
state board for kindergarten, or receives and continues to hold a 9059
charter from the state board for kindergarten through grade five; 9060

(c) The program is conducted in a school building; 9061

(d) The program is operated in accordance with rules 9062
promulgated by the state board under sections 3301.52 to 3301.57 9063
of the Revised Code. 9064

(9) A youth development program operated outside of school 9065
hours by a community-based center to which all of the following 9066
apply: 9067

(a) The children enrolled in the program are under nineteen 9068
years of age and enrolled in or eligible to be enrolled in a grade 9069
of kindergarten or above. 9070

(b) The program provides informal child care and at least two 9071

of the following supervised activities: educational, recreational, 9072
culturally enriching, social, and personal development activities. 9073

(c) The program is eligible for participation in the child 9074
and adult care food program as an outside-school-hours care center 9075
pursuant to standards established under section 3313.813 of the 9076
Revised Code. 9077

(d) The community-based center operating the program is 9078
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 9079
and (c)(3). 9080

Sec. 5104.031. (A) A child day-care center administrator 9081
shall show the director of job and family services both of the 9082
following: 9083

(1) Evidence of at least high school graduation or 9084
certification of high school equivalency by the state board of 9085
education or the appropriate agency of another state; 9086

(2) Evidence of having at least one of the following: 9087

(a) An associate, bachelor's, master's, doctoral, or other 9088
postgraduate degree in child development or early childhood 9089
education, or in a related field approved by the director, from an 9090
accredited college, university, or technical college; 9091

(b) A license designated as appropriate for teaching in an 9092
associate teaching position in a preschool setting issued by the 9093
state board of education pursuant to section 3319.22 of the 9094
Revised Code; 9095

(c) Designation under the career pathways model as an early 9096
childhood professional level three; 9097

(d) Two years of experience working as a child-care staff 9098
member in a licensed child care program, designation under the 9099
career pathways model as an early childhood professional level 9100
one, and, not later than one year after being named as 9101

administrator, designation under the career pathways model as an 9102
early childhood professional level two; 9103

(e) Two years of experience working as a child-care staff 9104
member in a licensed child care program and, except as provided in 9105
division (B) of this section, at least four courses in child 9106
development or early childhood education from an accredited 9107
college, university, or technical college; 9108

(f) Two years of experience working as a child-care staff 9109
member in a licensed child care program and a child development 9110
associate credential issued by the council for professional 9111
recognition; 9112

(g) Two years of training, including at least four courses in 9113
child development or early childhood education from an accredited 9114
college, university, or technical college; 9115

(h) An infant and toddler or early childhood credential from 9116
a program accredited by the Montessori accreditation council for 9117
teacher education. 9118

(B) A person who has two years of experience working as a 9119
child-care staff member in a child day-care center and is promoted 9120
to or designated as administrator of that center shall have one 9121
year from the date of the promotion or designation to complete the 9122
courses required by division (A)(1)(e) of this section. 9123

Sec. 5104.032. (A) All child-care staff members of a child 9124
day-care center shall be at least eighteen years of age, and shall 9125
furnish the director of job and family services evidence of at 9126
least high school graduation or certification of high school 9127
equivalency by the state board of education or the appropriate 9128
agency of another state or evidence of completion of a training 9129
program approved by the department of job and family services or 9130
state board of education, except as follows: 9131

(B) A child-care staff member may be less than eighteen years of age if the staff member is either of the following: 9132
9133

(1) A graduate of a two-year vocational child-care training program approved by the state board of education; 9134
9135

(2) A student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter. 9136
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(C) A child-care staff member shall be exempt from the educational requirements of division (A) of this section if the staff member: 9145
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(1) Prior to January 1, 1972, was employed or designated by a child day-care center and has been continuously employed since either by the same child day-care center employer or at the same child day-care center; 9148
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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; 9152
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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 9161
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Revised Code or has graduated from a nonchartered, nonpublic 9163
school in Ohio. 9164

Sec. 5104.033. (A) Except as provided in division (B) of this 9165
section, each child-care staff member of a child day-care center 9166
annually shall complete fifteen hours of inservice training that 9167
includes the following subjects until the staff member has 9168
completed a total of forty-five hours of training: 9169

(1) Child development or early childhood education; 9170

(2) Child abuse recognition and prevention; 9171

(3) First aid; 9172

(4) Prevention, recognition, and management of communicable 9173
diseases. 9174

(B) A child-care staff member is exempt from the inservice 9175
training requirements established by division (A) of this section 9176
if the staff member furnishes one of the following to the director 9177
of job and family services: 9178

(1) Evidence of an associate or higher degree in child 9179
development or early childhood education from an accredited 9180
college, university, or technical college; 9181

(2) A license designated for teaching in an associate 9182
teaching position in a preschool setting issued by the state board 9183
of education; 9184

(3) Evidence of a child development associate credential; 9185

(4) Evidence of an infant and toddler or early childhood 9186
credential from a program accredited by the Montessori 9187
accreditation council for teacher education. 9188

(C) For purposes of this section, each hour of inservice 9189
training shall consist of sixty minutes of training. 9190

Sec. 5104.21. (A) The department of job and family services 9191
shall register child day camps and enforce this section and 9192
section 5104.22 of the Revised Code and the rules adopted pursuant 9193
to those sections. No person, firm, organization, institution, or 9194
agency shall operate a child day camp without annually registering 9195
with the department. 9196

(B) A person, firm, institution, organization, or agency 9197
operating any of the following programs is exempt from the 9198
provisions of this section and section 5104.22 of the Revised 9199
Code: 9200

(1) A child day camp that operates for two or less 9201
consecutive weeks and for no more than a total of two weeks during 9202
each calendar year; 9203

(2) Supervised training, instruction, or activities of 9204
children that is conducted on an organized or periodic basis no 9205
more than one day a week and for no more than six hours' duration 9206
and that is conducted in specific areas, including, but not 9207
limited to, art; drama; dance; music; gymnastics, swimming, or 9208
another athletic skill or sport; computers; or an educational 9209
subject; 9210

(3) Programs in which the department determines that at least 9211
one parent, custodian, or guardian of each child attending or 9212
participating in the child day camp is on the child day camp 9213
activity site and is readily accessible at all times, except that 9214
a child day camp on the premises of a parent's, custodian's, or 9215
guardian's place of employment shall be registered in accordance 9216
with division (A) of this section; 9217

(4) Child day camps funded and regulated or operated and 9218
regulated by any state department, other than the department of 9219
job and family services, when the department of job and family 9220
services has determined that the rules governing the child day 9221

camp are equivalent to or exceed the rules adopted pursuant to 9222
this section and section 5104.22 of the Revised Code. 9223

(C) A person, firm, organization, institution, or agency 9224
operating a child day camp that is exempt under division (B) of 9225
this section from registering under division (A) of this section 9226
may elect to register itself under division (A) of this section. 9227
All requirements of this section and the rules adopted pursuant to 9228
this section shall apply to any exempt child day camp that so 9229
elects to register. 9230

(D) The director of job and family services shall adopt 9231
pursuant to Chapter 119. of the Revised Code rules prescribing the 9232
registration form and establishing the procedure for the child day 9233
camps to register. The form shall not be longer than one 9234
typewritten page and shall state both of the following: 9235

(1) That the child day camp administrator or the 9236
administrator's representative agrees to provide the parents of 9237
each ~~school~~ school-age child who attends or participates in that 9238
child day camp with the telephone number of the county department 9239
of health and the public children services agency of the county in 9240
which the child day camp is located; 9241

(2) That the child day camp administrator or the 9242
administrator's representative agrees to permit a public children 9243
services agency or the county department of health to review or 9244
inspect the child day camp if a complaint is made to that 9245
department or any other state department or public children 9246
services agency against that child day camp. 9247

(E) The department may charge a fee to register a child day 9248
camp. The fee for each child day camp shall be twenty-five 9249
dollars. No organization that operates, or owner of, child day 9250
camps shall pay a fee that exceeds two hundred fifty dollars for 9251
all of its child day camps. 9252

(F) If a child day camp that is required to register under 9253
this section fails to register with the department in accordance 9254
with this section or the rules adopted pursuant to it or if a 9255
child day camp that files a registration form under this section 9256
knowingly provides false or misleading information on the 9257
registration form, the department shall require the child day camp 9258
to register or register correctly and to pay a registration fee 9259
that equals three times the registration fee as set forth in 9260
division (E) of this section. 9261

(G) A child day camp administrator or the administrator's 9262
representative shall provide the parents of each ~~school~~ school-age 9263
child who attends or participates in that child day camp with the 9264
telephone numbers of the county department of health and the 9265
county public children services agency of the county in which the 9266
child day camp is located and a statement that the parents may use 9267
these telephone numbers to contact or otherwise contact the 9268
departments or agency to make a complaint regarding the child day 9269
camp. 9270

Sec. 5104.30. (A) The department of job and family services 9271
is hereby designated as the state agency responsible for 9272
administration and coordination of federal and state funding for 9273
publicly funded child care in this state. Publicly funded child 9274
care shall be provided to the following: 9275

(1) Recipients of transitional child care as provided under 9276
section 5104.34 of the Revised Code; 9277

(2) Participants in the Ohio works first program established 9278
under Chapter 5107. of the Revised Code; 9279

(3) Individuals who would be participating in the Ohio works 9280
first program if not for a sanction under section 5107.16 of the 9281
Revised Code and who continue to participate in a work activity, 9282
developmental activity, or alternative work activity pursuant to 9283

an assignment under section 5107.42 of the Revised Code; 9284

(4) A family receiving publicly funded child care on October 9285
1, 1997, until the family's income reaches one hundred fifty per 9286
cent of the federal poverty line; 9287

(5) Subject to available funds, other individuals determined 9288
eligible in accordance with rules adopted under section 5104.38 of 9289
the Revised Code. 9290

The department shall apply to the United States department of 9291
health and human services for authority to operate a coordinated 9292
program for publicly funded child care, if the director of job and 9293
family services determines that the application is necessary. For 9294
purposes of this section, the department of job and family 9295
services may enter into agreements with other state agencies that 9296
are involved in regulation or funding of child care. The 9297
department shall consider the special needs of migrant workers 9298
when it administers and coordinates publicly funded child care and 9299
shall develop appropriate procedures for accommodating the needs 9300
of migrant workers for publicly funded child care. 9301

(B) The department of job and family services shall 9302
distribute state and federal funds for publicly funded child care, 9303
including appropriations of state funds for publicly funded child 9304
care and appropriations of federal funds available under the child 9305
care block grant act, Title IV-A, and Title XX. The department may 9306
use any state funds appropriated for publicly funded child care as 9307
the state share required to match any federal funds appropriated 9308
for publicly funded child care. 9309

(C) In the use of federal funds available under the child 9310
care block grant act, all of the following apply: 9311

(1) The department may use the federal funds to hire staff to 9312
prepare any rules required under this chapter and to administer 9313
and coordinate federal and state funding for publicly funded child 9314

care. 9315

(2) Not more than five per cent of the aggregate amount of 9316
the federal funds received for a fiscal year may be expended for 9317
administrative costs. 9318

(3) The department shall allocate and use at least four per 9319
cent of the federal funds for the following: 9320

(a) Activities designed to provide comprehensive consumer 9321
education to parents and the public; 9322

(b) Activities that increase parental choice; 9323

(c) Activities, including child care resource and referral 9324
services, designed to improve the quality, and increase the 9325
supply, of child care; 9326

(d) Establishing a ~~voluntary child day care center~~ 9327
~~quality rating program~~ tiered quality rating and improvement 9328
system in which participation in the program may allow a child 9329
day-care center providers to be eligible for grants, technical 9330
assistance, training, or other assistance and become eligible for 9331
unrestricted monetary awards for maintaining a quality rating. 9332

(4) The department shall ensure that the federal funds will 9333
be used only to supplement, and will not be used to supplant, 9334
federal, state, and local funds available on the effective date of 9335
the child care block grant act for publicly funded child care and 9336
related programs. If authorized by rules adopted by the department 9337
pursuant to section 5104.42 of the Revised Code, county 9338
departments of job and family services may purchase child care 9339
from funds obtained through any other means. 9340

(D) The department shall encourage the development of 9341
suitable child care throughout the state, especially in areas with 9342
high concentrations of recipients of public assistance and 9343
families with low incomes. The department shall encourage the 9344

development of suitable child care designed to accommodate the 9345
special needs of migrant workers. On request, the department, 9346
through its employees or contracts with state or community child 9347
care resource and referral service organizations, shall provide 9348
consultation to groups and individuals interested in developing 9349
child care. The department of job and family services may enter 9350
into interagency agreements with the department of education, the 9351
board of regents, the department of development, and other state 9352
agencies and entities whenever the cooperative efforts of the 9353
other state agencies and entities are necessary for the department 9354
of job and family services to fulfill its duties and 9355
responsibilities under this chapter. 9356

The department shall develop and maintain a registry of 9357
persons providing child care. The director shall adopt rules 9358
pursuant to Chapter 119. of the Revised Code establishing 9359
procedures and requirements for the registry's administration. 9360

(E)(1) The director shall adopt rules in accordance with 9361
Chapter 119. of the Revised Code establishing both of the 9362
following: 9363

(a) Reimbursement ceilings for providers of publicly funded 9364
child care not later than the first day of July in each 9365
odd-numbered year; 9366

(b) A procedure for reimbursing and paying providers of 9367
publicly funded child care. 9368

(2) In establishing reimbursement ceilings under division 9369
(E)(1)(a) of this section, the director shall do all of the 9370
following: 9371

(a) Use the information obtained under division (B)(3) of 9372
section 5104.04 of the Revised Code; 9373

(b) Establish an enhanced reimbursement ceiling for providers 9374
who provide child care for caretaker parents who work 9375

nontraditional hours; 9376

(c) For a type B family day-care home provider that has 9377
received limited certification pursuant to rules adopted under 9378
division (G)(1) of section 5104.011 of the Revised Code, establish 9379
a reimbursement ceiling that is the following: 9380

(i) If the provider is a person described in division 9381
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 9382
per cent of the reimbursement ceiling that applies to a type B 9383
family day-care home certified by the same county department of 9384
job and family services pursuant to section 5104.11 of the Revised 9385
Code; 9386

(ii) If the provider is a person described in division 9387
(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per 9388
cent of the reimbursement ceiling that applies to a type B family 9389
day-care home certified by the same county department pursuant to 9390
section 5104.11 of the Revised Code. 9391

(d) With regard to the ~~voluntary child day-care center~~ 9392
~~quality rating program~~ tiered quality rating and improvement 9393
system established pursuant to division (C)(3)(d) of this section, 9394
do both of the following: 9395

(i) Establish enhanced reimbursement ceilings for child 9396
day-care ~~centers~~ providers that participate in the ~~program~~ system 9397
and maintain quality ratings under the ~~program~~ system; 9398

(ii) ~~Weigh~~ In the case of child day-care providers that have 9399
been given access to the system by the department, weigh any 9400
reduction in reimbursement ceilings more heavily against ~~child~~ 9401
~~day-care centers~~ those providers that do not participate in the 9402
~~program~~ system or do not maintain quality ratings under the 9403
~~program~~ system. 9404

(3) In establishing reimbursement ceilings under division 9405
(E)(1)(a) of this section, the director may establish different 9406

reimbursement ceilings based on any of the following:	9407
(a) Geographic location of the provider;	9408
(b) Type of care provided;	9409
(c) Age of the child served;	9410
(d) Special needs of the child served;	9411
(e) Whether the expanded hours of service are provided;	9412
(f) Whether weekend service is provided;	9413
(g) Whether the provider has exceeded the minimum	9414
requirements of state statutes and rules governing child care;	9415
(h) Any other factors the director considers appropriate.	9416
(F) The director shall adopt rules in accordance with Chapter	9417
119. of the Revised Code to implement the voluntary child day-care	9418
center quality rating program <u>tiered quality rating and</u>	9419
<u>improvement system</u> described in division (C)(3)(d) of this	9420
section.	9421
Sec. 5104.31. (A) Publicly funded child care may be provided	9422
only by the following:	9423
(1) A child day-care center or type A family day-care home,	9424
including a parent cooperative child day-care center or parent	9425
cooperative type A family day-care home, licensed by the	9426
department of job and family services pursuant to section 5104.03	9427
of the Revised Code;	9428
(2) A type B family day-care home certified by the county	9429
department of job and family services pursuant to section 5104.11	9430
of the Revised Code;	9431
(3) A type B family day-care home that has received a limited	9432
certification pursuant to rules adopted under division (G)(1) of	9433
section 5104.011 of the Revised Code;	9434

(4) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;

(5) A child day camp approved pursuant to section 5104.22 of the Revised Code;

(6) A licensed preschool program;

(7) A licensed school child program;

(8) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.

(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.

(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. 5104.34. (A)(1) Each county department of job and family services shall implement procedures for making determinations of eligibility for publicly funded child care. Under those procedures, the eligibility determination for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of job and family services in accordance with section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department 9465
may make all determinations of eligibility for publicly funded 9466
child care, may contract with child care providers or child care 9467
resource and referral service organizations for the providers or 9468
resource and referral service organizations to make all or any 9469
part of the determinations, and may contract with child care 9470
providers or child care resource and referral service 9471
organizations for the providers or resource and referral service 9472
organizations to collect specified information for use by the 9473
county department in making determinations. If a county department 9474
contracts with a child care provider or a child care resource and 9475
referral service organization for eligibility determinations or 9476
for the collection of information, the contract shall require the 9477
provider or resource and referral service organization to make 9478
each eligibility determination no later than thirty calendar days 9479
from the date the provider or resource and referral organization 9480
receives a completed application that is the basis of the 9481
determination and to collect and transmit all necessary 9482
information to the county department within a period of time that 9483
enables the county department to make each eligibility 9484
determination no later than thirty days after the filing of the 9485
application that is the basis of the determination. 9486

The county department may station employees of the department 9487
in various locations throughout the county to collect information 9488
relevant to applications for publicly funded child care and to 9489
make eligibility determinations. The county department, child care 9490
provider, and child care resource and referral service 9491
organization shall make each determination of eligibility for 9492
publicly funded child care no later than thirty days after the 9493
filing of the application that is the basis of the determination, 9494
shall make each determination in accordance with any relevant 9495
rules adopted pursuant to section 5104.38 of the Revised Code, and 9496
shall notify promptly each applicant for publicly funded child 9497

care of the results of the determination of the applicant's 9498
eligibility. 9499

The director of job and family services shall adopt rules in 9500
accordance with Chapter 119. of the Revised Code for monitoring 9501
the eligibility determination process. In accordance with those 9502
rules, the state department shall monitor eligibility 9503
determinations made by county departments of job and family 9504
services and shall direct any entity that is not in compliance 9505
with this division or any rule adopted under this division to 9506
implement corrective action specified by the department. 9507

(2) All eligibility determinations for publicly funded child 9508
care shall be made in accordance with rules adopted pursuant to 9509
division (A) of section 5104.38 of the Revised Code and, if a 9510
county department of job and family services specifies, pursuant 9511
to rules adopted under division (B) of that section, a maximum 9512
amount of income a family may have to be eligible for publicly 9513
funded child care, the income maximum specified by the county 9514
department. Publicly funded child care may be provided only to 9515
eligible infants, toddlers, ~~preschool~~ preschool-age children, and 9516
~~school~~ school-age children under age thirteen. For an applicant to 9517
be eligible for publicly funded child care, the caretaker parent 9518
must be employed or participating in a program of education or 9519
training for an amount of time reasonably related to the time that 9520
the parent's children are receiving publicly funded child care. 9521
This restriction does not apply to families whose children are 9522
eligible for protective child care. 9523

Subject to available funds, a county department of job and 9524
family services shall allow a family to receive publicly funded 9525
child care unless the family's income exceeds the maximum income 9526
eligibility limit. Initial and continued eligibility for publicly 9527
funded child care is subject to available funds unless the family 9528
is receiving child care pursuant to division (A)(1), (2), (3), or 9529

(4) of section 5104.30 of the Revised Code. If the county 9530
department must limit eligibility due to lack of available funds, 9531
it shall give first priority for publicly funded child care to an 9532
assistance group whose income is not more than the maximum income 9533
eligibility limit that received transitional child care in the 9534
previous month but is no longer eligible because the twelve-month 9535
period has expired. Such an assistance group shall continue to 9536
receive priority for publicly funded child care until its income 9537
exceeds the maximum income eligibility limit. 9538

(3) An assistance group that ceases to participate in the 9539
Ohio works first program established under Chapter 5107. of the 9540
Revised Code is eligible for transitional child care at any time 9541
during the immediately following twelve-month period that both of 9542
the following apply: 9543

(a) The assistance group requires child care due to 9544
employment; 9545

(b) The assistance group's income is not more than one 9546
hundred fifty per cent of the federal poverty line. 9547

An assistance group ineligible to participate in the Ohio 9548
works first program pursuant to section 5101.83 or section 5107.16 9549
of the Revised Code is not eligible for transitional child care. 9550

(B) To the extent permitted by federal law, a county 9551
department of job and family services may require a caretaker 9552
parent determined to be eligible for publicly funded child care to 9553
pay a fee according to the schedule of fees established in rules 9554
adopted under section 5104.38 of the Revised Code. Each county 9555
department shall make protective child care services available to 9556
children without regard to the income or assets of the caretaker 9557
parent of the child. 9558

(C) A caretaker parent receiving publicly funded child care 9559
shall report to the entity that determined eligibility any changes 9560

in status with respect to employment or participation in a program 9561
of education or training not later than ten calendar days after 9562
the change occurs. 9563

(D) If a county department of job and family services 9564
determines that available resources are not sufficient to provide 9565
publicly funded child care to all eligible families who request 9566
it, the county department may establish a waiting list. A county 9567
department may establish separate waiting lists within the waiting 9568
list based on income. When resources become available to provide 9569
publicly funded child care to families on the waiting list, a 9570
county department that establishes a waiting list shall assess the 9571
needs of the next family scheduled to receive publicly funded 9572
child care. If the assessment demonstrates that the family 9573
continues to need and is eligible for publicly funded child care, 9574
the county department shall offer it to the family. If the county 9575
department determines that the family is no longer eligible or no 9576
longer needs publicly funded child care, the county department 9577
shall remove the family from the waiting list. 9578

(E) A caretaker parent shall not receive full-time publicly 9579
funded child care from more than one child care provider per child 9580
during any period. 9581

(F) As used in this section, "maximum income eligibility 9582
limit" means the amount of income specified in rules adopted under 9583
division (A) of section 5104.38 of the Revised Code or, if a 9584
county department of job and family services specifies a higher 9585
amount pursuant to rules adopted under division (B) of that 9586
section, the amount the county department specifies. 9587

Sec. 5104.38. In addition to any other rules adopted under 9588
this chapter, the director of job and family services shall adopt 9589
rules in accordance with Chapter 119. of the Revised Code 9590
governing financial and administrative requirements for publicly 9591

funded child care and establishing all of the following: 9592

(A) Procedures and criteria to be used in making 9593
determinations of eligibility for publicly funded child care that 9594
give priority to children of families with lower incomes and 9595
procedures and criteria for eligibility for publicly funded 9596
protective child care. The rules shall specify the maximum amount 9597
of income a family may have for initial and continued eligibility. 9598
The maximum amount shall not exceed two hundred per cent of the 9599
federal poverty line. The rules may specify exceptions to the 9600
eligibility requirements in the case of a family that previously 9601
received publicly funded child care and is seeking to have the 9602
child care reinstated after the family's eligibility was 9603
terminated. 9604

(B) Procedures under which a county department of job and 9605
family services may, if the department, under division (A) of this 9606
section, specifies a maximum amount of income a family may have 9607
for eligibility for publicly funded child care that is less than 9608
the maximum amount specified in that division, specify a maximum 9609
amount of income a family residing in the county the county 9610
department serves may have for initial and continued eligibility 9611
for publicly funded child care that is higher than the amount 9612
specified by the department but does not exceed the maximum amount 9613
specified in division (A) of this section; 9614

(C) A schedule of fees requiring all eligible caretaker 9615
parents to pay a fee for publicly funded child care according to 9616
income and family size, which shall be uniform for all types of 9617
publicly funded child care, except as authorized by rule, and, to 9618
the extent permitted by federal law, shall permit the use of state 9619
and federal funds to pay the customary deposits and other advance 9620
payments that a provider charges all children who receive child 9621
care from that provider. The schedule of fees may not provide for 9622
a caretaker parent to pay a fee that exceeds ten per cent of the 9623

parent's family income. 9624

(D) A formula for determining the amount of state and federal 9625
funds appropriated for publicly funded child care that may be 9626
allocated to a county department to use for administrative 9627
purposes; 9628

(E) Procedures to be followed by the department and county 9629
departments in recruiting individuals and groups to become 9630
providers of child care; 9631

(F) Procedures to be followed in establishing state or local 9632
programs designed to assist individuals who are eligible for 9633
publicly funded child care in identifying the resources available 9634
to them and to refer the individuals to appropriate sources to 9635
obtain child care; 9636

(G) Procedures to deal with fraud and abuse committed by 9637
either recipients or providers of publicly funded child care; 9638

(H) Procedures for establishing a child care grant or loan 9639
program in accordance with the child care block grant act; 9640

(I) Standards and procedures for applicants to apply for 9641
grants and loans, and for the department to make grants and loans; 9642

(J) A definition of "person who stands in loco parentis" for 9643
the purposes of division ~~(JJ)~~(KK)(1) of section 5104.01 of the 9644
Revised Code; 9645

(K) Procedures for a county department of job and family 9646
services to follow in making eligibility determinations and 9647
redeterminations for publicly funded child care available through 9648
telephone, computer, and other means at locations other than the 9649
county department; 9650

(L) If the director establishes a different reimbursement 9651
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 9652
Code, standards and procedures for determining the amount of the 9653

higher payment that is to be issued to a child care provider based 9654
on the special needs of the child being served; 9655

(M) To the extent permitted by federal law, procedures for 9656
paying for up to thirty days of child care for a child whose 9657
caretaker parent is seeking employment, taking part in employment 9658
orientation activities, or taking part in activities in 9659
anticipation of enrolling in or attending an education or training 9660
program or activity, if the employment or the education or 9661
training program or activity is expected to begin within the 9662
thirty-day period; 9663

(N) Any other rules necessary to carry out sections 5104.30 9664
to 5104.43 of the Revised Code. 9665

Sec. 5123.022. It is hereby declared to be the policy of this 9666
state that employment services for individuals with developmental 9667
disabilities be directed at placement whenever possible of each 9668
individual in a position in the community in which the individual 9669
is integrated with the employer's other workers who are not 9670
developmentally disabled. The departments of developmental 9671
disabilities, education, job and family services, and mental 9672
health; the rehabilitation services commission; and each other 9673
state agency that provides employment services to individuals with 9674
developmental disabilities shall implement this policy and ensure 9675
that it is followed whenever employment services are provided to 9676
individuals with developmental disabilities. 9677

The department of developmental disabilities shall coordinate 9678
the actions taken by state agencies to comply with the state's 9679
policy. Agencies shall collaborate within their divisions and with 9680
each other to ensure that state programs, policies, procedures, 9681
and funding support competitive and integrated employment of 9682
individuals with developmental disabilities. State agencies shall 9683
share information with the department, and the department shall 9684

track progress toward full implementation of the policy. The 9685
department, in coordination with any task force established by the 9686
governor, shall compile data and annually submit to the governor a 9687
report on implementation of the policy. 9688

The department and state agencies may adopt rules to 9689
implement the policy. 9690

The policy articulated in this section is intended to promote 9691
the right of each individual with a developmental disability to 9692
informed choice; however, nothing in this section requires any 9693
employer to give preference in hiring to an individual because the 9694
individual has a disability. 9695

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 9696
the Revised Code: 9697

(1) "School district," "joint vocational school district," 9698
"local taxing unit," "recognized valuation," "fixed-rate levy," 9699
and "fixed-sum levy" have the same meanings as used in section 9700
5727.84 of the Revised Code. 9701

(2) "State education aid" for a school district means the 9702
following: 9703

(a) For fiscal years prior to fiscal year 2010, the sum of 9704
state aid amounts computed for the district under the following 9705
provisions, as they existed for the applicable fiscal year: 9706
division (A) of section 3317.022 of the Revised Code, including 9707
the amounts calculated under sections 3317.029 and 3317.0217 of 9708
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 9709
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 9710
divisions (L) and (N) of section 3317.024; section 3317.0216; and 9711
any unit payments for gifted student services paid under sections 9712
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 9713
for fiscal years 2008 and 2009, the amount computed for the 9714

district under Section 269.20.80 of H.B. 119 of the 127th general 9715
assembly and as that section subsequently may be amended shall be 9716
substituted for the amount computed under division (D) of section 9717
3317.022 of the Revised Code, and the amount computed under 9718
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 9719
that section subsequently may be amended shall be included. 9720

(b) For fiscal years 2010 and 2011, the sum of the amounts 9721
computed under former sections 3306.052, 3306.12, 3306.13, 9722
3306.19, 3306.191, and 3306.192 of the Revised Code; 9723

(c) For fiscal years 2012 and 2013, the ~~amount~~ sum of the 9724
amounts paid in accordance with the section under Sections 9725
267.30.50, 267.30.53, and 267.30.56 of H.B. 153 of the 129th 9726
general assembly entitled "~~FUNDING FOR CITY, EXEMPTED VILLAGE, AND~~ 9727
~~LOCAL SCHOOL DISTRICTS.~~" 9728

(3) "State education aid" for a joint vocational school 9729
district means the following: 9730

(a) For fiscal years prior to fiscal year 2010, the sum of 9731
the state aid computed for the district under division (N) of 9732
section 3317.024 and section 3317.16 of the Revised Code, except 9733
that, for fiscal years 2008 and 2009, the amount computed under 9734
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 9735
that section subsequently may be amended shall be included. 9736

(b) For fiscal years 2010 and 2011, the amount paid in 9737
accordance with ~~the section~~ Section 265.30.50 of H.B. 1 of the 9738
128th general assembly entitled "~~FUNDING FOR JOINT VOCATIONAL~~ 9739
~~SCHOOL DISTRICTS.~~" 9740

(c) For fiscal years 2012 and 2013, the amount paid in 9741
accordance with ~~the section~~ Section 267.30.60 of H.B. 153 of the 9742
129th general assembly entitled "~~FUNDING FOR JOINT VOCATIONAL~~ 9743
~~SCHOOL DISTRICTS.~~" 9744

(4) "State education aid offset" means the amount determined 9745

for each school district or joint vocational school district under 9746
division (A)(1) of section 5751.21 of the Revised Code. 9747

(5) "Machinery and equipment property tax value loss" means 9748
the amount determined under division (C)(1) of this section. 9749

(6) "Inventory property tax value loss" means the amount 9750
determined under division (C)(2) of this section. 9751

(7) "Furniture and fixtures property tax value loss" means 9752
the amount determined under division (C)(3) of this section. 9753

(8) "Machinery and equipment fixed-rate levy loss" means the 9754
amount determined under division (D)(1) of this section. 9755

(9) "Inventory fixed-rate levy loss" means the amount 9756
determined under division (D)(2) of this section. 9757

(10) "Furniture and fixtures fixed-rate levy loss" means the 9758
amount determined under division (D)(3) of this section. 9759

(11) "Total fixed-rate levy loss" means the sum of the 9760
machinery and equipment fixed-rate levy loss, the inventory 9761
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 9762
loss, and the telephone company fixed-rate levy loss. 9763

(12) "Fixed-sum levy loss" means the amount determined under 9764
division (E) of this section. 9765

(13) "Machinery and equipment" means personal property 9766
subject to the assessment rate specified in division (F) of 9767
section 5711.22 of the Revised Code. 9768

(14) "Inventory" means personal property subject to the 9769
assessment rate specified in division (E) of section 5711.22 of 9770
the Revised Code. 9771

(15) "Furniture and fixtures" means personal property subject 9772
to the assessment rate specified in division (G) of section 9773
5711.22 of the Revised Code. 9774

(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.

(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

(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.

(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.

(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.

(a) The state education aid for fiscal year 2010;

(b) The sum of the payments received by the school district 9805
in fiscal year 2010 for current expense levy losses pursuant to 9806
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 9807
section 5751.21 of the Revised Code, excluding the portion of such 9808
payments attributable to levies for joint vocational school 9809
district purposes; 9810

(c) The sum of fixed-sum levy loss payments received by the 9811
school district in fiscal year 2010 pursuant to division (E)(1) of 9812
section 5727.85 and division (E)(1) of section 5751.21 of the 9813
Revised Code for fixed-sum levies imposed for a purpose other than 9814
paying debt charges; 9815

(d) Fifty per cent of the school district's taxes charged and 9816
payable against all property on the tax list of real and public 9817
utility property for current expense purposes for tax year 2008, 9818
including taxes charged and payable from emergency levies imposed 9819
under section 5709.194 of the Revised Code and excluding taxes 9820
levied for joint vocational school district purposes; 9821

(e) Fifty per cent of the school district's taxes charged and 9822
payable against all property on the tax list of real and public 9823
utility property for current expenses for tax year 2009, including 9824
taxes charged and payable from emergency levies and excluding 9825
taxes levied for joint vocational school district purposes; 9826

(f) The school district's taxes charged and payable against 9827
all property on the general tax list of personal property for 9828
current expenses for tax year 2009, including taxes charged and 9829
payable from emergency levies; 9830

(g) The amount certified for fiscal year 2010 under division 9831
(A)(2) of section 3317.08 of the Revised Code; 9832

(h) Distributions received during calendar year 2009 from 9833
taxes levied under section 718.09 of the Revised Code. 9834

(23) "Total resources," in the case of a joint vocational 9835

school district, means the sum of amounts in divisions (A)(23)(a)	9836
to (g) of this section less any reduction required under division	9837
(A)(32) of this section.	9838
(a) The state education aid for fiscal year 2010;	9839
(b) The sum of the payments received by the joint vocational	9840
school district in fiscal year 2010 for current expense levy	9841
losses pursuant to division (C)(2) of section 5727.85 and	9842
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	9843
(c) Fifty per cent of the joint vocational school district's	9844
taxes charged and payable against all property on the tax list of	9845
real and public utility property for current expense purposes for	9846
tax year 2008;	9847
(d) Fifty per cent of the joint vocational school district's	9848
taxes charged and payable against all property on the tax list of	9849
real and public utility property for current expenses for tax year	9850
2009;	9851
(e) Fifty per cent of a city, local, or exempted village	9852
school district's taxes charged and payable against all property	9853
on the tax list of real and public utility property for current	9854
expenses of the joint vocational school district for tax year	9855
2008;	9856
(f) Fifty per cent of a city, local, or exempted village	9857
school district's taxes charged and payable against all property	9858
on the tax list of real and public utility property for current	9859
expenses of the joint vocational school district for tax year	9860
2009;	9861
(g) The joint vocational school district's taxes charged and	9862
payable against all property on the general tax list of personal	9863
property for current expenses for tax year 2009.	9864
(24) "Total resources," in the case of county mental health	9865

and disability related functions, means the sum of the amounts in 9866
divisions (A)(24)(a) and (b) of this section less any reduction 9867
required under division (A)(32) of this section. 9868

(a) The sum of the payments received by the county for mental 9869
health and developmental disability related functions in calendar 9870
year 2010 under division (A)(1) of section 5727.86 and ~~division~~ 9871
divisions (A)(1) and (2) of section 5751.22 of the Revised Code as 9872
they existed at that time; 9873

(b) With respect to taxes levied by the county for mental 9874
health and developmental disability related purposes, the taxes 9875
charged and payable for such purposes against all property on the 9876
tax list of real and public utility property for tax year 2009. 9877

(25) "Total resources," in the case of county senior services 9878
related functions, means the sum of the amounts in divisions 9879
(A)(25)(a) and (b) of this section less any reduction required 9880
under division (A)(32) of this section. 9881

(a) The sum of the payments received by the county for senior 9882
services related functions in calendar year 2010 under division 9883
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 9884
5751.22 of the Revised Code as they existed at that time; 9885

(b) With respect to taxes levied by the county for senior 9886
services related purposes, the taxes charged and payable for such 9887
purposes against all property on the tax list of real and public 9888
utility property for tax year 2009. 9889

(26) "Total resources," in the case of county children's 9890
services related functions, means the sum of the amounts in 9891
divisions (A)(26)(a) and (b) of this section less any reduction 9892
required under division (A)(32) of this section. 9893

(a) The sum of the payments received by the county for 9894
children's services related functions in calendar year 2010 under 9895
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 9896

section 5751.22 of the Revised Code as they existed at that time; 9897

(b) With respect to taxes levied by the county for children's 9898
services related purposes, the taxes charged and payable for such 9899
purposes against all property on the tax list of real and public 9900
utility property for tax year 2009. 9901

(27) "Total resources," in the case of county public health 9902
related functions, means the sum of the amounts in divisions 9903
(A)(27)(a) and (b) of this section less any reduction required 9904
under division (A)(32) of this section. 9905

(a) The sum of the payments received by the county for public 9906
health related functions in calendar year 2010 under division 9907
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 9908
5751.22 of the Revised Code as they existed at that time; 9909

(b) With respect to taxes levied by the county for public 9910
health related purposes, the taxes charged and payable for such 9911
purposes against all property on the tax list of real and public 9912
utility property for tax year 2009. 9913

(28) "Total resources," in the case of all county functions 9914
not included in divisions (A)(24) to (27) of this section, means 9915
the sum of the amounts in divisions (A)(28)(a) to (d) of this 9916
section less any reduction required under division (A)(32) of this 9917
section. 9918

(a) The sum of the payments received by the county for all 9919
other purposes in calendar year 2010 under division (A)(1) of 9920
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 9921
the Revised Code as they existed at that time; 9922

(b) The county's percentage share of county undivided local 9923
government fund allocations as certified to the tax commissioner 9924
for calendar year 2010 by the county auditor under division (J) of 9925
section 5747.51 of the Revised Code or division (F) of section 9926
5747.53 of the Revised Code multiplied by the total amount 9927

actually distributed in calendar year 2010 from the county 9928
undivided local government fund; 9929

(c) With respect to taxes levied by the county for all other 9930
purposes, the taxes charged and payable for such purposes against 9931
all property on the tax list of real and public utility property 9932
for tax year 2009, excluding taxes charged and payable for the 9933
purpose of paying debt charges; 9934

(d) The sum of the amounts distributed to the county in 9935
calendar year 2010 for the taxes levied pursuant to sections 9936
5739.021 and 5741.021 of the Revised Code. 9937

(29) "Total resources," in the case of a municipal 9938
corporation, means the sum of the amounts in divisions (A)(29)(a) 9939
to (g) of this section less any reduction required under division 9940
(A)(32) of this section. 9941

(a) The sum of the payments received by the municipal 9942
corporation in calendar year 2010 under division (A)(1) of section 9943
5727.86 and divisions (A)(1) and (2) of section 5751.22 of the 9944
Revised Code as they existed at that time; 9945

(b) The municipal corporation's percentage share of county 9946
undivided local government fund allocations as certified to the 9947
tax commissioner for calendar year 2010 by the county auditor 9948
under division (J) of section 5747.51 of the Revised Code or 9949
division (F) of section 5747.53 of the Revised Code multiplied by 9950
the total amount actually distributed in calendar year 2010 from 9951
the county undivided local government fund; 9952

(c) The sum of the amounts distributed to the municipal 9953
corporation in calendar year 2010 pursuant to section 5747.50 of 9954
the Revised Code; 9955

(d) With respect to taxes levied by the municipal 9956
corporation, the taxes charged and payable against all property on 9957
the tax list of real and public utility property for current 9958

expenses, defined in division (A)(33) of this section, for tax 9959
year 2009; 9960

(e) The amount of admissions tax collected by the municipal 9961
corporation in calendar year 2008, or if such information has not 9962
yet been reported to the tax commissioner, in the most recent year 9963
before 2008 for which the municipal corporation has reported data 9964
to the commissioner; 9965

(f) The amount of income taxes collected by the municipal 9966
corporation in calendar year 2008, or if such information has not 9967
yet been reported to the tax commissioner, in the most recent year 9968
before 2008 for which the municipal corporation has reported data 9969
to the commissioner; 9970

(g) The municipal corporation's median estate tax 9971
collections. 9972

(30) "Total resources," in the case of a township, means the 9973
sum of the amounts in divisions (A)(30)(a) to (c) of this section 9974
less any reduction required under division (A)(32) of this 9975
section. 9976

(a) The sum of the payments received by the township in 9977
calendar year 2010 pursuant to division (A)(1) of section 5727.86 9978
of the Revised Code and divisions (A)(1) and (2) of section 9979
5751.22 of the Revised Code as they existed at that time, 9980
excluding payments received for debt purposes; 9981

(b) The township's percentage share of county undivided local 9982
government fund allocations as certified to the tax commissioner 9983
for calendar year 2010 by the county auditor under division (J) of 9984
section 5747.51 of the Revised Code or division (F) of section 9985
5747.53 of the Revised Code multiplied by the total amount 9986
actually distributed in calendar year 2010 from the county 9987
undivided local government fund; 9988

(c) With respect to taxes levied by the township, the taxes 9989

charged and payable against all property on the tax list of real 9990
and public utility property for tax year 2009 excluding taxes 9991
charged and payable for the purpose of paying debt charges. 9992

(31) "Total resources," in the case of a local taxing unit 9993
that is not a county, municipal corporation, or township, means 9994
the sum of the amounts in divisions (A)(31)(a) to (e) of this 9995
section less any reduction required under division (A)(32) of this 9996
section. 9997

(a) The sum of the payments received by the local taxing unit 9998
in calendar year 2010 pursuant to division (A)(1) of section 9999
5727.86 of the Revised Code and divisions (A)(1) and (2) of 10000
section 5751.22 of the Revised Code as they existed at that time; 10001

(b) The local taxing unit's percentage share of county 10002
undivided local government fund allocations as certified to the 10003
tax commissioner for calendar year 2010 by the county auditor 10004
under division (J) of section 5747.51 of the Revised Code or 10005
division (F) of section 5747.53 of the Revised Code multiplied by 10006
the total amount actually distributed in calendar year 2010 from 10007
the county undivided local government fund; 10008

(c) With respect to taxes levied by the local taxing unit, 10009
the taxes charged and payable against all property on the tax list 10010
of real and public utility property for tax year 2009 excluding 10011
taxes charged and payable for the purpose of paying debt charges; 10012

(d) The amount received from the tax commissioner during 10013
calendar year 2010 for sales or use taxes authorized under 10014
sections 5739.023 and 5741.022 of the Revised Code; 10015

(e) For institutions of higher education receiving tax 10016
revenue from a local levy, as identified in section 3358.02 of the 10017
Revised Code, the final state share of instruction allocation for 10018
fiscal year 2010 as calculated by the board of regents and 10019
reported to the state controlling board. 10020

(32) If a fixed-rate levy that is a qualifying levy is not 10021
imposed in any year after tax year 2010, "total resources" used to 10022
compute payments to be made under division (C)(12) of section 10023
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 10024
Revised Code in the tax years following the last year the levy is 10025
imposed shall be reduced by the amount of payments attributable to 10026
the fixed-rate levy loss of that levy as would be computed under 10027
division (C)(2) of section 5727.85, division (A)(1) of section 10028
5727.85, divisions (C)(8) and (9) of section 5751.21, or division 10029
(A)(1) of section 5751.22 of the Revised Code. 10030

(33) "Municipal current expense property tax levies" means 10031
all property tax levies of a municipality, except those with the 10032
following levy names: airport resurfacing; bond or any levy name 10033
including the word "bond"; capital improvement or any levy name 10034
including the word "capital"; debt or any levy name including the 10035
word "debt"; equipment or any levy name including the word 10036
"equipment," unless the levy is for combined operating and 10037
equipment; employee termination fund; fire pension or any levy 10038
containing the word "pension," including police pensions; 10039
fireman's fund or any practically similar name; sinking fund; road 10040
improvements or any levy containing the word "road"; fire truck or 10041
apparatus; flood or any levy containing the word "flood"; 10042
conservancy district; county health; note retirement; sewage, or 10043
any levy containing the words "sewage" or "sewer"; park 10044
improvement; parkland acquisition; storm drain; street or any levy 10045
name containing the word "street"; lighting, or any levy name 10046
containing the word "lighting"; and water. 10047

(34) "Current expense TPP allocation" means, in the case of a 10048
school district or joint vocational school district, the sum of 10049
the payments received by the school district in fiscal year 2011 10050
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 10051
Revised Code to the extent paid for current expense levies. In the 10052

case of a municipal corporation, "current expense TPP allocation" 10053
means the sum of the payments received by the municipal 10054
corporation in calendar year 2010 pursuant to divisions (A)(1) and 10055
(2) of section 5751.22 of the Revised Code to the extent paid for 10056
municipal current expense property tax levies as defined in 10057
division (A)(33) of this section. If a fixed-rate levy that is a 10058
qualifying levy is not imposed in any year after tax year 2010, 10059
"current expense TPP allocation" used to compute payments to be 10060
made under division (C)(12) of section 5751.21 or division 10061
(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 10062
years following the last year the levy is imposed shall be reduced 10063
by the amount of payments attributable to the fixed-rate levy loss 10064
of that levy as would be computed under divisions (C)(10) and (11) 10065
of section 5751.21 or division (A)(1) of section 5751.22 of the 10066
Revised Code. 10067

(35) "TPP allocation" means the sum of payments received by a 10068
local taxing unit in calendar year 2010 pursuant to divisions 10069
(A)(1) and (2) of section 5751.22 of the Revised Code. If a 10070
fixed-rate levy that is a qualifying levy is not imposed in any 10071
year after tax year 2010, "TPP allocation" used to compute 10072
payments to be made under division (A)(1)(b) or (c) of section 10073
5751.22 of the Revised Code in the tax years following the last 10074
year the levy is imposed shall be reduced by the amount of payment 10075
attributable to the fixed-rate levy loss of that levy as would be 10076
computed under division (A)(1) of that section. 10077

(36) "Total TPP allocation" means, in the case of a school 10078
district or joint vocational school district, the sum of the 10079
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 10080
and (11) and (D) of section 5751.21 of the Revised Code. In the 10081
case of a local taxing unit, "total TPP allocation" means the sum 10082
of payments received by the unit in calendar year 2010 pursuant to 10083
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 10084

Code. If a fixed-rate levy that is a qualifying levy is not 10085
imposed in any year after tax year 2010, "total TPP allocation" 10086
used to compute payments to be made under division (C)(12) of 10087
section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of 10088
the Revised Code in the tax years following the last year the levy 10089
is imposed shall be reduced by the amount of payments attributable 10090
to the fixed-rate levy loss of that levy as would be computed 10091
under divisions (C)(10) and (11) of section 5751.21 or division 10092
(A)(1) of section 5751.22 of the Revised Code. 10093

(37) "Non-current expense TPP allocation" means the 10094
difference of total TPP allocation minus the sum of current 10095
expense TPP allocation and the portion of total TPP allocation 10096
constituting reimbursement for debt levies, pursuant to division 10097
(D) of section 5751.21 of the Revised Code in the case of a school 10098
district or joint vocational school district and pursuant to 10099
division (A)(3) of section 5751.22 of the Revised Code in the case 10100
of a municipal corporation. 10101

(38) "Threshold per cent" means, in the case of a school 10102
district or joint vocational school district, two per cent for 10103
fiscal year 2012 and four per cent for fiscal years 2013 and 10104
thereafter. In the case of a local taxing unit, "threshold per 10105
cent" means two per cent for tax year 2011, four per cent for tax 10106
year 2012, and six per cent for tax years 2013 and thereafter. 10107

(B) The commercial activities tax receipts fund is hereby 10108
created in the state treasury and shall consist of money arising 10109
from the tax imposed under this chapter. Eighty-five 10110
one-hundredths of one per cent of the money credited to that fund 10111
shall be credited to the tax reform system implementation fund, 10112
which is hereby created in the state treasury, and shall be used 10113
to defray the costs incurred by the department of taxation in 10114
administering the tax imposed by this chapter and in implementing 10115
tax reform measures. The remainder in the commercial activities 10116

tax receipts fund shall be credited for each fiscal year in the 10117
following percentages to the general revenue fund, to the school 10118
district tangible property tax replacement fund, which is hereby 10119
created in the state treasury for the purpose of making the 10120
payments described in section 5751.21 of the Revised Code, and to 10121
the local government tangible property tax replacement fund, which 10122
is hereby created in the state treasury for the purpose of making 10123
the payments described in section 5751.22 of the Revised Code, in 10124
the following percentages: 10125

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%	10127
2007	0%	70.0%	30.0%	10128
2008	0%	70.0%	30.0%	10129
2009	0%	70.0%	30.0%	10130
2010	0%	70.0%	30.0%	10131
2011	0%	70.0%	30.0%	10132
2012	25.0%	52.5%	22.5%	10133
2013 and thereafter	50.0%	35.0%	15.0%	10134

(C) Not later than September 15, 2005, the tax commissioner 10135
shall determine for each school district, joint vocational school 10136
district, and local taxing unit its machinery and equipment, 10137
inventory property, furniture and fixtures property, and telephone 10138
property tax value losses, which are the applicable amounts 10139
described in divisions (C)(1), (2), (3), and (4) of this section, 10140
except as provided in division (C)(5) of this section: 10141

(1) Machinery and equipment property tax value loss is the 10142
taxable value of machinery and equipment property as reported by 10143
taxpayers for tax year 2004 multiplied by: 10144

(a) For tax year 2006, thirty-three and eight-tenths per cent;	10145 10146
(b) For tax year 2007, sixty-one and three-tenths per cent;	10147
(c) For tax year 2008, eighty-three per cent;	10148
(d) For tax year 2009 and thereafter, one hundred per cent.	10149
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	10150 10151 10152
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	10153 10154 10155
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	10156 10157
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	10158 10159 10160
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	10161 10162 10163
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	10164 10165 10166
(a) For tax year 2006, twenty-five per cent;	10167
(b) For tax year 2007, fifty per cent;	10168
(c) For tax year 2008, seventy-five per cent;	10169
(d) For tax year 2009 and thereafter, one hundred per cent.	10170
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of	10171 10172 10173

August 31, 2005. Such determinations shall be final except for any 10174
correction of a clerical error that was made prior to August 31, 10175
2005, by the tax commissioner. 10176

(4) Telephone property tax value loss is the taxable value of 10177
telephone property as taxpayers would have reported that property 10178
for tax year 2004 if the assessment rate for all telephone 10179
property for that year were twenty-five per cent, multiplied by: 10180

(a) For tax year 2006, zero per cent; 10181

(b) For tax year 2007, zero per cent; 10182

(c) For tax year 2008, zero per cent; 10183

(d) For tax year 2009, sixty per cent; 10184

(e) For tax year 2010, eighty per cent; 10185

(f) For tax year 2011 and thereafter, one hundred per cent. 10186

(5) Division (C)(5) of this section applies to any school 10187
district, joint vocational school district, or local taxing unit 10188
in a county in which is located a facility currently or formerly 10189
devoted to the enrichment or commercialization of uranium or 10190
uranium products, and for which the total taxable value of 10191
property listed on the general tax list of personal property for 10192
any tax year from tax year 2001 to tax year 2004 was fifty per 10193
cent or less of the taxable value of such property listed on the 10194
general tax list of personal property for the next preceding tax 10195
year. 10196

In computing the fixed-rate levy losses under divisions 10197
(D)(1), (2), and (3) of this section for any school district, 10198
joint vocational school district, or local taxing unit to which 10199
division (C)(5) of this section applies, the taxable value of such 10200
property as listed on the general tax list of personal property 10201
for tax year 2000 shall be substituted for the taxable value of 10202
such property as reported by taxpayers for tax year 2004, in the 10203

taxing district containing the uranium facility, if the taxable 10204
value listed for tax year 2000 is greater than the taxable value 10205
reported by taxpayers for tax year 2004. For the purpose of making 10206
the computations under divisions (D)(1), (2), and (3) of this 10207
section, the tax year 2000 valuation is to be allocated to 10208
machinery and equipment, inventory, and furniture and fixtures 10209
property in the same proportions as the tax year 2004 values. For 10210
the purpose of the calculations in division (A) of section 5751.21 10211
of the Revised Code, the tax year 2004 taxable values shall be 10212
used. 10213

To facilitate the calculations required under division (C) of 10214
this section, the county auditor, upon request from the tax 10215
commissioner, shall provide by August 1, 2005, the values of 10216
machinery and equipment, inventory, and furniture and fixtures for 10217
all single-county personal property taxpayers for tax year 2004. 10218

(D) Not later than September 15, 2005, the tax commissioner 10219
shall determine for each tax year from 2006 through 2009 for each 10220
school district, joint vocational school district, and local 10221
taxing unit its machinery and equipment, inventory, and furniture 10222
and fixtures fixed-rate levy losses, and for each tax year from 10223
2006 through 2011 its telephone property fixed-rate levy loss. 10224
Except as provided in division (F) of this section, such losses 10225
are the applicable amounts described in divisions (D)(1), (2), 10226
(3), and (4) of this section: 10227

(1) The machinery and equipment fixed-rate levy loss is the 10228
machinery and equipment property tax value loss multiplied by the 10229
sum of the tax rates of fixed-rate qualifying levies. 10230

(2) The inventory fixed-rate loss is the inventory property 10231
tax value loss multiplied by the sum of the tax rates of 10232
fixed-rate qualifying levies. 10233

(3) The furniture and fixtures fixed-rate levy loss is the 10234

furniture and fixture property tax value loss multiplied by the 10235
sum of the tax rates of fixed-rate qualifying levies. 10236

(4) The telephone property fixed-rate levy loss is the 10237
telephone property tax value loss multiplied by the sum of the tax 10238
rates of fixed-rate qualifying levies. 10239

(E) Not later than September 15, 2005, the tax commissioner 10240
shall determine for each school district, joint vocational school 10241
district, and local taxing unit its fixed-sum levy loss. The 10242
fixed-sum levy loss is the amount obtained by subtracting the 10243
amount described in division (E)(2) of this section from the 10244
amount described in division (E)(1) of this section: 10245

(1) The sum of the machinery and equipment property tax value 10246
loss, the inventory property tax value loss, and the furniture and 10247
fixtures property tax value loss, and, for 2008 through 2010, the 10248
telephone property tax value loss of the district or unit 10249
multiplied by the sum of the fixed-sum tax rates of qualifying 10250
levies. For 2006 through 2010, this computation shall include all 10251
qualifying levies remaining in effect for the current tax year and 10252
any school district levies imposed under section 5705.194 or 10253
5705.213 of the Revised Code that are qualifying levies not 10254
remaining in effect for the current year. For 2011 through 2017 in 10255
the case of school district levies imposed under section 5705.194 10256
or 5705.213 of the Revised Code and for all years after 2010 in 10257
the case of other fixed-sum levies, this computation shall include 10258
only qualifying levies remaining in effect for the current year. 10259
For purposes of this computation, a qualifying school district 10260
levy imposed under section 5705.194 or 5705.213 of the Revised 10261
Code remains in effect in a year after 2010 only if, for that 10262
year, the board of education levies a school district levy imposed 10263
under section 5705.194, 5705.199, 5705.213, or 5705.219 of the 10264
Revised Code for an annual sum at least equal to the annual sum 10265
levied by the board in tax year 2004 less the amount of the 10266

payment certified under this division for 2006. 10267

(2) The total taxable value in tax year 2004 less the sum of 10268
the machinery and equipment, inventory, furniture and fixtures, 10269
and telephone property tax value losses in each school district, 10270
joint vocational school district, and local taxing unit multiplied 10271
by one-half of one mill per dollar. 10272

(3) For the calculations in divisions (E)(1) and (2) of this 10273
section, the tax value losses are those that would be calculated 10274
for tax year 2009 under divisions (C)(1), (2), and (3) of this 10275
section and for tax year 2011 under division (C)(4) of this 10276
section. 10277

(4) To facilitate the calculation under divisions (D) and (E) 10278
of this section, not later than September 1, 2005, any school 10279
district, joint vocational school district, or local taxing unit 10280
that has a qualifying levy that was approved at an election 10281
conducted during 2005 before September 1, 2005, shall certify to 10282
the tax commissioner a copy of the county auditor's certificate of 10283
estimated property tax millage for such levy as required under 10284
division (B) of section 5705.03 of the Revised Code, which is the 10285
rate that shall be used in the calculations under such divisions. 10286

If the amount determined under division (E) of this section 10287
for any school district, joint vocational school district, or 10288
local taxing unit is greater than zero, that amount shall equal 10289
the reimbursement to be paid pursuant to division (E) of section 10290
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 10291
and the one-half of one mill that is subtracted under division 10292
(E)(2) of this section shall be apportioned among all contributing 10293
fixed-sum levies in the proportion that each levy bears to the sum 10294
of all fixed-sum levies within each school district, joint 10295
vocational school district, or local taxing unit. 10296

(F) If a school district levies a tax under section 5705.219 10297

of the Revised Code, the fixed-rate levy loss for qualifying 10298
levies, to the extent repealed under that section, shall equal the 10299
sum of the following amounts in lieu of the amounts computed for 10300
such levies under division (D) of this section: 10301

(1) The sum of the rates of qualifying levies to the extent 10302
so repealed multiplied by the sum of the machinery and equipment, 10303
inventory, and furniture and fixtures tax value losses for 2009 as 10304
determined under that division; 10305

(2) The sum of the rates of qualifying levies to the extent 10306
so repealed multiplied by the telephone property tax value loss 10307
for 2011 as determined under that division. 10308

The fixed-rate levy losses for qualifying levies to the 10309
extent not repealed under section 5705.219 of the Revised Code 10310
shall be as determined under division (D) of this section. The 10311
revised fixed-rate levy losses determined under this division and 10312
division (D) of this section first apply in the year following the 10313
first year the district levies the tax under section 5705.219 of 10314
the Revised Code. 10315

(G) Not later than October 1, 2005, the tax commissioner 10316
shall certify to the department of education for every school 10317
district and joint vocational school district the machinery and 10318
equipment, inventory, furniture and fixtures, and telephone 10319
property tax value losses determined under division (C) of this 10320
section, the machinery and equipment, inventory, furniture and 10321
fixtures, and telephone fixed-rate levy losses determined under 10322
division (D) of this section, and the fixed-sum levy losses 10323
calculated under division (E) of this section. The calculations 10324
under divisions (D) and (E) of this section shall separately 10325
display the levy loss for each levy eligible for reimbursement. 10326

(H) Not later than October 1, 2005, the tax commissioner 10327
shall certify the amount of the fixed-sum levy losses to the 10328

county auditor of each county in which a school district, joint 10329
vocational school district, or local taxing unit with a fixed-sum 10330
levy loss reimbursement has territory. 10331

(I) Not later than the twenty-eighth day of February each 10332
year beginning in 2011 and ending in 2014, the tax commissioner 10333
shall certify to the department of education for each school 10334
district first levying a tax under section 5705.219 of the Revised 10335
Code in the preceding year the revised fixed-rate levy losses 10336
determined under divisions (D) and (F) of this section. 10337

Sec. 6301.01. As used in this chapter: 10338

(A) "Local area" means any of the following: 10339

(1) A municipal corporation that is authorized to administer 10340
and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 10341
29 U.S.C.A. 2801, as amended, under this chapter and is not 10342
joining in partnership with any other political subdivisions in 10343
order to do so; 10344

(2) A single county; 10345

(3) A consortium of any of the following political 10346
subdivisions: 10347

(a) A group of two or more counties in the state; 10348

(b) One or more counties and one municipal corporation in the 10349
state; 10350

(c) One or more counties with or without one municipal 10351
corporation in the state and one or more counties with or without 10352
one municipal corporation in another state, on the condition that 10353
those in another state share a labor market area with those in the 10354
state. 10355

"Local area" does not mean a region for purposes of 10356
determinations concerning administrative incentives. 10357

(B) "Municipal corporation" means a municipal corporation 10358
that is eligible for automatic or temporary designation as a local 10359
workforce investment area pursuant to section 116(a)(2) or (3) of 10360
the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 10361
2831(a)(2) or (3), but that does not request that the governor 10362
grant such automatic or temporary designation, and that instead 10363
elects to administer and enforce workforce development activities 10364
pursuant to this chapter. 10365

(C) "County" means a county that is eligible to be designated 10366
as a local workforce investment area pursuant to the "Workforce 10367
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 10368
amended, but that does not request such designation, and instead 10369
elects to administer and enforce workforce development activities 10370
pursuant to this chapter. 10371

(D) "Workforce development agency" means the entity given 10372
responsibility for workforce development activities that is 10373
designated by the board of county commissioners in accordance with 10374
section 330.04 of the Revised Code, the chief elected official of 10375
a municipal corporation in accordance with section 763.05 of the 10376
Revised Code, or the chief elected officials of a local area 10377
defined in division (A)(3) of this section. 10378

(E) "Workforce development activity" means a program, grant, 10379
or other function, the primary goal of which is to do one or more 10380
of the following: 10381

- (1) Help individuals maximize their employment opportunities; 10382
- (2) Help employers gain access to skilled workers; 10383
- (3) Help employers retain skilled workers; 10384
- (4) Help develop or enhance the skills of incumbent workers; 10385
- (5) Improve the quality of the state's workforce; 10386
- (6) Enhance the productivity and competitiveness of the 10387

state's economy. 10388

(F) "Chief elected officials," when used in reference to a 10389
local area, means the board of county commissioners of the county 10390
or of each county in the local area or, if the county has adopted 10391
a charter under Section 3 of Article X, Ohio Constitution, the 10392
chief governing body of that county, and the chief elected 10393
official of the municipal corporation, if the local area includes 10394
a municipal corporation, except that when the local area is the 10395
type defined in division (A)(1) of this section, "chief elected 10396
officials" means the chief elected official of the municipal 10397
corporation. 10398

(G) "State board" means the state workforce policy board 10399
established by section 6301.04 of the Revised Code. 10400

(H) "Local board" means a local workforce policy board 10401
created pursuant to section 6301.06 of the Revised Code. 10402

Sec. 6301.02. The director of job and family services shall 10403
administer the "Workforce Investment Act of 1998," 112 Stat. 936, 10404
29 U.S.C.A. 2801, as amended, the "Wagner-Peyser Act," 48 Stat. 10405
113 (1933), 29 U.S.C.A. 49, as amended, and the funds received 10406
pursuant to those acts. In administering those acts and funds 10407
received pursuant to those acts, the director shall ~~establish and~~ 10408
~~administer~~ assist the state workforce policy board in establishing 10409
and administering a workforce development system that is designed 10410
to provide leadership, support, and oversight to locally designed 10411
workforce development ~~and family services~~ systems ~~and that~~ 10412
~~provides the maximum amount of flexibility and authority to~~ 10413
~~counties and municipal corporations, as permitted under the~~ 10414
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 10415
~~2801, as amended.~~ The director shall conduct investigations and 10416
hold hearings as necessary for the administration of this chapter. 10417

To the extent permitted by state and federal law, the 10418

director may adopt rules pursuant to Chapter 119. of the Revised 10419
Code to establish any program or pilot program for the purposes of 10420
providing workforce development activities or family services to 10421
individuals who do not meet eligibility criteria for those 10422
activities or services under applicable federal law. Prior to the 10423
initiation of any program of that nature, the director of budget 10424
and management shall certify to the governor that sufficient funds 10425
are available to administer a program of that nature. The state 10426
board shall have final approval of any such program. 10427

Unless otherwise prohibited by state or federal law, every 10428
state agency, board, or commission shall provide to the state 10429
board and the director all information and assistance requested by 10430
the state board and the director in furtherance of workforce 10431
development activities. 10432

Sec. 6301.03. (A) In administering the "Workforce Investment 10433
Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 10434
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 10435
amended, the funds received pursuant to those acts, and the 10436
workforce development system, the director of job and family 10437
services may, at the direction of the state board, make 10438
allocations and payment of funds for the local administration of 10439
the workforce development activities established under this 10440
chapter. ~~Pursuant to the "Workforce Investment Act of 1998," 112~~ 10441
~~Stat. 936, 29 U.S.C.A. 2801, as amended, the governor shall~~ 10442
~~reserve not more than fifteen per cent of the amounts allocated to~~ 10443
~~the state under Title I of that act for adults, dislocated~~ 10444
~~workers, and youth for statewide activities, and not more than~~ 10445
~~twenty five per cent of funds allocated for dislocated workers~~ 10446
~~under Title I of that act for statewide rapid response activities.~~ 10447

(B) The director shall allocate to local areas all funds 10448
required to be allocated to local areas pursuant to the "Workforce 10449

Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 10450
amended. The director shall make allocations only with funds 10451
available. Local areas, as defined by either section 101 of the 10452
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 10453
2801, as amended, or section 6301.01 of the Revised Code, and 10454
subrecipients of a local area shall establish a workforce 10455
development fund and the entity receiving funds shall deposit all 10456
funds received under this section into the workforce development 10457
fund. All expenditures for activities funded under this section 10458
shall be made from the workforce development fund, including 10459
reimbursements to a county public assistance fund for expenditures 10460
made for activities funded under this section. 10461

(C) The use of funds, reporting requirements, and other 10462
administrative and operational requirements governing the use of 10463
funds received by the director pursuant to this section shall be 10464
governed by internal management rules adopted by ~~the director~~ and 10465
approved by the state board pursuant to section 111.15 of the 10466
Revised Code. 10467

(D) To the extent permitted by state or federal law, the 10468
state board, director, local areas, counties, and municipal 10469
corporations authorized to administer workforce development 10470
activities may assess a fee for specialized services requested by 10471
an employer. The director shall adopt rules pursuant to Chapter 10472
119. of the Revised Code governing the nature and amount of those 10473
types of fees. 10474

Sec. 6301.04. The governor shall establish a state workforce 10475
policy board and appoint members to the board, who serve at the 10476
governor's pleasure, to perform duties under the "Workforce 10477
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 10478
amended, as authorized by the governor. The board is not subject 10479
to sections 101.82 to 101.87 of the Revised Code. ~~The director of~~ 10480

~~job and family services may~~ All state agencies engaged in 10481
workforce development activities shall assist the board in the 10482
performance of its duties. 10483

(A)(1) The governor shall designate nine members of the board 10484
to be voting members. All other members shall be ex officio, 10485
nonvoting members. 10486

(2) The governor shall choose the voting members in a way 10487
that a majority of the voting board members represent business 10488
interests. 10489

(B) The board shall have the power and authority to do all of 10490
the following: 10491

(1) Provide oversight and policy direction to ensure that the 10492
state workforce development activities are aligned and serving the 10493
needs of the state's employers, incumbent workers, and job 10494
seekers; 10495

(2) Adopt rules necessary to administer state workforce 10496
development activities; 10497

(3) Adopt rules necessary for the auditing and monitoring of 10498
subrecipients of the workforce development system grant funds; 10499

(4) Designate local workforce investment areas in accordance 10500
with 29 U.S.C. 2831; 10501

(5) Develop a unified budget for all state and federal 10502
workforce funds; 10503

(6) Establish a statewide employment and data collection 10504
system; 10505

(7) Develop statewide performance measures for workforce 10506
development and investment; 10507

(8) Develop a state workforce development plan; 10508

(9) Prepare the annual report to the United States secretary 10509

of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended; 10510
10511

(10) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor. 10512
10513

Sec. 6301.07. (A) Every local workforce policy board, under the direction and approval of the state workforce policy board and 10514
10515
with the agreement of the chief elected officials of the local 10516
area, and after holding public hearings that allow public comment 10517
and testimony, shall prepare a workforce development plan. The 10518
plan shall accomplish all of the following: 10519

(1) Identify the workforce investment needs of businesses in 10520
the local area, identify projected employment opportunities, and 10521
identify the job skills necessary to obtain those opportunities; 10522

(2) Identify the local area's workforce development needs for 10523
youth, dislocated workers, adults, displaced homemakers, incumbent 10524
workers, and any other group of workers identified by the local 10525
workforce policy board; 10526

(3) Determine the distribution of workforce development 10527
resources and funding to be distributed for each workforce 10528
development activity to meet the identified needs, utilizing the 10529
funds allocated pursuant to the "Workforce Investment Act of 10530
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended; 10531

(4) Give priority to youth receiving independent living 10532
services pursuant to sections 2151.81 to 2151.84 of the Revised 10533
Code when determining distribution of workforce development 10534
resources and workforce development activity funding; 10535

(5) Review the minimum curriculum required by the state 10536
workforce policy board for certifying training providers and 10537
identify any additional curriculum requirements to include in 10538
contracts between the training providers and the chief elected 10539

officials of the local area; 10540

(6) Establish performance standards for service providers 10541
that reflect local workforce development needs; 10542

(7) Describe any other information the chief elected 10543
officials of the local area require. 10544

(B) A local workforce policy board may provide policy 10545
guidance and recommendations to the chief elected officials of a 10546
local area for any workforce development activities. 10547

(C) Nothing in this section prohibits the chief elected 10548
officials of a local area from assigning, through a partnership 10549
agreement, any duties in addition to the duties under this section 10550
to a local workforce policy board, except that a local workforce 10551
policy board cannot contract with itself for the direct provision 10552
of services in its local area. A local workforce policy board may 10553
consult with the chief elected officials of its local area and 10554
make recommendations regarding the workforce development 10555
activities provided in its local area at any time. 10556

Sec. 6301.08. Every local area shall participate in a 10557
one-stop system for workforce development activities. Each board 10558
of county commissioners and the chief elected official of a 10559
municipal corporation shall ensure that at least one ~~physical~~ 10560
location delivery method is available in the local area, either 10561
through a physical location, or by electronic means approved by 10562
the state board, for the provision of workforce development 10563
activities. 10564

A one-stop system may be operated by a private entity or a 10565
public agency, including a workforce development agency, any 10566
existing facility or organization that is established to 10567
administer workforce development activities in the local area, and 10568
a county family services agency. 10569

A one-stop system shall include representatives of all the 10570
partners required under the "Workforce Investment Act of 1998," 10571
112 Stat. 936, 29 U.S.C.A. 2801, as amended. ~~Additionally, at~~ 10572
~~least one representative from a county department of job and~~ 10573
~~family services shall staff a one stop system to represent all of~~ 10574
~~the county family services agencies within the local area.~~ 10575

Sec. 6301.10. Beginning January 1, ~~2001~~ 2013, and each 10576
calendar ~~quarter~~ year thereafter, the ~~director of job and family~~ 10577
~~services~~ state board, with the assistance of all state agencies 10578
engaged in workforce development activities, shall prepare a 10579
report concerning the state of Ohio's workforce. The ~~director~~ 10580
state board shall distribute the report to the president and 10581
minority leader of the senate, the speaker and minority leader of 10582
the house of representatives, ~~the state workforce policy board,~~ 10583
the governor's office of Appalachian Ohio, the commission on 10584
Hispanic-Latino affairs, and the commission on African-American 10585
males. 10586

Section 101.02. That existing sections 3301.079, 3301.0712, 10587
3301.0714, 3301.0715, 3301.0723, 3301.52, 3301.53, 3301.58, 10588
3301.90, 3301.922, 3302.03, 3302.032, 3302.042, 3302.12, 3302.20, 10589
3302.21, 3302.25, 3310.03, 3310.08, 3310.15, 3313.37, 3313.41, 10590
3313.411, 3313.603, 3313.608, 3313.609, 3313.6013, 3313.674, 10591
3313.813, 3313.816, 3313.845, 3313.978, 3314.015, 3314.016, 10592
3314.02, 3314.029, 3314.03, 3314.06, 3314.08, 3314.17, 3314.18, 10593
3314.35, 3317.01, 3318.023, 3318.034, 3318.36, 3318.37, 3318.371, 10594
3318.70, 3319.02, 3319.06, 3319.11, 3319.111, 3319.112, 3321.01, 10595
3323.011, 3323.052, 3326.03, 3326.11, 3326.17, 3326.21, 3328.15, 10596
3328.24, 3333.0411, 4139.01, 4139.03, 4139.04, 4139.05, 4141.29, 10597
4301.20, 5104.01, 5104.011, 5104.02, 5104.21, 5104.30, 5104.31, 10598
5104.34, 5104.38, 5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 10599
6301.07, 6301.08, and 6301.10 of the Revised Code are hereby 10600

repealed. 10601

Section 105.01. That sections 3319.19 and 3319.58 of the 10602
Revised Code are hereby repealed. 10603

Section 120.01. That sections 109.57, 2151.011, 2919.227, 10604
2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 10605
3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 10606
5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 5104.022, 10607
5104.03, 5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 10608
5104.08, 5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 10609
5104.36, 5104.38, 5107.60, and 5153.175 be amended, sections 10610
5104.011 (5104.015), 5104.015 (5104.25), 5104.031 (5104.035), 10611
5104.032 (5104.036), and 5104.033 (5104.037) be amended for the 10612
purpose of adopting new section numbers as indicated in 10613
parentheses, and new sections 5104.032 and 5104.033 and sections 10614
5104.016, 5104.017, 5104.018, 5104.019, 5104.0110, 5104.0111, 10615
5104.0112, 5104.034, 5104.038, 5104.039, and 5104.14 of the 10616
Revised Code be enacted to read as follows: 10617

Sec. 109.57. (A)(1) The superintendent of the bureau of 10618
criminal identification and investigation shall procure from 10619
wherever procurable and file for record photographs, pictures, 10620
descriptions, fingerprints, measurements, and other information 10621
that may be pertinent of all persons who have been convicted of 10622
committing within this state a felony, any crime constituting a 10623
misdemeanor on the first offense and a felony on subsequent 10624
offenses, or any misdemeanor described in division (A)(1)(a), 10625
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 10626
of all children under eighteen years of age who have been 10627
adjudicated delinquent children for committing within this state 10628
an act that would be a felony or an offense of violence if 10629
committed by an adult or who have been convicted of or pleaded 10630

guilty to committing within this state a felony or an offense of 10631
violence, and of all well-known and habitual criminals. The person 10632
in charge of any county, multicounty, municipal, municipal-county, 10633
or multicounty-municipal jail or workhouse, community-based 10634
correctional facility, halfway house, alternative residential 10635
facility, or state correctional institution and the person in 10636
charge of any state institution having custody of a person 10637
suspected of having committed a felony, any crime constituting a 10638
misdemeanor on the first offense and a felony on subsequent 10639
offenses, or any misdemeanor described in division (A)(1)(a), 10640
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 10641
having custody of a child under eighteen years of age with respect 10642
to whom there is probable cause to believe that the child may have 10643
committed an act that would be a felony or an offense of violence 10644
if committed by an adult shall furnish such material to the 10645
superintendent of the bureau. Fingerprints, photographs, or other 10646
descriptive information of a child who is under eighteen years of 10647
age, has not been arrested or otherwise taken into custody for 10648
committing an act that would be a felony or an offense of violence 10649
who is not in any other category of child specified in this 10650
division, if committed by an adult, has not been adjudicated a 10651
delinquent child for committing an act that would be a felony or 10652
an offense of violence if committed by an adult, has not been 10653
convicted of or pleaded guilty to committing a felony or an 10654
offense of violence, and is not a child with respect to whom there 10655
is probable cause to believe that the child may have committed an 10656
act that would be a felony or an offense of violence if committed 10657
by an adult shall not be procured by the superintendent or 10658
furnished by any person in charge of any county, multicounty, 10659
municipal, municipal-county, or multicounty-municipal jail or 10660
workhouse, community-based correctional facility, halfway house, 10661
alternative residential facility, or state correctional 10662
institution, except as authorized in section 2151.313 of the 10663

Revised Code. 10664

(2) Every clerk of a court of record in this state, other 10665
than the supreme court or a court of appeals, shall send to the 10666
superintendent of the bureau a weekly report containing a summary 10667
of each case involving a felony, involving any crime constituting 10668
a misdemeanor on the first offense and a felony on subsequent 10669
offenses, involving a misdemeanor described in division (A)(1)(a), 10670
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 10671
or involving an adjudication in a case in which a child under 10672
eighteen years of age was alleged to be a delinquent child for 10673
committing an act that would be a felony or an offense of violence 10674
if committed by an adult. The clerk of the court of common pleas 10675
shall include in the report and summary the clerk sends under this 10676
division all information described in divisions (A)(2)(a) to (f) 10677
of this section regarding a case before the court of appeals that 10678
is served by that clerk. The summary shall be written on the 10679
standard forms furnished by the superintendent pursuant to 10680
division (B) of this section and shall include the following 10681
information: 10682

(a) The incident tracking number contained on the standard 10683
forms furnished by the superintendent pursuant to division (B) of 10684
this section; 10685

(b) The style and number of the case; 10686

(c) The date of arrest, offense, summons, or arraignment; 10687

(d) The date that the person was convicted of or pleaded 10688
guilty to the offense, adjudicated a delinquent child for 10689
committing the act that would be a felony or an offense of 10690
violence if committed by an adult, found not guilty of the 10691
offense, or found not to be a delinquent child for committing an 10692
act that would be a felony or an offense of violence if committed 10693
by an adult, the date of an entry dismissing the charge, an entry 10694

declaring a mistrial of the offense in which the person is 10695
discharged, an entry finding that the person or child is not 10696
competent to stand trial, or an entry of a nolle prosequi, or the 10697
date of any other determination that constitutes final resolution 10698
of the case; 10699

(e) A statement of the original charge with the section of 10700
the Revised Code that was alleged to be violated; 10701

(f) If the person or child was convicted, pleaded guilty, or 10702
was adjudicated a delinquent child, the sentence or terms of 10703
probation imposed or any other disposition of the offender or the 10704
delinquent child. 10705

If the offense involved the disarming of a law enforcement 10706
officer or an attempt to disarm a law enforcement officer, the 10707
clerk shall clearly state that fact in the summary, and the 10708
superintendent shall ensure that a clear statement of that fact is 10709
placed in the bureau's records. 10710

(3) The superintendent shall cooperate with and assist 10711
sheriffs, chiefs of police, and other law enforcement officers in 10712
the establishment of a complete system of criminal identification 10713
and in obtaining fingerprints and other means of identification of 10714
all persons arrested on a charge of a felony, any crime 10715
constituting a misdemeanor on the first offense and a felony on 10716
subsequent offenses, or a misdemeanor described in division 10717
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 10718
Revised Code and of all children under eighteen years of age 10719
arrested or otherwise taken into custody for committing an act 10720
that would be a felony or an offense of violence if committed by 10721
an adult. The superintendent also shall file for record the 10722
fingerprint impressions of all persons confined in a county, 10723
multicounty, municipal, municipal-county, or multicounty-municipal 10724
jail or workhouse, community-based correctional facility, halfway 10725
house, alternative residential facility, or state correctional 10726

institution for the violation of state laws and of all children 10727
under eighteen years of age who are confined in a county, 10728
multicounty, municipal, municipal-county, or multicounty-municipal 10729
jail or workhouse, community-based correctional facility, halfway 10730
house, alternative residential facility, or state correctional 10731
institution or in any facility for delinquent children for 10732
committing an act that would be a felony or an offense of violence 10733
if committed by an adult, and any other information that the 10734
superintendent may receive from law enforcement officials of the 10735
state and its political subdivisions. 10736

(4) The superintendent shall carry out Chapter 2950. of the 10737
Revised Code with respect to the registration of persons who are 10738
convicted of or plead guilty to a sexually oriented offense or a 10739
child-victim oriented offense and with respect to all other duties 10740
imposed on the bureau under that chapter. 10741

(5) The bureau shall perform centralized recordkeeping 10742
functions for criminal history records and services in this state 10743
for purposes of the national crime prevention and privacy compact 10744
set forth in section 109.571 of the Revised Code and is the 10745
criminal history record repository as defined in that section for 10746
purposes of that compact. The superintendent or the 10747
superintendent's designee is the compact officer for purposes of 10748
that compact and shall carry out the responsibilities of the 10749
compact officer specified in that compact. 10750

(B) The superintendent shall prepare and furnish to every 10751
county, multicounty, municipal, municipal-county, or 10752
multicounty-municipal jail or workhouse, community-based 10753
correctional facility, halfway house, alternative residential 10754
facility, or state correctional institution and to every clerk of 10755
a court in this state specified in division (A)(2) of this section 10756
standard forms for reporting the information required under 10757
division (A) of this section. The standard forms that the 10758

superintendent prepares pursuant to this division may be in a 10759
tangible format, in an electronic format, or in both tangible 10760
formats and electronic formats. 10761

(C)(1) The superintendent may operate a center for 10762
electronic, automated, or other data processing for the storage 10763
and retrieval of information, data, and statistics pertaining to 10764
criminals and to children under eighteen years of age who are 10765
adjudicated delinquent children for committing an act that would 10766
be a felony or an offense of violence if committed by an adult, 10767
criminal activity, crime prevention, law enforcement, and criminal 10768
justice, and may establish and operate a statewide communications 10769
network to be known as the Ohio law enforcement gateway to gather 10770
and disseminate information, data, and statistics for the use of 10771
law enforcement agencies and for other uses specified in this 10772
division. The superintendent may gather, store, retrieve, and 10773
disseminate information, data, and statistics that pertain to 10774
children who are under eighteen years of age and that are gathered 10775
pursuant to sections 109.57 to 109.61 of the Revised Code together 10776
with information, data, and statistics that pertain to adults and 10777
that are gathered pursuant to those sections. 10778

(2) The superintendent or the superintendent's designee shall 10779
gather information of the nature described in division (C)(1) of 10780
this section that pertains to the offense and delinquency history 10781
of a person who has been convicted of, pleaded guilty to, or been 10782
adjudicated a delinquent child for committing a sexually oriented 10783
offense or a child-victim oriented offense for inclusion in the 10784
state registry of sex offenders and child-victim offenders 10785
maintained pursuant to division (A)(1) of section 2950.13 of the 10786
Revised Code and in the internet database operated pursuant to 10787
division (A)(13) of that section and for possible inclusion in the 10788
internet database operated pursuant to division (A)(11) of that 10789
section. 10790

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

(4) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall permit the state medical board and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D)(1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall

gather and retain information so furnished under division (A) of 10822
this section that pertains to the offense and delinquency history 10823
of a person who has been convicted of, pleaded guilty to, or been 10824
adjudicated a delinquent child for committing a sexually oriented 10825
offense or a child-victim oriented offense for the purposes 10826
described in division (C)(2) of this section. 10827

(E) The attorney general shall adopt rules, in accordance 10828
with Chapter 119. of the Revised Code, setting forth the procedure 10829
by which a person may receive or release information gathered by 10830
the superintendent pursuant to division (A) of this section. A 10831
reasonable fee may be charged for this service. If a temporary 10832
employment service submits a request for a determination of 10833
whether a person the service plans to refer to an employment 10834
position has been convicted of or pleaded guilty to an offense 10835
listed in division (A)(1), (3), (4), (5), or (6) of section 10836
109.572 of the Revised Code, the request shall be treated as a 10837
single request and only one fee shall be charged. 10838

(F)(1) As used in division (F)(2) of this section, "head 10839
start agency" means an entity in this state that has been approved 10840
to be an agency for purposes of subchapter II of the "Community 10841
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 10842
as amended. 10843

(2)(a) In addition to or in conjunction with any request that 10844
is required to be made under section 109.572, 2151.86, 3301.32, 10845
3301.541, division (C) of section 3310.58, or section 3319.39, 10846
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 10847
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 10848
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 10849
Revised Code, the board of education of any school district; the 10850
director of developmental disabilities; any county board of 10851
developmental disabilities; any entity under contract with a 10852
county board of developmental disabilities; the chief 10853

administrator of any chartered nonpublic school; the chief 10854
administrator of a registered private provider that is not also a 10855
chartered nonpublic school; the chief administrator of any home 10856
health agency; the chief administrator of or person operating any 10857
child day-care center, type A family day-care home, or type B 10858
family day-care home licensed ~~or certified~~ under Chapter 5104. of 10859
the Revised Code; ~~the administrator of any type C family day care~~ 10860
~~home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st~~ 10861
~~general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st~~ 10862
~~general assembly;~~ the chief administrator of any head start 10863
agency; the executive director of a public children services 10864
agency; a private company described in section 3314.41, 3319.392, 10865
3326.25, or 3328.20 of the Revised Code; or an employer described 10866
in division (J)(2) of section 3327.10 of the Revised Code may 10867
request that the superintendent of the bureau investigate and 10868
determine, with respect to any individual who has applied for 10869
employment in any position after October 2, 1989, or any 10870
individual wishing to apply for employment with a board of 10871
education may request, with regard to the individual, whether the 10872
bureau has any information gathered under division (A) of this 10873
section that pertains to that individual. On receipt of the 10874
request, the superintendent shall determine whether that 10875
information exists and, upon request of the person, board, or 10876
entity requesting information, also shall request from the federal 10877
bureau of investigation any criminal records it has pertaining to 10878
that individual. The superintendent or the superintendent's 10879
designee also may request criminal history records from other 10880
states or the federal government pursuant to the national crime 10881
prevention and privacy compact set forth in section 109.571 of the 10882
Revised Code. Within thirty days of the date that the 10883
superintendent receives a request, the superintendent shall send 10884
to the board, entity, or person a report of any information that 10885
the superintendent determines exists, including information 10886

contained in records that have been sealed under section 2953.32 10887
of the Revised Code, and, within thirty days of its receipt, shall 10888
send the board, entity, or person a report of any information 10889
received from the federal bureau of investigation, other than 10890
information the dissemination of which is prohibited by federal 10891
law. 10892

(b) When a board of education or a registered private 10893
provider is required to receive information under this section as 10894
a prerequisite to employment of an individual pursuant to division 10895
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 10896
may accept a certified copy of records that were issued by the 10897
bureau of criminal identification and investigation and that are 10898
presented by an individual applying for employment with the 10899
district in lieu of requesting that information itself. In such a 10900
case, the board shall accept the certified copy issued by the 10901
bureau in order to make a photocopy of it for that individual's 10902
employment application documents and shall return the certified 10903
copy to the individual. In a case of that nature, a district or 10904
provider only shall accept a certified copy of records of that 10905
nature within one year after the date of their issuance by the 10906
bureau. 10907

(c) Notwithstanding division (F)(2)(a) of this section, in 10908
the case of a request under section 3319.39, 3319.391, or 3327.10 10909
of the Revised Code only for criminal records maintained by the 10910
federal bureau of investigation, the superintendent shall not 10911
determine whether any information gathered under division (A) of 10912
this section exists on the person for whom the request is made. 10913

(3) The state board of education may request, with respect to 10914
any individual who has applied for employment after October 2, 10915
1989, in any position with the state board or the department of 10916
education, any information that a school district board of 10917
education is authorized to request under division (F)(2) of this 10918

section, and the superintendent of the bureau shall proceed as if 10919
the request has been received from a school district board of 10920
education under division (F)(2) of this section. 10921

(4) When the superintendent of the bureau receives a request 10922
for information under section 3319.291 of the Revised Code, the 10923
superintendent shall proceed as if the request has been received 10924
from a school district board of education and shall comply with 10925
divisions (F)(2)(a) and (c) of this section. 10926

(5) When a recipient of a classroom reading improvement grant 10927
paid under section 3301.86 of the Revised Code requests, with 10928
respect to any individual who applies to participate in providing 10929
any program or service funded in whole or in part by the grant, 10930
the information that a school district board of education is 10931
authorized to request under division (F)(2)(a) of this section, 10932
the superintendent of the bureau shall proceed as if the request 10933
has been received from a school district board of education under 10934
division (F)(2)(a) of this section. 10935

(G) In addition to or in conjunction with any request that is 10936
required to be made under section 3701.881, 3712.09, 3721.121, 10937
5119.693, or 5119.85 of the Revised Code with respect to an 10938
individual who has applied for employment in a position that 10939
involves providing direct care to an older adult or adult 10940
resident, the chief administrator of a home health agency, hospice 10941
care program, home licensed under Chapter 3721. of the Revised 10942
Code, adult day-care program operated pursuant to rules adopted 10943
under section 3721.04 of the Revised Code, adult foster home, or 10944
adult care facility may request that the superintendent of the 10945
bureau investigate and determine, with respect to any individual 10946
who has applied after January 27, 1997, for employment in a 10947
position that does not involve providing direct care to an older 10948
adult or adult resident, whether the bureau has any information 10949
gathered under division (A) of this section that pertains to that 10950

individual. 10951

In addition to or in conjunction with any request that is 10952
required to be made under section 173.27 of the Revised Code with 10953
respect to an individual who has applied for employment in a 10954
position that involves providing ombudsperson services to 10955
residents of long-term care facilities or recipients of 10956
community-based long-term care services, the state long-term care 10957
ombudsperson, ombudsperson's designee, or director of health may 10958
request that the superintendent investigate and determine, with 10959
respect to any individual who has applied for employment in a 10960
position that does not involve providing such ombudsperson 10961
services, whether the bureau has any information gathered under 10962
division (A) of this section that pertains to that applicant. 10963

In addition to or in conjunction with any request that is 10964
required to be made under section 173.394 of the Revised Code with 10965
respect to an individual who has applied for employment in a 10966
position that involves providing direct care to an individual, the 10967
chief administrator of a community-based long-term care agency may 10968
request that the superintendent investigate and determine, with 10969
respect to any individual who has applied for employment in a 10970
position that does not involve providing direct care, whether the 10971
bureau has any information gathered under division (A) of this 10972
section that pertains to that applicant. 10973

On receipt of a request under this division, the 10974
superintendent shall determine whether that information exists 10975
and, on request of the individual requesting information, shall 10976
also request from the federal bureau of investigation any criminal 10977
records it has pertaining to the applicant. The superintendent or 10978
the superintendent's designee also may request criminal history 10979
records from other states or the federal government pursuant to 10980
the national crime prevention and privacy compact set forth in 10981
section 109.571 of the Revised Code. Within thirty days of the 10982

date a request is received, the superintendent shall send to the 10983
requester a report of any information determined to exist, 10984
including information contained in records that have been sealed 10985
under section 2953.32 of the Revised Code, and, within thirty days 10986
of its receipt, shall send the requester a report of any 10987
information received from the federal bureau of investigation, 10988
other than information the dissemination of which is prohibited by 10989
federal law. 10990

(H) Information obtained by a government entity or person 10991
under this section is confidential and shall not be released or 10992
disseminated. 10993

(I) The superintendent may charge a reasonable fee for 10994
providing information or criminal records under division (F)(2) or 10995
(G) of this section. 10996

(J) As used in this section: 10997

(1) "Sexually oriented offense" and "child-victim oriented 10998
offense" have the same meanings as in section 2950.01 of the 10999
Revised Code. 11000

(2) "Registered private provider" means a nonpublic school or 11001
entity registered with the superintendent of public instruction 11002
under section 3310.41 of the Revised Code to participate in the 11003
autism scholarship program or section 3310.58 of the Revised Code 11004
to participate in the Jon Peterson special needs scholarship 11005
program. 11006

Sec. 2151.011. (A) As used in the Revised Code: 11007

(1) "Juvenile court" means whichever of the following is 11008
applicable that has jurisdiction under this chapter and Chapter 11009
2152. of the Revised Code: 11010

(a) The division of the court of common pleas specified in 11011
section 2101.022 or 2301.03 of the Revised Code as having 11012

jurisdiction under this chapter and Chapter 2152. of the Revised 11013
Code or as being the juvenile division or the juvenile division 11014
combined with one or more other divisions; 11015

(b) The juvenile court of Cuyahoga county or Hamilton county 11016
that is separately and independently created by section 2151.08 or 11017
Chapter 2153. of the Revised Code and that has jurisdiction under 11018
this chapter and Chapter 2152. of the Revised Code; 11019

(c) If division (A)(1)(a) or (b) of this section does not 11020
apply, the probate division of the court of common pleas. 11021

(2) "Juvenile judge" means a judge of a court having 11022
jurisdiction under this chapter. 11023

(3) "Private child placing agency" means any association, as 11024
defined in section 5103.02 of the Revised Code, that is certified 11025
under section 5103.03 of the Revised Code to accept temporary, 11026
permanent, or legal custody of children and place the children for 11027
either foster care or adoption. 11028

(4) "Private noncustodial agency" means any person, 11029
organization, association, or society certified by the department 11030
of job and family services that does not accept temporary or 11031
permanent legal custody of children, that is privately operated in 11032
this state, and that does one or more of the following: 11033

(a) Receives and cares for children for two or more 11034
consecutive weeks; 11035

(b) Participates in the placement of children in certified 11036
foster homes; 11037

(c) Provides adoption services in conjunction with a public 11038
children services agency or private child placing agency. 11039

(B) As used in this chapter: 11040

(1) "Adequate parental care" means the provision by a child's 11041
parent or parents, guardian, or custodian of adequate food, 11042

clothing, and shelter to ensure the child's health and physical 11043
safety and the provision by a child's parent or parents of 11044
specialized services warranted by the child's physical or mental 11045
needs. 11046

(2) "Adult" means an individual who is eighteen years of age 11047
or older. 11048

(3) "Agreement for temporary custody" means a voluntary 11049
agreement authorized by section 5103.15 of the Revised Code that 11050
transfers the temporary custody of a child to a public children 11051
services agency or a private child placing agency. 11052

(4) "Alternative response" means the public children services 11053
agency's response to a report of child abuse or neglect that 11054
engages the family in a comprehensive evaluation of child safety, 11055
risk of subsequent harm, and family strengths and needs and that 11056
does not include a determination as to whether child abuse or 11057
neglect occurred. 11058

(5) "Certified foster home" means a foster home, as defined 11059
in section 5103.02 of the Revised Code, certified under section 11060
5103.03 of the Revised Code. 11061

(6) "Child" means a person who is under eighteen years of 11062
age, except that the juvenile court has jurisdiction over any 11063
person who is adjudicated an unruly child prior to attaining 11064
eighteen years of age until the person attains twenty-one years of 11065
age, and, for purposes of that jurisdiction related to that 11066
adjudication, a person who is so adjudicated an unruly child shall 11067
be deemed a "child" until the person attains twenty-one years of 11068
age. 11069

(7) "Child day camp," "child care," "child day-care center," 11070
"part-time child day-care center," "type A family day-care home," 11071
"~~certified~~ licensed type B family day-care home," "type B family 11072
day-care home," "administrator of a child day-care center," 11073

"administrator of a type A family day-care home," and "in-home aide," ~~and "authorized provider"~~ have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(10) "Commit" means to vest custody as ordered by the court.

(11) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

- (13) "Delinquent child" has the same meaning as in section 11104
2152.02 of the Revised Code. 11105
- (14) "Detention" means the temporary care of children pending 11106
court adjudication or disposition, or execution of a court order, 11107
in a public or private facility designed to physically restrict 11108
the movement and activities of children. 11109
- (15) "Developmental disability" has the same meaning as in 11110
section 5123.01 of the Revised Code. 11111
- (16) "Differential response approach" means an approach that 11112
a public children services agency may use to respond to accepted 11113
reports of child abuse or neglect with either an alternative 11114
response or a traditional response. 11115
- (17) "Foster caregiver" has the same meaning as in section 11116
5103.02 of the Revised Code. 11117
- (18) "Guardian" means a person, association, or corporation 11118
that is granted authority by a probate court pursuant to Chapter 11119
2111. of the Revised Code to exercise parental rights over a child 11120
to the extent provided in the court's order and subject to the 11121
residual parental rights of the child's parents. 11122
- (19) "Habitual truant" means any child of compulsory school 11123
age who is absent without legitimate excuse for absence from the 11124
public school the child is supposed to attend for five or more 11125
consecutive school days, seven or more school days in one school 11126
month, or twelve or more school days in a school year. 11127
- (20) "Juvenile traffic offender" has the same meaning as in 11128
section 2152.02 of the Revised Code. 11129
- (21) "Legal custody" means a legal status that vests in the 11130
custodian the right to have physical care and control of the child 11131
and to determine where and with whom the child shall live, and the 11132
right and duty to protect, train, and discipline the child and to 11133

provide the child with food, shelter, education, and medical care, 11134
all subject to any residual parental rights, privileges, and 11135
responsibilities. An individual granted legal custody shall 11136
exercise the rights and responsibilities personally unless 11137
otherwise authorized by any section of the Revised Code or by the 11138
court. 11139

(22) A "legitimate excuse for absence from the public school 11140
the child is supposed to attend" includes, but is not limited to, 11141
any of the following: 11142

(a) The fact that the child in question has enrolled in and 11143
is attending another public or nonpublic school in this or another 11144
state; 11145

(b) The fact that the child in question is excused from 11146
attendance at school for any of the reasons specified in section 11147
3321.04 of the Revised Code; 11148

(c) The fact that the child in question has received an age 11149
and schooling certificate in accordance with section 3331.01 of 11150
the Revised Code. 11151

(23) "Mental illness" and "mentally ill person subject to 11152
hospitalization by court order" have the same meanings as in 11153
section 5122.01 of the Revised Code. 11154

(24) "Mental injury" means any behavioral, cognitive, 11155
emotional, or mental disorder in a child caused by an act or 11156
omission that is described in section 2919.22 of the Revised Code 11157
and is committed by the parent or other person responsible for the 11158
child's care. 11159

(25) "Mentally retarded person" has the same meaning as in 11160
section 5123.01 of the Revised Code. 11161

(26) "Nonsecure care, supervision, or training" means care, 11162
supervision, or training of a child in a facility that does not 11163

confine or prevent movement of the child within the facility or 11164
from the facility. 11165

(27) "Of compulsory school age" has the same meaning as in 11166
section 3321.01 of the Revised Code. 11167

(28) "Organization" means any institution, public, 11168
semipublic, or private, and any private association, society, or 11169
agency located or operating in the state, incorporated or 11170
unincorporated, having among its functions the furnishing of 11171
protective services or care for children, or the placement of 11172
children in certified foster homes or elsewhere. 11173

(29) "Out-of-home care" means detention facilities, shelter 11174
facilities, certified children's crisis care facilities, certified 11175
foster homes, placement in a prospective adoptive home prior to 11176
the issuance of a final decree of adoption, organizations, 11177
certified organizations, child day-care centers, type A family 11178
day-care homes, type B family day-care homes, child care provided 11179
by ~~type B family day-care home providers and by~~ in-home aides, 11180
group home providers, group homes, institutions, state 11181
institutions, residential facilities, residential care facilities, 11182
residential camps, day camps, public schools, chartered nonpublic 11183
schools, educational service centers, hospitals, and medical 11184
clinics that are responsible for the care, physical custody, or 11185
control of children. 11186

(30) "Out-of-home care child abuse" means any of the 11187
following when committed by a person responsible for the care of a 11188
child in out-of-home care: 11189

(a) Engaging in sexual activity with a child in the person's 11190
care; 11191

(b) Denial to a child, as a means of punishment, of proper or 11192
necessary subsistence, education, medical care, or other care 11193
necessary for a child's health; 11194

(c) Use of restraint procedures on a child that cause injury or pain;	11195 11196
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	11197 11198 11199
(e) Commission of any act, other than by accidental means, 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.	11200 11201 11202 11203 11204
(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:	11205 11206 11207
(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;	11208 11209 11210
(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;	11211 11212 11213 11214
(c) Failure to develop a process for all of the following:	11215
(i) Administration of prescription drugs or psychotropic drugs for the child;	11216 11217
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	11218 11219
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	11220 11221 11222
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary	11223 11224

for the health or well-being of the child; 11225

(e) Confinement of the child to a locked room without 11226
monitoring by staff; 11227

(f) Failure to provide ongoing security for all prescription 11228
and nonprescription medication; 11229

(g) Isolation of a child for a period of time when there is 11230
substantial risk that the isolation, if continued, will impair or 11231
retard the mental health or physical well-being of the child. 11232

(32) "Permanent custody" means a legal status that vests in a 11233
public children services agency or a private child placing agency, 11234
all parental rights, duties, and obligations, including the right 11235
to consent to adoption, and divests the natural parents or 11236
adoptive parents of all parental rights, privileges, and 11237
obligations, including all residual rights and obligations. 11238

(33) "Permanent surrender" means the act of the parents or, 11239
if a child has only one parent, of the parent of a child, by a 11240
voluntary agreement authorized by section 5103.15 of the Revised 11241
Code, to transfer the permanent custody of the child to a public 11242
children services agency or a private child placing agency. 11243

(34) "Person" means an individual, association, corporation, 11244
or partnership and the state or any of its political subdivisions, 11245
departments, or agencies. 11246

(35) "Person responsible for a child's care in out-of-home 11247
care" means any of the following: 11248

(a) Any foster caregiver, in-home aide, or provider; 11249

(b) Any administrator, employee, or agent of any of the 11250
following: a public or private detention facility; shelter 11251
facility; certified children's crisis care facility; organization; 11252
certified organization; child day-care center; type A family 11253
day-care home; ~~certified~~ licensed type B family day-care home; 11254

group home; institution; state institution; residential facility; 11255
residential care facility; residential camp; day camp; school 11256
district; community school; chartered nonpublic school; 11257
educational service center; hospital; or medical clinic; 11258

(c) Any person who supervises or coaches children as part of 11259
an extracurricular activity sponsored by a school district, public 11260
school, or chartered nonpublic school; 11261

(d) Any other person who performs a similar function with 11262
respect to, or has a similar relationship to, children. 11263

(36) "Physically impaired" means having one or more of the 11264
following conditions that substantially limit one or more of an 11265
individual's major life activities, including self-care, receptive 11266
and expressive language, learning, mobility, and self-direction: 11267

(a) A substantial impairment of vision, speech, or hearing; 11268

(b) A congenital orthopedic impairment; 11269

(c) An orthopedic impairment caused by disease, rheumatic 11270
fever or any other similar chronic or acute health problem, or 11271
amputation or another similar cause. 11272

(37) "Placement for adoption" means the arrangement by a 11273
public children services agency or a private child placing agency 11274
with a person for the care and adoption by that person of a child 11275
of whom the agency has permanent custody. 11276

(38) "Placement in foster care" means the arrangement by a 11277
public children services agency or a private child placing agency 11278
for the out-of-home care of a child of whom the agency has 11279
temporary custody or permanent custody. 11280

(39) "Planned permanent living arrangement" means an order of 11281
a juvenile court pursuant to which both of the following apply: 11282

(a) The court gives legal custody of a child to a public 11283
children services agency or a private child placing agency without 11284

the termination of parental rights. 11285

(b) The order permits the agency to make an appropriate 11286
placement of the child and to enter into a written agreement with 11287
a foster care provider or with another person or agency with whom 11288
the child is placed. 11289

(40) "Practice of social work" and "practice of professional 11290
counseling" have the same meanings as in section 4757.01 of the 11291
Revised Code. 11292

(41) "Sanction, service, or condition" means a sanction, 11293
service, or condition created by court order following an 11294
adjudication that a child is an unruly child that is described in 11295
division (A)(4) of section 2152.19 of the Revised Code. 11296

(42) "Protective supervision" means an order of disposition 11297
pursuant to which the court permits an abused, neglected, 11298
dependent, or unruly child to remain in the custody of the child's 11299
parents, guardian, or custodian and stay in the child's home, 11300
subject to any conditions and limitations upon the child, the 11301
child's parents, guardian, or custodian, or any other person that 11302
the court prescribes, including supervision as directed by the 11303
court for the protection of the child. 11304

(43) "Psychiatrist" has the same meaning as in section 11305
5122.01 of the Revised Code. 11306

(44) "Psychologist" has the same meaning as in section 11307
4732.01 of the Revised Code. 11308

(45) "Residential camp" means a program in which the care, 11309
physical custody, or control of children is accepted overnight for 11310
recreational or recreational and educational purposes. 11311

(46) "Residential care facility" means an institution, 11312
residence, or facility that is licensed by the department of 11313
mental health under section 5119.22 of the Revised Code and that 11314

provides care for a child. 11315

(47) "Residential facility" means a home or facility that is 11316
licensed by the department of developmental disabilities under 11317
section 5123.19 of the Revised Code and in which a child with a 11318
developmental disability resides. 11319

(48) "Residual parental rights, privileges, and 11320
responsibilities" means those rights, privileges, and 11321
responsibilities remaining with the natural parent after the 11322
transfer of legal custody of the child, including, but not 11323
necessarily limited to, the privilege of reasonable visitation, 11324
consent to adoption, the privilege to determine the child's 11325
religious affiliation, and the responsibility for support. 11326

(49) "School day" means the school day established by the 11327
state board of education pursuant to section 3313.48 of the 11328
Revised Code. 11329

(50) "School month" and "school year" have the same meanings 11330
as in section 3313.62 of the Revised Code. 11331

(51) "Secure correctional facility" means a facility under 11332
the direction of the department of youth services that is designed 11333
to physically restrict the movement and activities of children and 11334
used for the placement of children after adjudication and 11335
disposition. 11336

(52) "Sexual activity" has the same meaning as in section 11337
2907.01 of the Revised Code. 11338

(53) "Shelter" means the temporary care of children in 11339
physically unrestricted facilities pending court adjudication or 11340
disposition. 11341

(54) "Shelter for victims of domestic violence" has the same 11342
meaning as in section 3113.33 of the Revised Code. 11343

(55) "Temporary custody" means legal custody of a child who 11344

is removed from the child's home, which custody may be terminated 11345
at any time at the discretion of the court or, if the legal 11346
custody is granted in an agreement for temporary custody, by the 11347
person who executed the agreement. 11348

(56) "Traditional response" means a public children services 11349
agency's response to a report of child abuse or neglect that 11350
encourages engagement of the family in a comprehensive evaluation 11351
of the child's current and future safety needs and a fact-finding 11352
process to determine whether child abuse or neglect occurred and 11353
the circumstances surrounding the alleged harm or risk of harm. 11354

(C) For the purposes of this chapter, a child shall be 11355
presumed abandoned when the parents of the child have failed to 11356
visit or maintain contact with the child for more than ninety 11357
days, regardless of whether the parents resume contact with the 11358
child after that period of ninety days. 11359

Sec. 2919.227. (A)(1) No child care center licensee shall 11360
accept a child into that center without first providing to the 11361
parent, guardian, custodian, or other person responsible for the 11362
care of that child the following information, if the parent, 11363
guardian, custodian, or other person responsible for the care of 11364
the child requests the information: 11365

(a) The types of injuries to children, as reported in 11366
accordance with rules adopted under section ~~5104.011~~ 5104.015 of 11367
the Revised Code, that occurred at the center on or after April 1, 11368
2003, or the date that is two years before the date the 11369
information is requested, whichever date is more recent; 11370

(b) The number of each type of injury to children that 11371
occurred at the center during that period. 11372

(2) If a death described in division (A)(2)(a) or (A)(2)(b) 11373
of this section occurred during the fifteen-year period 11374

immediately preceding the date that the parent, guardian, 11375
custodian, or other person responsible for the care of a child 11376
seeks to enroll that child, no child care center licensee shall 11377
accept that child into that center without first providing to the 11378
parent, guardian, custodian, or other person responsible for the 11379
care of that child a notice that states that the death occurred. 11380

(a) A child died while under the care of the center or while 11381
receiving child care from the owner, provider, or administrator of 11382
the center; 11383

(b) A child died as a result of injuries suffered while under 11384
the care of the center or while receiving child care from the 11385
owner, provider, or administrator of the center. 11386

(3) Each child care center licensee shall keep on file at the 11387
center a copy of the information provided under this division for 11388
at least three years after providing the information. 11389

(B)(1) No child care center licensee shall fail to provide 11390
notice in accordance with division (B)(3) of this section to the 11391
persons and entities specified in division (B)(2) of this section 11392
if a child who is under the care of the center or is receiving 11393
child care from the owner, provider, or administrator of the 11394
center dies while under the care of the center or while receiving 11395
child care from the owner, provider, or administrator or dies as a 11396
result of injuries suffered while under the care of the center or 11397
while receiving child care from the owner, provider, or 11398
administrator. 11399

(2) A child care center licensee shall provide the notice 11400
required under division (B)(1) of this section to all of the 11401
following: 11402

(a) The parent, guardian, custodian, or other person 11403
responsible for the care of each child who, at the time of the 11404
death for which notice is required, is receiving or is enrolled to 11405

receive child care from the center; 11406

(b) The public children services agency of the county in 11407
which the center is located or the child care was given; 11408

(c) A municipal or county peace officer in the county in 11409
which the child resides or in which the center is located or the 11410
child care was given; 11411

(d) The child fatality review board appointed under section 11412
307.621 of the Revised Code that serves the county in which the 11413
center is located or the child care was given. 11414

(3) A child care center licensee shall provide the notice 11415
required by division (B)(1) of this section not later than 11416
forty-eight hours after the child dies. The notice shall state 11417
that the death occurred. 11418

(C) Whoever violates division (A) or (B) of this section is 11419
guilty of failure of a child care center to disclose the death or 11420
serious injury of a child, a misdemeanor of the fourth degree. 11421

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 11422
the Revised Code: 11423

(A) "Application form" means the application form prescribed 11424
pursuant to division (A)(1) of section 109.731 of the Revised Code 11425
and includes a copy of that form. 11426

(B) "Competency certification" and "competency certificate" 11427
mean a document of the type described in division (B)(3) of 11428
section 2923.125 of the Revised Code. 11429

(C) "Detention facility" has the same meaning as in section 11430
2921.01 of the Revised Code. 11431

(D) "Licensee" means a person to whom a license to carry a 11432
concealed handgun has been issued under section 2923.125 of the 11433
Revised Code and, except when the context clearly indicates 11434

otherwise, includes a person to whom a temporary emergency license 11435
to carry a concealed handgun has been issued under section 11436
2923.1213 of the Revised Code. 11437

(E) "License fee" or "license renewal fee" means the fee for 11438
a license to carry a concealed handgun or the fee to renew that 11439
license that is prescribed pursuant to division (C) of section 11440
109.731 of the Revised Code and that is to be paid by an applicant 11441
for a license of that type. 11442

(F) "Peace officer" has the same meaning as in section 11443
2935.01 of the Revised Code. 11444

(G) "State correctional institution" has the same meaning as 11445
in section 2967.01 of the Revised Code. 11446

(H) "Valid license" means a license or temporary emergency 11447
license to carry a concealed handgun that has been issued under 11448
section 2923.125 or 2923.1213 of the Revised Code, that is 11449
currently valid, that is not under a suspension under division 11450
(A)(1) of section 2923.128 or under section 2923.1213 of the 11451
Revised Code, and that has not been revoked under division (B)(1) 11452
of section 2923.128 or under section 2923.1213 of the Revised 11453
Code. 11454

(I) "Civil protection order" means a protection order issued, 11455
or consent agreement approved, under section 2903.214 or 3113.31 11456
of the Revised Code. 11457

(J) "Temporary protection order" means a protection order 11458
issued under section 2903.213 or 2919.26 of the Revised Code. 11459

(K) "Protection order issued by a court of another state" has 11460
the same meaning as in section 2919.27 of the Revised Code. 11461

(L) "Child day-care center," "type A family day-care home" 11462
and "type B family day-care home" have the same meanings as in 11463
section 5104.01 of the Revised Code. 11464

~~(M) "Type C family day care home" means a family day care home authorized to provide child care by Sub. H.B. 62 of the 121st general assembly, as amended by Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 of the 123rd general assembly.~~ 11465
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~~(N)~~ "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended. 11469
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~~(O)~~(N) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code. 11472
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~~(P)~~(O) "Motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 11474
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Sec. 2923.126. (A) A license to carry a concealed handgun that is issued under section 2923.125 of the Revised Code on or after March 14, 2007, shall expire five years after the date of issuance, and a license that is so issued prior to March 14, 2007, shall expire four years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, a licensee who has been issued a license under section 2923.125 or 2923.1213 of the Revised Code may carry a concealed handgun anywhere in this state if the licensee also carries a valid license and valid identification when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change. 11476
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If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and if the licensee is transporting or has a loaded handgun in the motor vehicle at that 11492
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time, the licensee shall promptly inform any law enforcement 11496
officer who approaches the vehicle while stopped that the licensee 11497
has been issued a license or temporary emergency license to carry 11498
a concealed handgun and that the licensee currently possesses or 11499
has a loaded handgun; the licensee shall not knowingly disregard 11500
or fail to comply with lawful orders of a law enforcement officer 11501
given while the motor vehicle is stopped, knowingly fail to remain 11502
in the motor vehicle while stopped, or knowingly fail to keep the 11503
licensee's hands in plain sight after any law enforcement officer 11504
begins approaching the licensee while stopped and before the 11505
officer leaves, unless directed otherwise by a law enforcement 11506
officer; and the licensee shall not knowingly remove, attempt to 11507
remove, grasp, or hold the loaded handgun or knowingly have 11508
contact with the loaded handgun by touching it with the licensee's 11509
hands or fingers, in any manner in violation of division (E) of 11510
section 2923.16 of the Revised Code, after any law enforcement 11511
officer begins approaching the licensee while stopped and before 11512
the officer leaves. Additionally, if a licensee is the driver or 11513
an occupant of a commercial motor vehicle that is stopped by an 11514
employee of the motor carrier enforcement unit for the purposes 11515
defined in section 5503.04 of the Revised Code and if the licensee 11516
is transporting or has a loaded handgun in the commercial motor 11517
vehicle at that time, the licensee shall promptly inform the 11518
employee of the unit who approaches the vehicle while stopped that 11519
the licensee has been issued a license or temporary emergency 11520
license to carry a concealed handgun and that the licensee 11521
currently possesses or has a loaded handgun. 11522

If a licensee is stopped for a law enforcement purpose and if 11523
the licensee is carrying a concealed handgun at the time the 11524
officer approaches, the licensee shall promptly inform any law 11525
enforcement officer who approaches the licensee while stopped that 11526
the licensee has been issued a license or temporary emergency 11527
license to carry a concealed handgun and that the licensee 11528

currently is carrying a concealed handgun; the licensee shall not 11529
knowingly disregard or fail to comply with lawful orders of a law 11530
enforcement officer given while the licensee is stopped or 11531
knowingly fail to keep the licensee's hands in plain sight after 11532
any law enforcement officer begins approaching the licensee while 11533
stopped and before the officer leaves, unless directed otherwise 11534
by a law enforcement officer; and the licensee shall not knowingly 11535
remove, attempt to remove, grasp, or hold the loaded handgun or 11536
knowingly have contact with the loaded handgun by touching it with 11537
the licensee's hands or fingers, in any manner in violation of 11538
division (B) of section 2923.12 of the Revised Code, after any law 11539
enforcement officer begins approaching the licensee while stopped 11540
and before the officer leaves. 11541

(B) A valid license issued under section 2923.125 or 11542
2923.1213 of the Revised Code does not authorize the licensee to 11543
carry a concealed handgun in any manner prohibited under division 11544
(B) of section 2923.12 of the Revised Code or in any manner 11545
prohibited under section 2923.16 of the Revised Code. A valid 11546
license does not authorize the licensee to carry a concealed 11547
handgun into any of the following places: 11548

(1) A police station, sheriff's office, or state highway 11549
patrol station, premises controlled by the bureau of criminal 11550
identification and investigation, a state correctional 11551
institution, jail, workhouse, or other detention facility, an 11552
airport passenger terminal, or an institution that is maintained, 11553
operated, managed, and governed pursuant to division (A) of 11554
section 5119.02 of the Revised Code or division (A)(1) of section 11555
5123.03 of the Revised Code; 11556

(2) A school safety zone if the licensee's carrying the 11557
concealed handgun is in violation of section 2923.122 of the 11558
Revised Code; 11559

(3) A courthouse or another building or structure in which a 11560

courtroom is located, in violation of section 2923.123 of the Revised Code; 11561
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(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code; 11563
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(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; 11567
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(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise; 11572
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(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; 11575
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(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; 11585
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(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 11589
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facility for motor vehicles, or rest facility and is not a 11592
courthouse or other building or structure in which a courtroom is 11593
located that is subject to division (B)(3) of this section; 11594

(10) A place in which federal law prohibits the carrying of 11595
handguns. 11596

(C)(1) Nothing in this section shall negate or restrict a 11597
rule, policy, or practice of a private employer that is not a 11598
private college, university, or other institution of higher 11599
education concerning or prohibiting the presence of firearms on 11600
the private employer's premises or property, including motor 11601
vehicles owned by the private employer. Nothing in this section 11602
shall require a private employer of that nature to adopt a rule, 11603
policy, or practice concerning or prohibiting the presence of 11604
firearms on the private employer's premises or property, including 11605
motor vehicles owned by the private employer. 11606

(2)(a) A private employer shall be immune from liability in a 11607
civil action for any injury, death, or loss to person or property 11608
that allegedly was caused by or related to a licensee bringing a 11609
handgun onto the premises or property of the private employer, 11610
including motor vehicles owned by the private employer, unless the 11611
private employer acted with malicious purpose. A private employer 11612
is immune from liability in a civil action for any injury, death, 11613
or loss to person or property that allegedly was caused by or 11614
related to the private employer's decision to permit a licensee to 11615
bring, or prohibit a licensee from bringing, a handgun onto the 11616
premises or property of the private employer. As used in this 11617
division, "private employer" includes a private college, 11618
university, or other institution of higher education. 11619

(b) A political subdivision shall be immune from liability in 11620
a civil action, to the extent and in the manner provided in 11621
Chapter 2744. of the Revised Code, for any injury, death, or loss 11622
to person or property that allegedly was caused by or related to a 11623

licensee bringing a handgun onto any premises or property owned, 11624
leased, or otherwise under the control of the political 11625
subdivision. As used in this division, "political subdivision" has 11626
the same meaning as in section 2744.01 of the Revised Code. 11627

(3)(a) Except as provided in division (C)(3)(b) of this 11628
section, the owner or person in control of private land or 11629
premises, and a private person or entity leasing land or premises 11630
owned by the state, the United States, or a political subdivision 11631
of the state or the United States, may post a sign in a 11632
conspicuous location on that land or on those premises prohibiting 11633
persons from carrying firearms or concealed firearms on or onto 11634
that land or those premises. Except as otherwise provided in this 11635
division, a person who knowingly violates a posted prohibition of 11636
that nature is guilty of criminal trespass in violation of 11637
division (A)(4) of section 2911.21 of the Revised Code and is 11638
guilty of a misdemeanor of the fourth degree. If a person 11639
knowingly violates a posted prohibition of that nature and the 11640
posted land or premises primarily was a parking lot or other 11641
parking facility, the person is not guilty of criminal trespass in 11642
violation of division (A)(4) of section 2911.21 of the Revised 11643
Code and instead is subject only to a civil cause of action for 11644
trespass based on the violation. 11645

(b) A landlord may not prohibit or restrict a tenant who is a 11646
licensee and who on or after ~~the effective date of this amendment~~ 11647
September 9, 2008, enters into a rental agreement with the 11648
landlord for the use of residential premises, and the tenant's 11649
guest while the tenant is present, from lawfully carrying or 11650
possessing a handgun on those residential premises. 11651

(c) As used in division (C)(3) of this section: 11652

(i) "Residential premises" has the same meaning as in section 11653
5321.01 of the Revised Code, except "residential premises" does 11654
not include a dwelling unit that is owned or operated by a college 11655

or university. 11656

(ii) "Landlord," "tenant," and "rental agreement" have the 11657
same meanings as in section 5321.01 of the Revised Code. 11658

(D) A person who holds a license to carry a concealed handgun 11659
that was issued pursuant to the law of another state that is 11660
recognized by the attorney general pursuant to a reciprocity 11661
agreement entered into pursuant to section 109.69 of the Revised 11662
Code has the same right to carry a concealed handgun in this state 11663
as a person who was issued a license to carry a concealed handgun 11664
under section 2923.125 of the Revised Code and is subject to the 11665
same restrictions that apply to a person who carries a license 11666
issued under that section. 11667

(E) A peace officer has the same right to carry a concealed 11668
handgun in this state as a person who was issued a license to 11669
carry a concealed handgun under section 2923.125 of the Revised 11670
Code. For purposes of reciprocity with other states, a peace 11671
officer shall be considered to be a licensee in this state. 11672

(F)(1) A qualified retired peace officer who possesses a 11673
retired peace officer identification card issued pursuant to 11674
division (F)(2) of this section and a valid firearms 11675
requalification certification issued pursuant to division (F)(3) 11676
of this section has the same right to carry a concealed handgun in 11677
this state as a person who was issued a license to carry a 11678
concealed handgun under section 2923.125 of the Revised Code and 11679
is subject to the same restrictions that apply to a person who 11680
carries a license issued under that section. For purposes of 11681
reciprocity with other states, a qualified retired peace officer 11682
who possesses a retired peace officer identification card issued 11683
pursuant to division (F)(2) of this section and a valid firearms 11684
requalification certification issued pursuant to division (F)(3) 11685
of this section shall be considered to be a licensee in this 11686
state. 11687

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

(ii) Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the

person retired in good standing from service as a peace officer 11719
with the issuing public agency and satisfies the criteria set 11720
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 11721
addition to the required content specified in this division, a 11722
retired peace officer identification card issued to a person under 11723
division (F)(2)(a) of this section may include the firearms 11724
requalification certification described in division (F)(3) of this 11725
section, and if the identification card includes that 11726
certification, the identification card shall serve as the firearms 11727
requalification certification for the retired peace officer. If 11728
the issuing public agency issues credentials to active law 11729
enforcement officers who serve the agency, the agency may comply 11730
with division (F)(2)(a) of this section by issuing the same 11731
credentials to persons who retired from service as a peace officer 11732
with the agency and who satisfy the criteria set forth in 11733
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 11734
credentials so issued to retired peace officers are stamped with 11735
the word "RETIRED." 11736

(c) A public agency of this state or of a political 11737
subdivision of this state may charge persons who retired from 11738
service as a peace officer with the agency a reasonable fee for 11739
issuing to the person a retired peace officer identification card 11740
pursuant to division (F)(2)(a) of this section. 11741

(3) If a person retired from service as a peace officer with 11742
a public agency of this state or of a political subdivision of 11743
this state and the person satisfies the criteria set forth in 11744
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 11745
may provide the retired peace officer with the opportunity to 11746
attend a firearms requalification program that is approved for 11747
purposes of firearms requalification required under section 11748
109.801 of the Revised Code. The retired peace officer may be 11749
required to pay the cost of the course. 11750

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of 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 11783
another intoxicating or hallucinatory drug or substance. 11784

(c) The person is not prohibited by federal law from 11785
receiving firearms. 11786

(2) "Retired peace officer identification card" means an 11787
identification card that is issued pursuant to division (F)(2) of 11788
this section to a person who is a retired peace officer. 11789

(3) "Government facility of this state or a political 11790
subdivision of this state" means any of the following: 11791

(a) A building or part of a building that is owned or leased 11792
by the government of this state or a political subdivision of this 11793
state and where employees of the government of this state or the 11794
political subdivision regularly are present for the purpose of 11795
performing their official duties as employees of the state or 11796
political subdivision; 11797

(b) The office of a deputy registrar serving pursuant to 11798
Chapter 4503. of the Revised Code that is used to perform deputy 11799
registrar functions. 11800

Sec. 2923.1212. (A) The following persons, boards, and 11801
entities, or designees, shall post in the following locations a 11802
sign that contains a statement in substantially the following 11803
form: "Unless otherwise authorized by law, pursuant to the Ohio 11804
Revised Code, no person shall knowingly possess, have under the 11805
person's control, convey, or attempt to convey a deadly weapon or 11806
dangerous ordnance onto these premises.": 11807

(1) The director of public safety or the person or board 11808
charged with the erection, maintenance, or repair of police 11809
stations, municipal jails, and the municipal courthouse and 11810
courtrooms in a conspicuous location at all police stations, 11811
municipal jails, and municipal courthouses and courtrooms; 11812

- (2) The sheriff or sheriff's designee who has charge of the sheriff's office in a conspicuous location in that office; 11813
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- (3) The superintendent of the state highway patrol or the superintendent's designee in a conspicuous location at all state highway patrol stations; 11815
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- (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; 11818
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- (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; 11826
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- (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; 11830
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- (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; 11833
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- (8) The owner, administrator, or operator of 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;~~ 11837
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- (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 11840
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2923.126 of the Revised Code, and that is not a building that is 11844
used primarily as a shelter, restroom, parking facility for motor 11845
vehicles, or rest facility and is not a courthouse or other 11846
building or structure in which a courtroom is located that is 11847
subject to division (B)(3) of that section. 11848

(B) The following boards, bodies, and persons, or designees, 11849
shall post in the following locations a sign that contains a 11850
statement in substantially the following form: "Unless otherwise 11851
authorized by law, pursuant to Ohio Revised Code section 2923.122, 11852
no person shall knowingly possess, have under the person's 11853
control, convey, or attempt to convey a deadly weapon or dangerous 11854
ordnance into a school safety zone.": 11855

(1) A board of education of a city, local, exempted village, 11856
or joint vocational school district or that board's designee in a 11857
conspicuous location in each building and on each parcel of real 11858
property owned or controlled by the board; 11859

(2) A governing body of a school for which the state board of 11860
education prescribes minimum standards under section 3301.07 of 11861
the Revised Code or that body's designee in a conspicuous location 11862
in each building and on each parcel of real property owned or 11863
controlled by the school; 11864

(3) The principal or chief administrative officer of a 11865
nonpublic school in a conspicuous location on property owned or 11866
controlled by that nonpublic school. 11867

Sec. 2950.11. (A) Regardless of when the sexually oriented 11868
offense or child-victim oriented offense was committed, if a 11869
person is convicted of, pleads guilty to, has been convicted of, 11870
or has pleaded guilty to a sexually oriented offense or a 11871
child-victim oriented offense or a person is or has been 11872
adjudicated a delinquent child for committing a sexually oriented 11873
offense or a child-victim oriented offense and is classified a 11874

juvenile offender registrant or is an out-of-state juvenile 11875
offender registrant based on that adjudication, and if the 11876
offender or delinquent child is in any category specified in 11877
division (F)(1)(a), (b), or (c) of this section, the sheriff with 11878
whom the offender or delinquent child has most recently registered 11879
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 11880
and the sheriff to whom the offender or delinquent child most 11881
recently sent a notice of intent to reside under section 2950.04 11882
or 2950.041 of the Revised Code, within the period of time 11883
specified in division (C) of this section, shall provide a written 11884
notice containing the information set forth in division (B) of 11885
this section to all of the persons described in divisions (A)(1) 11886
to (10) of this section. If the sheriff has sent a notice to the 11887
persons described in those divisions as a result of receiving a 11888
notice of intent to reside and if the offender or delinquent child 11889
registers a residence address that is the same residence address 11890
described in the notice of intent to reside, the sheriff is not 11891
required to send an additional notice when the offender or 11892
delinquent child registers. The sheriff shall provide the notice 11893
to all of the following persons: 11894

(1)(a) Any occupant of each residential unit that is located 11895
within one thousand feet of the offender's or delinquent child's 11896
residential premises, that is located within the county served by 11897
the sheriff, and that is not located in a multi-unit building. 11898
Division (D)(3) of this section applies regarding notices required 11899
under this division. 11900

(b) If the offender or delinquent child resides in a 11901
multi-unit building, any occupant of each residential unit that is 11902
located in that multi-unit building and that shares a common 11903
hallway with the offender or delinquent child. For purposes of 11904
this division, an occupant's unit shares a common hallway with the 11905
offender or delinquent child if the entrance door into the 11906

occupant's unit is located on the same floor and opens into the 11907
same hallway as the entrance door to the unit the offender or 11908
delinquent child occupies. Division (D)(3) of this section applies 11909
regarding notices required under this division. 11910

(c) The building manager, or the person the building owner or 11911
condominium unit owners association authorizes to exercise 11912
management and control, of each multi-unit building that is 11913
located within one thousand feet of the offender's or delinquent 11914
child's residential premises, including a multi-unit building in 11915
which the offender or delinquent child resides, and that is 11916
located within the county served by the sheriff. In addition to 11917
notifying the building manager or the person authorized to 11918
exercise management and control in the multi-unit building under 11919
this division, the sheriff shall post a copy of the notice 11920
prominently in each common entryway in the building and any other 11921
location in the building the sheriff determines appropriate. The 11922
manager or person exercising management and control of the 11923
building shall permit the sheriff to post copies of the notice 11924
under this division as the sheriff determines appropriate. In lieu 11925
of posting copies of the notice as described in this division, a 11926
sheriff may provide notice to all occupants of the multi-unit 11927
building by mail or personal contact; if the sheriff so notifies 11928
all the occupants, the sheriff is not required to post copies of 11929
the notice in the common entryways to the building. Division 11930
(D)(3) of this section applies regarding notices required under 11931
this division. 11932

(d) All additional persons who are within any category of 11933
neighbors of the offender or delinquent child that the attorney 11934
general by rule adopted under section 2950.13 of the Revised Code 11935
requires to be provided the notice and who reside within the 11936
county served by the sheriff; 11937

(2) The executive director of the public children services 11938

agency that has jurisdiction within the specified geographical 11939
notification area and that is located within the county served by 11940
the sheriff; 11941

(3)(a) The superintendent of each board of education of a 11942
school district that has schools within the specified geographical 11943
notification area and that is located within the county served by 11944
the sheriff; 11945

(b) The principal of the school within the specified 11946
geographical notification area and within the county served by the 11947
sheriff that the delinquent child attends; 11948

(c) If the delinquent child attends a school outside of the 11949
specified geographical notification area or outside of the school 11950
district where the delinquent child resides, the superintendent of 11951
the board of education of a school district that governs the 11952
school that the delinquent child attends and the principal of the 11953
school that the delinquent child attends. 11954

(4)(a) The appointing or hiring officer of each chartered 11955
nonpublic school located within the specified geographical 11956
notification area and within the county served by the sheriff or 11957
of each other school located within the specified geographical 11958
notification area and within the county served by the sheriff and 11959
that is not operated by a board of education described in division 11960
(A)(3) of this section; 11961

(b) Regardless of the location of the school, the appointing 11962
or hiring officer of a chartered nonpublic school that the 11963
delinquent child attends. 11964

(5) The director, head teacher, elementary principal, or site 11965
administrator of each preschool program governed by Chapter 3301. 11966
of the Revised Code that is located within the specified 11967
geographical notification area and within the county served by the 11968
sheriff; 11969

(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, ~~and the provider of each certified holder of a license to operate a~~ type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care center," "type A family day-care home," and "~~certified~~ type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;

(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the offender or delinquent child resides;

(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in division (J) of this section.

(B) The notice required under division (A) of this section shall include all of the following information regarding the subject offender or delinquent child:

(1) The offender's or delinquent child's name;

(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;

(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;

(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;

(5) The offender's or delinquent child's photograph.

(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 12033
located within the specified geographical notification area and 12034
within the county served by the sheriff in question. 12035

(D)(1) A sheriff required by division (A) or (C) of this 12036
section to provide notices regarding an offender or delinquent 12037
child shall provide the notice to the neighbors that are described 12038
in division (A)(1) of this section and the notices to law 12039
enforcement personnel that are described in divisions (A)(8) and 12040
(9) of this section as soon as practicable, but no later than five 12041
days after the offender sends the notice of intent to reside to 12042
the sheriff and again no later than five days after the offender 12043
or delinquent child registers with the sheriff or, if the sheriff 12044
is required by division (C) of this section to provide the 12045
notices, no later than five days after the sheriff is provided the 12046
notice described in division (A)(8) of this section. 12047

A sheriff required by division (A) or (C) of this section to 12048
provide notices regarding an offender or delinquent child shall 12049
provide the notices to all other specified persons that are 12050
described in divisions (A)(2) to (7) and (A)(10) of this section 12051
as soon as practicable, but not later than seven days after the 12052
offender or delinquent child registers with the sheriff or, if the 12053
sheriff is required by division (C) of this section to provide the 12054
notices, no later than five days after the sheriff is provided the 12055
notice described in division (A)(8) of this section. 12056

(2) If an offender or delinquent child in relation to whom 12057
division (A) of this section applies verifies the offender's or 12058
delinquent child's current residence, school, institution of 12059
higher education, or place of employment address, as applicable, 12060
with a sheriff pursuant to section 2950.06 of the Revised Code, 12061
the sheriff may provide a written notice containing the 12062
information set forth in division (B) of this section to the 12063
persons identified in divisions (A)(1) to (10) of this section. If 12064

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 may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division (A)(1)(c) of this section relating to the provision of notice to occupants of a multi-unit building by mail or personal contact, the provision of one written notice per unit is deemed as providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an offender or delinquent child who is in a category specified in division (F)(1)(a), (b), or (c) of this section that is described in division (B) of this section and that must be provided in a notice required under division (A) or (C) of this section or that may be provided in a notice authorized under division (D)(2) of this section is a public record that is open to inspection under section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by means of the internet any of the information described in this division that is provided by a delinquent child unless that child is in a category specified in division (F)(1)(a), (b), or (c) of this section.

(F)(1) Except as provided in division (F)(2) of this section, 12097
the duties to provide the notices described in divisions (A) and 12098
(C) of this section apply regarding any offender or delinquent 12099
child who is in any of the following categories: 12100

(a) The offender is a tier III sex offender/child-victim 12101
offender, or the delinquent child is a public registry-qualified 12102
juvenile offender registrant, and a juvenile court has not removed 12103
pursuant to section 2950.15 of the Revised Code the delinquent 12104
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 12105
and 2950.06 of the Revised Code. 12106

(b) The delinquent child is a tier III sex 12107
offender/child-victim offender who is not a ~~public registry~~ 12108
~~qualified public registry-qualified~~ juvenile offender registrant, 12109
the delinquent child was subjected to this section prior to ~~the~~ 12110
~~effective date of this amendment~~ January 1, 2008, as a sexual 12111
predator, habitual sex offender, child-victim predator, or 12112
habitual child-victim offender, as those terms were defined in 12113
section 2950.01 of the Revised Code as it existed prior to ~~the~~ 12114
~~effective date of this amendment~~ January 1, 2008, and a juvenile 12115
court has not removed pursuant to section 2152.84 or 2152.85 of 12116
the Revised Code the delinquent child's duty to comply with 12117
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 12118
Code. 12119

(c) The delinquent child is a tier III sex 12120
offender/child-victim offender who is not a public 12121
registry-qualified juvenile offender registrant, the delinquent 12122
child was classified a juvenile offender registrant on or after 12123
~~the effective date of this amendment~~ January 1, 2008, the court 12124
has imposed a requirement under section 2152.82, 2152.83, or 12125
2152.84 of the Revised Code subjecting the delinquent child to 12126
this section, and a juvenile court has not removed pursuant to 12127
section 2152.84 or 2152.85 of the Revised Code the delinquent 12128

child's duty to comply with sections 2950.04, 2950.041, 2950.05,
and 2950.06 of the Revised Code.

(2) The notification provisions of this section do not apply
to a person described in division (F)(1)(a), (b), or (c) of this
section if a court finds at a hearing after considering the
factors described in this division that the person would not be
subject to the notification provisions of this section that were
in the version of this section that existed immediately prior to
~~the effective date of this amendment~~ January 1, 2008. In making
the determination of whether a person would have been subject to
the notification provisions under prior law as described in this
division, the court shall consider the following factors:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or
delinquency record regarding all offenses, including, but not
limited to, all sexual offenses;

(c) The age of the victim of the sexually oriented offense
for which sentence is to be imposed or the order of disposition is
to be made;

(d) Whether the sexually oriented offense for which sentence
is to be imposed or the order of disposition is to be made
involved multiple victims;

(e) Whether the offender or delinquent child used drugs or
alcohol to impair the victim of the sexually oriented offense or
to prevent the victim from resisting;

(f) If the offender or delinquent child previously has been
convicted of or pleaded guilty to, or been adjudicated a
delinquent child for committing an act that if committed by an
adult would be, a criminal offense, whether the offender or
delinquent child completed any sentence or dispositional order
imposed for the prior offense or act and, if the prior offense or

act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to ~~the effective date of this amendment~~ January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division

(A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The Ohio board of regents shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of job and family services, department of education, or Ohio board of regents, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(H)(1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the

sentencing judge or that judge's successor in office, the judge 12223
may schedule a hearing to determine whether the interests of 12224
justice would be served by suspending the community notification 12225
requirement under this section in relation to the offender. The 12226
judge may dismiss the motion without a hearing but may not issue 12227
an order suspending the community notification requirement without 12228
a hearing. At the hearing, all parties are entitled to be heard, 12229
and the judge shall consider all of the factors set forth in 12230
division (K) of this section. If, at the conclusion of the 12231
hearing, the judge finds that the offender has proven by clear and 12232
convincing evidence that the offender is unlikely to commit in the 12233
future a sexually oriented offense or a child-victim oriented 12234
offense and if the judge finds that suspending the community 12235
notification requirement is in the interests of justice, the judge 12236
may suspend the application of this section in relation to the 12237
offender. The order shall contain both of these findings. 12238

The judge promptly shall serve a copy of the order upon the 12239
sheriff with whom the offender most recently registered under 12240
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 12241
the bureau of criminal identification and investigation. 12242

An order suspending the community notification requirement 12243
does not suspend or otherwise alter an offender's duties to comply 12244
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 12245
Revised Code and does not suspend the victim notification 12246
requirement under section 2950.10 of the Revised Code. 12247

(2) A prosecuting attorney, a sentencing judge or that 12248
judge's successor in office, and an offender who is subject to the 12249
community notification requirement under this section may 12250
initially make a motion under division (H)(1) of this section upon 12251
the expiration of twenty years after the offender's duty to comply 12252
with division (A)(2), (3), or (4) of section 2950.04, division 12253
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 12254

2950.06 of the Revised Code begins in relation to the offense for 12255
which the offender is subject to community notification. After the 12256
initial making of a motion under division (H)(1) of this section, 12257
thereafter, the prosecutor, judge, and offender may make a 12258
subsequent motion under that division upon the expiration of five 12259
years after the judge has entered an order denying the initial 12260
motion or the most recent motion made under that division. 12261

(3) The offender and the prosecuting attorney have the right 12262
to appeal an order approving or denying a motion made under 12263
division (H)(1) of this section. 12264

(4) Divisions (H)(1) to (3) of this section do not apply to 12265
any of the following types of offender: 12266

(a) A person who is convicted of or pleads guilty to a 12267
violent sex offense or designated homicide, assault, or kidnapping 12268
offense and who, in relation to that offense, is adjudicated a 12269
sexually violent predator; 12270

(b) A person who is convicted of or pleads guilty to a 12271
sexually oriented offense that is a violation of division 12272
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 12273
after January 2, 2007, and either who is sentenced under section 12274
2971.03 of the Revised Code or upon whom a sentence of life 12275
without parole is imposed under division (B) of section 2907.02 of 12276
the Revised Code; 12277

(c) A person who is convicted of or pleads guilty to a 12278
sexually oriented offense that is attempted rape committed on or 12279
after January 2, 2007, and who also is convicted of or pleads 12280
guilty to a specification of the type described in section 12281
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 12282

(d) A person who is convicted of or pleads guilty to an 12283
offense described in division (B)(3)(a), (b), (c), or (d) of 12284
section 2971.03 of the Revised Code and who is sentenced for that 12285

offense pursuant to that division; 12286

(e) An offender who is in a category specified in division 12287
(F)(1)(a), (b), or (c) of this section and who, subsequent to 12288
being subjected to community notification, has pleaded guilty to 12289
or been convicted of a sexually oriented offense or child-victim 12290
oriented offense. 12291

(I) If a person is convicted of, pleads guilty to, has been 12292
convicted of, or has pleaded guilty to a sexually oriented offense 12293
or a child-victim oriented offense or a person is or has been 12294
adjudicated a delinquent child for committing a sexually oriented 12295
offense or a child-victim oriented offense and is classified a 12296
juvenile offender registrant or is an out-of-state juvenile 12297
offender registrant based on that adjudication, and if the 12298
offender or delinquent child is not in any category specified in 12299
division (F)(1)(a), (b), or (c) of this section, the sheriff with 12300
whom the offender or delinquent child has most recently registered 12301
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 12302
and the sheriff to whom the offender or delinquent child most 12303
recently sent a notice of intent to reside under section 2950.04 12304
or 2950.041 of the Revised Code, within the period of time 12305
specified in division (D) of this section, shall provide a written 12306
notice containing the information set forth in division (B) of 12307
this section to the executive director of the public children 12308
services agency that has jurisdiction within the specified 12309
geographical notification area and that is located within the 12310
county served by the sheriff. 12311

(J) Each sheriff shall allow a volunteer organization or 12312
other organization, company, or individual who wishes to receive 12313
the notice described in division (A)(10) of this section regarding 12314
a specific offender or delinquent child or notice regarding all 12315
offenders and delinquent children who are located in the specified 12316
geographical notification area to notify the sheriff by electronic 12317

mail or through the sheriff's web site of this election. The 12318
sheriff shall promptly inform the bureau of criminal 12319
identification and investigation of these requests in accordance 12320
with the forwarding procedures adopted by the attorney general 12321
pursuant to section 2950.13 of the Revised Code. 12322

(K) In making a determination under division (H)(1) of this 12323
section as to whether to suspend the community notification 12324
requirement under this section for an offender, the judge shall 12325
consider all relevant factors, including, but not limited to, all 12326
of the following: 12327

(1) The offender's age; 12328

(2) The offender's prior criminal or delinquency record 12329
regarding all offenses, including, but not limited to, all 12330
sexually oriented offenses or child-victim oriented offenses; 12331

(3) The age of the victim of the sexually oriented offense or 12332
child-victim oriented offense the offender committed; 12333

(4) Whether the sexually oriented offense or child-victim 12334
oriented offense the offender committed involved multiple victims; 12335

(5) Whether the offender used drugs or alcohol to impair the 12336
victim of the sexually oriented offense or child-victim oriented 12337
offense the offender committed or to prevent the victim from 12338
resisting; 12339

(6) If the offender previously has been convicted of, pleaded 12340
guilty to, or been adjudicated a delinquent child for committing 12341
an act that if committed by an adult would be a criminal offense, 12342
whether the offender completed any sentence or dispositional order 12343
imposed for the prior offense or act and, if the prior offense or 12344
act was a sexually oriented offense or a child-victim oriented 12345
offense, whether the offender or delinquent child participated in 12346
available programs for sex offenders or child-victim offenders; 12347

(7) Any mental illness or mental disability of the offender; 12348

(8) The nature of the offender's sexual conduct, sexual 12349
contact, or interaction in a sexual context with the victim of the 12350
sexually oriented offense the offender committed or the nature of 12351
the offender's interaction in a sexual context with the victim of 12352
the child-victim oriented offense the offender committed, 12353
whichever is applicable, and whether the sexual conduct, sexual 12354
contact, or interaction in a sexual context was part of a 12355
demonstrated pattern of abuse; 12356

(9) Whether the offender, during the commission of the 12357
sexually oriented offense or child-victim oriented offense the 12358
offender committed, displayed cruelty or made one or more threats 12359
of cruelty; 12360

(10) Any additional behavioral characteristics that 12361
contribute to the offender's conduct. 12362

(L) As used in this section, "specified geographical 12363
notification area" means the geographic area or areas within which 12364
the attorney general, by rule adopted under section 2950.13 of the 12365
Revised Code, requires the notice described in division (B) of 12366
this section to be given to the persons identified in divisions 12367
(A)(2) to (8) of this section. 12368

Sec. 2950.13. (A) The attorney general shall do all of the 12369
following: 12370

(1) No later than July 1, 1997, establish and maintain a 12371
state registry of sex offenders and child-victim offenders that is 12372
housed at the bureau of criminal identification and investigation 12373
and that contains all of the registration, change of residence, 12374
school, institution of higher education, or place of employment 12375
address, and verification information the bureau receives pursuant 12376
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 12377

Code regarding each person who is convicted of, pleads guilty to, 12378
has been convicted of, or has pleaded guilty to a sexually 12379
oriented offense or a child-victim oriented offense and each 12380
person who is or has been adjudicated a delinquent child for 12381
committing a sexually oriented offense or a child-victim oriented 12382
offense and is classified a juvenile offender registrant or is an 12383
out-of-state juvenile offender registrant based on that 12384
adjudication, all of the information the bureau receives pursuant 12385
to section 2950.14 of the Revised Code, and any notice of an order 12386
terminating or modifying an offender's or delinquent child's duty 12387
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 12388
the Revised Code the bureau receives pursuant to section 2152.84, 12389
2152.85, or 2950.15 of the Revised Code. For a person who was 12390
convicted of or pleaded guilty to the sexually oriented offense or 12391
child-victim related offense, the registry also shall indicate 12392
whether the person was convicted of or pleaded guilty to the 12393
offense in a criminal prosecution or in a serious youthful 12394
offender case. The registry shall not be open to inspection by the 12395
public or by any person other than a person identified in division 12396
(A) of section 2950.08 of the Revised Code. In addition to the 12397
information and material previously identified in this division, 12398
the registry shall include all of the following regarding each 12399
person who is listed in the registry: 12400

(a) A citation for, and the name of, all sexually oriented 12401
offenses or child-victim oriented offenses of which the person was 12402
convicted, to which the person pleaded guilty, or for which the 12403
person was adjudicated a delinquent child and that resulted in a 12404
registration duty, and the date on which those offenses were 12405
committed; 12406

(b) The text of the sexually oriented offenses or 12407
child-victim oriented offenses identified in division (A)(1)(a) of 12408
this section as those offenses existed at the time the person was 12409

convicted of, pleaded guilty to, or was adjudicated a delinquent 12410
child for committing those offenses, or a link to a database that 12411
sets forth the text of those offenses; 12412

(c) A statement as to whether the person is a tier I sex 12413
offender/child-victim offender, a tier II sex 12414
offender/child-victim offender, or a tier III sex 12415
offender/child-victim offender for the sexually oriented offenses 12416
or child-victim oriented offenses identified in division (A)(1)(a) 12417
of this section; 12418

(d) The community supervision status of the person, 12419
including, but not limited to, whether the person is serving a 12420
community control sanction and the nature of any such sanction, 12421
whether the person is under supervised release and the nature of 12422
the release, or regarding a juvenile, whether the juvenile is 12423
under any type of release authorized under Chapter 2152. or 5139. 12424
of the Revised Code and the nature of any such release; 12425

(e) The offense and delinquency history of the person, as 12426
determined from information gathered or provided under sections 12427
109.57 and 2950.14 of the Revised Code; 12428

(f) The bureau of criminal identification and investigation 12429
tracking number assigned to the person if one has been so 12430
assigned, the federal bureau of investigation number assigned to 12431
the person if one has been assigned and the bureau of criminal 12432
identification and investigation is aware of the number, and any 12433
other state identification number assigned to the person of which 12434
the bureau is aware; 12435

(g) Fingerprints and palmprints of the person; 12436

(h) A DNA specimen, as defined in section 109.573 of the 12437
Revised Code, from the person; 12438

(i) Whether the person has any outstanding arrest warrants; 12439

(j) Whether the person is in compliance with the person's 12440
duties under this chapter. 12441

(2) In consultation with local law enforcement 12442
representatives and no later than July 1, 1997, adopt rules that 12443
contain guidelines necessary for the implementation of this 12444
chapter; 12445

(3) In consultation with local law enforcement 12446
representatives, adopt rules for the implementation and 12447
administration of the provisions contained in section 2950.11 of 12448
the Revised Code that pertain to the notification of neighbors of 12449
an offender or a delinquent child who has committed a sexually 12450
oriented offense or a child-victim oriented offense and ~~and~~ is in 12451
a category specified in division (F)(1) of that section and rules 12452
that prescribe a manner in which victims of a sexually oriented 12453
offense or a child-victim oriented offense committed by an 12454
offender or a delinquent child who is in a category specified in 12455
division (B)(1) of section 2950.10 of the Revised Code may make a 12456
request that specifies that the victim would like to be provided 12457
the notices described in divisions (A)(1) and (2) of section 12458
2950.10 of the Revised Code; 12459

(4) In consultation with local law enforcement 12460
representatives and through the bureau of criminal identification 12461
and investigation, prescribe the forms to be used by judges and 12462
officials pursuant to section 2950.03 or 2950.032 of the Revised 12463
Code to advise offenders and delinquent children of their duties 12464
of filing a notice of intent to reside, registration, notification 12465
of a change of residence, school, institution of higher education, 12466
or place of employment address and registration of the new₇ 12467
school, institution of higher education, or place of employment 12468
address, as applicable, and address verification under sections 12469
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 12470
prescribe the forms to be used by sheriffs relative to those 12471

duties of filing a notice of intent to reside, registration, 12472
change of residence, school, institution of higher education, or 12473
place of employment address notification, and address 12474
verification; 12475

(5) Make copies of the forms prescribed under division (A)(4) 12476
of this section available to judges, officials, and sheriffs; 12477

(6) Through the bureau of criminal identification and 12478
investigation, provide the notifications, the information and 12479
materials, and the documents that the bureau is required to 12480
provide to appropriate law enforcement officials and to the 12481
federal bureau of investigation pursuant to sections 2950.04, 12482
2950.041, 2950.05, and 2950.06 of the Revised Code; 12483

(7) Through the bureau of criminal identification and 12484
investigation, maintain the verification forms returned under the 12485
address verification mechanism set forth in section 2950.06 of the 12486
Revised Code; 12487

(8) In consultation with representatives of the officials, 12488
judges, and sheriffs, adopt procedures for officials, judges, and 12489
sheriffs to use to forward information, photographs, and 12490
fingerprints to the bureau of criminal identification and 12491
investigation pursuant to the requirements of sections 2950.03, 12492
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 12493
Code; 12494

(9) In consultation with the director of education, the 12495
director of job and family services, and the director of 12496
rehabilitation and correction, adopt rules that contain guidelines 12497
to be followed by boards of education of a school district, 12498
chartered nonpublic schools or other schools not operated by a 12499
board of education, preschool programs, child day-care centers, 12500
type A family day-care homes, ~~certified~~ licensed type B family 12501
day-care homes, and institutions of higher education regarding the 12502

proper use and administration of information received pursuant to 12503
section 2950.11 of the Revised Code relative to an offender or 12504
delinquent child who has committed a sexually oriented offense or 12505
a child-victim oriented offense and is in a category specified in 12506
division (F)(1) of that section; 12507

(10) In consultation with local law enforcement 12508
representatives and no later than July 1, 1997, adopt rules that 12509
designate a geographic area or areas within which the notice 12510
described in division (B) of section 2950.11 of the Revised Code 12511
must be given to the persons identified in divisions (A)(2) to (8) 12512
and (A)(10) of that section; 12513

(11) Through the bureau of criminal identification and 12514
investigation, not later than January 1, 2004, establish and 12515
operate on the internet a sex offender and child-victim offender 12516
database that contains information for every offender who has 12517
committed a sexually oriented offense or a child-victim oriented 12518
offense and registers in any county in this state pursuant to 12519
section 2950.04 or 2950.041 of the Revised Code and for every 12520
delinquent child who has committed a sexually oriented offense, is 12521
a public registry-qualified juvenile offender registrant, and 12522
registers in any county in this state pursuant to either such 12523
section. The bureau shall not include on the database the identity 12524
of any offender's or public registry-qualified juvenile offender 12525
registrant's victim, any offender's or public registry-qualified 12526
juvenile offender registrant's social security number, the name of 12527
any school or institution of higher education attended by any 12528
offender or public registry-qualified juvenile offender 12529
registrant, the name of the place of employment of any offender or 12530
public registry-qualified juvenile offender registrant, any 12531
tracking or identification number described in division (A)(1)(f) 12532
of this section, or any information described in division (C)(7) 12533
of section 2950.04 or 2950.041 of the Revised Code. The bureau 12534

shall provide on the database, for each offender and each public registry-qualified juvenile offender registrant, at least the information specified in divisions (A)(11)(a) to (h) of this section. Otherwise, the bureau shall determine the information to be provided on the database for each offender and public registry-qualified juvenile offender registrant and shall obtain 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 12567
2950.04 or 2950.041 of the Revised Code; 12568

(d) A chart describing which sexually oriented offenses and 12569
child-victim oriented offenses are included in the definitions of 12570
tier I sex offender/child-victim offender, tier II sex 12571
offender/child-victim offender, and tier III sex 12572
offender/child-victim offender; 12573

(e) Fingerprints and ~~palm prints~~ palmprints of the offender 12574
or public registry-qualified juvenile offender registrant and a 12575
DNA specimen from the offender or public registry-qualified 12576
juvenile offender registrant; 12577

(f) The information set forth in division (B) of section 12578
2950.11 of the Revised Code; 12579

(g) Any outstanding arrest warrants for the offender or 12580
public registry-qualified juvenile offender registrant; 12581

(h) The offender's or public registry-qualified juvenile 12582
offender registrant's compliance status with duties under this 12583
chapter. 12584

(12) Develop software to be used by sheriffs in establishing 12585
on the internet a sex offender and child-victim offender database 12586
for the public dissemination of some or all of the information and 12587
materials described in division (A) of section 2950.081 of the 12588
Revised Code that are public records under that division, that are 12589
not prohibited from inclusion by division (B) of that section, and 12590
that pertain to offenders and public registry-qualified juvenile 12591
offender registrants who register in the sheriff's county pursuant 12592
to section 2950.04 or 2950.041 of the Revised Code and for the 12593
public dissemination of information the sheriff receives pursuant 12594
to section 2950.14 of the Revised Code and, upon the request of 12595
any sheriff, provide technical guidance to the requesting sheriff 12596
in establishing on the internet such a database; 12597

(13) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section and any information and materials the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The database shall enable local law enforcement representatives to obtain detailed information regarding each offender and delinquent child who is included in the registry, including, but not limited to the offender's or delinquent child's name, aliases, residence address, name and address of any place of employment, school, institution of higher education, if applicable, license plate number of each vehicle identified in division (C)(5) of section 2950.04 or 2950.041 of the Revised Code to the extent applicable, victim preference if available, date of most recent release from confinement if applicable, fingerprints, and palmprints, all of the information and material described in ~~division~~ divisions (A)(1)(a) to (h) of this section regarding the offender or delinquent child, and other identification parameters the bureau considers appropriate. The database is not a public record open for inspection under section 149.43 of the Revised Code and shall be available only to law enforcement representatives as described in this division. Information obtained by local law enforcement representatives through use of this database is not open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code.

(14) Through the bureau of criminal identification and investigation, maintain a list of requests for notice about a specified offender or delinquent child or specified geographical notification area made pursuant to division (J) of section 2950.11 of the Revised Code and, when an offender or delinquent child

changes residence to another county, forward any requests for 12631
information about that specific offender or delinquent child to 12632
the appropriate sheriff; 12633

(15) Through the bureau of criminal identification and 12634
investigation, establish and operate a system for the immediate 12635
notification by electronic means of the appropriate officials in 12636
other states specified in this division each time an offender or 12637
delinquent child registers a residence, school, institution of 12638
higher education, or place of employment address under section 12639
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 12640
notice of a change of address or registers a new address under 12641
division (A) or (B) of section 2950.05 of the Revised Code. The 12642
immediate notification by electronic means shall be provided to 12643
the appropriate officials in each state in which the offender or 12644
delinquent child is required to register a residence, school, 12645
institution of higher education, or place of employment address. 12646
The notification shall contain the offender's or delinquent 12647
child's name and all of the information the bureau receives from 12648
the sheriff with whom the offender or delinquent child registered 12649
the address or provided the notice of change of address or 12650
registered the new address. 12651

(B) The attorney general in consultation with local law 12652
enforcement representatives, may adopt rules that establish one or 12653
more categories of neighbors of an offender or delinquent child 12654
who, in addition to the occupants of residential premises and 12655
other persons specified in division (A)(1) of section 2950.11 of 12656
the Revised Code, must be given the notice described in division 12657
(B) of that section. 12658

(C) No person, other than a local law enforcement 12659
representative, shall knowingly do any of the following: 12660

(1) Gain or attempt to gain access to the database 12661
established and operated by the attorney general, through the 12662

bureau of criminal identification and investigation, pursuant to 12663
division (A)(13) of this section. 12664

(2) Permit any person to inspect any information obtained 12665
through use of the database described in division (C)(1) of this 12666
section, other than as permitted under that division. 12667

(D) As used in this section, "local law enforcement 12668
representatives" means representatives of the sheriffs of this 12669
state, representatives of the municipal chiefs of police and 12670
marshals of this state, and representatives of the township 12671
constables and chiefs of police of the township police departments 12672
or police district police forces of this state. 12673

Sec. 3109.051. (A) If a divorce, dissolution, legal 12674
separation, or annulment proceeding involves a child and if the 12675
court has not issued a shared parenting decree, the court shall 12676
consider any mediation report filed pursuant to section 3109.052 12677
of the Revised Code and, in accordance with division (C) of this 12678
section, shall make a just and reasonable order or decree 12679
permitting each parent who is not the residential parent to have 12680
parenting time with the child at the time and under the conditions 12681
that the court directs, unless the court determines that it would 12682
not be in the best interest of the child to permit that parent to 12683
have parenting time with the child and includes in the journal its 12684
findings of fact and conclusions of law. Whenever possible, the 12685
order or decree permitting the parenting time shall ensure the 12686
opportunity for both parents to have frequent and continuing 12687
contact with the child, unless frequent and continuing contact by 12688
either parent with the child would not be in the best interest of 12689
the child. The court shall include in its final decree a specific 12690
schedule of parenting time for that parent. Except as provided in 12691
division (E)(6) of section 3113.31 of the Revised Code, if the 12692
court, pursuant to this section, grants parenting time to a parent 12693

or companionship or visitation rights to any other person with 12694
respect to any child, it shall not require the public children 12695
services agency to provide supervision of or other services 12696
related to that parent's exercise of parenting time or that 12697
person's exercise of companionship or visitation rights with 12698
respect to the child. This section does not limit the power of a 12699
juvenile court pursuant to Chapter 2151. of the Revised Code to 12700
issue orders with respect to children who are alleged to be 12701
abused, neglected, or dependent children or to make dispositions 12702
of children who are adjudicated abused, neglected, or dependent 12703
children or of a common pleas court to issue orders pursuant to 12704
section 3113.31 of the Revised Code. 12705

(B)(1) In a divorce, dissolution of marriage, legal 12706
separation, annulment, or child support proceeding that involves a 12707
child, the court may grant reasonable companionship or visitation 12708
rights to any grandparent, any person related to the child by 12709
consanguinity or affinity, or any other person other than a 12710
parent, if all of the following apply: 12711

(a) The grandparent, relative, or other person files a motion 12712
with the court seeking companionship or visitation rights. 12713

(b) The court determines that the grandparent, relative, or 12714
other person has an interest in the welfare of the child. 12715

(c) The court determines that the granting of the 12716
companionship or visitation rights is in the best interest of the 12717
child. 12718

(2) A motion may be filed under division (B)(1) of this 12719
section during the pendency of the divorce, dissolution of 12720
marriage, legal separation, annulment, or child support proceeding 12721
or, if a motion was not filed at that time or was filed at that 12722
time and the circumstances in the case have changed, at any time 12723
after a decree or final order is issued in the case. 12724

(C) When determining whether to grant parenting time rights 12725
to a parent pursuant to this section or section 3109.12 of the 12726
Revised Code or to grant companionship or visitation rights to a 12727
grandparent, relative, or other person pursuant to this section or 12728
section 3109.11 or 3109.12 of the Revised Code, when establishing 12729
a specific parenting time or visitation schedule, and when 12730
determining other parenting time matters under this section or 12731
section 3109.12 of the Revised Code or visitation matters under 12732
this section or section 3109.11 or 3109.12 of the Revised Code, 12733
the court shall consider any mediation report that is filed 12734
pursuant to section 3109.052 of the Revised Code and shall 12735
consider all other relevant factors, including, but not limited 12736
to, all of the factors listed in division (D) of this section. In 12737
considering the factors listed in division (D) of this section for 12738
purposes of determining whether to grant parenting time or 12739
visitation rights, establishing a specific parenting time or 12740
visitation schedule, determining other parenting time matters 12741
under this section or section 3109.12 of the Revised Code or 12742
visitation matters under this section or under section 3109.11 or 12743
3109.12 of the Revised Code, and resolving any issues related to 12744
the making of any determination with respect to parenting time or 12745
visitation rights or the establishment of any specific parenting 12746
time or visitation schedule, the court, in its discretion, may 12747
interview in chambers any or all involved children regarding their 12748
wishes and concerns. If the court interviews any child concerning 12749
the child's wishes and concerns regarding those parenting time or 12750
visitation matters, the interview shall be conducted in chambers, 12751
and no person other than the child, the child's attorney, the 12752
judge, any necessary court personnel, and, in the judge's 12753
discretion, the attorney of each parent shall be permitted to be 12754
present in the chambers during the interview. No person shall 12755
obtain or attempt to obtain from a child a written or recorded 12756
statement or affidavit setting forth the wishes and concerns of 12757

the child regarding those parenting time or visitation matters. A 12758
court, in considering the factors listed in division (D) of this 12759
section for purposes of determining whether to grant any parenting 12760
time or visitation rights, establishing a parenting time or 12761
visitation schedule, determining other parenting time matters 12762
under this section or section 3109.12 of the Revised Code or 12763
visitation matters under this section or under section 3109.11 or 12764
3109.12 of the Revised Code, or resolving any issues related to 12765
the making of any determination with respect to parenting time or 12766
visitation rights or the establishment of any specific parenting 12767
time or visitation schedule, shall not accept or consider a 12768
written or recorded statement or affidavit that purports to set 12769
forth the child's wishes or concerns regarding those parenting 12770
time or visitation matters. 12771

(D) In determining whether to grant parenting time to a 12772
parent pursuant to this section or section 3109.12 of the Revised 12773
Code or companionship or visitation rights to a grandparent, 12774
relative, or other person pursuant to this section or section 12775
3109.11 or 3109.12 of the Revised Code, in establishing a specific 12776
parenting time or visitation schedule, and in determining other 12777
parenting time matters under this section or section 3109.12 of 12778
the Revised Code or visitation matters under this section or 12779
section 3109.11 or 3109.12 of the Revised Code, the court shall 12780
consider all of the following factors: 12781

(1) The prior interaction and interrelationships of the child 12782
with the child's parents, siblings, and other persons related by 12783
consanguinity or affinity, and with the person who requested 12784
companionship or visitation if that person is not a parent, 12785
sibling, or relative of the child; 12786

(2) The geographical location of the residence of each parent 12787
and the distance between those residences, and if the person is 12788
not a parent, the geographical location of that person's residence 12789

and the distance between that person's residence and the child's residence;	12790 12791
(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;	12792 12793 12794 12795
(4) The age of the child;	12796
(5) The child's adjustment to home, school, and community;	12797
(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court;	12798 12799 12800 12801 12802 12803 12804 12805
(7) The health and safety of the child;	12806
(8) The amount of time that will be available for the child to spend with siblings;	12807 12808
(9) The mental and physical health of all parties;	12809
(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;	12810 12811 12812 12813 12814
(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected	12815 12816 12817 12818 12819

child, previously has been determined to be the perpetrator of the 12820
abusive or neglectful act that is the basis of the adjudication; 12821
and whether there is reason to believe that either parent has 12822
acted in a manner resulting in a child being an abused child or a 12823
neglected child; 12824

(12) In relation to requested companionship or visitation by 12825
a person other than a parent, whether the person previously has 12826
been convicted of or pleaded guilty to any criminal offense 12827
involving any act that resulted in a child being an abused child 12828
or a neglected child; whether the person, in a case in which a 12829
child has been adjudicated an abused child or a neglected child, 12830
previously has been determined to be the perpetrator of the 12831
abusive or neglectful act that is the basis of the adjudication; 12832
whether either parent previously has been convicted of or pleaded 12833
guilty to a violation of section 2919.25 of the Revised Code 12834
involving a victim who at the time of the commission of the 12835
offense was a member of the family or household that is the 12836
subject of the current proceeding; whether either parent 12837
previously has been convicted of an offense involving a victim who 12838
at the time of the commission of the offense was a member of the 12839
family or household that is the subject of the current proceeding 12840
and caused physical harm to the victim in the commission of the 12841
offense; and whether there is reason to believe that the person 12842
has acted in a manner resulting in a child being an abused child 12843
or a neglected child; 12844

(13) Whether the residential parent or one of the parents 12845
subject to a shared parenting decree has continuously and 12846
willfully denied the other parent's right to parenting time in 12847
accordance with an order of the court; 12848

(14) Whether either parent has established a residence or is 12849
planning to establish a residence outside this state; 12850

(15) In relation to requested companionship or visitation by 12851

a person other than a parent, the wishes and concerns of the 12852
child's parents, as expressed by them to the court; 12853

(16) Any other factor in the best interest of the child. 12854

(E) The remarriage of a residential parent of a child does 12855
not affect the authority of a court under this section to grant 12856
parenting time rights with respect to the child to the parent who 12857
is not the residential parent or to grant reasonable companionship 12858
or visitation rights with respect to the child to any grandparent, 12859
any person related by consanguinity or affinity, or any other 12860
person. 12861

(F)(1) If the court, pursuant to division (A) of this 12862
section, denies parenting time to a parent who is not the 12863
residential parent or denies a motion for reasonable companionship 12864
or visitation rights filed under division (B) of this section and 12865
the parent or movant files a written request for findings of fact 12866
and conclusions of law, the court shall state in writing its 12867
findings of fact and conclusions of law in accordance with Civil 12868
Rule 52. 12869

(2) On or before July 1, 1991, each court of common pleas, by 12870
rule, shall adopt standard parenting time guidelines. A court 12871
shall have discretion to deviate from its standard parenting time 12872
guidelines based upon factors set forth in division (D) of this 12873
section. 12874

(G)(1) If the residential parent intends to move to a 12875
residence other than the residence specified in the parenting time 12876
order or decree of the court, the parent shall file a notice of 12877
intent to relocate with the court that issued the order or decree. 12878
Except as provided in divisions (G)(2), (3), and (4) of this 12879
section, the court shall send a copy of the notice to the parent 12880
who is not the residential parent. Upon receipt of the notice, the 12881
court, on its own motion or the motion of the parent who is not 12882

the residential parent, may schedule a hearing with notice to both 12883
parents to determine whether it is in the best interest of the 12884
child to revise the parenting time schedule for the child. 12885

(2) When a court grants parenting time rights to a parent who 12886
is not the residential parent, the court shall determine whether 12887
that parent has been convicted of or pleaded guilty to a violation 12888
of section 2919.25 of the Revised Code involving a victim who at 12889
the time of the commission of the offense was a member of the 12890
family or household that is the subject of the proceeding, has 12891
been convicted of or pleaded guilty to any other offense involving 12892
a victim who at the time of the commission of the offense was a 12893
member of the family or household that is the subject of the 12894
proceeding and caused physical harm to the victim in the 12895
commission of the offense, or has been determined to be the 12896
perpetrator of the abusive act that is the basis of an 12897
adjudication that a child is an abused child. If the court 12898
determines that that parent has not been so convicted and has not 12899
been determined to be the perpetrator of an abusive act that is 12900
the basis of a child abuse adjudication, the court shall issue an 12901
order stating that a copy of any notice of relocation that is 12902
filed with the court pursuant to division (G)(1) of this section 12903
will be sent to the parent who is given the parenting time rights 12904
in accordance with division (G)(1) of this section. 12905

If the court determines that the parent who is granted the 12906
parenting time rights has been convicted of or pleaded guilty to a 12907
violation of section 2919.25 of the Revised Code involving a 12908
victim who at the time of the commission of the offense was a 12909
member of the family or household that is the subject of the 12910
proceeding, has been convicted of or pleaded guilty to any other 12911
offense involving a victim who at the time of the commission of 12912
the offense was a member of the family or household that is the 12913
subject of the proceeding and caused physical harm to the victim 12914

in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order granting parenting time rights to a parent who is not the residential parent and did not require the residential parent in that order to give the parent who is granted the parenting time rights notice of any change of address and if the residential parent files a notice of relocation pursuant to division (G)(1) of this section, the court shall determine if the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that the parent who is granted the parenting time rights has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a

copy of any notice of relocation that is filed with the court 12948
pursuant to division (G)(1) of this section will be sent to the 12949
parent who is granted parenting time rights in accordance with 12950
division (G)(1) of this section. 12951

If the court determines that the parent who is granted the 12952
parenting time rights has been convicted of or pleaded guilty to a 12953
violation of section 2919.25 of the Revised Code involving a 12954
victim who at the time of the commission of the offense was a 12955
member of the family or household that is the subject of the 12956
proceeding, has been convicted of or pleaded guilty to any other 12957
offense involving a victim who at the time of the commission of 12958
the offense was a member of the family or household that is the 12959
subject of the proceeding and caused physical harm to the victim 12960
in the commission of the offense, or has been determined to be the 12961
perpetrator of the abusive act that is the basis of an 12962
adjudication that a child is an abused child, it shall issue an 12963
order stating that that parent will not be given a copy of any 12964
notice of relocation that is filed with the court pursuant to 12965
division (G)(1) of this section unless the court determines that 12966
it is in the best interest of the children to give that parent a 12967
copy of the notice of relocation, issues an order stating that 12968
that parent will be given a copy of any notice of relocation filed 12969
pursuant to division (G)(1) of this section, and issues specific 12970
written findings of fact in support of its determination. 12971

(4) If a parent who is granted parenting time rights pursuant 12972
to this section or any other section of the Revised Code is 12973
authorized by an order issued pursuant to this section or any 12974
other court order to receive a copy of any notice of relocation 12975
that is filed pursuant to division (G)(1) of this section or 12976
pursuant to court order, if the residential parent intends to move 12977
to a residence other than the residence address specified in the 12978
parenting time order, and if the residential parent does not want 12979

the parent who is granted the parenting time rights to receive a 12980
copy of the relocation notice because the parent with parenting 12981
time rights has been convicted of or pleaded guilty to a violation 12982
of section 2919.25 of the Revised Code involving a victim who at 12983
the time of the commission of the offense was a member of the 12984
family or household that is the subject of the proceeding, has 12985
been convicted of or pleaded guilty to any other offense involving 12986
a victim who at the time of the commission of the offense was a 12987
member of the family or household that is the subject of the 12988
proceeding and caused physical harm to the victim in the 12989
commission of the offense, or has been determined to be the 12990
perpetrator of the abusive act that is the basis of an 12991
adjudication that a child is an abused child, the residential 12992
parent may file a motion with the court requesting that the parent 12993
who is granted the parenting time rights not receive a copy of any 12994
notice of relocation. Upon the filing of the motion, the court 12995
shall schedule a hearing on the motion and give both parents 12996
notice of the date, time, and location of the hearing. If the 12997
court determines that the parent who is granted the parenting time 12998
rights has been so convicted or has been determined to be the 12999
perpetrator of an abusive act that is the basis of a child abuse 13000
adjudication, the court shall issue an order stating that the 13001
parent who is granted the parenting time rights will not be given 13002
a copy of any notice of relocation that is filed with the court 13003
pursuant to division (G)(1) of this section or that the 13004
residential parent is no longer required to give that parent a 13005
copy of any notice of relocation unless the court determines that 13006
it is in the best interest of the children to give that parent a 13007
copy of the notice of relocation, issues an order stating that 13008
that parent will be given a copy of any notice of relocation filed 13009
pursuant to division (G)(1) of this section, and issues specific 13010
written findings of fact in support of its determination. If it 13011
does not so find, it shall dismiss the motion. 13012

(H)(1) Subject to section 3125.16 and division (F) of section 13013
3319.321 of the Revised Code, a parent of a child who is not the 13014
residential parent of the child is entitled to access, under the 13015
same terms and conditions under which access is provided to the 13016
residential parent, to any record that is related to the child and 13017
to which the residential parent of the child legally is provided 13018
access, unless the court determines that it would not be in the 13019
best interest of the child for the parent who is not the 13020
residential parent to have access to the records under those same 13021
terms and conditions. If the court determines that the parent of a 13022
child who is not the residential parent should not have access to 13023
records related to the child under the same terms and conditions 13024
as provided for the residential parent, the court shall specify 13025
the terms and conditions under which the parent who is not the 13026
residential parent is to have access to those records, shall enter 13027
its written findings of facts and opinion in the journal, and 13028
shall issue an order containing the terms and conditions to both 13029
the residential parent and the parent of the child who is not the 13030
residential parent. The court shall include in every order issued 13031
pursuant to this division notice that any keeper of a record who 13032
knowingly fails to comply with the order or division (H) of this 13033
section is in contempt of court. 13034

(2) Subject to section 3125.16 and division (F) of section 13035
3319.321 of the Revised Code, subsequent to the issuance of an 13036
order under division (H)(1) of this section, the keeper of any 13037
record that is related to a particular child and to which the 13038
residential parent legally is provided access shall permit the 13039
parent of the child who is not the residential parent to have 13040
access to the record under the same terms and conditions under 13041
which access is provided to the residential parent, unless the 13042
residential parent has presented the keeper of the record with a 13043
copy of an order issued under division (H)(1) of this section that 13044
limits the terms and conditions under which the parent who is not 13045

the residential parent is to have access to records pertaining to 13046
the child and the order pertains to the record in question. If the 13047
residential parent presents the keeper of the record with a copy 13048
of that type of order, the keeper of the record shall permit the 13049
parent who is not the residential parent to have access to the 13050
record only in accordance with the most recent order that has been 13051
issued pursuant to division (H)(1) of this section and presented 13052
to the keeper by the residential parent or the parent who is not 13053
the residential parent. Any keeper of any record who knowingly 13054
fails to comply with division (H) of this section or with any 13055
order issued pursuant to division (H)(1) of this section is in 13056
contempt of court. 13057

(3) The prosecuting attorney of any county may file a 13058
complaint with the court of common pleas of that county requesting 13059
the court to issue a protective order preventing the disclosure 13060
pursuant to division (H)(1) or (2) of this section of any 13061
confidential law enforcement investigatory record. The court shall 13062
schedule a hearing on the motion and give notice of the date, 13063
time, and location of the hearing to all parties. 13064

(I) A court that issues a parenting time order or decree 13065
pursuant to this section or section 3109.12 of the Revised Code 13066
shall determine whether the parent granted the right of parenting 13067
time is to be permitted access, in accordance with section 13068
~~5104.011~~ 5104.039 of the Revised Code, to any child day-care 13069
center that is, or that in the future may be, attended by the 13070
children with whom the right of parenting time is granted. Unless 13071
the court determines that the parent who is not the residential 13072
parent should not have access to the center to the same extent 13073
that the residential parent is granted access to the center, the 13074
parent who is not the residential parent and who is granted 13075
parenting time rights is entitled to access to the center to the 13076
same extent that the residential parent is granted access to the 13077

center. If the court determines that the parent who is not the 13078
residential parent should not have access to the center to the 13079
same extent that the residential parent is granted such access 13080
under ~~division (C)~~ of section ~~5104.011~~ 5104.039 of the Revised 13081
Code, the court shall specify the terms and conditions under which 13082
the parent who is not the residential parent is to have access to 13083
the center, provided that the access shall not be greater than the 13084
access that is provided to the residential parent under ~~division~~ 13085
~~(C)~~ of section ~~5104.011~~ 5104.039 of the Revised Code, the court 13086
shall enter its written findings of fact and opinions in the 13087
journal, and the court shall include the terms and conditions of 13088
access in the parenting time order or decree. 13089

(J)(1) Subject to division (F) of section 3319.321 of the 13090
Revised Code, when a court issues an order or decree allocating 13091
parental rights and responsibilities for the care of a child, the 13092
parent of the child who is not the residential parent of the child 13093
is entitled to access, under the same terms and conditions under 13094
which access is provided to the residential parent, to any student 13095
activity that is related to the child and to which the residential 13096
parent of the child legally is provided access, unless the court 13097
determines that it would not be in the best interest of the child 13098
to grant the parent who is not the residential parent access to 13099
the student activities under those same terms and conditions. If 13100
the court determines that the parent of the child who is not the 13101
residential parent should not have access to any student activity 13102
that is related to the child under the same terms and conditions 13103
as provided for the residential parent, the court shall specify 13104
the terms and conditions under which the parent who is not the 13105
residential parent is to have access to those student activities, 13106
shall enter its written findings of facts and opinion in the 13107
journal, and shall issue an order containing the terms and 13108
conditions to both the residential parent and the parent of the 13109
child who is not the residential parent. The court shall include 13110

in every order issued pursuant to this division notice that any school official or employee who knowingly fails to comply with the order or division (J) of this section is in contempt of court.

(2) Subject to division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (J)(1) of this section, all school officials and employees shall permit the parent of the child who is not the residential parent to have access to any student activity under the same terms and conditions under which access is provided to the residential parent of the child, unless the residential parent has presented the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of an order issued under division (J)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to student activities related to the child and the order pertains to the student activity in question. If the residential parent presents the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of that type of order, the school official or employee shall permit the parent who is not the residential parent to have access to the student activity only in accordance with the most recent order that has been issued pursuant to division (J)(1) of this section and presented to the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school by the residential parent or the parent who is not the residential parent. Any school official or employee who knowingly fails to comply with division (J) of this section or with any order issued pursuant to division (J)(1) of this section is in contempt of court.

(K) If any person is found in contempt of court for failing

to comply with or interfering with any order or decree granting 13143
parenting time rights issued pursuant to this section or section 13144
3109.12 of the Revised Code or companionship or visitation rights 13145
issued pursuant to this section, section 3109.11 or 3109.12 of the 13146
Revised Code, or any other provision of the Revised Code, the 13147
court that makes the finding, in addition to any other penalty or 13148
remedy imposed, shall assess all court costs arising out of the 13149
contempt proceeding against the person and require the person to 13150
pay any reasonable attorney's fees of any adverse party, as 13151
determined by the court, that arose in relation to the act of 13152
contempt, and may award reasonable compensatory parenting time or 13153
visitation to the person whose right of parenting time or 13154
visitation was affected by the failure or interference if such 13155
compensatory parenting time or visitation is in the best interest 13156
of the child. Any compensatory parenting time or visitation 13157
awarded under this division shall be included in an order issued 13158
by the court and, to the extent possible, shall be governed by the 13159
same terms and conditions as was the parenting time or visitation 13160
that was affected by the failure or interference. 13161

(L) Any parent who requests reasonable parenting time rights 13162
with respect to a child under this section or section 3109.12 of 13163
the Revised Code or any person who requests reasonable 13164
companionship or visitation rights with respect to a child under 13165
this section, section 3109.11 or 3109.12 of the Revised Code, or 13166
any other provision of the Revised Code may file a motion with the 13167
court requesting that it waive all or any part of the costs that 13168
may accrue in the proceedings. If the court determines that the 13169
movant is indigent and that the waiver is in the best interest of 13170
the child, the court, in its discretion, may waive payment of all 13171
or any part of the costs of those proceedings. 13172

(M)(1) A parent who receives an order for active military 13173
service in the uniformed services and who is subject to a 13174

parenting time order may apply to the court for any of the 13175
following temporary orders for the period extending from the date 13176
of the parent's departure to the date of return: 13177

(a) An order delegating all or part of the parent's parenting 13178
time with the child to a relative or to another person who has a 13179
close and substantial relationship with the child if the 13180
delegation is in the child's best interest; 13181

(b) An order that the other parent make the child reasonably 13182
available for parenting time with the parent when the parent is on 13183
leave from active military service; 13184

(c) An order that the other parent facilitate contact, 13185
including telephone and electronic contact, between the parent and 13186
child while the parent is on active military service. 13187

(2)(a) Upon receipt of an order for active military service, 13188
a parent who is subject to a parenting time order and seeks an 13189
order under division (M)(1) of this section shall notify the other 13190
parent who is subject to the parenting time order and apply to the 13191
court as soon as reasonably possible after receipt of the order 13192
for active military service. The application shall include the 13193
date on which the active military service begins. 13194

(b) The court shall schedule a hearing upon receipt of an 13195
application under division (M) of this section and hold the 13196
hearing not later than thirty days after its receipt, except that 13197
the court shall give the case calendar priority and handle the 13198
case expeditiously if exigent circumstances exist in the case. No 13199
hearing shall be required if both parents agree to the terms of 13200
the requested temporary order and the court determines that the 13201
order is in the child's best interest. 13202

(c) In determining whether a delegation under division 13203
(M)(1)(a) of this section is in the child's best interest, the 13204
court shall consider all relevant factors, including the factors 13205

set forth in division (D) of this section. 13206

(d) An order delegating all or part of the parent's parenting 13207
time pursuant to division (M)(1)(a) of this section does not 13208
create standing on behalf of the person to whom parenting time is 13209
delegated to assert visitation or companionship rights independent 13210
of the order. 13211

(3) At the request of a parent who is ordered for active 13212
military service in the uniformed services and who is a subject of 13213
a proceeding pertaining to a parenting time order or pertaining to 13214
a request for companionship rights or visitation with a child, the 13215
court shall permit the parent to participate in the proceeding and 13216
present evidence by electronic means, including communication by 13217
telephone, video, or internet to the extent permitted by rules of 13218
the supreme court of Ohio. 13219

(N) The juvenile court has exclusive jurisdiction to enter 13220
the orders in any case certified to it from another court. 13221

(O) As used in this section: 13222

(1) "Abused child" has the same meaning as in section 13223
2151.031 of the Revised Code, and "neglected child" has the same 13224
meaning as in section 2151.03 of the Revised Code. 13225

(2) "Active military service" and "uniformed services" have 13226
the same meanings as in section 3109.04 of the Revised Code. 13227

(3) "Confidential law enforcement investigatory record" has 13228
the same meaning as in section 149.43 of the Revised Code. 13229

(4) "Parenting time order" means an order establishing the 13230
amount of time that a child spends with the parent who is not the 13231
residential parent or the amount of time that the child is to be 13232
physically located with a parent under a shared parenting order. 13233

(5) "Record" means any record, document, file, or other 13234
material that contains information directly related to a child, 13235

including, but not limited to, any of the following:	13236
(a) Records maintained by public and nonpublic schools;	13237
(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;	13238 13239 13240 13241 13242
(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;	13243 13244 13245
(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.	13246 13247 13248 13249 13250 13251
Sec. 3701.63. (A) As used in this section and section 3701.64 of the Revised Code:	13252 13253
(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.	13254 13255 13256
(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.	13257 13258 13259
(3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code.	13260 13261
(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.	13262 13263 13264

(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.

(6) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(7) "~~Shaken Baby Syndrome~~ baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:

(1) By not later than one year after February 29, 2008, developing educational materials that present readily comprehensible information on shaken baby syndrome;

(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Beginning in 2009, annually assessing the effectiveness of the shaken baby syndrome education program by evaluating the reports received pursuant to section 5101.135 of the Revised Code.

(C) In meeting the requirements under division (B) of this section, the director shall not develop educational materials that will impose an administrative or financial burden on any of the entities or persons listed in section 3701.64 of the Revised Code.

Sec. 3737.22. (A) The fire marshal shall do all of the	13295
following:	13296
(1) Adopt the state fire code under sections 3737.82 to	13297
3737.86 of the Revised Code;	13298
(2) Enforce the state fire code;	13299
(3) Appoint assistant fire marshals who are authorized to	13300
enforce the state fire code;	13301
(4) Conduct investigations into the cause, origin, and	13302
circumstances of fires and explosions, and assist in the	13303
prosecution of persons believed to be guilty of arson or a similar	13304
crime;	13305
(5) Compile statistics concerning loss due to fire and	13306
explosion as the fire marshal considers necessary, and consider	13307
the compatibility of the fire marshal's system of compilation with	13308
the systems of other state and federal agencies and fire marshals	13309
of other states;	13310
(6) Engage in research on the cause and prevention of losses	13311
due to fire and explosion;	13312
(7) Engage in public education and informational activities	13313
which will inform the public of fire safety information;	13314
(8) Operate a fire training academy and forensic laboratory;	13315
(9) Conduct other fire safety and fire fighting training	13316
activities for the public and groups as will further the cause of	13317
fire safety;	13318
(10) Conduct licensing examinations, and issue permits,	13319
licenses, and certificates, as authorized by the Revised Code;	13320
(11) Conduct tests of fire protection systems and devices,	13321
and fire fighting equipment to determine compliance with the state	13322
fire code, unless a building is insured against the hazard of	13323

fire, in which case such tests may be performed by the company	13324
insuring the building;	13325
(12) Establish and collect fees for conducting licensing	13326
examinations and for issuing permits, licenses, and certificates;	13327
(13) Make available for the prosecuting attorney and an	13328
assistant prosecuting attorney from each county of this state, in	13329
accordance with section 3737.331 of the Revised Code, a seminar	13330
program, attendance at which is optional, that is designed to	13331
provide current information, data, training, and techniques	13332
relative to the prosecution of arson cases;	13333
(14) Administer and enforce Chapter 3743. of the Revised	13334
Code;	13335
(15) Develop a uniform standard for the reporting of	13336
information required to be filed under division (E)(4) of section	13337
2921.22 of the Revised Code, and accept the reports of the	13338
information when they are filed.	13339
(B) The fire marshal shall appoint a chief deputy fire	13340
marshal, and shall employ professional and clerical assistants as	13341
the fire marshal considers necessary. The chief deputy shall be a	13342
competent former or current member of a fire agency and possess	13343
five years of recent, progressively more responsible experience in	13344
fire inspection, fire code enforcement, and fire code management.	13345
The chief deputy, with the approval of the director of commerce,	13346
shall temporarily assume the duties of the fire marshal when the	13347
fire marshal is absent or temporarily unable to carry out the	13348
duties of the office. When there is a vacancy in the office of	13349
fire marshal, the chief deputy, with the approval of the director	13350
of commerce, shall temporarily assume the duties of the fire	13351
marshal until a new fire marshal is appointed under section	13352
3737.21 of the Revised Code.	13353
All employees, other than the fire marshal; the chief deputy	13354

fire marshal; the superintendent of the Ohio fire academy; the 13355
grants administrator; the fiscal officer; the executive secretary 13356
to the fire marshal; legal counsel; the pyrotechnics 13357
administrator, the chief of the forensic laboratory; the person 13358
appointed by the fire marshal to serve as administrator over 13359
functions concerning testing, license examinations, and the 13360
issuance of permits and certificates; and the chiefs of the 13361
bureaus of fire prevention, of fire and explosion investigation, 13362
of code enforcement, and of underground storage tanks shall be in 13363
the classified civil service. The fire marshal shall authorize the 13364
chief deputy and other employees under the fire marshal's 13365
supervision to exercise powers granted to the fire marshal by law 13366
as may be necessary to carry out the duties of the fire marshal's 13367
office. 13368

(C) The fire marshal shall create, in and as a part of the 13369
office of fire marshal, a fire and explosion investigation bureau 13370
consisting of a chief of the bureau and additional assistant fire 13371
marshals as the fire marshal determines necessary for the 13372
efficient administration of the bureau. The chief shall be 13373
experienced in the investigation of the cause, origin, and 13374
circumstances of fires, and in administration, including the 13375
supervision of subordinates. The chief, among other duties 13376
delegated to the chief by the fire marshal, shall be responsible, 13377
under the direction of the fire marshal, for the investigation of 13378
the cause, origin, and circumstances of fires and explosions in 13379
the state, and for assistance in the prosecution of persons 13380
believed to be guilty of arson or a similar crime. 13381

(D)(1) The fire marshal shall create, as part of the office 13382
of fire marshal, a bureau of code enforcement consisting of a 13383
chief of the bureau and additional assistant fire marshals as the 13384
fire marshal determines necessary for the efficient administration 13385
of the bureau. The chief shall be qualified, by education or 13386

experience, in fire inspection, fire code development, fire code 13387
enforcement, or any other similar field determined by the fire 13388
marshal, and in administration, including the supervision of 13389
subordinates. The chief is responsible, under the direction of the 13390
fire marshal, for fire inspection, fire code development, fire 13391
code enforcement, and any other duties delegated to the chief by 13392
the fire marshal. 13393

(2) The fire marshal, the chief deputy fire marshal, the 13394
chief of the bureau of code enforcement, or any assistant fire 13395
marshal under the direction of the fire marshal, the chief deputy 13396
fire marshal, or the chief of the bureau of code enforcement may 13397
cause to be conducted the inspection of all buildings, structures, 13398
and other places, the condition of which may be dangerous from a 13399
fire safety standpoint to life or property, or to property 13400
adjacent to the buildings, structures, or other places. 13401

(E) The fire marshal shall create, as a part of the office of 13402
fire marshal, a bureau of fire prevention consisting of a chief of 13403
the bureau and additional assistant fire marshals as the fire 13404
marshal determines necessary for the efficient administration of 13405
the bureau. The chief shall be qualified, by education or 13406
experience, to promote programs for rural and urban fire 13407
prevention and protection. The chief, among other duties delegated 13408
to the chief by the fire marshal, is responsible, under the 13409
direction of the fire marshal, for the promotion of rural and 13410
urban fire prevention and protection through public information 13411
and education programs. 13412

(F) The fire marshal shall cooperate with the director of job 13413
and family services when the director adopts rules under section 13414
5104.052 of the Revised Code regarding fire prevention and fire 13415
safety in ~~certified~~ licensed type B family day-care homes, as 13416
defined in section 5104.01 of the Revised Code, recommend 13417
procedures for inspecting type B homes to determine whether they 13418

are in compliance with those rules, and provide training and 13419
technical assistance to the director and county directors of job 13420
and family services on the procedures for determining compliance 13421
with those rules. 13422

(G) The fire marshal, upon request of a provider of child 13423
care in a type B home that is not ~~certified~~ licensed by the ~~county~~ 13424
director of job and family services, as a precondition of approval 13425
by the state board of education under section 3313.813 of the 13426
Revised Code for receipt of United States department of 13427
agriculture child and adult care food program funds established 13428
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 13429
U.S.C. 1751, as amended, shall inspect the type B home to 13430
determine compliance with rules adopted under section 5104.052 of 13431
the Revised Code regarding fire prevention and fire safety in 13432
~~certified~~ licensed type B homes. In municipal corporations and in 13433
townships where there is a certified fire safety inspector, the 13434
inspections shall be made by that inspector under the supervision 13435
of the fire marshal, according to rules adopted under section 13436
5104.052 of the Revised Code. In townships outside municipal 13437
corporations where there is no certified fire safety inspector, 13438
inspections shall be made by the fire marshal. 13439

Sec. 3742.01. As used in this chapter: 13440

(A) "Board of health" means the board of health of a city or 13441
general health district or the authority having the duties of a 13442
board of health under section 3709.05 of the Revised Code. 13443

(B) "Child care facility" means each area of any of the 13444
following in which child care, as defined in section 5104.01 of 13445
the Revised Code, is provided to children under six years of age: 13446

(1) A child day-care center, type A family day-care home, or 13447
type B family day-care home as defined in section 5104.01 of the 13448
Revised Code; 13449

~~(2) A type C family day care home authorized to provide child care by Sub. H.B. 62 of the 121st general assembly, as amended by Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 of the 123rd general assembly;~~

~~(3) A preschool program or school child program as defined in section 3301.52 of the Revised Code.~~

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who performs a clearance examination.

(E) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immuno-hematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.

(F) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.

(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints, so as to prevent or control chalking, flaking, peeling, scaling, or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.

(H) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human body, for the presence and concentration of lead.

(I) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter, which is a filter capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency.

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

- (a) Removal of lead-based paint and lead-contaminated dust;
- (b) Permanent enclosure or encapsulation of lead-based paint;
- (c) Replacement of surfaces or fixtures painted with lead-based paint;
- (d) Removal or permanent covering of lead-contaminated soil;
- (e) Preparation, cleanup, and disposal activities associated

with lead abatement.	13511
(2) "Lead abatement" does not include any of the following:	13512
(a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;	13513 13514
(b) Implementation of interim controls;	13515
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	13516 13517
(i) It is a freestanding single-family home used as the property owner's private residence.	13518 13519
(ii) No child under six years of age who has lead poisoning resides in the unit.	13520 13521
(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	13522 13523 13524 13525 13526
(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	13527 13528 13529
(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	13530 13531 13532
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.	13533 13534 13535
(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as established by rule of the public health council under section 3742.50 of the Revised Code.	13536 13537 13538 13539 13540

(Q) "Lead-contaminated dust" means dust that contains an area 13541
or mass concentration of lead at or in excess of the level that is 13542
hazardous to human health as established by rule of the public 13543
health council under section 3742.50 of the Revised Code. 13544

(R) "Lead-contaminated soil" means soil that contains lead at 13545
or in excess of the level that is hazardous to human health as 13546
established by rule of the public health council under section 13547
3742.50 of the Revised Code. 13548

(S) "Lead hazard" means material that is likely to cause lead 13549
exposure and endanger an individual's health as determined by the 13550
public health council in rules adopted under section 3742.50 of 13551
the Revised Code. "Lead hazard" includes lead-based paint, 13552
lead-contaminated dust, lead-contaminated soil, and 13553
lead-contaminated water pipes. 13554

(T) "Lead inspection" means a surface-by-surface 13555
investigation to determine the presence of lead-based paint. The 13556
inspection shall use a sampling or testing technique approved by 13557
the public health council in rules adopted by the council under 13558
section 3742.03 of the Revised Code. A licensed lead inspector or 13559
laboratory approved under section 3742.09 of the Revised Code 13560
shall certify in writing the precise results of the inspection. 13561

(U) "Lead inspector" means any individual who conducts a lead 13562
inspection, provides professional advice regarding a lead 13563
inspection, or prepares a report explaining the results of a lead 13564
inspection. 13565

(V) "Lead poisoning" means the level of lead in human blood 13566
that is hazardous to human health, as specified in rules adopted 13567
under section 3742.50 of the Revised Code. 13568

(W) "Lead risk assessment" means an on-site investigation to 13569
determine and report the existence, nature, severity, and location 13570
of lead hazards in a residential unit, child care facility, or 13571

school, including information gathering from the unit, facility, 13572
or school's current owner's knowledge regarding the age and 13573
painting history of the unit, facility, or school and occupancy by 13574
children under six years of age, visual inspection, limited wipe 13575
sampling or other environmental sampling techniques, and any other 13576
activity as may be appropriate. 13577

(X) "Lead risk assessor" means a person who is responsible 13578
for developing a written inspection, risk assessment, and analysis 13579
plan; conducting inspections for lead hazards in a residential 13580
unit, child care facility, or school; interpreting results of 13581
inspections and risk assessments; identifying hazard control 13582
strategies to reduce or eliminate lead exposures; and completing a 13583
risk assessment report. 13584

(Y) "Lead-safe renovation" means the supervision or 13585
performance of services for the general improvement of all or part 13586
of an existing structure, including a residential unit, child care 13587
facility, or school, when the services are supervised or performed 13588
by a lead-safe renovator. 13589

(Z) "Lead-safe renovator" means a person who has successfully 13590
completed a training program in lead-safe renovation approved 13591
under section 3742.47 of the Revised Code. 13592

(AA) "Manager" means a person, who may be the same person as 13593
the owner, responsible for the daily operation of a residential 13594
unit, child care facility, or school. 13595

(BB) "Permanent" means an expected design life of at least 13596
twenty years. 13597

(CC) "Replacement" means an activity that entails removing 13598
components such as windows, doors, and trim that have lead hazards 13599
on their surfaces and installing components free of lead hazards. 13600

(DD) "Residential unit" means a dwelling or any part of a 13601
building being used as an individual's private residence. 13602

(EE) "School" means a public or nonpublic school in which 13603
children under six years of age receive education. 13604

Sec. 3797.06. (A) As used in this section, "specified 13605
geographical notification area" means the geographic area or areas 13606
within which the attorney general requires by rule adopted under 13607
section 3797.08 of the Revised Code the notice described in 13608
division (B) of this section to be given to the persons identified 13609
in divisions (A)(1) to (9) of this section. If a court enters a 13610
declaratory judgment against a registrant under section 2721.21 of 13611
the Revised Code, the sheriff with whom the registrant has most 13612
recently registered under section 3797.02 or 3797.03 of the 13613
Revised Code and the sheriff to whom the registrant most recently 13614
sent a notice of intent to reside under section 3797.03 of the 13615
Revised Code shall provide within the period of time specified in 13616
division (C) of this section a written notice containing the 13617
information set forth in division (B) of this section to all of 13618
the persons described in divisions (A)(1) to (9) of this section. 13619
If the sheriff has sent a notice to the persons described in those 13620
divisions as a result of receiving a notice of intent to reside 13621
and if the registrant registers a residence address that is the 13622
same residence address described in the notice of intent to 13623
reside, the sheriff is not required to send an additional notice 13624
when the registrant registers. The sheriff shall provide the 13625
notice to all of the following persons: 13626

(1)(a) Any occupant of each residential unit that is located 13627
within one thousand feet of the registrant's residential premises, 13628
that is located within the county served by the sheriff, and that 13629
is not located in a multi-unit building. Division (D)(3) of this 13630
section applies regarding notices required under this division. 13631

(b) If the registrant resides in a multi-unit building, any 13632
occupant of each residential unit that is located in that 13633

multi-unit building and that shares a common hallway with the 13634
registrant. For purposes of this division, an occupant's unit 13635
shares a common hallway with the registrant if the entrance door 13636
into the occupant's unit is located on the same floor and opens 13637
into the same hallway as the entrance door to the unit the 13638
registrant occupies. Division (D)(3) of this section applies 13639
regarding notices required under this division. 13640

(c) The building manager, or the person the building owner or 13641
condominium unit owners association authorizes to exercise 13642
management and control, of each multi-unit building that is 13643
located within one thousand feet of the registrant's residential 13644
premises, including a multi-unit building in which the registrant 13645
resides, and that is located within the county served by the 13646
sheriff. In addition to notifying the building manager or the 13647
person authorized to exercise management and control in the 13648
multi-unit building under this division, the sheriff shall post a 13649
copy of the notice prominently in each common entryway in the 13650
building and any other location in the building the sheriff 13651
determines appropriate. The manager or person exercising 13652
management and control of the building shall permit the sheriff to 13653
post copies of the notice under this division as the sheriff 13654
determines appropriate. In lieu of posting copies of the notice as 13655
described in this division, a sheriff may provide notice to all 13656
occupants of the multi-unit building by mail or personal contact. 13657
If the sheriff so notifies all the occupants, the sheriff is not 13658
required to post copies of the notice in the common entryways to 13659
the building. Division (D)(3) of this section applies regarding 13660
notices required under this division. 13661

(d) All additional persons who are within any category of 13662
neighbors of the registrant that the attorney general by rule 13663
adopted under section 3797.08 of the Revised Code requires to be 13664
provided the notice and who reside within the county served by the 13665

sheriff. 13666

(2) The executive director of the public children services 13667
agency that has jurisdiction within the specified geographical 13668
notification area and that is located within the county served by 13669
the sheriff; 13670

(3) The superintendent of each board of education of a school 13671
district that has schools within the specified geographical 13672
notification area and that is located within the county served by 13673
the sheriff; 13674

(4) The appointing or hiring officer of each nonpublic school 13675
located within the specified geographical notification area and 13676
within the county served by the sheriff or of each other school 13677
located within the specified geographical notification area and 13678
within the county served by the sheriff and that is not operated 13679
by a board of education described in division (A)(3) of this 13680
section; 13681

(5) The director, head teacher, elementary principal, or site 13682
administrator of each preschool program governed by Chapter 3301. 13683
of the Revised Code that is located within the specified 13684
geographical notification area and within the county served by the 13685
sheriff; 13686

(6) The administrator of each child day-care center or type A 13687
family day-care home that is located within the specified 13688
geographical notification area and within the county served by the 13689
sheriff, and ~~the provider of each certified holder of a license to~~ 13690
operate a type B family day-care home that is located within the 13691
specified geographical notification area and within the county 13692
served by the sheriff. As used in this division, "child day-care 13693
center," "type A family day-care home," and "~~certified~~ type B 13694
family day-care home" have the same meanings as in section 5104.01 13695
of the Revised Code. 13696

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;

(9) If the registrant resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the registrant resides or, if the registrant resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the registrant resides.

(B) The notice required under division (A) of this section shall include the registrant's name, residence or employment address, as applicable, and a statement that the registrant has been found liable for childhood sexual abuse in a civil action and is listed on the civil registry established by the attorney general pursuant to section 3797.08 of the Revised Code.

(C) If a sheriff with whom a registrant registers under section 3797.02 or 3797.03 of the Revised Code or to whom the registrant most recently sent a notice of intent to reside under section 3797.03 of the Revised Code is required by division (A) of this section to provide notices regarding a registrant and if the sheriff provides a notice 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 13729
divisions (A)(1) to (7) and (A)(9) of this section to each person 13730
or entity identified within those divisions that is located within 13731
the specified geographical notification area and within the county 13732
served by the sheriff in question. 13733

(D)(1) A sheriff required by division (A) or (C) of this 13734
section to provide notices regarding a registrant shall provide 13735
the notice to the neighbors that are described in division (A)(1) 13736
of this section and the notices to law enforcement personnel that 13737
are described in divisions (A)(8) and (9) of this section as soon 13738
as practicable, but not later than five days after the registrant 13739
sends the notice of intent to reside to the sheriff, and again not 13740
later than five days after the registrant registers with the 13741
sheriff or, if the sheriff is required by division (C) to provide 13742
the notices, not later than five days after the sheriff is 13743
provided the notice described in division (A)(8) of this section. 13744

A sheriff required by division (A) or (C) of this section to 13745
provide notices regarding a registrant shall provide the notices 13746
to all other specified persons that are described in divisions 13747
(A)(2) to (7) of this section as soon as practicable, but not 13748
later than seven days after the registrant registers with the 13749
sheriff, or, if the sheriff is required by division (C) to provide 13750
the notices, not later than five days after the sheriff is 13751
provided the notice described in division (A)(8) of this section. 13752

(2) If a registrant in relation to whom division (A) of this 13753
section applies verifies the registrant's current residence 13754
address with a sheriff pursuant to section 3797.04 of the Revised 13755
Code, the sheriff may provide a written notice containing the 13756
information set forth in division (B) of this section to the 13757
persons identified in divisions (A)(1) to (9) of this section. If 13758
a sheriff provides a notice pursuant to this division to the 13759
sheriff of one or more other counties in accordance with division 13760

(A)(8) of this section, the sheriff of each of the other counties 13761
who is provided the notice under division (A)(8) of this section 13762
may provide, but is not required to provide, a written notice 13763
containing the information set forth in division (B) of this 13764
section to the persons identified in divisions (A)(1) to (7) and 13765
(A)(9) of this section. 13766

(3) A sheriff may provide notice under division (A)(1)(a) or 13767
(b) of this section, and may provide notice under division 13768
(A)(1)(c) of this section to a building manager or person 13769
authorized to exercise management and control of a building, by 13770
mail, by personal contact, or by leaving the notice at or under 13771
the entry door to a residential unit. For purposes of divisions 13772
(A)(1)(a) and (b) of this section and of the portion of division 13773
(A)(1)(c) of this section relating to the provision of notice to 13774
occupants of a multi-unit building by mail or personal contact, 13775
the provision of one written notice per unit is deemed providing 13776
notice to all occupants of that unit. 13777

(E) All information that a sheriff possesses regarding a 13778
registrant that is described in division (B) of this section and 13779
that must be provided in a notice required under division (A) or 13780
(C) of this section or that may be provided in a notice authorized 13781
under division (D)(2) of this section is a public record that is 13782
open to inspection under section 149.43 of the Revised Code. 13783

(F) A sheriff required by division (A) or (C) of this 13784
section, or authorized by division (D)(2) of this section, to 13785
provide notices regarding a registrant may request the department 13786
of job and family services, department of education, or Ohio board 13787
of regents, by telephone, in registrant, or by mail, to provide 13788
the sheriff with the names, addresses, and telephone numbers of 13789
the appropriate persons and entities to whom the notices described 13790
in divisions (A)(2) to (7) of this section are to be provided. 13791
Upon receipt of a request, the department or board shall provide 13792

the requesting sheriff with the names, addresses, and telephone 13793
numbers of the appropriate persons and entities to whom those 13794
notices are to be provided. 13795

(G)(1) Upon the motion of the registrant or the judge that 13796
entered a declaratory judgment pursuant to section 2721.21 of the 13797
Revised Code or that judge's successor in office, the judge may 13798
schedule a hearing to determine whether the interests of justice 13799
would be served by suspending the community notification 13800
requirement under this section in relation to the registrant. The 13801
judge may dismiss the motion without a hearing but may not issue 13802
an order suspending the community notification requirement without 13803
a hearing. At the hearing, all parties are entitled to be heard. 13804
If, at the conclusion of the hearing, the judge finds that the 13805
registrant has proven by clear and convincing evidence that the 13806
registrant is unlikely to commit childhood sexual abuse in the 13807
future and that suspending the community notification requirement 13808
is in the interests of justice, the judge may issue an order 13809
suspending the application of this section in relation to the 13810
registrant. The order shall contain both of these findings. 13811

The judge promptly shall serve a copy of the order upon the 13812
sheriff with whom the registrant most recently registered a 13813
residence address and the sheriff with whom the registrant most 13814
recently registered an employment address under section 3797.02 of 13815
the Revised Code. 13816

An order suspending the community notification requirement 13817
does not suspend or otherwise alter a registrant's duties to 13818
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 13819
Code. 13820

(2) A registrant has the right to appeal an order denying a 13821
motion made under division (G)(1) of this section. 13822

Sec. 4511.81. (A) When any child who is in either or both of 13823

the following categories is being transported in a motor vehicle, 13824
other than a taxicab or public safety vehicle as defined in 13825
section 4511.01 of the Revised Code, that is required by the 13826
United States department of transportation to be equipped with 13827
seat belts at the time of manufacture or assembly, the operator of 13828
the motor vehicle shall have the child properly secured in 13829
accordance with the manufacturer's instructions in a child 13830
restraint system that meets federal motor vehicle safety 13831
standards: 13832

(1) A child who is less than four years of age; 13833

(2) A child who weighs less than forty pounds. 13834

(B) When any child who is in either or both of the following 13835
categories is being transported in a motor vehicle, other than a 13836
taxicab, that is owned, leased, or otherwise under the control of 13837
a nursery school or day-care center, the operator of the motor 13838
vehicle shall have the child properly secured in accordance with 13839
the manufacturer's instructions in a child restraint system that 13840
meets federal motor vehicle safety standards: 13841

(1) A child who is less than four years of age; 13842

(2) A child who weighs less than forty pounds. 13843

(C) When any child who is less than eight years of age and 13844
less than four feet nine inches in height, who is not required by 13845
division (A) or (B) of this section to be secured in a child 13846
restraint system, is being transported in a motor vehicle, other 13847
than a taxicab or public safety vehicle as defined in section 13848
4511.01 of the Revised Code or a vehicle that is regulated under 13849
section ~~5104.011~~ 5104.015 of the Revised Code, that is required by 13850
the United States department of transportation to be equipped with 13851
seat belts at the time of manufacture or assembly, the operator of 13852
the motor vehicle shall have the child properly secured in 13853
accordance with the manufacturer's instructions on a booster seat 13854

that meets federal motor vehicle safety standards. 13855

(D) When any child who is at least eight years of age but not 13856
older than fifteen years of age, and who is not otherwise required 13857
by division (A), (B), or (C) of this section to be secured in a 13858
child restraint system or booster seat, is being transported in a 13859
motor vehicle, other than a taxicab or public safety vehicle as 13860
defined in section 4511.01 of the Revised Code, that is required 13861
by the United States department of transportation to be equipped 13862
with seat belts at the time of manufacture or assembly, the 13863
operator of the motor vehicle shall have the child properly 13864
restrained either in accordance with the manufacturer's 13865
instructions in a child restraint system that meets federal motor 13866
vehicle safety standards or in an occupant restraining device as 13867
defined in section 4513.263 of the Revised Code. 13868

(E) Notwithstanding any provision of law to the contrary, no 13869
law enforcement officer shall cause an operator of a motor vehicle 13870
being operated on any street or highway to stop the motor vehicle 13871
for the sole purpose of determining whether a violation of 13872
division (C) or (D) of this section has been or is being committed 13873
or for the sole purpose of issuing a ticket, citation, or summons 13874
for a violation of division (C) or (D) of this section or causing 13875
the arrest of or commencing a prosecution of a person for a 13876
violation of division (C) or (D) of this section, and absent 13877
another violation of law, a law enforcement officer's view of the 13878
interior or visual inspection of a motor vehicle being operated on 13879
any street or highway may not be used for the purpose of 13880
determining whether a violation of division (C) or (D) of this 13881
section has been or is being committed. 13882

(F) The director of public safety shall adopt such rules as 13883
are necessary to carry out this section. 13884

(G) The failure of an operator of a motor vehicle to secure a 13885
child in a child restraint system, a booster seat, or an occupant 13886

restraining device as required by this section is not negligence 13887
imputable to the child, is not admissible as evidence in any civil 13888
action involving the rights of the child against any other person 13889
allegedly liable for injuries to the child, is not to be used as a 13890
basis for a criminal prosecution of the operator of the motor 13891
vehicle other than a prosecution for a violation of this section, 13892
and is not admissible as evidence in any criminal action involving 13893
the operator of the motor vehicle other than a prosecution for a 13894
violation of this section. 13895

(H) This section does not apply when an emergency exists that 13896
threatens the life of any person operating or occupying a motor 13897
vehicle that is being used to transport a child who otherwise 13898
would be required to be restrained under this section. This 13899
section does not apply to a person operating a motor vehicle who 13900
has an affidavit signed by a physician licensed to practice in 13901
this state under Chapter 4731. of the Revised Code or a 13902
chiropractor licensed to practice in this state under Chapter 13903
4734. of the Revised Code that states that the child who otherwise 13904
would be required to be restrained under this section has a 13905
physical impairment that makes use of a child restraint system, 13906
booster seat, or an occupant restraining device impossible or 13907
impractical, provided that the person operating the vehicle has 13908
safely and appropriately restrained the child in accordance with 13909
any recommendations of the physician or chiropractor as noted on 13910
the affidavit. 13911

(I) There is hereby created in the state treasury the child 13912
highway safety fund, consisting of fines imposed pursuant to 13913
division (K)(1) of this section for violations of divisions (A), 13914
(B), (C), and (D) of this section. The money in the fund shall be 13915
used by the department of health only to defray the cost of 13916
designating hospitals as pediatric trauma centers under section 13917
3727.081 of the Revised Code and to establish and administer a 13918

child highway safety program. The purpose of the program shall be 13919
to educate the public about child restraint systems and booster 13920
seats and the importance of their proper use. The program also 13921
shall include a process for providing child restraint systems and 13922
booster seats to persons who meet the eligibility criteria 13923
established by the department, and a toll-free telephone number 13924
the public may utilize to obtain information about child restraint 13925
systems and booster seats, and their proper use. 13926

(J) The director of health, in accordance with Chapter 119. 13927
of the Revised Code, shall adopt any rules necessary to carry out 13928
this section, including rules establishing the criteria a person 13929
must meet in order to receive a child restraint system or booster 13930
seat under the department's child highway safety program; provided 13931
that rules relating to the verification of pediatric trauma 13932
centers shall not be adopted under this section. 13933

(K) Nothing in this section shall be construed to require any 13934
person to carry with the person the birth certificate of a child 13935
to prove the age of the child, but the production of a valid birth 13936
certificate for a child showing that the child was not of an age 13937
to which this section applies is a defense against any ticket, 13938
citation, or summons issued for violating this section. 13939

(L)(1) Whoever violates division (A), (B), (C), or (D) of 13940
this section shall be punished as follows, provided that the 13941
failure of an operator of a motor vehicle to secure more than one 13942
child in a child restraint system, booster seat, or occupant 13943
restraining device as required by this section that occurred at 13944
the same time, on the same day, and at the same location is deemed 13945
to be a single violation of this section: 13946

(a) Except as otherwise provided in division (L)(1)(b) of 13947
this section, the offender is guilty of a minor misdemeanor and 13948
shall be fined not less than twenty-five dollars nor more than 13949
seventy-five dollars. 13950

(b) If the offender previously has been convicted of or 13951
pleaded guilty to a violation of division (A), (B), (C), or (D) of 13952
this section or of a municipal ordinance that is substantially 13953
similar to any of those divisions, the offender is guilty of a 13954
misdemeanor of the fourth degree. 13955

(2) All fines imposed pursuant to division (L)(1) of this 13956
section shall be forwarded to the treasurer of state for deposit 13957
in the child highway safety fund created by division (I) of this 13958
section. 13959

Sec. 5101.29. When contained in a record held by the 13960
department of job and family services or a county agency, the 13961
following are not public records for purposes of section 149.43 of 13962
the Revised Code: 13963

(A) Names and other identifying information regarding 13964
children enrolled in or attending a child day-care center or home 13965
subject to licensure, ~~certification~~, or registration under Chapter 13966
5104. of the Revised Code; 13967

(B) Names and other identifying information regarding 13968
children placed with an institution or association certified under 13969
section 5103.03 of the Revised Code; 13970

(C) Names and other identifying information regarding a 13971
person who makes an oral or written complaint regarding an 13972
institution, association, child day-care center, or home subject 13973
to licensure, ~~certification~~, or registration to the department or 13974
other state or county entity responsible for enforcing Chapter 13975
5103. or 5104. of the Revised Code; 13976

(D)(1) Except as otherwise provided in division (D)(2) of 13977
this section, names, documentation, and other identifying 13978
information regarding a foster caregiver or a prospective foster 13979
caregiver, including the foster caregiver application for 13980

certification under section 5103.03 of the Revised Code and the 13981
home study conducted pursuant to section 5103.0324 of the Revised 13982
Code. 13983

(2) Notwithstanding division (D)(1) of this section, the 13984
following are public records for the purposes of section 149.43 of 13985
the Revised Code, when contained in a record held by the 13986
department of job and family services, a county agency, or other 13987
governmental entity: 13988

(a) All of the following information regarding a currently 13989
certified foster caregiver who has had a foster care certificate 13990
revoked pursuant to Chapter 5103. of the Revised Code or, after 13991
receiving a current or current renewed certificate has been 13992
convicted of, pleaded guilty to, or indicted or otherwise charged 13993
with any offense described in division (C)(1) of section 2151.86 13994
of the Revised Code: 13995

(i) The foster caregiver's name, date of birth, and county of 13996
residence; 13997

(ii) The date of the foster caregiver's certification; 13998

(iii) The date of each placement of a foster child into the 13999
foster caregiver's home; 14000

(iv) If applicable, the date of the removal of a foster child 14001
from the foster caregiver's home and the reason for the foster 14002
child's removal unless release of such information would be 14003
detrimental to the foster child or other children residing in the 14004
foster caregiver's home; 14005

(v) If applicable, the date of the foster care certificate 14006
revocation and all documents related to the revocation unless 14007
otherwise not a public record pursuant to section 149.43 of the 14008
Revised Code. 14009

(b) Nonidentifying foster care statistics including, but not 14010

limited to, the number of foster caregivers and foster care certificate revocations.

Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code.

(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of job and family services every two years shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes.

(2) When the department of job and family services is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate is valid for two years, unless sooner revoked by the department. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(3) The department may issue a temporary certificate valid

for less than one year authorizing an institution or association 14042
to operate until minimum requirements have been met. 14043

(4) An institution or association that knowingly makes a 14044
false statement that is included as a part of certification under 14045
this section is guilty of the offense of falsification under 14046
section 2921.13 of the Revised Code and the department shall not 14047
certify that institution or association. 14048

(5) The department shall not issue a certificate to a 14049
prospective foster home or prospective specialized foster home 14050
pursuant to this section if the prospective foster home or 14051
prospective specialized foster home operates as a type A family 14052
day-care home pursuant to Chapter 5104. of the Revised Code. The 14053
department shall not issue a certificate to a prospective 14054
specialized foster home if the prospective specialized foster home 14055
operates a type B family day-care home pursuant to Chapter 5104. 14056
of the Revised Code. 14057

(C) The department may revoke a certificate if it finds that 14058
the institution or association is in violation of law or rule. No 14059
juvenile court shall commit a child to an association or 14060
institution that is required to be certified under this section if 14061
its certificate has been revoked or, if after revocation, the date 14062
of reissue is less than fifteen months prior to the proposed 14063
commitment. 14064

(D) Every two years, on a date specified by the department, 14065
each institution or association desiring certification or 14066
recertification shall submit to the department a report showing 14067
its condition, management, competency to care adequately for the 14068
children who have been or may be committed to it or to whom it 14069
provides care or services, the system of visitation it employs for 14070
children placed in private homes, and other information the 14071
department requires. 14072

(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(2) The director shall adopt rules that require a foster caregiver or other individual certified to operate a foster home under this section to notify the recommending agency that the foster caregiver or other individual is ~~certified~~ licensed to operate a type B family day-care home under Chapter 5104. of the Revised Code.

(H) If the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or

safety of one or more children in the care of the institution or 14104
association is at imminent risk. 14105

(2) The department has issued a proposed adjudication order 14106
pursuant to Chapter 119. of the Revised Code to deny renewal of or 14107
revoke the certificate of the institution or association. 14108

Sec. 5104.01. As used in this chapter: 14109

(A) "Administrator" means the person responsible for the 14110
daily operation of a center ~~or~~, type A home, or type B home. The 14111
administrator and the owner may be the same person. 14112

(B) "Approved child day camp" means a child day camp approved 14113
pursuant to section 5104.22 of the Revised Code. 14114

(C) ~~"Authorized provider" means a person authorized by a~~ 14115
~~county director of job and family services to operate a certified~~ 14116
~~type B family day care home.~~ 14117

~~(D)~~ "Border state child care provider" means a child care 14118
provider that is located in a state bordering Ohio and that is 14119
licensed, certified, or otherwise approved by that state to 14120
provide child care. 14121

~~(E)~~(D) "Career pathways model" means an alternative pathway 14122
to meeting the requirements to be a child-care staff member or 14123
administrator that does both of the following: 14124

(1) Uses a framework approved by the director of job and 14125
family services to document formal education, training, 14126
experience, and specialized credentials and certifications; 14127

(2) Allows the child-care staff member or administrator to 14128
achieve a designation as an early childhood professional level 14129
one, two, three, four, five, or six. 14130

~~(F)~~(E) "Caretaker parent" means the father or mother of a 14131
child whose presence in the home is needed as the caretaker of the 14132

child, a person who has legal custody of a child and whose 14133
presence in the home is needed as the caretaker of the child, a 14134
guardian of a child whose presence in the home is needed as the 14135
caretaker of the child, and any other person who stands in loco 14136
parentis with respect to the child and whose presence in the home 14137
is needed as the caretaker of the child. 14138

~~(G) "Certified type B family day care home" and "certified 14139
type B home" mean a type B family day care home that is certified 14140
by the director of the county department of job and family 14141
services pursuant to section 5104.11 of the Revised Code to 14142
receive public funds for providing child care pursuant to this 14143
chapter and any rules adopted under it. 14144~~

~~(H)(F) "Chartered nonpublic school" means a school that meets 14145
standards for nonpublic schools prescribed by the state board of 14146
education for nonpublic schools pursuant to section 3301.07 of the 14147
Revised Code. 14148~~

~~(I)(G) "Child" includes an infant, toddler, preschool-age 14149
child, or school-age child. 14150~~

~~(J)(H) "Child care block grant act" means the "Child Care and 14151
Development Block Grant Act of 1990," established in section 5082 14152
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 14153
1388-236 (1990), 42 U.S.C. 9858, as amended. 14154~~

~~(K)(I) "Child day camp" means a program in which only 14155
school-age children attend or participate, that operates for no 14156
more than seven hours per day, that operates only during one or 14157
more public school district's regular vacation periods or for no 14158
more than fifteen weeks during the summer, and that operates 14159
outdoor activities for each child who attends or participates in 14160
the program for a minimum of fifty per cent of each day that 14161
children attend or participate in the program, except for any day 14162
when hazardous weather conditions prevent the program from 14163~~

operating outdoor activities for a minimum of fifty per cent of 14164
that day. For purposes of this division, the maximum seven hours 14165
of operation time does not include transportation time from a 14166
child's home to a child day camp and from a child day camp to a 14167
child's home. 14168

~~(I)~~(J) "Child care" means administering to the needs of 14169
infants, toddlers, preschool-age children, and school-age children 14170
outside of school hours by persons other than their parents or 14171
guardians, custodians, or relatives by blood, marriage, or 14172
adoption for any part of the twenty-four-hour day in a place or 14173
residence other than a child's own home. 14174

~~(M)~~(K) "Child day-care center" and "center" mean any place in 14175
which child care or publicly funded child care is provided for 14176
thirteen or more children at one time or any place that is not the 14177
permanent residence of the licensee or administrator in which 14178
child care or publicly funded child care is provided for seven to 14179
twelve children at one time. In counting children for the purposes 14180
of this division, any children under six years of age who are 14181
related to a licensee, administrator, or employee and who are on 14182
the premises of the center shall be counted. "Child day-care 14183
center" and "center" do not include any of the following: 14184

(1) A place located in and operated by a hospital, as defined 14185
in section 3727.01 of the Revised Code, in which the needs of 14186
children are administered to, if all the children whose needs are 14187
being administered to are monitored under the on-site supervision 14188
of a physician licensed under Chapter 4731. of the Revised Code or 14189
a registered nurse licensed under Chapter 4723. of the Revised 14190
Code, and the services are provided only for children who, in the 14191
opinion of the child's parent, guardian, or custodian, are 14192
exhibiting symptoms of a communicable disease or other illness or 14193
are injured; 14194

(2) A child day camp; 14195

(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	14196 14197
(a) An organized religious body provides the child care;	14198
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	14199 14200 14201
(c) The child care is not provided for more than thirty days a year;	14202 14203
(d) The child care is provided only for preschool-age and school-age children.	14204 14205
(N) <u>(L)</u> "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.	14206 14207 14208 14209
(O) <u>(M)</u> "Child care resource and referral services" means all of the following services:	14210 14211
(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;	14212 14213 14214
(2) Provision of individualized consumer education to families seeking child care;	14215 14216
(3) Provision of timely referrals of available child care providers to families seeking child care;	14217 14218
(4) Recruitment of child care providers;	14219
(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;	14220 14221 14222 14223
(6) Collection and analysis of data on the supply of and	14224

demand for child care in the community;	14225
(7) Technical assistance concerning locally, state, and	14226
federally funded child care and early childhood education	14227
programs;	14228
(8) Stimulation of employer involvement in making child care	14229
more affordable, more available, safer, and of higher quality for	14230
their employees and for the community;	14231
(9) Provision of written educational materials to caretaker	14232
parents and informational resources to child care providers;	14233
(10) Coordination of services among child care resource and	14234
referral service organizations to assist in developing and	14235
maintaining a statewide system of child care resource and referral	14236
services if required by the department of job and family services;	14237
(11) Cooperation with the county department of job and family	14238
services in encouraging the establishment of parent cooperative	14239
child care centers and parent cooperative type A family day-care	14240
homes.	14241
(P) <u>(N)</u> "Child-care staff member" means an employee of a child	14242
day-care center or type A family day-care home who is primarily	14243
responsible for the care and supervision of children. The	14244
administrator may be a part-time child-care staff member when not	14245
involved in other duties.	14246
(Q) <u>(O)</u> "Drop-in child day-care center," "drop-in center,"	14247
"drop-in type A family day-care home," and "drop-in type A home"	14248
mean a center or type A home that provides child care or publicly	14249
funded child care for children on a temporary, irregular basis.	14250
(R) <u>(P)</u> "Employee" means a person who either:	14251
(1) Receives compensation for duties performed in a child	14252
day-care center or type A family day-care home;	14253
(2) Is assigned specific working hours or duties in a child	14254

day-care center or type A family day-care home. 14255

~~(S)~~(O) "Employer" means a person, firm, institution, 14256
organization, or agency that operates a child day-care center or 14257
type A family day-care home subject to licensure under this 14258
chapter. 14259

~~(T)~~(R) "Federal poverty line" means the official poverty 14260
guideline as revised annually in accordance with section 673(2) of 14261
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 14262
U.S.C. 9902, as amended, for a family size equal to the size of 14263
the family of the person whose income is being determined. 14264

~~(U)~~(S) "Head start program" means a comprehensive child 14265
development program that receives funds distributed under the 14266
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 14267
amended, and is licensed as a child day-care center. 14268

~~(V)~~(T) "Income" means gross income, as defined in section 14269
5107.10 of the Revised Code, less any amounts required by federal 14270
statutes or regulations to be disregarded. 14271

~~(W)~~(U) "Indicator checklist" means an inspection tool, used 14272
in conjunction with an instrument-based program monitoring 14273
information system, that contains selected licensing requirements 14274
that are statistically reliable indicators or predictors of a 14275
child day-care ~~center or center's~~ type A family day-care home's, 14276
or licensed type B family day-care home's compliance with 14277
licensing requirements. 14278

~~(X)~~(V) "Infant" means a child who is less than eighteen 14279
months of age. 14280

~~(Y)~~(W) "In-home aide" means a person who does not reside with 14281
the child but provides care in the child's home and is certified 14282
by a county director of job and family services pursuant to 14283
section 5104.12 of the Revised Code to provide publicly funded 14284
child care to a child in a child's own home pursuant to this 14285

chapter and any rules adopted under it. 14286

~~(Z)~~(X) "Instrument-based program monitoring information 14287
system" means a method to assess compliance with licensing 14288
requirements for child day-care centers ~~and~~, type A family 14289
day-care homes, and licensed type B family day-care homes in which 14290
each licensing requirement is assigned a weight indicative of the 14291
relative importance of the requirement to the health, growth, and 14292
safety of the children that is used to develop an indicator 14293
checklist. 14294

~~(AA)~~(Y) "License capacity" means the maximum number in each 14295
age category of children who may be cared for in a child day-care 14296
center or type A family day-care home at one time as determined by 14297
the director of job and family services considering building 14298
occupancy limits established by the department of commerce, amount 14299
of available indoor floor space and outdoor play space, and amount 14300
of available play equipment, materials, and supplies. For the 14301
purposes of a provisional license issued under this chapter, the 14302
director shall also consider the number of available child-care 14303
staff members when determining "license capacity" for the 14304
provisional license. 14305

~~(BB)~~(Z) "Licensed child care program" means any of the 14306
following: 14307

(1) A child day-care center licensed by the department of job 14308
and family services pursuant to this chapter; 14309

(2) A type A family day-care home or type B family day-care 14310
home licensed by the department of job and family services 14311
pursuant to this chapter; 14312

(3) ~~A type B family day care home certified by a county~~ 14313
~~department of job and family services pursuant to this chapter;~~ 14314

~~(4)~~ A licensed preschool program or licensed school child 14315
program. 14316

~~(CC)~~(AA) "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.

~~(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 of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

~~(JJ)~~(II) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

~~(KK)~~(JJ) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom either of the following applies:

(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;

(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.

~~(LL)~~(KK) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and 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 funds, including funds available under the child care block grant act,

Title IV-A, and Title XX, distributed by the department of job and family services. 14379
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~~(MM)~~(LL) "Religious activities" means any of the following: 14381
worship or other religious services; religious instruction; Sunday 14382
school classes or other religious classes conducted during or 14383
prior to worship or other religious services; youth or adult 14384
fellowship activities; choir or other musical group practices or 14385
programs; meals; festivals; or meetings conducted by an organized 14386
religious group. 14387

~~(NN)~~(MM) "School-age child" means a child who is enrolled in 14388
or is eligible to be enrolled in a grade of kindergarten or above 14389
but is less than fifteen years old. 14390

~~(OO)~~(NN) "School-age child care center" and "school-age child 14391
type A home" mean a center or type A home that provides child care 14392
for school-age children only and that does either or both of the 14393
following: 14394

(1) Operates only during that part of the day that 14395
immediately precedes or follows the public school day of the 14396
school district in which the center or type A home is located; 14397

(2) Operates only when the public schools in the school 14398
district in which the center or type A home is located are not 14399
open for instruction with pupils in attendance. 14400

~~(PP)~~(OO) "Serious risk noncompliance" means a licensure or 14401
certification rule violation that leads to a great risk of harm 14402
to, or death of, a child, and is observable, not inferable. 14403

~~(QQ)~~(PP) "State median income" means the state median income 14404
calculated by the department of development pursuant to division 14405
(A)(1)(g) of section 5709.61 of the Revised Code. 14406

~~(RR)~~(OO) "Title IV-A" means Title IV-A of the "Social 14407
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 14408

~~(SS)~~(RR) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 14409
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~~(TT)~~(SS) "Toddler" means a child who is at least eighteen months of age but less than three years of age. 14411
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~~(UU)~~(TT) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp. 14413
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~~(VV)~~(UU) "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. 14424
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Sec. 5104.012. (A)(1) At the times specified in this division, the administrator of a child day-care center or a type A family day-care home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center or type A home for employment as a person responsible for the care, custody, or control of a child. 14433
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The administrator shall request a criminal records check 14440
pursuant to this division at the time of the applicant's initial 14441
application for employment and every four years thereafter. When 14442
the administrator requests pursuant to this division a criminal 14443
records check for an applicant at the time of the applicant's 14444
initial application for employment, the administrator shall 14445
request that the superintendent obtain information from the 14446
federal bureau of investigation as a part of the criminal records 14447
check for the applicant, including fingerprint-based checks of 14448
national crime information databases as described in 42 U.S.C. 14449
671, for the person subject to the criminal records check. In all 14450
other cases in which the administrator requests a criminal records 14451
check for an applicant pursuant to this division, the 14452
administrator may request that the superintendent include 14453
information from the federal bureau of investigation in the 14454
criminal records check, including fingerprint-based checks of 14455
national crime information databases as described in 42 U.S.C. 14456
671. 14457

(2) A person required by division (A)(1) of this section to 14458
request a criminal records check shall provide to each applicant a 14459
copy of the form prescribed pursuant to division (C)(1) of section 14460
109.572 of the Revised Code, provide to each applicant a standard 14461
impression sheet to obtain fingerprint impressions prescribed 14462
pursuant to division (C)(2) of section 109.572 of the Revised 14463
Code, obtain the completed form and impression sheet from each 14464
applicant, and forward the completed form and impression sheet to 14465
the superintendent of the bureau of criminal identification and 14466
investigation at the time the person requests a criminal records 14467
check pursuant to division (A)(1) of this section. On and after 14468
August 14, 2008, the administrator of a child day-care center or a 14469
type A family day-care home shall review the results of the 14470
criminal records check before the applicant has sole 14471
responsibility for the care, custody, or control of any child. 14472

(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted under division (E) of this section, no child day-care center or type A family day-care home shall employ or contract with another entity for the services of a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(9) of section 109.572 of the Revised Code.

(2) A child day-care center or type A family day-care home may employ an applicant conditionally until the criminal records check required by this section is completed and the center or home receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the center or home shall release the applicant from employment.

(C)(1) Each child day-care center and type A family day-care home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of

section 109.572 of the Revised Code for each criminal records 14505
check conducted in accordance with that section upon the request 14506
pursuant to division (A)(1) of this section of the administrator 14507
or provider of the center or home. 14508

(2) A child day-care center and type A family day-care home 14509
may charge an applicant a fee for the costs it incurs in obtaining 14510
a criminal records check under this section. A fee charged under 14511
this division shall not exceed the amount of fees the center or 14512
home pays under division (C)(1) of this section. If a fee is 14513
charged under this division, the center or home shall notify the 14514
applicant at the time of the applicant's initial application for 14515
employment of the amount of the fee and that, unless the fee is 14516
paid, the center or type A home will not consider the applicant 14517
for employment. 14518

(D) The report of any criminal records check conducted by the 14519
bureau of criminal identification and investigation in accordance 14520
with section 109.572 of the Revised Code and pursuant to a request 14521
under division (A)(1) of this section is not a public record for 14522
the purposes of section 149.43 of the Revised Code and shall not 14523
be made available to any person other than the applicant who is 14524
the subject of the criminal records check or the applicant's 14525
representative; the center or type A home requesting the criminal 14526
records check or its representative; the department of job and 14527
family services or a county department of job and family services; 14528
and any court, hearing officer, or other necessary individual 14529
involved in a case dealing with the denial of employment to the 14530
applicant. 14531

(E) The director of job and family services shall adopt rules 14532
pursuant to Chapter 119. of the Revised Code to implement this 14533
section, including rules specifying circumstances under which a 14534
center or home may hire a person who has been convicted of an 14535
offense listed in division (B)(1) of this section but who meets 14536

standards in regard to rehabilitation set by the department. 14537

(F) Any person required by division (A)(1) of this section to 14538
request a criminal records check shall inform each person, at the 14539
time of the person's initial application for employment, that the 14540
person is required to provide a set of impressions of the person's 14541
fingerprints and that a criminal records check is required to be 14542
conducted and satisfactorily completed in accordance with section 14543
109.572 of the Revised Code if the person comes under final 14544
consideration for appointment or employment as a precondition to 14545
employment for that position. 14546

(G) As used in this section: 14547

(1) "Applicant" means a person who is under final 14548
consideration for appointment to or employment in a position with 14549
a child day-care center or a type A family day-care home as a 14550
person responsible for the care, custody, or control of a child+ 14551
~~an in-home aide certified pursuant to section 5104.12 of the~~ 14552
~~Revised Code;~~ or any person who would serve in any position with a 14553
child day-care center or a type A family day-care home as a person 14554
responsible for the care, custody, or control of a child pursuant 14555
to a contract with another entity. 14556

(2) "Criminal records check" has the same meaning as in 14557
section 109.572 of the Revised Code. 14558

Sec. 5104.013. (A)(1) At the times specified in division 14559
(A)(3) of this section, the director of job and family services, 14560
as part of the process of licensure of child day-care centers ~~and,~~ 14561
type A family day-care homes, and licensed type B family day-care 14562
homes shall request the superintendent of the bureau of criminal 14563
identification and investigation to conduct a criminal records 14564
check with respect to the following persons: 14565

(a) Any owner, licensee, or administrator of a child day-care 14566

center; 14567

(b) Any owner, licensee, or administrator of a type A family 14568
day-care home and any person eighteen years of age or older who 14569
resides in a type A family day-care home-i 14570

~~(2) At the times specified in division (A)(3) of this 14571
section, the director of a county department of job and family 14572
services, as part of the process of certification of type B family 14573
day care homes, shall request the superintendent of the bureau of 14574
criminal identification and investigation to conduct a criminal 14575
records check with respect to any authorized provider (c) Any 14576
administrator of a certified licensed type B family day-care home 14577
and any person eighteen years of age or older who resides in a 14578
certified licensed type B family day-care home. 14579~~

(2) At the time specified in division (A)(3) of this section, 14580
the director of a county department of job and family services, as 14581
part of the process of certification of in-home aides, shall 14582
request the superintendent of the bureau of criminal 14583
identification and investigation to conduct a criminal records 14584
check with respect to any in-home aide. 14585

(3) The director of job and family services shall request a 14586
criminal records check pursuant to division (A)(1) of this section 14587
at the time of the initial application for licensure and every 14588
four years thereafter. The director of a county department of job 14589
and family services shall request a criminal records check 14590
pursuant to division (A)(2) of this section at the time of the 14591
initial application for certification and every four years 14592
thereafter ~~at the time of a certification renewal~~. When the 14593
director of job and family services or the director of a county 14594
department of job and family services requests pursuant to 14595
division (A)(1) or (2) of this section a criminal records check 14596
for a person at the time of the person's initial application for 14597
licensure or certification, the director shall request that the 14598

superintendent of the bureau of criminal identification and 14599
investigation obtain information from the federal bureau of 14600
investigation as a part of the criminal records check for the 14601
person, including fingerprint-based checks of national crime 14602
information databases as described in 42 U.S.C. 671 for the person 14603
subject to the criminal records check. In all other cases in which 14604
the director of job and family services or the director of a 14605
county department of job and family services requests a criminal 14606
records check for an applicant pursuant to division (A)(1) or (2) 14607
of this section, the director may request that the superintendent 14608
include information from the federal bureau of investigation in 14609
the criminal records check, including fingerprint-based checks of 14610
national crime information databases as described in 42 U.S.C. 14611
671. 14612

(4) The director of job and family services shall review the 14613
results of a criminal records check subsequent to a request made 14614
pursuant to divisions (A)(1) and (3) of this section prior to 14615
approval of a license. The director of a county department of job 14616
and family services shall review the results of a criminal records 14617
check subsequent to a request made pursuant to divisions (A)(2) 14618
and (3) of this section prior to approval of certification. 14619

(B) The director of job and family services or the director 14620
of a county department of job and family services shall provide to 14621
each person for whom a criminal records check is required under 14622
this section a copy of the form prescribed pursuant to division 14623
(C)(1) of section 109.572 of the Revised Code and a standard 14624
impression sheet to obtain fingerprint impressions prescribed 14625
pursuant to division (C)(2) of that section, obtain the completed 14626
form and impression sheet from that person, and forward the 14627
completed form and impression sheet to the superintendent of the 14628
bureau of criminal identification and investigation. 14629

(C) A person who receives pursuant to division (B) of this 14630

section a copy of the form and standard impression sheet described 14631
in that division and who is requested to complete the form and 14632
provide a set of fingerprint impressions shall complete the form 14633
or provide all the information necessary to complete the form and 14634
shall provide the impression sheet with the impressions of the 14635
person's fingerprints. If the person, upon request, fails to 14636
provide the information necessary to complete the form or fails to 14637
provide impressions of the person's fingerprints, the director may 14638
consider the failure as a reason to deny licensure or 14639
certification. 14640

(D) Except as provided in rules adopted under division (G) of 14641
this section, the director of job and family services shall not 14642
grant a license to a child day-care center ~~or~~, type A family 14643
day-care home ~~and a county director of job and family services~~ 14644
~~shall not certify a, or~~ type B family day-care home and a county 14645
director of job and family services shall not certify an in-home 14646
aide if a person for whom a criminal records check was required in 14647
connection with the center or home previously has been convicted 14648
of or pleaded guilty to any of the violations described in 14649
division (A)(9) of section 109.572 of the Revised Code. 14650

(E) Each child day-care center, type A family day-care home, 14651
and type B family day-care home shall pay to the bureau of 14652
criminal identification and investigation the fee prescribed 14653
pursuant to division (C)(3) of section 109.572 of the Revised Code 14654
for each criminal records check conducted in accordance with that 14655
section upon a request made pursuant to division (A) of this 14656
section. 14657

(F) The report of any criminal records check conducted by the 14658
bureau of criminal identification and investigation in accordance 14659
with section 109.572 of the Revised Code and pursuant to a request 14660
made under division (A) of this section is not a public record for 14661
the purposes of section 149.43 of the Revised Code and shall not 14662

be made available to any person other than the person who is the 14663
subject of the criminal records check or the person's 14664
representative, the director of job and family services, the 14665
director of a county department of job and family services, the 14666
center, type A home, or type B home involved, and any court, 14667
hearing officer, or other necessary individual involved in a case 14668
dealing with a denial of licensure or certification related to the 14669
criminal records check. 14670

(G) The director of job and family services shall adopt rules 14671
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 14672
implement this section, including rules specifying exceptions to 14673
the prohibition in division (D) of this section for persons who 14674
have been convicted of an offense listed in that division but who 14675
meet standards in regard to rehabilitation set by the ~~department~~ 14676
director. 14677

(H) As used in this section, "criminal records check" has the 14678
same meaning as in section 109.572 of the Revised Code. 14679

Sec. ~~5104.011~~ 5104.015. (A) The director of job and family 14680
services shall adopt rules ~~pursuant to~~ in accordance with Chapter 14681
119. of the Revised Code governing the operation of child day-care 14682
centers, including, ~~but not limited to,~~ parent cooperative 14683
centers, part-time centers, drop-in centers, and school-age child 14684
care centers, ~~which.~~ The rules shall reflect the various forms of 14685
child care and the needs of children receiving child care or 14686
publicly funded child care and shall include specific rules for 14687
school-age child care centers that are developed in consultation 14688
with the department of education. The rules shall not require an 14689
existing school facility that is in compliance with applicable 14690
building codes to undergo an additional building code inspection 14691
or to have structural modifications. The rules shall include the 14692
following: 14693

~~(1)~~(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

~~(2)~~(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including, ~~but not limited to,~~ the physical environment, the physical plant, and the equipment of the center;

~~(3)~~(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;

~~(4)~~(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. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.

~~(5)~~(E) Admissions policies and procedures, health care policies and procedures, including, ~~but not limited to,~~ procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, that may include any necessary physical examinations and immunizations;

~~(6)~~(F) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children,

parents, and employees are protected and that responsibilities of	14725
parents and employees are met;	14726
(7) (G) Procedures for ensuring the safety and adequate	14727
supervision of children traveling off the premises of the center	14728
while under the care of a center employee;	14729
(8) (H) Procedures for record keeping, organization, and	14730
administration;	14731
(9) (I) Procedures for issuing, denying, and revoking a	14732
license that are not otherwise provided for in Chapter 119. of the	14733
Revised Code;	14734
(10) (J) Inspection procedures;	14735
(11) (K) Procedures and standards for setting initial license	14736
application fees;	14737
(12) (L) Procedures for receiving, recording, and responding	14738
to complaints about centers;	14739
(13) (M) Procedures for enforcing section 5104.04 of the	14740
Revised Code;	14741
(14) (N) A standard requiring the inclusion, on and after July	14742
1, 1987, of a current department of job and family services	14743
toll-free telephone number on each center provisional license or	14744
license which any person may use to report a suspected violation	14745
by the center of this chapter or rules adopted pursuant to this	14746
chapter;	14747
(15) (O) Requirements for the training of administrators and	14748
child-care staff members in first aid, in prevention, recognition,	14749
and management of communicable diseases, and in child abuse	14750
recognition and prevention. Training requirements for child	14751
day-care centers adopted under this division shall be consistent	14752
with divisions (B)(6) and (C)(1) of this section <u>sections 5104.034</u>	14753
<u>and 5104.037 of the Revised Code.</u>	14754

~~(16)(P)~~ Standards providing for the special needs of children 14755
who are handicapped or who require treatment for health conditions 14756
while the child is receiving child care or publicly funded child 14757
care in the center; 14758

~~(17)(Q)~~ A procedure for reporting of injuries of children 14759
that occur at the center; 14760

~~(18)(R)~~ Standards for licensing child day-care centers for 14761
children with short-term illnesses and other temporary medical 14762
conditions; 14763

(S) Any other procedures and standards necessary to carry out 14764
the provisions of this chapter regarding child day-care centers. 14765

~~(B)(1)~~ The child day care center shall have, for each child 14766
for whom the center is licensed, at least thirty five square feet 14767
of usable indoor floor space wall to wall regularly available for 14768
the child care operation exclusive of any parts of the structure 14769
in which the care of children is prohibited by law or by rules 14770
adopted by the board of building standards. The minimum of 14771
thirty five square feet of usable indoor floor space shall not 14772
include hallways, kitchens, storage areas, or any other areas that 14773
are not available for the care of children, as determined by the 14774
director, in meeting the space requirement of this division, and 14775
bathrooms shall be counted in determining square footage only if 14776
they are used exclusively by children enrolled in the center, 14777
except that the exclusion of hallways, kitchens, storage areas, 14778
bathrooms not used exclusively by children enrolled in the center, 14779
and any other areas not available for the care of children from 14780
the minimum of thirty five square feet of usable indoor floor 14781
space shall not apply to: 14782

~~(a)~~ Centers licensed prior to or on September 1, 1986, that 14783
continue under licensure after that date; 14784

~~(b)~~ Centers licensed prior to or on September 1, 1986, that 14785

~~are issued a new license after that date solely due to a change of
ownership of the center.~~ 14786
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~~(2) The child day care center shall have on the site a safe
outdoor play space which is enclosed by a fence or otherwise
protected from traffic or other hazards. The play space shall
contain not less than sixty square feet per child using such space
at any one time, and shall provide an opportunity for supervised
outdoor play each day in suitable weather. The director may exempt
a center from the requirement of this division, if an outdoor play
space is not available and if all of the following are met:~~ 14788
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~~(a) The center provides an indoor recreation area that has
not less than sixty square feet per child using the space at any
one time, that has a minimum of one thousand four hundred forty
square feet of space, and that is separate from the indoor space
required under division (B)(1) of this section.~~ 14796
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~~(b) The director has determined that there is regularly
available and scheduled for use a conveniently accessible and safe
park, playground, or similar outdoor play area for play or
recreation.~~ 14801
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~~(c) The children are closely supervised during play and while
traveling to and from the area.~~ 14805
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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~~ 14807
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~~that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children.~~ 14817
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~~(3) The child day care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child care staff to give continuity of care and supervision to the children on a day by day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (E) of this section, the maximum number of children per child care staff member and maximum group size, by age category of children, are as follows:~~ 14819
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	Maximum Number of		
	Children Per	Maximum	
Age Category	Child Care	Group	
of Children	Staff Member	Size	
(a) Infants:			14833
(i) Less than twelve months old	5:1, or 12:2 if two child care staff members are in the room		14834 14835 14836 14837 14838
(ii) At least twelve months old, but less than eighteen months old	6:1	12	14839 14840 14841 14842
(b) Toddlers:			14843
(i) At least eighteen months old, but less than thirty months old	7:1	14	14844 14845 14846 14847 14848

(ii) At least thirty months			14849
old, but less than			14850
three years old	8:1	16	14851
(c) Preschool			14852
children:			14853
(i) Three years old	12:1	24	14854
(ii) Four years old and			14855
five years old who			14856
are not school			14857
children	14:1	28	14858
(d) School children:			14859
(i) A child who is			14860
enrolled in or is			14861
eligible to be			14862
enrolled in a grade			14863
of kindergarten			14864
or above, but			14865
is less than			14866
eleven years old	18:1	36	14867
(ii) Eleven through fourteen			14868
years old	20:1	40	14869
Except as otherwise provided in division (E) of this section,			14870
the maximum number of children per child care staff member and			14871
maximum group size requirements of the younger age group shall			14872
apply when age groups are combined.			14873
(C)(1) Each child day care center shall have on the center			14874
premises and readily available at all times at least one			14875
child care staff member who has completed a course in first aid,			14876
one staff member who has completed a course in prevention,			14877
recognition, and management of communicable diseases which is			14878
approved by the state department of health, and a staff member who			14879
has completed a course in child abuse recognition and prevention			14880
training which is approved by the department of job and family			14881

~~services.~~ 14882

~~(2) The administrator of each child day care center shall 14883
maintain enrollment, health, and attendance records for all 14884
children attending the center and health and employment records 14885
for all center employees. The records shall be confidential, 14886
except that they shall be disclosed by the administrator to the 14887
director upon request for the purpose of administering and 14888
enforcing this chapter and rules adopted pursuant to this chapter. 14889
Neither the center nor the licensee, administrator, or employees 14890
of the center shall be civilly or criminally liable in damages or 14891
otherwise for records disclosed to the director by the 14892
administrator pursuant to this division. It shall be a defense to 14893
any civil or criminal charge based upon records disclosed by the 14894
administrator to the director that the records were disclosed 14895
pursuant to this division.~~ 14896

~~(3)(a) Any parent who is the residential parent and legal 14897
custodian of a child enrolled in a child day care center and any 14898
custodian or guardian of such a child shall be permitted unlimited 14899
access to the center during its hours of operation for the 14900
purposes of contacting their children, evaluating the care 14901
provided by the center, evaluating the premises of the center, or 14902
for other purposes approved by the director. A parent of a child 14903
enrolled in a child day care center who is not the child's 14904
residential parent shall be permitted unlimited access to the 14905
center during its hours of operation for those purposes under the 14906
same terms and conditions under which the residential parent of 14907
that child is permitted access to the center for those purposes. 14908
However, the access of the parent who is not the residential 14909
parent is subject to any agreement between the parents and, to the 14910
extent described in division (C)(3)(b) of this section, is subject 14911
to any terms and conditions limiting the right of access of the 14912
parent who is not the residential parent, as described in division 14913~~

~~(I) of section 3109.051 of the Revised Code, that are contained in 14914
a parenting time order or decree issued under that section, 14915
section 3109.12 of the Revised Code, or any other provision of the 14916
Revised Code. 14917~~

~~(b) If a parent who is the residential parent of a child has 14918
presented the administrator or the administrator's designee with a 14919
copy of a parenting time order that limits the terms and 14920
conditions under which the parent who is not the residential 14921
parent is to have access to the center, as described in division 14922
(I) of section 3109.051 of the Revised Code, the parent who is not 14923
the residential parent shall be provided access to the center only 14924
to the extent authorized in the order. If the residential parent 14925
has presented such an order, the parent who is not the residential 14926
parent shall be permitted access to the center only in accordance 14927
with the most recent order that has been presented to the 14928
administrator or the administrator's designee by the residential 14929
parent or the parent who is not the residential parent. 14930~~

~~(c) Upon entering the premises pursuant to division (C)(3)(a) 14931
or (b) of this section, the parent who is the residential parent 14932
and legal custodian, the parent who is not the residential parent, 14933
or the custodian or guardian shall notify the administrator or the 14934
administrator's designee of the parent's, custodian's, or 14935
guardian's presence. 14936~~

~~(D) The director of job and family services, in addition to 14937
the rules adopted under division (A) of this section, shall adopt 14938
rules establishing minimum requirements for child day care 14939
centers. The rules shall include, but not be limited to, the 14940
requirements set forth in divisions (B) and (C) of this section 14941
and sections 5104.031, 5104.032, and 5104.033 of the Revised Code. 14942
Except as provided in section 5104.07 of the Revised Code, the 14943
rules shall not change the square footage requirements of division 14944
(B)(1) or (2) of this section; the maximum number of children per 14945~~

~~child care staff member and maximum group size requirements of 14946
division (B)(3) of this section; the educational and experience 14947
requirements of section 5104.031 of the Revised Code; the age, 14948
educational, and experience requirements of section 5104.032 of 14949
the Revised Code; the number and type of inservice training hours 14950
required under section 5104.033 of the Revised Code; however, the 14951
rules shall provide procedures for determining compliance with 14952
those requirements. 14953~~

~~(E)(1) When age groups are combined, the maximum number of 14954
children per child care staff member shall be determined by the 14955
age of the youngest child in the group, except that when no more 14956
than one child thirty months of age or older receives services in 14957
a group in which all the other children are in the next older age 14958
group, the maximum number of children per child care staff member 14959
and maximum group size requirements of the older age group 14960
established under division (B)(3) of this section shall apply. 14961~~

~~(2) The maximum number of toddlers or preschool children per 14962
child care staff member in a room where children are napping shall 14963
be twice the maximum number of children per child care staff 14964
member established under division (B)(3) of this section if all 14965
the following criteria are met: 14966~~

~~(a) At least one child care staff member is present in the 14967
room. 14968~~

~~(b) Sufficient child care staff members are on the child 14969
day care center premises to meet the maximum number of children 14970
per child care staff member requirements established under 14971
division (B)(3) of this section. 14972~~

~~(c) Naptime preparations are complete and all napping 14973
children are resting or sleeping on cots. 14974~~

~~(d) The maximum number established under division (E)(2) of 14975
this section is in effect for no more than two hours during a 14976~~

~~twenty four hour day.~~ 14977

~~(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day care homes, including, but not limited to, parent cooperative type A homes, part time type A homes, drop in type A homes, and school child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:~~ 14978
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~~(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;~~ 14986
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~~(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;~~ 14990
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~~(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;~~ 14994
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~~(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;~~ 14997
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~~(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and~~ 15003
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snacks, and procedures for screening children and employees,	15008
including, but not limited to, any necessary physical examinations	15009
and immunizations;	15010
(6) Methods for encouraging parental participation in the	15011
type A home and methods for ensuring that the rights of children,	15012
parents, and employees are protected and that the responsibilities	15013
of parents and employees are met;	15014
(7) Procedures for ensuring the safety and adequate	15015
supervision of children traveling off the premises of the type A	15016
home while under the care of a type A home employee;	15017
(8) Procedures for record keeping, organization, and	15018
administration;	15019
(9) Procedures for issuing, denying, and revoking a license	15020
that are not otherwise provided for in Chapter 119. of the Revised	15021
Code;	15022
(10) Inspection procedures;	15023
(11) Procedures and standards for setting initial license	15024
application fees;	15025
(12) Procedures for receiving, recording, and responding to	15026
complaints about type A homes;	15027
(13) Procedures for enforcing section 5104.04 of the Revised	15028
Code;	15029
(14) A standard requiring the inclusion, on or after July 1,	15030
1987, of a current department of job and family services toll free	15031
telephone number on each type A home provisional license or	15032
license which any person may use to report a suspected violation	15033
by the type A home of this chapter or rules adopted pursuant to	15034
this chapter;	15035
(15) Requirements for the training of administrators and	15036
child care staff members in first aid, in prevention, recognition,	15037

and management of communicable diseases, and in child abuse	15038
recognition and prevention;	15039
(16) Standards providing for the special needs of children	15040
who are handicapped or who require treatment for health conditions	15041
while the child is receiving child care or publicly funded child	15042
care in the type A home;	15043
(17) Standards for the maximum number of children per	15044
child care staff member;	15045
(18) Requirements for the amount of usable indoor floor space	15046
for each child;	15047
(19) Requirements for safe outdoor play space;	15048
(20) Qualifications and training requirements for	15049
administrators and for child care staff members;	15050
(21) Procedures for granting a parent who is the residential	15051
parent and legal custodian, or a custodian or guardian access to	15052
the type A home during its hours of operation;	15053
(22) Standards for the preparation and distribution of a	15054
roster of parents, custodians, and guardians;	15055
(23) Any other procedures and standards necessary to carry	15056
out this chapter.	15057
(G) The director of job and family services shall adopt rules	15058
pursuant to Chapter 119. of the Revised Code governing the	15059
certification of type B family day care homes.	15060
(1) The rules shall include all of the following:	15061
(a) Procedures, standards, and other necessary provisions for	15062
granting limited certification to type B family day care homes	15063
that are operated by the following adult providers:	15064
(i) Persons who provide child care for eligible children who	15065
are great grandchildren, grandchildren, nieces, nephews, or	15066

~~siblings of the provider or for eligible children whose caretaker
parent is a grandchild, child, niece, nephew, or sibling of the
provider;~~ 15067
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~~(ii) Persons who provide child care for eligible children all
of whom are the children of the same caretaker parent;~~ 15070
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~~(b) Procedures for the director to ensure, that type B homes
that receive a limited certification provide child care to
children in a safe and sanitary manner;~~ 15072
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~~(c) Requirements for the type B home to notify parents with
children in the type B home that the type B home is also certified
as a foster home under section 5103.03 of the Revised Code.~~ 15075
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~~With regard to providers who apply for limited certification,
a provider shall be granted a provisional limited certification on
signing a declaration under oath attesting that the provider meets
the standards for limited certification. Such provisional limited
certifications shall remain in effect for no more than sixty
calendar days and shall entitle the provider to offer publicly
funded child care during the provisional period. Except as
otherwise provided in division (G)(1) of this section, section
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of
section 5104.11 of the Revised Code, prior to the expiration of
the provisional limited certificate, a county department of job
and family services shall inspect the home and shall grant limited
certification to the provider if the provider meets the
requirements of this division. Limited certificates remain valid
for two years unless earlier revoked. Except as otherwise provided
in division (G)(1) of this section, providers operating under
limited certification shall be inspected annually.~~ 15078
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~~If a provider is a person described in division (G)(1)(a)(i)
of this section or a person described in division (G)(1)(a)(ii) of
this section who is a friend of the caretaker parent, the provider~~ 15095
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~~and the caretaker parent may verify in writing to the county 15098
department of job and family services that minimum health and 15099
safety requirements are being met in the home. Except as otherwise 15100
provided in section 5104.013 or 5104.09 or in division (A)(2) of 15101
section 5104.11 of the Revised Code, if such verification is 15102
provided, the county shall waive any inspection required by this 15103
chapter and grant limited certification to the provider. 15104~~

~~(2) The rules shall provide for safeguarding the health, 15105
safety, and welfare of children receiving child care or publicly 15106
funded child care in a certified type B home and shall include the 15107
following: 15108~~

~~(a) Standards for ensuring that the type B home and the 15109
physical surroundings of the type B home are safe and sanitary, 15110
including, but not limited to, physical environment, physical 15111
plant, and equipment; 15112~~

~~(b) Standards for the supervision, care, and discipline of 15113
children receiving child care or publicly funded child care in the 15114
home; 15115~~

~~(c) Standards for a program of activities, and for play 15116
equipment, materials, and supplies to enhance the development of 15117
each child; however, any educational curricula, philosophies, and 15118
methodologies that are developmentally appropriate and that 15119
enhance the social, emotional, intellectual, and physical 15120
development of each child shall be permissible; 15121~~

~~(d) Admission policies and procedures, health care, first aid 15122
and emergency procedures, procedures for the care of sick 15123
children, procedures for discipline and supervision of children, 15124
nutritional standards, and procedures for screening children and 15125
authorized providers, including, but not limited to, any necessary 15126
physical examinations and immunizations; 15127~~

~~(e) Methods of encouraging parental participation and 15128~~

ensuring that the rights of children, parents, and authorized	15129
providers are protected and the responsibilities of parents and	15130
authorized providers are met;	15131
(f) Standards for the safe transport of children when under	15132
the care of authorized providers;	15133
(g) Procedures for issuing, renewing, denying, refusing to	15134
renew, or revoking certificates;	15135
(h) Procedures for the inspection of type B homes that	15136
require, at a minimum, that each type B home be inspected prior to	15137
certification to ensure that the home is safe and sanitary;	15138
(i) Procedures for record keeping and evaluation;	15139
(j) Procedures for receiving, recording, and responding to	15140
complaints;	15141
(k) Standards providing for the special needs of children who	15142
are handicapped or who receive treatment for health conditions	15143
while the child is receiving child care or publicly funded child	15144
care in the type B home;	15145
(l) Requirements for the amount of usable indoor floor space	15146
for each child;	15147
(m) Requirements for safe outdoor play space;	15148
(n) Qualification and training requirements for authorized	15149
providers;	15150
(o) Procedures for granting a parent who is the residential	15151
parent and legal custodian, or a custodian or guardian access to	15152
the type B home during its hours of operation;	15153
(p) Requirements for the type B home to notify parents with	15154
children in the type B home that the type B home is also certified	15155
as a foster home under section 5103.03 of the Revised Code;	15156
(q) Any other procedures and standards necessary to carry out	15157

~~this chapter.~~ 15158

~~(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:~~ 15159
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~~(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;~~ 15174
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~~(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;~~ 15178
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~~(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;~~ 15180
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~~(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~~ 15186
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procedures for screening children and in-home aides, including,	15189
but not limited to, any necessary physical examinations and	15190
immunizations;	15191
(5) Methods of encouraging parental participation and	15192
ensuring that the rights of children, parents, and in-home aides	15193
are protected and the responsibilities of parents and in-home	15194
aides are met;	15195
(6) Standards for the safe transport of children when under	15196
the care of in-home aides;	15197
(7) Procedures for issuing, renewing, denying, refusing to	15198
renew, or revoking certificates;	15199
(8) Procedures for inspection of homes of children receiving	15200
publicly funded child care in their own homes;	15201
(9) Procedures for record keeping and evaluation;	15202
(10) Procedures for receiving, recording, and responding to	15203
complaints;	15204
(11) Qualifications and training requirements for in-home	15205
aides;	15206
(12) Standards providing for the special needs of children	15207
who are handicapped or who receive treatment for health conditions	15208
while the child is receiving publicly funded child care in the	15209
child's own home;	15210
(13) Any other procedures and standards necessary to carry	15211
out this chapter.	15212
(I) To the extent that any rules adopted for the purposes of	15213
this section require a health care professional to perform a	15214
physical examination, the rules shall include as a health care	15215
professional a physician assistant, a clinical nurse specialist, a	15216
certified nurse practitioner, or a certified nurse midwife.	15217
(J)(1) The director of job and family services shall do all	15218

~~of the following:~~ 15219

~~(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;~~ 15220
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~~(b) Give public notice of hearings regarding the rules to each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;~~ 15223
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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.~~ 15226
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~~(2) The director shall do all of the following:~~ 15229

~~(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;~~ 15230
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~~(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance;~~ 15234
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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.~~ 15236
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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~~ 15239
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~~(4) Additional copies of proposed and adopted rules shall be 15250
made available by the director of job and family services to the 15251
public on request at no charge. 15252~~

~~(5) The director of job and family services may adopt rules 15253
pursuant to Chapter 119. of the Revised Code for imposing 15254
sanctions on persons and entities that are licensed or certified 15255
under this chapter. Sanctions may be imposed only for an action or 15256
omission that constitutes a serious risk noncompliance. The 15257
sanctions imposed shall be based on the scope and severity of the 15258
violations. 15259~~

~~The director shall make a dispute resolution process 15260
available for the implementation of sanctions. The process may 15261
include an opportunity for appeal pursuant to Chapter 119. of the 15262
Revised Code. 15263~~

~~(6) The director of job and family services shall adopt rules 15264
pursuant to Chapter 119. of the Revised Code that establish 15265
standards for the training of individuals whom any county 15266
department of job and family services employs, with whom any 15267
county department of job and family services contracts, or with 15268
whom the director of job and family services contracts, to inspect 15269
or investigate type B family day care homes pursuant to section 15270
5104.11 of the Revised Code. The department shall provide training 15271
in accordance with those standards for individuals in the 15272
categories described in this division. 15273~~

~~(K) The director of job and family services shall review all 15274
rules adopted pursuant to this chapter at least once every seven 15275
years. 15276~~

~~(L) Notwithstanding any provision of the Revised Code, the 15277
director of job and family services shall not regulate in any way 15278
under this chapter or rules adopted pursuant to this chapter, 15279~~

~~instruction in religious or moral doctrines, beliefs, or values.~~ 15280

Sec. 5104.016. The director of job and family services, in 15281
addition to the rules adopted under section 5104.015 of the 15282
Revised Code, shall adopt rules establishing minimum requirements 15283
for child day-care centers. The rules shall include the 15284
requirements set forth in sections 5104.032 to 5104.037 of the 15285
Revised Code. Except as provided in section 5104.07 of the Revised 15286
Code, the rules shall not change the square footage requirements 15287
of section 5104.032 of the Revised Code; the maximum number of 15288
children per child-care staff member and maximum group size 15289
requirements of section 5104.033 of the Revised Code; the 15290
educational and experience requirements of section 5104.035 of the 15291
Revised Code; the age, educational, and experience requirements of 15292
section 5104.036 of the Revised Code; the number and type of 15293
inservice training hours required under section 5104.037 of the 15294
Revised Code; however, the rules shall provide procedures for 15295
determining compliance with those requirements. 15296

Sec. 5104.017. The director of job and family services shall 15297
adopt rules pursuant to Chapter 119. of the Revised Code governing 15298
the operation of type A family day-care homes, including parent 15299
cooperative type A homes, part-time type A homes, drop-in type A 15300
homes, and school-age child type A homes. The rules shall reflect 15301
the various forms of child care and the needs of children 15302
receiving child care. The rules shall include the following: 15303

(A) Submission of a site plan and descriptive plan of 15304
operation to demonstrate how the type A home proposes to meet the 15305
requirements of this chapter and rules adopted pursuant to this 15306
chapter for the initial license application; 15307

(B) Standards for ensuring that the physical surroundings of 15308
the type A home are safe and sanitary, including the physical 15309

<u>environment, the physical plant, and the equipment of the type A</u>	15310
<u>home;</u>	15311
<u>(C) Standards for the supervision, care, and discipline of</u>	15312
<u>children receiving child care or publicly funded child care in the</u>	15313
<u>type A home;</u>	15314
<u>(D) Standards for a program of activities, and for play</u>	15315
<u>equipment, materials, and supplies, to enhance the development of</u>	15316
<u>each child; however, any educational curricula, philosophies, and</u>	15317
<u>methodologies that are developmentally appropriate and that</u>	15318
<u>enhance the social, emotional, intellectual, and physical</u>	15319
<u>development of each child shall be permissible;</u>	15320
<u>(E) Admissions policies and procedures, health care policies</u>	15321
<u>and procedures, including procedures for the isolation of children</u>	15322
<u>with communicable diseases, first aid and emergency procedures,</u>	15323
<u>procedures for discipline and supervision of children, standards</u>	15324
<u>for the provision of nutritious meals and snacks, and procedures</u>	15325
<u>for screening children and employees, including any necessary</u>	15326
<u>physical examinations and immunizations;</u>	15327
<u>(F) Methods for encouraging parental participation in the</u>	15328
<u>type A home and methods for ensuring that the rights of children,</u>	15329
<u>parents, and employees are protected and that the responsibilities</u>	15330
<u>of parents and employees are met;</u>	15331
<u>(G) Procedures for ensuring the safety and adequate</u>	15332
<u>supervision of children traveling off the premises of the type A</u>	15333
<u>home while under the care of a type A home employee;</u>	15334
<u>(H) Procedures for record keeping, organization, and</u>	15335
<u>administration;</u>	15336
<u>(I) Procedures for issuing, denying, and revoking a license</u>	15337
<u>that are not otherwise provided for in Chapter 119. of the Revised</u>	15338
<u>Code;</u>	15339

<u>(J) Inspection procedures;</u>	15340
<u>(K) Procedures and standards for setting initial license application fees;</u>	15341 15342
<u>(L) Procedures for receiving, recording, and responding to complaints about type A homes;</u>	15343 15344
<u>(M) Procedures for enforcing section 5104.04 of the Revised Code;</u>	15345 15346
<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>	15347 15348 15349 15350 15351
<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>	15352 15353 15354 15355
<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>	15356 15357 15358 15359
<u>(Q) Standards for the maximum number of children per child-care staff member;</u>	15360 15361
<u>(R) Requirements for the amount of usable indoor floor space for each child;</u>	15362 15363
<u>(S) Requirements for safe outdoor play space;</u>	15364
<u>(T) Qualifications and training requirements for administrators and for child-care staff members;</u>	15365 15366
<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>	15367 15368 15369

<u>(V) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</u>	15370
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<u>(W) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.</u>	15372
	15373
<u>Sec. 5104.018.</u> <u>The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:</u>	15374
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<u>(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code.</u>	15381
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<u>(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;</u>	15384
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<u>(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;</u>	15387
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<u>(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;</u>	15390
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<u>(E) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and</u>	15396
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<u>administrators, including any necessary physical examinations and</u>	15400
<u>immunizations;</u>	15401
<u>(F) Methods of encouraging parental participation and</u>	15402
<u>ensuring that the rights of children, parents, and administrators</u>	15403
<u>are protected and the responsibilities of parents and</u>	15404
<u>administrators are met;</u>	15405
<u>(G) Standards for the safe transport of children when under</u>	15406
<u>the care of administrators;</u>	15407
<u>(H) Procedures for issuing, denying, or revoking licenses;</u>	15408
<u>(I) Procedures for the inspection of type B homes that</u>	15409
<u>require, at a minimum, that each type B home be inspected prior to</u>	15410
<u>licensure to ensure that the home is safe and sanitary;</u>	15411
<u>(J) Procedures for record keeping and evaluation;</u>	15412
<u>(K) Procedures for receiving, recording, and responding to</u>	15413
<u>complaints;</u>	15414
<u>(L) Standards providing for the special needs of children who</u>	15415
<u>are handicapped or who receive treatment for health conditions</u>	15416
<u>while the child is receiving child care or publicly funded child</u>	15417
<u>care in the type B home;</u>	15418
<u>(M) Requirements for the amount of usable indoor floor space</u>	15419
<u>for each child;</u>	15420
<u>(N) Requirements for safe outdoor play space;</u>	15421
<u>(O) Qualification and training requirements for</u>	15422
<u>administrators;</u>	15423
<u>(P) Procedures for granting a parent who is the residential</u>	15424
<u>parent and legal custodian, or a custodian or guardian access to</u>	15425
<u>the type B home during its hours of operation;</u>	15426
<u>(O) Requirements for the type B home to notify parents with</u>	15427
<u>children in the type B home that the type B home is certified as a</u>	15428

foster home under section 5103.03 of the Revised Code; 15429

(R) Any other procedures and standards necessary to carry out 15430
the provisions of this chapter regarding licensure of type B 15431
homes. 15432

Sec. 5104.019. The director of job and family services shall 15433
adopt rules in accordance with Chapter 119. of the Revised Code 15434
governing the certification of in-home aides. The rules shall 15435
provide for safeguarding the health, safety, and welfare of 15436
children receiving publicly funded child care in their own home 15437
and shall include the following: 15438

(A) Standards for ensuring that the child's home and the 15439
physical surroundings of the child's home are safe and sanitary, 15440
including physical environment, physical plant, and equipment; 15441

(B) Standards for the supervision, care, and discipline of 15442
children receiving publicly funded child care in their own home; 15443

(C) Standards for a program of activities, and for play 15444
equipment, materials, and supplies to enhance the development of 15445
each child; however, any educational curricula, philosophies, and 15446
methodologies that are developmentally appropriate and that 15447
enhance the social, emotional, intellectual, and physical 15448
development of each child shall be permissible; 15449

(D) Health care, first aid, and emergency procedures, 15450
procedures for the care of sick children, procedures for 15451
discipline and supervision of children, nutritional standards, and 15452
procedures for screening children and in-home aides, including any 15453
necessary physical examinations and immunizations; 15454

(E) Methods of encouraging parental participation and 15455
ensuring that the rights of children, parents, and in-home aides 15456
are protected and the responsibilities of parents and in-home 15457
aides are met; 15458

<u>(F) Standards for the safe transport of children when under the care of in-home aides;</u>	15459
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<u>(G) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;</u>	15461
	15462
<u>(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;</u>	15463
	15464
<u>(I) Procedures for record keeping and evaluation;</u>	15465
<u>(J) Procedures for receiving, recording, and responding to complaints;</u>	15466
	15467
<u>(K) Qualifications and training requirements for in-home aides;</u>	15468
	15469
<u>(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;</u>	15470
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<u>(M) Any other procedures and standards necessary to carry out the provisions of this chapter regarding certification of in-home aides.</u>	15474
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<u>Sec. 5104.0110. To the extent that any rules adopted for the purposes of this chapter 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.</u>	15477
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<u>Sec. 5104.0111. (A) The director of job and family services shall do all of the following:</u>	15483
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<u>(1) 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, type A homes, and type B</u>	15485
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<u>homes;</u>	15488
<u>(2) Give public notice of hearings regarding the proposed</u>	15489
<u>rules at least thirty days prior to the date of the public</u>	15490
<u>hearing, in accordance with section 119.03 of the Revised Code;</u>	15491
<u>(3) At least thirty days before the effective date of a rule,</u>	15492
<u>provide, in either paper or electronic form, a copy of the adopted</u>	15493
<u>rule to each licensee;</u>	15494
<u>(4) Send to each county director of job and family services a</u>	15495
<u>notice of proposed rules governing the certification of in-home</u>	15496
<u>aides that includes an internet web site address where the</u>	15497
<u>proposed rules can be viewed;</u>	15498
<u>(5) Provide to each county director of job and family</u>	15499
<u>services an electronic copy of each adopted rule at least</u>	15500
<u>forty-five days prior to the rule's effective date;</u>	15501
<u>(6) Review all rules adopted pursuant to this chapter at</u>	15502
<u>least once every seven years.</u>	15503
<u>(B) The county director of job and family services shall</u>	15504
<u>provide or make available in either paper or electronic form to</u>	15505
<u>each in-home aide copies of proposed rules and shall give public</u>	15506
<u>notice of hearings regarding the rules to each in-home aide at</u>	15507
<u>least thirty days prior to the date of the public hearing, in</u>	15508
<u>accordance with section 119.03 of the Revised Code. At least</u>	15509
<u>thirty days before the effective date of a rule, the county</u>	15510
<u>director of job and family services shall provide, in either paper</u>	15511
<u>or electronic form, copies of the adopted rule to each in-home</u>	15512
<u>aide.</u>	15513
<u>(C) Additional copies of proposed and adopted rules shall be</u>	15514
<u>made available by the director of job and family services to the</u>	15515
<u>public on request at no charge.</u>	15516
<u>(D) The director of job and family services may adopt rules</u>	15517

in accordance with Chapter 119. of the Revised Code for imposing 15518
sanctions on persons and entities that are licensed or certified 15519
under this chapter. Sanctions may be imposed only for an action or 15520
omission that constitutes a serious risk noncompliance. The 15521
sanctions imposed shall be based on the scope and severity of the 15522
violations. 15523

The director shall make a dispute resolution process 15524
available for the implementation of sanctions. The process may 15525
include an opportunity for appeal pursuant to Chapter 119. of the 15526
Revised Code. 15527

(E) The director of job and family services shall adopt rules 15528
in accordance with Chapter 119. of the Revised Code that establish 15529
standards for the training of individuals who inspect or 15530
investigate type B family day-care homes pursuant to section 15531
5104.03 of the Revised Code. The department shall provide training 15532
in accordance with those standards for individuals in the 15533
categories described in this division. 15534

Sec. 5104.0112. Notwithstanding any provision of the Revised 15535
Code, the director of job and family services shall not regulate 15536
in any way under this chapter or rules adopted pursuant to this 15537
chapter, instruction in religious or moral doctrines, beliefs, or 15538
values. 15539

Sec. 5104.022. ~~The department~~ In no case shall the director 15540
of job and family services ~~shall not~~ issue a license to operate a 15541
~~prospective~~ type A family day-care home if ~~that prospective family~~ 15542
~~day-care~~ the type A home is certified ~~to be~~ as a foster home or 15543
specialized foster home pursuant to Chapter 5103. of the Revised 15544
Code. ~~A county department of job and family services~~ In no case 15545
~~shall not certify~~ the director issue a license to operate a 15546
~~prospective~~ type B family day-care home if ~~that prospective family~~ 15547

~~day-care~~ the type B home is certified ~~to be~~ as a specialized 15548
foster home pursuant to Chapter 5103. of the Revised Code. 15549

Sec. 5104.03. (A) Any person, firm, organization, 15550
institution, or agency ~~desiring~~ seeking to establish a child 15551
day-care center ~~or,~~ type A family day-care home, or licensed type 15552
B family day-care home shall apply for a license to the director 15553
of job and family services on such form as the director 15554
prescribes. The director shall provide at no charge to each 15555
applicant for licensure a copy of the child care license 15556
requirements in this chapter and a copy of the rules adopted 15557
pursuant to this chapter. The copies may be provided in paper or 15558
electronic form. 15559

Fees shall be set by the director pursuant to ~~section~~ 15560
~~5104.011~~ sections 5104.015, 5104.017, and 5104.018 of the Revised 15561
Code and shall be paid at the time of application for a license to 15562
operate a center ~~or,~~ type A home, or type B home. Fees collected 15563
under this section shall be paid into the state treasury to the 15564
credit of the general revenue fund. 15565

(B)(1) Upon filing of the application for a license, the 15566
director shall investigate and inspect the center ~~or,~~ type A home, 15567
or type B home to determine the license capacity for each age 15568
category of children of the center ~~or,~~ type A home, or type B home 15569
and to determine whether the center ~~or,~~ type A home, or type B 15570
home complies with this chapter and rules adopted pursuant to this 15571
chapter. When, after investigation and inspection, the director is 15572
satisfied that this chapter and rules adopted pursuant to it are 15573
complied with, subject to division ~~(G)~~(H) of this section, a 15574
~~provisional~~ license shall be issued as soon as practicable in such 15575
form and manner as prescribed by the director. The license shall 15576
be designated as provisional license and shall be valid for twelve 15577
months from the date of issuance unless revoked. 15578

(2) The director may contract with a government entity or a private nonprofit entity for the entity to inspect and license type B family day-care homes pursuant to this section. The department, government entity, or nonprofit entity shall conduct the inspection prior to the issuance of a license for the type B home and, as part of that inspection, ensure that the type B home is safe and sanitary. 15579
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(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. 15586
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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. 15595
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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 15605
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director shall issue a new license to the center or home. 15611

~~(D)~~ (E) Each license ~~or provisional license~~ shall state 15612
the name of the licensee, the name of the administrator, the 15613
address of the center ~~or~~, type A home, or licensed type B home, 15614
and the license capacity for each age category of children. The 15615
license ~~or provisional license~~ shall include thereon, in 15616
accordance with ~~section 5104.011~~ sections 5104.015, 5104.017, and 15617
5104.018 of the Revised Code, the toll-free telephone number to be 15618
used by persons suspecting that the center ~~or~~, type A home, or 15619
licensed type B home has violated a provision of this chapter or 15620
rules adopted pursuant to this chapter. A license ~~or provisional~~ 15621
~~license~~ is valid only for the licensee, administrator, address, 15622
and license capacity for each age category of children designated 15623
on the license. The license capacity specified on the license ~~or~~ 15624
~~provisional license~~ is the maximum number of children in each age 15625
category that may be cared for in the center ~~or~~, type A home, or 15626
licensed type B home at one time. 15627

The center or type A home licensee shall notify the director 15628
when the administrator of the center or home changes. The director 15629
shall amend the current license ~~or provisional license~~ to reflect 15630
a change in an administrator, if the administrator meets the 15631
requirements of ~~Chapter 5104. of the Revised Code~~ this chapter and 15632
rules adopted pursuant to ~~Chapter 5104. of the Revised Code~~ this 15633
chapter, or a change in license capacity for any age category of 15634
children as determined by the director of job and family services. 15635

~~(E)~~ (F) If the director revokes the license of a center ~~or~~, a 15636
type A home, or a type B home, the director shall not issue 15637
another license to the owner of the center ~~or~~, type A home, or 15638
type B home until five years have elapsed from the date the 15639
license is revoked. 15640

If the director denies an application for a license, the 15641
director shall not accept another application from the applicant 15642

until five years have elapsed from the date the application is 15643
denied. 15644

~~(F)~~(G) If during the application for licensure process the 15645
director determines that the license of the owner has been 15646
revoked, the investigation of the center ~~or~~, type A home, or type 15647
B home shall cease. This action does not constitute denial of the 15648
application and may not be appealed under division ~~(G)~~(H) of this 15649
section. 15650

~~(G)~~(H) All actions of the director with respect to licensing 15651
centers ~~or~~, type A homes, or type B homes, refusal to license, and 15652
revocation of a license shall be in accordance with Chapter 119. 15653
of the Revised Code. Any applicant who is denied a license or any 15654
owner whose license is revoked may appeal in accordance with 15655
section 119.12 of the Revised Code. 15656

~~(H)~~(I) In no case shall the director issue a license ~~or~~ 15657
~~provisional license~~ under this section for a ~~type A home or~~ 15658
center, type A home, or type B home if the director, based on 15659
documentation provided by the appropriate county department of job 15660
and family services, determines that the applicant ~~previously~~ had 15661
been certified as a type B family day-care home when such 15662
certifications were issued by county departments prior to the 15663
effective date of this amendment, that the county department 15664
revoked that certification, that the revocation was based on the 15665
applicant's refusal or inability to comply with the criteria for 15666
certification, and that the refusal or inability resulted in a 15667
risk to the health or safety of children. 15668

(J)(1) Except as provided in division (J)(2) of this section, 15669
an administrator of a type B family day-care home that receives a 15670
license pursuant to this section to provide publicly funded child 15671
care is an independent contractor and is not an employee of the 15672
department of job and family services. 15673

(2) For purposes of Chapter 4141. of the Revised Code, 15674
determinations concerning the employment of an administrator of a 15675
type B family day-care home that receives a license pursuant to 15676
this section shall be determined under Chapter 4141. of the 15677
Revised Code. 15678

Sec. 5104.032. (A) The child day-care center shall have, for 15679
each child for whom the center is licensed, at least thirty-five 15680
square feet of usable indoor floor space wall-to-wall regularly 15681
available for the child care operation exclusive of any parts of 15682
the structure in which the care of children is prohibited by law 15683
or by rules adopted by the board of building standards. The 15684
minimum of thirty-five square feet of usable indoor floor space 15685
shall not include hallways, kitchens, storage areas, or any other 15686
areas that are not available for the care of children, as 15687
determined by the director, in meeting the space requirement of 15688
this division, and bathrooms shall be counted in determining 15689
square footage only if they are used exclusively by children 15690
enrolled in the center, except that the exclusion of hallways, 15691
kitchens, storage areas, bathrooms not used exclusively by 15692
children enrolled in the center, and any other areas not available 15693
for the care of children from the minimum of thirty-five square 15694
feet of usable indoor floor space shall not apply to: 15695

(1) Centers licensed prior to or on September 1, 1986, that 15696
continue under licensure after that date; 15697

(2) Centers licensed prior to or on September 1, 1986, that 15698
are issued a new license after that date solely due to a change of 15699
ownership of the center. 15700

(B) The child day-care center shall have on the site a safe 15701
outdoor play space which is enclosed by a fence or otherwise 15702
protected from traffic or other hazards. The play space shall 15703
contain not less than sixty square feet per child using such space 15704

at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The director may exempt a center from the requirement of this division, if an outdoor play space is not available and if all of the following are met: 15705
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(1) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (A) of this section. 15709
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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. 15714
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(3) The children are closely supervised during play and while traveling to and from the area. 15718
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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. 15720
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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 15732
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child-care staff to give continuity of care and supervision to the 15736
children on a day-by-day basis, and shall ensure that no child is 15737
left alone or unsupervised. Except as otherwise provided in 15738
division (B) of this section, the maximum number of children per 15739
child-care staff member and maximum group size, by age category of 15740
children, are as follows: 15741

	<u>Maximum Number of</u>		
	<u>Children Per</u>	<u>Maximum</u>	
<u>Age Category</u>	<u>Child-Care</u>	<u>Group</u>	
<u>of Children</u>	<u>Staff Member</u>	<u>Size</u>	
<u>(a) Infants:</u>			15746
<u>(i) Less than twelve</u>			15747
<u>months old</u>	<u>5:1, or</u>		15748
	<u>12:2 if two</u>		15749
	<u>child-care</u>		15750
	<u>staff members</u>		15751
	<u>are in the room</u>	<u>12</u>	15752
<u>(ii) At least twelve</u>			15753
<u>months old, but</u>			15754
<u>less than eighteen</u>			15755
<u>months old</u>	<u>6:1</u>	<u>12</u>	15756
<u>(b) Toddlers:</u>			15757
<u>(i) At least eighteen</u>			15758
<u>months old, but</u>			15759
<u>less than thirty</u>			15760
<u>months old</u>	<u>7:1</u>	<u>14</u>	15761
<u>(ii) At least thirty months</u>			15762
<u>old, but less than</u>			15763
<u>three years old</u>	<u>8:1</u>	<u>16</u>	15764
<u>(c) Preschool-age</u>			15765
<u>children:</u>			15766
<u>(i) Three years old</u>	<u>12:1</u>	<u>24</u>	15767

<u>(ii) Four years old and</u>			15768
<u>five years old who</u>			15769
<u>are not school</u>			15770
<u>children</u>	<u>14:1</u>	<u>28</u>	15771
<u>(d) School-age children:</u>			15772
<u>(i) A child who is</u>			15773
<u>enrolled in or is</u>			15774
<u>eligible to be</u>			15775
<u>enrolled in a grade</u>			15776
<u>of kindergarten</u>			15777
<u>or above, but</u>			15778
<u>is less than</u>			15779
<u>eleven years old</u>	<u>18:1</u>	<u>36</u>	15780
<u>(ii) Eleven through fourteen</u>			15781
<u>years old</u>	<u>20:1</u>	<u>40</u>	15782
<u>Except as otherwise provided in division (B) of this section,</u>			15783
<u>the maximum number of children per child-care staff member and</u>			15784
<u>maximum group size requirements of the younger age group shall</u>			15785
<u>apply when age groups are combined.</u>			15786
<u>(B)(1) When age groups are combined, the maximum number of</u>			15787
<u>children per child-care staff member shall be determined by the</u>			15788
<u>age of the youngest child in the group, except that when no more</u>			15789
<u>than one child thirty months of age or older receives services in</u>			15790
<u>a group in which all the other children are in the next older age</u>			15791
<u>group, the maximum number of children per child-care staff member</u>			15792
<u>and maximum group size requirements of the older age group</u>			15793
<u>established under division (A) of this section shall apply.</u>			15794
<u>(2) The maximum number of toddlers or preschool-age children</u>			15795
<u>per child-care staff member in a room where children are napping</u>			15796
<u>shall be twice the maximum number of children per child-care staff</u>			15797
<u>member established under division (A) of this section if all the</u>			15798
<u>following criteria are met:</u>			15799

(a) At least one child-care staff member is present in the 15800
room. 15801

(b) Sufficient child-care staff members are on the child 15802
day-care center premises to meet the maximum number of children 15803
per child-care staff member requirements established under 15804
division (A) of this section. 15805

(c) Naptime preparations are complete and all napping 15806
children are resting or sleeping on cots. 15807

(d) The maximum number established under division (B)(2) of 15808
this section is in effect for no more than two hours during a 15809
twenty-four-hour day. 15810

Sec. 5104.034. Each child day-care center shall have on the 15811
center premises and readily available at all times at least one 15812
child-care staff member who has completed a course in first aid, 15813
one staff member who has completed a course in prevention, 15814
recognition, and management of communicable diseases which is 15815
approved by the state department of health, and a staff member who 15816
has completed a course in child abuse recognition and prevention 15817
training which is approved by the department of job and family 15818
services. 15819

Sec. ~~5104.031~~ 5104.035. (A) A child day-care center 15820
administrator shall show the director of job and family services 15821
both of the following: 15822

(1) Evidence of at least high school graduation or 15823
certification of high school equivalency by the state board of 15824
education or the appropriate agency of another state; 15825

(2) Evidence of having at least one of the following: 15826

(a) An associate, bachelor's, master's, doctoral, or other 15827
postgraduate degree in child development or early childhood 15828

education, or in a related field approved by the director, from an	15829
accredited college, university, or technical college;	15830
(b) A license designated as appropriate for teaching in an	15831
associate teaching position in a preschool setting issued by the	15832
state board of education pursuant to section 3319.22 of the	15833
Revised Code;	15834
(c) Designation under the career pathways model as an early	15835
childhood professional level three;	15836
(d) Two years of experience working as a child-care staff	15837
member in a licensed child care program, designation under the	15838
career pathways model as an early childhood professional level	15839
one, and, not later than one year after being named as	15840
administrator, designation under the career pathways model as an	15841
early childhood professional level two;	15842
(e) Two years of experience working as a child-care staff	15843
member in a licensed child care program and, except as provided in	15844
division (B) of this section, at least four courses in child	15845
development or early childhood education from an accredited	15846
college, university, or technical college;	15847
(f) Two years of experience working as a child-care staff	15848
member in a licensed child care program and a child development	15849
associate credential issued by the council for professional	15850
recognition;	15851
(g) Two years of training, including at least four courses in	15852
child development or early childhood education from an accredited	15853
college, university, or technical college;	15854
(h) An infant and toddler or early childhood credential from	15855
a program accredited by the Montessori accreditation council for	15856
teacher education.	15857
(B) A person who has two years of experience working as a	15858

child-care staff member in a child day-care center and is promoted 15859
to or designated as administrator of that center shall have one 15860
year from the date of the promotion or designation to complete the 15861
courses required by division (A)(1)(e) of this section. 15862

Sec. ~~5104.032~~ 5104.036. (A) All child-care staff members of a 15863
child day-care center shall be at least eighteen years of age, and 15864
shall furnish the director of job and family services evidence of 15865
at least high school graduation or certification of high school 15866
equivalency by the state board of education or the appropriate 15867
agency of another state or evidence of completion of a training 15868
program approved by the department of job and family services or 15869
state board of education, except as follows: 15870

(B) A child-care staff member may be less than eighteen years 15871
of age if the staff member is either of the following: 15872

(1) A graduate of a two-year vocational child-care training 15873
program approved by the state board of education; 15874

(2) A student enrolled in the second year of a vocational 15875
child-care training program approved by the state board of 15876
education which leads to high school graduation, provided that the 15877
student performs the student's duties in the child day-care center 15878
under the continuous supervision of an experienced child-care 15879
staff member, receives periodic supervision from the vocational 15880
child-care training program teacher-coordinator in the student's 15881
high school, and meets all other requirements of this chapter and 15882
rules adopted pursuant to this chapter. 15883

(C) A child-care staff member shall be exempt from the 15884
educational requirements of division (A) of this section if the 15885
staff member: 15886

(1) Prior to January 1, 1972, was employed or designated by a 15887
child day-care center and has been continuously employed since 15888

either by the same child day-care center employer or at the same 15889
child day-care center; 15890

(2) Is a student enrolled in the second year of a vocational 15891
child-care training program approved by the state board of 15892
education which leads to high school graduation, provided that the 15893
student performs the student's duties in the child day-care center 15894
under the continuous supervision of an experienced child-care 15895
staff member, receives periodic supervision from the vocational 15896
child-care training program teacher-coordinator in the student's 15897
high school, and meets all other requirements of this chapter and 15898
rules adopted pursuant to this chapter; 15899

(3) Is receiving or has completed the final year of 15900
instruction at home as authorized under section 3321.04 of the 15901
Revised Code or has graduated from a nonchartered, nonpublic 15902
school in Ohio. 15903

Sec. ~~5104.033~~ 5104.037. (A) Except as provided in division 15904
(B) of this section, each child-care staff member of a child 15905
day-care center annually shall complete fifteen hours of inservice 15906
training that includes the following subjects until the staff 15907
member has completed a total of forty-five hours of training: 15908

(1) Child development or early childhood education; 15909

(2) Child abuse recognition and prevention; 15910

(3) First aid; 15911

(4) Prevention, recognition, and management of communicable 15912
diseases. 15913

(B) A child-care staff member is exempt from the inservice 15914
training requirements established by division (A) of this section 15915
if the staff member furnishes one of the following to the director 15916
of job and family services: 15917

(1) Evidence of an associate or higher degree in child 15918

development or early childhood education from an accredited 15919
college, university, or technical college; 15920

(2) A license designated for teaching in an associate 15921
teaching position in a preschool setting issued by the state board 15922
of education; 15923

(3) Evidence of a child development associate credential; 15924

(4) Evidence of an infant and toddler or early childhood 15925
credential from a program accredited by the Montessori 15926
accreditation council for teacher education. 15927

(C) For purposes of this section, each hour of inservice 15928
training shall consist of sixty minutes of training. 15929

Sec. 5104.038. The administrator of each child day-care 15930
center shall maintain enrollment, health, and attendance records 15931
for all children attending the center and health and employment 15932
records for all center employees. The records shall be 15933
confidential, except that they shall be disclosed by the 15934
administrator to the director upon request for the purpose of 15935
administering and enforcing this chapter and rules adopted 15936
pursuant to this chapter. Neither the center nor the licensee, 15937
administrator, or employees of the center shall be civilly or 15938
criminally liable in damages or otherwise for records disclosed to 15939
the director by the administrator pursuant to this division. It 15940
shall be a defense to any civil or criminal charge based upon 15941
records disclosed by the administrator to the director that the 15942
records were disclosed pursuant to this division. 15943

Sec. 5104.039. (A) Any parent who is the residential parent 15944
and legal custodian of a child enrolled in a child day-care center 15945
and any custodian or guardian of such a child shall be permitted 15946
unlimited access to the center during its hours of operation for 15947
the purposes of contacting their children, evaluating the care 15948

provided by the center, evaluating the premises of the center, or 15949
for other purposes approved by the director. A parent of a child 15950
enrolled in a child day-care center who is not the child's 15951
residential parent shall be permitted unlimited access to the 15952
center during its hours of operation for those purposes under the 15953
same terms and conditions under which the residential parent of 15954
that child is permitted access to the center for those purposes. 15955
However, the access of the parent who is not the residential 15956
parent is subject to any agreement between the parents and, to the 15957
extent described in division (B) of this section, is subject to 15958
any terms and conditions limiting the right of access of the 15959
parent who is not the residential parent, as described in division 15960
(I) of section 3109.051 of the Revised Code, that are contained in 15961
a parenting time order or decree issued under that section, 15962
section 3109.12 of the Revised Code, or any other provision of the 15963
Revised Code. 15964

(B) If a parent who is the residential parent of a child has 15965
presented the administrator or the administrator's designee with a 15966
copy of a parenting time order that limits the terms and 15967
conditions under which the parent who is not the residential 15968
parent is to have access to the center, as described in division 15969
(I) of section 3109.051 of the Revised Code, the parent who is not 15970
the residential parent shall be provided access to the center only 15971
to the extent authorized in the order. If the residential parent 15972
has presented such an order, the parent who is not the residential 15973
parent shall be permitted access to the center only in accordance 15974
with the most recent order that has been presented to the 15975
administrator or the administrator's designee by the residential 15976
parent or the parent who is not the residential parent. 15977

(C) Upon entering the premises pursuant to division (A) or 15978
(B) of this section, the parent who is the residential parent and 15979
legal custodian, the parent who is not the residential parent, or 15980

the custodian or guardian shall notify the administrator or the 15981
administrator's designee of the parent's, custodian's, or 15982
guardian's presence. 15983

Sec. 5104.04. (A) The department of job and family services 15984
shall establish procedures to be followed in investigating, 15985
inspecting, and licensing child day-care centers ~~and~~, type A 15986
family day-care homes, and licensed type B family day-care homes. 15987

(B)(1)(a) The department shall, at least once during every 15988
twelve-month period of operation of a center ~~or~~, type A home, or 15989
licensed type B home, inspect the center ~~or~~, type A home, or 15990
licensed type B home. The department shall inspect a part-time 15991
center or part-time type A home at least once during every 15992
twelve-month period of operation. The department shall provide a 15993
written inspection report to the licensee within a reasonable time 15994
after each inspection. The licensee shall display ~~all written~~ 15995
~~reports of inspections conducted during the current licensing~~ 15996
~~period~~ its most recent inspection report in a conspicuous place in 15997
the center ~~or~~, type A home, or licensed type B home. 15998

Inspections may be unannounced. No person, firm, 15999
organization, institution, or agency shall interfere with the 16000
inspection of a center ~~or~~, type A home, or licensed type B home by 16001
any state or local official engaged in performing duties required 16002
of the state or local official by this chapter or rules adopted 16003
pursuant to this chapter, including inspecting the center ~~or~~, type 16004
A home, or licensed type B home, reviewing records, or 16005
interviewing licensees, employees, children, or parents. 16006

(b) Upon receipt of any complaint that a center ~~or~~, type A 16007
home or licensed type B home is out of compliance with the 16008
requirements of this chapter or rules adopted pursuant to this 16009
chapter, the department shall investigate the center or home, and 16010
both of the following apply: 16011

(i) If the complaint alleges that a child suffered physical harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.

(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.

(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center ~~or~~ type A home, or licensed type B home that otherwise is imposed under this section, or any authority of the department to inspect a center ~~or~~ type A home, or licensed type B home that otherwise is granted under this section when the department believes the inspection is necessary and it is permitted under the grant.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

(3) The department shall contract with a third party by the first day of October in each even-numbered year to collect information concerning the amounts charged by the center or home for providing child care services for use in establishing reimbursement ceilings and payment pursuant to section 5104.30 of the Revised Code. The third party shall compile the information and report the results of the survey to the department not later than the first day of December in each even-numbered year.

(C) The department may deny an application or revoke a license of a center ~~or~~ type A home, or licensed type B home, if the applicant knowingly makes a false statement on the application, the center or home does not comply with the

requirements of this chapter or rules adopted pursuant to this 16043
chapter, or the applicant or owner has pleaded guilty to or been 16044
convicted of an offense described in section 5104.09 of the 16045
Revised Code. 16046

(D) If the department finds, after notice and hearing 16047
pursuant to Chapter 119. of the Revised Code, that any applicant, 16048
person, firm, organization, institution, or agency applying for 16049
licensure or licensed under section 5104.03 of the Revised Code is 16050
in violation of any provision of this chapter or rules adopted 16051
pursuant to this chapter, the department may issue an order of 16052
denial to the applicant or an order of revocation to the center 16053
~~or~~, type A home, or licensed type B home revoking the license 16054
previously issued by the department. Upon the issuance of such an 16055
order, the person whose application is denied or whose license is 16056
revoked may appeal in accordance with section 119.12 of the 16057
Revised Code. 16058

(E) The surrender of a center ~~or~~, type A home, or licensed 16059
type B home license to the department or the withdrawal of an 16060
application for licensure by the owner or administrator of the 16061
center ~~or~~, type A home, or licensed type B home shall not prohibit 16062
the department from instituting any of the actions set forth in 16063
this section. 16064

(F) Whenever the department receives a complaint, is advised, 16065
or otherwise has any reason to believe that a center or type A 16066
home is providing child care without a license issued pursuant to 16067
section 5104.03 and is not exempt from licensing pursuant to 16068
section 5104.02 of the Revised Code, the department shall 16069
investigate the center or type A home and may inspect the areas 16070
children have access to or areas necessary for the care of 16071
children in the center or type A home during suspected hours of 16072
operation to determine whether the center or type A home is 16073
subject to the requirements of this chapter or rules adopted 16074

pursuant to this chapter. 16075

(G) The department, upon determining that the center or type 16076
A home is operating without a license, shall notify the attorney 16077
general, the prosecuting attorney of the county in which the 16078
center or type A home is located, or the city attorney, village 16079
solicitor, or other chief legal officer of the municipal 16080
corporation in which the center or type A home is located, that 16081
the center or type A home is operating without a license. Upon 16082
receipt of the notification, the attorney general, prosecuting 16083
attorney, city attorney, village solicitor, or other chief legal 16084
officer of a municipal corporation shall file a complaint in the 16085
court of common pleas of the county in which the center or type A 16086
home is located requesting that the court grant an order enjoining 16087
the owner from operating the center or type A home in violation of 16088
section 5104.02 of the Revised Code. The court shall grant such 16089
injunctive relief upon a showing that the respondent named in the 16090
complaint is operating a center or type A home and is doing so 16091
without a license. 16092

(H) The department shall prepare an annual report on 16093
inspections conducted under this section. The report shall include 16094
the number of inspections conducted, the number and types of 16095
violations found, and the steps taken to address the violations. 16096
The department shall file the report with the governor, the 16097
president and minority leader of the senate, and the speaker and 16098
minority leader of the house of representatives on or before the 16099
first day of January of each year, beginning in 1999. 16100

Sec. 5104.041. (A) All type A ~~and type B~~ family day-care 16101
homes and licensed type B family day-care homes shall procure and 16102
maintain one of the following: 16103

(1) Liability insurance issued by an insurer authorized to do 16104
business in this state under Chapter 3905. of the Revised Code 16105

insuring the type A or type B family day-care home against 16106
liability arising out of, or in connection with, the operation of 16107
the family day-care home. ~~Liability~~ The insurance procured ~~under~~ 16108
~~this division~~ shall cover any cause for which the type A or type B 16109
family day-care home would be liable, in the amount of at least 16110
one hundred thousand dollars per occurrence and three hundred 16111
thousand dollars in the aggregate. 16112

(2) A written statement signed by the parent, guardian, or 16113
custodian of each child receiving child care from the type A or 16114
type B family day-care home that states all of the following: 16115

(a) The family day-care home does not carry liability 16116
insurance described in division (A)(1) of this section; 16117

(b) If the licensee of a type A family day-care home or ~~the~~ 16118
~~provider~~ of a type B family day-care home is not the owner of the 16119
real property where the family day-care home is located, the 16120
liability insurance, if any, of the owner of the real property may 16121
not provide for coverage of any liability arising out of, or in 16122
connection with, the operation of the family day-care home. 16123

(B) If the licensee of a type A family day-care home or ~~the~~ 16124
~~provider~~ of a type B family day-care home is not the owner of the 16125
real property where the family day-care home is located and the 16126
family day-care home procures liability insurance described in 16127
division (A)(1) of this section, that licensee ~~or provider~~ shall 16128
name the owner of the real property as an additional insured party 16129
on the liability insurance policy if all of the following apply: 16130

(1) The owner of the real property requests the licensee or 16131
provider, in writing, to add the owner of the real property to the 16132
liability insurance policy as an additional insured party. 16133

(2) The addition of the owner of the real property does not 16134
result in cancellation or nonrenewal of the insurance policy 16135
procured by the type A or type B family day-care home. 16136

(3) The owner of the real property pays any additional 16137
premium assessed for coverage of the owner of the real property. 16138

(C) Proof of insurance or written statement required under 16139
division (A) of this section shall be maintained at the type A or 16140
type B family day-care home and made available for review during 16141
inspection or investigation as required under this chapter. 16142

(D) The director of job and family services shall adopt rules 16143
for the enforcement of this section. 16144

Sec. 5104.052. The director of job and family services, in 16145
cooperation with the fire marshal pursuant to section 3737.22 of 16146
the Revised Code, shall ~~promulgate~~ adopt rules regarding fire 16147
prevention and fire safety in ~~certified~~ licensed type B family 16148
day-care homes. In accordance with those rules, the director shall 16149
inspect each type B home that applies to be licensed that is 16150
providing or is to provide publicly funded child care. 16151

Sec. 5104.053. As a precondition of approval by the state 16152
board of education pursuant to section 3313.813 of the Revised 16153
Code for receipt of United States department of agriculture child 16154
and adult care food program funds established under the "National 16155
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 16156
amended, the provider of child care in a type B family day-care 16157
home that is not ~~certified~~ licensed by the ~~county~~ director of 16158
~~human~~ job and family services shall request an inspection of the 16159
type B home by the fire marshal, who shall inspect the type B home 16160
pursuant to section 3737.22 of the Revised Code to determine that 16161
it is in compliance with rules established pursuant to section 16162
5104.052 of the Revised Code for ~~certified~~ licensed type B homes. 16163

Sec. 5104.054. Any type B family day-care home, whether 16164
~~certified~~ licensed or not ~~certified~~ licensed by the ~~county~~ 16165
director of ~~human~~ job and family services, shall be considered to 16166

be a residential use of property for purposes of municipal, 16167
county, and township zoning and shall be a permitted use in all 16168
zoning districts in which residential uses are permitted. No 16169
municipal, county, or township zoning regulations shall require a 16170
conditional use permit or any other special exception 16171
certification for any such type B family day-care home. 16172

Sec. 5104.06. (A) The director of job and family services 16173
shall provide consultation, technical assistance, and training to 16174
child day-care centers ~~and~~, type A family day-care homes, and type 16175
B family day-care homes to improve programs and facilities 16176
providing child care ~~including, but not limited to,~~ As part of 16177
these activities, the director shall provide assistance in meeting 16178
the requirements of ~~Chapter 5104. this chapter~~ and rules adopted 16179
pursuant to ~~Chapter 5104. of the Revised Code this chapter~~ and 16180
shall furnish information regarding child abuse identification and 16181
reporting of child abuse. 16182

(B) The director of job and family services shall provide 16183
consultation and technical assistance to county departments of job 16184
and family services to assist the departments with the 16185
implementation of certification of ~~type B family day care home~~ 16186
~~providers and~~ in-home aides. 16187

Sec. 5104.08. (A) There is hereby created in the department 16188
of job and family services a child care advisory council to advise 16189
and assist the department in the administration of this chapter 16190
and in the development of child care. The council shall consist of 16191
twenty-two voting members appointed by the director of job and 16192
family services with the approval of the governor. The director of 16193
job and family services, the director of developmental 16194
disabilities, the director of mental health, the superintendent of 16195
public instruction, the director of health, the director of 16196
commerce, and the state fire marshal shall serve as nonvoting 16197

members of the council. 16198

Six members shall be representatives of child care centers 16199
subject to licensing, the members to represent a variety of 16200
centers, including nonprofit and proprietary, from different 16201
geographical areas of the state. At least three members shall be 16202
parents, guardians, or custodians of children receiving child care 16203
or publicly funded child care in the child's own home, a center, a 16204
type A home, a head start program, a ~~certified~~ licensed type B 16205
home, or a type B home at the time of appointment. Three members 16206
shall be representatives of in-home aides, type A homes, ~~certified~~ 16207
licensed type B homes, or type B homes or head start programs. At 16208
least six members shall represent county departments of job and 16209
family services. The remaining members shall be representatives of 16210
the teaching, child development, and health professions, and other 16211
individuals interested in the welfare of children. At least six 16212
members of the council shall not be employees or licensees of a 16213
child day-care center, head start program, or type A home, or 16214
providers operating a ~~certified~~ licensed type B home or type B 16215
home, or in-home aides. 16216

Appointments shall be for three-year terms. Vacancies shall 16217
be filled for the unexpired terms. A member of the council is 16218
subject to removal by the director of job and family services for 16219
a willful and flagrant exercise of authority or power that is not 16220
authorized by law, for a refusal or willful neglect to perform any 16221
official duty as a member of the council imposed by law, or for 16222
being guilty of misfeasance, malfeasance, nonfeasance, or gross 16223
neglect of duty as a member of the council. 16224

There shall be two co-chairpersons of the council. One 16225
co-chairperson shall be the director of job and family services or 16226
the director's designee, and one co-chairperson shall be elected 16227
by the members of the council. The council shall meet as often as 16228
is necessary to perform its duties, provided that it shall meet at 16229

least once in each quarter of each calendar year and at the call 16230
of the co-chairpersons. The co-chairpersons or their designee 16231
shall send to each member a written notice of the date, time, and 16232
place of each meeting. 16233

Members of the council shall serve without compensation, but 16234
shall be reimbursed for necessary expenses. 16235

(B) The child care advisory council shall advise the director 16236
on matters affecting the licensing of centers ~~and~~ type A homes, 16237
and type B homes and the certification of ~~type B homes and~~ in-home 16238
aides. The council shall make an annual report to the director of 16239
job and family services that addresses the availability, 16240
affordability, accessibility, and quality of child care and that 16241
summarizes the recommendations and plans of action that the 16242
council has proposed to the director during the preceding fiscal 16243
year. The director of job and family services shall provide copies 16244
of the report to the governor, speaker and minority leader of the 16245
house of representatives, and the president and minority leader of 16246
the senate and, on request, shall make copies available to the 16247
public. 16248

(C) The director of job and family services shall adopt rules 16249
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 16250
implement this section. 16251

Sec. 5104.09. (A)(1) Except as provided in rules adopted 16252
pursuant to division (D) of this section, no individual who has 16253
been convicted of or pleaded guilty to a violation described in 16254
division (A)(9) of section 109.572 of the Revised Code, a 16255
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 16256
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 16257
of the Revised Code or a violation of an existing or former law or 16258
ordinance of any municipal corporation, this state, any other 16259
state, or the United States that is substantially equivalent to 16260

any of those violations, or two violations of section 4511.19 of 16261
the Revised Code during operation of the center or home shall be 16262
certified as an in-home aide or be employed in any capacity in or 16263
own or operate a child day-care center, type A family day-care 16264
home, type B family day-care home, or ~~certified~~ licensed type B 16265
family day-care home. 16266

(2) Each employee of a child day-care center and type A home 16267
and every person eighteen years of age or older residing in a type 16268
A home or licensed type B home shall sign a statement on forms 16269
prescribed by the director of job and family services attesting to 16270
the fact that the employee or resident person has not been 16271
convicted of or pleaded guilty to any offense set forth in 16272
division (A)(1) of this section and that no child has been removed 16273
from the employee's or resident person's home pursuant to section 16274
2151.353 of the Revised Code. Each licensee of a type A family 16275
day-care home or type B family day-care home shall sign a 16276
statement on a form prescribed by the director attesting to the 16277
fact that no person who resides at the type A home or licensed 16278
type B home and who is under the age of eighteen has been 16279
adjudicated a delinquent child for committing a violation of any 16280
section listed in division (A)(1) of this section. The statements 16281
shall be kept on file at the center ~~or~~, type A home, or licensed 16282
type B home. 16283

(3) Each in-home aide ~~and every person eighteen years of age~~ 16284
~~or older residing in a certified type B home~~ shall sign a 16285
statement on forms prescribed by the director of job and family 16286
services attesting that the aide ~~or resident person~~ has not been 16287
convicted of or pleaded guilty to any offense set forth in 16288
division (A)(1) of this section and that no child has been removed 16289
from the aide's ~~or resident person's~~ home pursuant to section 16290
2151.353 of the Revised Code. ~~Each authorized provider shall sign~~ 16291
~~a statement on forms prescribed by the director attesting that the~~ 16292

~~provider has not been convicted of or pleaded guilty to any~~ 16293
~~offense set forth in division (A)(1) of this section and that no~~ 16294
~~child has been removed from the provider's home pursuant to~~ 16295
~~section 2151.353 of the Revised Code. Each authorized provider~~ 16296
~~shall sign a statement on a form prescribed by the director~~ 16297
~~attesting to the fact that no person who resides at the certified~~ 16298
~~type B home and who is under the age of eighteen has been~~ 16299
~~adjudicated a delinquent child for committing a violation of any~~ 16300
~~section listed in division (A)(1) of this section. The statements~~ 16301
statement shall be kept on file at the county department of job 16302
and family services. 16303

(4) Each administrator and licensee of a center ~~or~~, type A 16304
home, or licensed type B home shall sign a statement on a form 16305
prescribed by the director of job and family services attesting 16306
that the administrator or licensee has not been convicted of or 16307
pleaded guilty to any offense set forth in division (A)(1) of this 16308
section and that no child has been removed from the 16309
administrator's or licensee's home pursuant to section 2151.353 of 16310
the Revised Code. The statement shall be kept on file at the 16311
center ~~or~~, type A home, or licensed type B home. 16312

(B) No in-home aide, no administrator, licensee, ~~authorized~~ 16313
~~provider~~, or employee of a center, type A home, or ~~certified~~ 16314
licensed type B home, and no person eighteen years of age or older 16315
residing in a type A home or ~~certified~~ licensed type B home shall 16316
withhold information from, or falsify information on, any 16317
statement required pursuant to division (A)(2), (3), or (4) of 16318
this section. 16319

(C) No administrator, licensee, or child-care staff member 16320
shall discriminate in the enrollment of children in a child 16321
day-care center upon the basis of race, color, religion, sex, or 16322
national origin. 16323

(D) The director of job and family services shall adopt rules 16324

~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 16325
implement this section, including rules specifying exceptions to 16326
the prohibition in division (A) of this section for persons who 16327
have been convicted of an offense listed in that division but meet 16328
rehabilitation standards set by the ~~department~~ director. 16329

Sec. 5104.13. The department of job and family services shall 16330
prepare a guide describing the state statutes and rules governing 16331
the ~~certification~~ licensure of type B family day-care homes. The 16332
department may publish the guide electronically or otherwise and 16333
shall do so in a manner that the guide is accessible to the 16334
public, including type B home providers. 16335

Sec. 5104.14. All materials that are supplied by the 16336
department of job and family services to type A family day-care 16337
home providers, type B family day-care home providers, in-home 16338
aides, persons seeking to be type A family day-care home 16339
providers, type B family day-care home providers, or in-home 16340
aides, and caretaker parents shall be written at no higher than 16341
the sixth grade reading level. The department may employ a 16342
readability expert to verify its compliance with this section. 16343

Sec. ~~5104.015~~ 5104.25. (A) Except as otherwise provided in 16344
division (C) of this section, no child day-care center shall 16345
permit any person to smoke in any indoor or outdoor space that is 16346
part of the center. 16347

The administrator of a child day-care center shall post in a 16348
conspicuous place at the main entrance of the center a notice 16349
stating that smoking is prohibited in any indoor or outdoor space 16350
that is part of the center, except under the conditions described 16351
in division (C) of this section. 16352

(B) Except as otherwise provided in division (C) of this 16353
section, no type A family day-care home or ~~certified~~ licensed type 16354

B family day-care home shall permit any person to smoke in any indoor or outdoor space that is part of the home during the hours the home is in operation. Smoking may be permitted during hours other than the hours of operation if the administrator ~~or~~ ~~authorized provider~~ of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation.

The administrator of a type A family day-care home or ~~authorized provider of a certified licensed~~ type B family day-care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child day-care center, type A family day-care home, or ~~certified licensed~~ type B family home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of job and family services, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child day-care center, type A family day-care home, or ~~certified licensed~~ type B family home if its design and structure do not allow persons to smoke under the conditions described in division (C) of this

section or if repeated violations of division (A) or (B) of this 16386
section have occurred there. 16387

Sec. 5104.30. (A) The department of job and family services 16388
is hereby designated as the state agency responsible for 16389
administration and coordination of federal and state funding for 16390
publicly funded child care in this state. Publicly funded child 16391
care shall be provided to the following: 16392

(1) Recipients of transitional child care as provided under 16393
section 5104.34 of the Revised Code; 16394

(2) Participants in the Ohio works first program established 16395
under Chapter 5107. of the Revised Code; 16396

(3) Individuals who would be participating in the Ohio works 16397
first program if not for a sanction under section 5107.16 of the 16398
Revised Code and who continue to participate in a work activity, 16399
developmental activity, or alternative work activity pursuant to 16400
an assignment under section 5107.42 of the Revised Code; 16401

(4) A family receiving publicly funded child care on October 16402
1, 1997, until the family's income reaches one hundred fifty per 16403
cent of the federal poverty line; 16404

(5) Subject to available funds, other individuals determined 16405
eligible in accordance with rules adopted under section 5104.38 of 16406
the Revised Code. 16407

The department shall apply to the United States department of 16408
health and human services for authority to operate a coordinated 16409
program for publicly funded child care, if the director of job and 16410
family services determines that the application is necessary. For 16411
purposes of this section, the department of job and family 16412
services may enter into agreements with other state agencies that 16413
are involved in regulation or funding of child care. The 16414
department shall consider the special needs of migrant workers 16415

when it administers and coordinates publicly funded child care and 16416
shall develop appropriate procedures for accommodating the needs 16417
of migrant workers for publicly funded child care. 16418

(B) The department of job and family services shall 16419
distribute state and federal funds for publicly funded child care, 16420
including appropriations of state funds for publicly funded child 16421
care and appropriations of federal funds available under the child 16422
care block grant act, Title IV-A, and Title XX. The department may 16423
use any state funds appropriated for publicly funded child care as 16424
the state share required to match any federal funds appropriated 16425
for publicly funded child care. 16426

(C) In the use of federal funds available under the child 16427
care block grant act, all of the following apply: 16428

(1) The department may use the federal funds to hire staff to 16429
prepare any rules required under this chapter and to administer 16430
and coordinate federal and state funding for publicly funded child 16431
care. 16432

(2) Not more than five per cent of the aggregate amount of 16433
the federal funds received for a fiscal year may be expended for 16434
administrative costs. 16435

(3) The department shall allocate and use at least four per 16436
cent of the federal funds for the following: 16437

(a) Activities designed to provide comprehensive consumer 16438
education to parents and the public; 16439

(b) Activities that increase parental choice; 16440

(c) Activities, including child care resource and referral 16441
services, designed to improve the quality, and increase the 16442
supply, of child care; 16443

(d) Establishing a tiered quality rating and improvement 16444
system in which participation in the program may allow child 16445

day-care providers to be eligible for grants, technical 16446
assistance, training, or other assistance and become eligible for 16447
unrestricted monetary awards for maintaining a quality rating. 16448

(4) The department shall ensure that the federal funds will 16449
be used only to supplement, and will not be used to supplant, 16450
federal, state, and local funds available on the effective date of 16451
the child care block grant act for publicly funded child care and 16452
related programs. If authorized by rules adopted by the department 16453
pursuant to section 5104.42 of the Revised Code, county 16454
departments of job and family services may purchase child care 16455
from funds obtained through any other means. 16456

(D) The department shall encourage the development of 16457
suitable child care throughout the state, especially in areas with 16458
high concentrations of recipients of public assistance and 16459
families with low incomes. The department shall encourage the 16460
development of suitable child care designed to accommodate the 16461
special needs of migrant workers. On request, the department, 16462
through its employees or contracts with state or community child 16463
care resource and referral service organizations, shall provide 16464
consultation to groups and individuals interested in developing 16465
child care. The department of job and family services may enter 16466
into interagency agreements with the department of education, the 16467
board of regents, the department of development, and other state 16468
agencies and entities whenever the cooperative efforts of the 16469
other state agencies and entities are necessary for the department 16470
of job and family services to fulfill its duties and 16471
responsibilities under this chapter. 16472

The department shall develop and maintain a registry of 16473
persons providing child care. The director shall adopt rules 16474
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code 16475
establishing procedures and requirements for the registry's 16476
administration. 16477

(E)(1) The director shall adopt rules in accordance with 16478
Chapter 119. of the Revised Code establishing both of the 16479
following: 16480

(a) Reimbursement ceilings for providers of publicly funded 16481
child care not later than the first day of July in each 16482
odd-numbered year; 16483

(b) A procedure for reimbursing and paying providers of 16484
publicly funded child care. 16485

(2) In establishing reimbursement ceilings under division 16486
(E)(1)(a) of this section, the director shall do all of the 16487
following: 16488

(a) Use the information obtained under division (B)(3) of 16489
section 5104.04 of the Revised Code; 16490

(b) Establish an enhanced reimbursement ceiling for providers 16491
who provide child care for caretaker parents who work 16492
nontraditional hours; 16493

(c) For a ~~type B family day-care home provider that has~~ 16494
~~received limited certification pursuant to rules adopted under~~ 16495
~~division (C)(1) of section 5104.011 of the Revised Code~~ an in-home 16496
aide, establish a reimbursement ceiling that is ~~the following:~~ 16497

~~(i) If the provider is a person described in division~~ 16498
~~(C)(1)(a)(i) of section 5104.011 of the Revised Code,~~ seventy-five 16499
per cent of the reimbursement ceiling that applies to a licensed 16500
type B family day-care home ~~certified by the same county~~ 16501
~~department of job and family services pursuant to section 5104.11~~ 16502
~~of the Revised Code;~~ 16503

~~(ii) If the provider is a person described in division~~ 16504
~~(C)(1)(a)(ii) of section 5104.011 of the Revised Code,~~ sixty per 16505
cent of the reimbursement ceiling that applies to a type B family 16506
day-care home ~~certified by the same county department pursuant to~~ 16507

~~section 5104.11 of the Revised Code.~~ 16508

(d) With regard to the tiered quality rating and improvement system established pursuant to division (C)(3)(d) of this section, do both of the following: 16509 16510 16511

(i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the system and maintain quality ratings under the system; 16512 16513 16514

(ii) ~~Weigh~~ In the case of child day-care providers that have been given access to the system by the department, weigh any reduction in reimbursement ceilings more heavily against ~~child day-care~~ those providers that do not participate in the system or do not maintain quality ratings under the system. 16515 16516 16517 16518 16519

(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following: 16520 16521 16522

(a) Geographic location of the provider; 16523

(b) Type of care provided; 16524

(c) Age of the child served; 16525

(d) Special needs of the child served; 16526

(e) Whether the expanded hours of service are provided; 16527

(f) Whether weekend service is provided; 16528

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care; 16529 16530

(h) Any other factors the director considers appropriate. 16531

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the tiered quality rating and improvement system described in division (C)(3)(d) of this section. 16532 16533 16534 16535

Sec. 5104.31. (A) Publicly funded child care may be provided 16536
only by the following: 16537

~~(1) A child day care center or type A family day care home,~~ 16538
~~including a parent cooperative child day care center or parent~~ 16539
~~cooperative type A family day care home, Any of the following~~ 16540
licensed by the department of job and family services pursuant to 16541
section 5104.03 of the Revised Code; or pursuant to rules adopted 16542
under section 5104.018 of the Revised Code: 16543

(a) A child day-care center, including a parent cooperative 16544
child day-care center; 16545

(b) A type A family day-care home, including a parent 16546
cooperative type A family day-care home; 16547

(c) A licensed type B family day-care home. 16548

~~(2) A type B family day care home certified by the county~~ 16549
~~department of job and family services pursuant to section 5104.11~~ 16550
~~of the Revised Code;~~ 16551

~~(3) A type B family day care home that has received a limited~~ 16552
~~certification pursuant to rules adopted under division (G)(1) of~~ 16553
~~section 5104.011 of the Revised Code;~~ 16554

~~(4) An in-home aide who has been certified by the county~~ 16555
~~department of job and family services pursuant to section 5104.12~~ 16556
~~of the Revised Code;~~ 16557

~~(5)(3) A child day camp approved pursuant to section 5104.22~~ 16558
~~of the Revised Code;~~ 16559

~~(6)(4) A licensed preschool program;~~ 16560

~~(7)(5) A licensed school child program;~~ 16561

~~(8)(6) A border state child care provider, except that a~~ 16562
border state child care provider may provide publicly funded child 16563
care only to an individual who resides in an Ohio county that 16564

borders the state in which the provider is located. 16565

(B) Publicly funded child day-care may be provided in a 16566
child's own home only by an in-home aide. 16567

(C) Beginning July 1, 2020, publicly funded child care may be 16568
provided only by a provider that is rated through the tiered 16569
quality rating and improvement system established pursuant to 16570
section 5104.30 of the Revised Code. 16571

Sec. 5104.32. (A) Except as provided in division (C) of this 16572
section, all purchases of publicly funded child care shall be made 16573
under a contract entered into by a licensed child day-care center, 16574
licensed type A family day-care home, ~~certified~~ licensed type B 16575
family day-care home, certified in-home aide, approved child day 16576
camp, licensed preschool program, licensed school child program, 16577
or border state child care provider and the department of job and 16578
family services. All contracts for publicly funded child care 16579
shall be contingent upon the availability of state and federal 16580
funds. The department shall prescribe a standard form to be used 16581
for all contracts for the purchase of publicly funded child care, 16582
regardless of the source of public funds used to purchase the 16583
child care. To the extent permitted by federal law and 16584
notwithstanding any other provision of the Revised Code that 16585
regulates state contracts or contracts involving the expenditure 16586
of state or federal funds, all contracts for publicly funded child 16587
care shall be entered into in accordance with the provisions of 16588
this chapter and are exempt from any other provision of the 16589
Revised Code that regulates state contracts or contracts involving 16590
the expenditure of state or federal funds. 16591

(B) Each contract for publicly funded child care shall 16592
specify at least the following: 16593

(1) That the provider of publicly funded child care agrees to 16594
be paid for rendering services at the lower of the rate 16595

customarily charged by the provider for children enrolled for 16596
child care or the reimbursement ceiling or rate of payment 16597
established pursuant to section 5104.30 of the Revised Code; 16598

(2) That, if a provider provides child care to an individual 16599
potentially eligible for publicly funded child care who is 16600
subsequently determined to be eligible, the department agrees to 16601
pay for all child care provided between the date the county 16602
department of job and family services receives the individual's 16603
completed application and the date the individual's eligibility is 16604
determined; 16605

(3) Whether the county department of job and family services, 16606
the provider, or a child care resource and referral service 16607
organization will make eligibility determinations, whether the 16608
provider or a child care resource and referral service 16609
organization will be required to collect information to be used by 16610
the county department to make eligibility determinations, and the 16611
time period within which the provider or child care resource and 16612
referral service organization is required to complete required 16613
eligibility determinations or to transmit to the county department 16614
any information collected for the purpose of making eligibility 16615
determinations; 16616

(4) That the provider, other than a border state child care 16617
provider, shall continue to be licensed, approved, or certified 16618
pursuant to this chapter and shall comply with all standards and 16619
other requirements in this chapter and in rules adopted pursuant 16620
to this chapter for maintaining the provider's license, approval, 16621
or certification; 16622

(5) That, in the case of a border state child care provider, 16623
the provider shall continue to be licensed, certified, or 16624
otherwise approved by the state in which the provider is located 16625
and shall comply with all standards and other requirements 16626
established by that state for maintaining the provider's license, 16627

certificate, or other approval; 16628

(6) Whether the provider will be paid by the state department 16629
of job and family services or in some other manner as prescribed 16630
by rules adopted under section 5104.42 of the Revised Code; 16631

(7) That the contract is subject to the availability of state 16632
and federal funds. 16633

(C) Unless specifically prohibited by federal law or by rules 16634
adopted under section 5104.42 of the Revised Code, the county 16635
department of job and family services shall give individuals 16636
eligible for publicly funded child care the option of obtaining 16637
certificates that the individual may use to purchase services from 16638
any provider qualified to provide publicly funded child care under 16639
section 5104.31 of the Revised Code. Providers of publicly funded 16640
child care may present these certificates for payment in 16641
accordance with rules that the director of job and family services 16642
shall adopt. Only providers may receive payment for certificates. 16643
The value of the certificate shall be based on the lower of the 16644
rate customarily charged by the provider or the rate of payment 16645
established pursuant to section 5104.30 of the Revised Code. The 16646
county department may provide the certificates to the individuals 16647
or may contract with child care providers or child care resource 16648
and referral service organizations that make determinations of 16649
eligibility for publicly funded child care pursuant to contracts 16650
entered into under section 5104.34 of the Revised Code for the 16651
providers or resource and referral service organizations to 16652
provide the certificates to individuals whom they determine are 16653
eligible for publicly funded child care. 16654

For each six-month period a provider of publicly funded child 16655
care provides publicly funded child care to the child of an 16656
individual given certificates, the individual shall provide the 16657
provider certificates for days the provider would have provided 16658
publicly funded child care to the child had the child been 16659

present. The maximum number of days providers shall be provided 16660
certificates shall not exceed ten days in a six-month period 16661
during which publicly funded child care is provided to the child 16662
regardless of the number of providers that provide publicly funded 16663
child care to the child during that period. 16664

Sec. 5104.35. (A) Each county department of job and family 16665
services shall do all of the following: 16666

(1) Accept any gift, grant, or other funds from either public 16667
or private sources offered unconditionally or under conditions 16668
which are, in the judgment of the department, proper and 16669
consistent with this chapter and deposit the funds in the county 16670
public assistance fund established by section 5101.161 of the 16671
Revised Code; 16672

(2) Recruit individuals and groups interested in 16673
certification as in-home aides or in developing and operating 16674
suitable licensed child day-care centers, type A family day-care 16675
homes, or ~~certified~~ licensed type B family day-care homes, 16676
especially in areas with high concentrations of recipients of 16677
public assistance, and for that purpose provide consultation to 16678
interested individuals and groups on request; 16679

(3) Inform clients of the availability of child care 16680
services. 16681

(B) A county department of job and family services may, to 16682
the extent permitted by federal law, use public child care funds 16683
to extend the hours of operation of the county department to 16684
accommodate the needs of working caretaker parents and enable 16685
those parents to apply for publicly funded child care. 16686

Sec. 5104.36. The licensee or administrator of a child 16687
day-care center ~~or~~, type A family day-care home, ~~the authorized~~ 16688
~~provider of a certified~~ or licensed type B family day-care home, 16689

an in-home aide providing child care services, the director or 16690
administrator of an approved child day camp, and a border state 16691
child care provider shall keep a record for each eligible child, 16692
to be made available to the county department of job and family 16693
services or the department of job and family services on request. 16694
The record shall include all of the following: 16695

- (A) The name and date of birth of the child; 16696
- (B) The name and address of the child's caretaker parent; 16697
- (C) The name and address of the caretaker parent's place of 16698
employment or program of education or training; 16699
- (D) The hours for which child care services have been 16700
provided for the child; 16701
- (E) Any other information required by the county department 16702
of job and family services or the state department of job and 16703
family services. 16704

Sec. 5104.38. In addition to any other rules adopted under 16705
this chapter, the director of job and family services shall adopt 16706
rules in accordance with Chapter 119. of the Revised Code 16707
governing financial and administrative requirements for publicly 16708
funded child care and establishing all of the following: 16709

- (A) Procedures and criteria to be used in making 16710
determinations of eligibility for publicly funded child care that 16711
give priority to children of families with lower incomes and 16712
procedures and criteria for eligibility for publicly funded 16713
protective child care. The rules shall specify the maximum amount 16714
of income a family may have for initial and continued eligibility. 16715
The maximum amount shall not exceed two hundred per cent of the 16716
federal poverty line. The rules may specify exceptions to the 16717
eligibility requirements in the case of a family that previously 16718
received publicly funded child care and is seeking to have the 16719

child care reinstated after the family's eligibility was 16720
terminated. 16721

(B) Procedures under which a county department of job and 16722
family services may, if the department, under division (A) of this 16723
section, specifies a maximum amount of income a family may have 16724
for eligibility for publicly funded child care that is less than 16725
the maximum amount specified in that division, specify a maximum 16726
amount of income a family residing in the county the county 16727
department serves may have for initial and continued eligibility 16728
for publicly funded child care that is higher than the amount 16729
specified by the department but does not exceed the maximum amount 16730
specified in division (A) of this section; 16731

(C) A schedule of fees requiring all eligible caretaker 16732
parents to pay a fee for publicly funded child care according to 16733
income and family size, which shall be uniform for all types of 16734
publicly funded child care, except as authorized by rule, and, to 16735
the extent permitted by federal law, shall permit the use of state 16736
and federal funds to pay the customary deposits and other advance 16737
payments that a provider charges all children who receive child 16738
care from that provider. The schedule of fees may not provide for 16739
a caretaker parent to pay a fee that exceeds ten per cent of the 16740
parent's family income. 16741

(D) A formula for determining the amount of state and federal 16742
funds appropriated for publicly funded child care that may be 16743
allocated to a county department to use for administrative 16744
purposes; 16745

(E) Procedures to be followed by the department and county 16746
departments in recruiting individuals and groups to become 16747
providers of child care; 16748

(F) Procedures to be followed in establishing state or local 16749
programs designed to assist individuals who are eligible for 16750

publicly funded child care in identifying the resources available 16751
to them and to refer the individuals to appropriate sources to 16752
obtain child care; 16753

(G) Procedures to deal with fraud and abuse committed by 16754
either recipients or providers of publicly funded child care; 16755

(H) Procedures for establishing a child care grant or loan 16756
program in accordance with the child care block grant act; 16757

(I) Standards and procedures for applicants to apply for 16758
grants and loans, and for the department to make grants and loans; 16759

(J) A definition of "person who stands in loco parentis" for 16760
the purposes of division ~~(KK)~~(JJ)(1) of section 5104.01 of the 16761
Revised Code; 16762

(K) Procedures for a county department of job and family 16763
services to follow in making eligibility determinations and 16764
redeterminations for publicly funded child care available through 16765
telephone, computer, and other means at locations other than the 16766
county department; 16767

(L) If the director establishes a different reimbursement 16768
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 16769
Code, standards and procedures for determining the amount of the 16770
higher payment that is to be issued to a child care provider based 16771
on the special needs of the child being served; 16772

(M) To the extent permitted by federal law, procedures for 16773
paying for up to thirty days of child care for a child whose 16774
caretaker parent is seeking employment, taking part in employment 16775
orientation activities, or taking part in activities in 16776
anticipation of enrolling in or attending an education or training 16777
program or activity, if the employment or the education or 16778
training program or activity is expected to begin within the 16779
thirty-day period; 16780

(N) Any other rules necessary to carry out sections 5104.30 16781
to 5104.43 of the Revised Code. 16782

Sec. 5107.60. In accordance with Title IV-A, federal 16783
regulations, state law, the Title IV-A state plan prepared under 16784
section 5101.80 of the Revised Code, and amendments to the plan, 16785
county departments of job and family services shall establish and 16786
administer the following work activities, in addition to the work 16787
activities established under sections 5107.50, 5107.52, 5107.54, 16788
and 5107.58 of the Revised Code, for minor heads of households and 16789
adults participating in Ohio works first: 16790

(A) Unsubsidized employment activities, including activities 16791
a county department determines are legitimate entrepreneurial 16792
activities; 16793

(B) On-the-job training activities, including training to 16794
become an employee of a child day-care center or type A family 16795
day-care home, ~~authorized provider~~ administrator of a ~~certified~~ 16796
licensed type B family day-care home, or in-home aide; 16797

(C) Community service activities including a program under 16798
which a participant of Ohio works first who is the parent, 16799
guardian, custodian, or specified relative responsible for the 16800
care of a minor child enrolled in grade twelve or lower is 16801
involved in the minor child's education on a regular basis; 16802

(D) Vocational educational training activities; 16803

(E) Jobs skills training activities that are directly related 16804
to employment; 16805

(F) Education activities that are directly related to 16806
employment for participants who have not earned a high school 16807
diploma or high school equivalence diploma; 16808

(G) Education activities for participants who have not 16809
completed secondary school or received a high school equivalence 16810

diploma under which the participants attend a secondary school or 16811
a course of study leading to a high school equivalence diploma, 16812
including LEAP participation by a minor head of household; 16813

(H) Child-care service activities aiding another participant 16814
assigned to a community service activity or other work activity. A 16815
county department may provide for a participant assigned to this 16816
work activity to receive training necessary to provide child-care 16817
services. 16818

Sec. 5153.175. (A) Notwithstanding division (H)(1) of section 16819
2151.421, section 5153.17, and any other section of the Revised 16820
Code pertaining to confidentiality, when a public children 16821
services agency has determined that child abuse or neglect 16822
occurred and that abuse or neglect involves a person who has 16823
applied for licensure ~~or renewal of licensure~~ as a type A family 16824
day-care home or ~~certification or renewal of certification as a~~ 16825
type B family day-care home, the agency shall promptly provide to 16826
the department of job and family services ~~or to a county~~ 16827
~~department of job and family services~~ any information the agency 16828
determines to be relevant for the purpose of evaluating the 16829
fitness of the person, including, but not limited to, both of the 16830
following: 16831

(1) A summary report of the chronology of abuse and neglect 16832
reports made pursuant to section 2151.421 of the Revised Code of 16833
which the person is the subject where the agency determined that 16834
abuse or neglect occurred and the final disposition of the 16835
investigation of the reports or, if the investigations have not 16836
been completed, the status of the investigations; 16837

(2) Any underlying documentation concerning those reports. 16838

(B) The agency shall not include in the information provided 16839
to the department ~~or county department~~ under division (A) of this 16840
section the name of the person or entity that made the report or 16841

participated in the making of the report of child abuse or neglect. 16842
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(C) Upon provision of information under division (A) of this section, the agency shall notify the department ~~or county~~ department of both of the following: 16844
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16846

(1) That the information is confidential; 16847

(2) That unauthorized dissemination of the information is a violation of division (H)(2) of section 2151.421 of the Revised Code and any person who permits or encourages unauthorized dissemination of the information is guilty of a misdemeanor of the fourth degree pursuant to section 2151.99 of the Revised Code. 16848
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Section 120.02. That existing sections 109.57, 2151.011, 2919.227, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 5104.022, 5104.03, 5104.031, 5104.032, 5104.033, 5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 5104.36, 5104.38, 5107.60, and 5153.175 of the Revised Code are hereby repealed. 16853
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Section 120.03. That sections 5104.014 and 5104.11 of the Revised Code are hereby repealed. 16861
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Section 120.04. Sections 120.01, 120.02, and 120.03 of this act take effect on January 1, 2014. 16863
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Section 610.10. That Sections 267.10, 267.10.90, 267.40.40, and 283.20 of Am. Sub. H.B. 153 of the 129th General Assembly be amended to read as follows: 16865
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Sec. 267.10. EDU DEPARTMENT OF EDUCATION 16868

General Revenue Fund					16869	
GRF 200100	Personal Services	\$	8,579,178	\$	8,579,178	16870
GRF 200320	Maintenance and Equipment	\$	2,830,407	\$	2,830,407	16871
GRF 200408	Early Childhood Education	\$	23,268,341	\$	23,268,341	16872
GRF 200416	Career-Technical Education Match	\$	2,233,195	\$	2,233,195	16873
GRF 200420	Computer/Application/ Network Development	\$	4,241,296	\$	4,241,296	16874
GRF 200421	Alternative Education Programs	\$	7,403,998	\$	7,403,998	16875
GRF 200422	School Management Assistance	\$	2,842,812	\$	3,000,000	16876
GRF 200424	Policy Analysis	\$	328,558	\$	328,558	16877
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$	260,542	16878
GRF 200426	Ohio Educational Computer Network	\$	17,974,489	\$	17,974,489	16879
GRF 200427	Academic Standards	\$	4,346,060	\$	3,700,000	16880
GRF 200437	Student Assessment	\$	55,002,167	\$	55,002,167	16881
GRF 200439	Accountability/Report Cards	\$	3,579,279	\$	3,579,279	16882
GRF 200442	Child Care Licensing	\$	827,140	\$	827,140	16883
GRF 200446	Education Management Information System	\$	6,833,070	\$	6,833,070	16884
GRF 200447	GED Testing	\$	879,551	\$	879,551	16885
GRF 200448	Educator Preparation	\$	786,737	\$	786,737	16886
GRF 200455	Community Schools and Choice Programs	\$	2,200,000	\$	2,200,000	16887
GRF 200502	Pupil Transportation	\$	438,248,936	\$	442,113,527	16888
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	16889
GRF 200511	Auxiliary Services	\$	124,194,099	\$	126,194,099	16890

GRF 200532	Nonpublic	\$	56,164,384	\$	57,006,850	16891
	Administrative Cost					
	Reimbursement					
GRF 200540	Special Education	\$	135,820,668	\$	135,820,668	16892
	Enhancements					
GRF 200545	Career-Technical	\$	8,802,699	\$	8,802,699	16893
	Education Enhancements					
GRF 200550	Foundation Funding	\$	5,536,347,861	\$	5,610,290,686	16894
GRF 200901	Property Tax	\$	1,086,500,000	\$	1,095,000,000	16895
	Allocation - Education					
TOTAL GRF	General Revenue Fund	\$	7,539,595,467	\$	7,628,256,477	16896
	General Services Fund Group					16897
1380 200606	Computer	\$	7,600,090	\$	7,600,090	16898
	Services-Operational					
	Support					
4520 200638	Miscellaneous	\$	300,000	\$	300,000	16899
	Educational Services					
4L20 200681	Teacher Certification	\$	8,147,756	\$	8,147,756	16900
	and Licensure					
5960 200656	Ohio Career	\$	529,761	\$	529,761	16901
	Information System					
5H30 200687	School District	\$	25,000,000	\$	25,000,000	16902
	Solvency Assistance					
TOTAL GSF	General Services					16903
Fund Group		\$	41,577,607	\$	41,577,607	16904
	Federal Special Revenue Fund Group					16905
3090 200601	Neglected and	\$	2,168,642	\$	2,168,642	16906
	Delinquent Education					
3670 200607	School Food Services	\$	6,803,472	\$	6,959,906	16907
3690 200616	Career-Technical	\$	5,000,000	\$	5,000,000	16908
	Education Federal					
	Enhancement					

3700	200624	Education of Exceptional Children	\$	1,905,000	\$	0	16909
3780	200660	Learn and Serve	\$	619,211	\$	619,211	16910
3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	16911
3AN0	200671	School Improvement Grants	\$	20,400,000	\$	20,400,000	16912
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	16913
3BK0	200628	Longitudinal Data Systems	\$	500,000	\$	250,000	16914
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	16915
3CG0	200646	Teacher Incentive Fund	\$	1,925,881	\$	0	16916
3D10	200664	Drug Free Schools	\$	1,500,000	\$	0	16917
3D20	200667	Math Science Partnerships	\$	9,500,001	\$	9,500,001	16918
3DG0	200630	Federal Stimulus - McKinney Vento Grants	\$	330,512	\$	0	16919
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	21,886,803	\$	0	16920
3DK0	200642	Title 1A - Federal Stimulus	\$	18,633,673	\$	0	16921
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	670,000	\$	0	16922
3DM0	200651	Title IID Technology - Federal Stimulus	\$	1,195,100	\$	0	16923
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	48,500,000	\$	30,000,000	16924
3EC0	200653	Teacher Incentive -	\$	7,500,000	\$	7,500,000	16925

		Federal Stimulus				
3EH0	200620	Migrant Education	\$	2,645,905	\$	2,645,905 16926
3EJ0	200622	Homeless Children Education	\$	1,759,782	\$	1,759,782 16927
3EN0	200655	State Data Systems - Federal Stimulus	\$	2,500,000	\$	2,500,000 16928
3ES0	200657	General Supervisory Enhancement Grant	\$	500,000	\$	500,000 16929
3ET0	200658	Education Jobs Fund	\$	300,000,000	\$	50,000,000 16930
3FD0	200665	Race to the Top	\$	100,000,000	\$	100,000,000 16931
3FE0	200669	Striving Readers	\$	180,000	\$	100,000 16932
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 16933
3L60	200617	Federal School Lunch	\$	327,516,539	\$	337,323,792 16934
3L70	200618	Federal School Breakfast	\$	87,596,850	\$	90,224,756 16935
3L80	200619	Child/Adult Food Programs	\$	100,850,833	\$	103,876,359 16936
3L90	200621	Career-Technical Education Basic Grant	\$	48,466,864	\$	48,466,864 16937
3M00	200623	ESEA Title 1A	\$	530,010,000	\$	530,010,000 16938
3M20	200680	Individuals with Disabilities Education Act	\$	443,170,050	\$	443,170,050 16939
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397 16940
3T40	200613	Public Charter Schools	\$	14,291,353	\$	14,291,353 16941
3Y20	200688	21st Century Community Learning Centers	\$	43,720,462	\$	45,906,485 16942
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000 16943
3Y70	200689	English Language	\$	8,373,995	\$	8,373,995 16944

		Acquisition				
3Y80	200639	Rural and Low Income	\$	1,500,000	\$	1,500,000 16945
		Technical Assistance				
3Z20	200690	State Assessments	\$	11,882,258	\$	11,882,258 16946
3Z30	200645	Consolidated Federal	\$	8,949,280	\$	8,949,280 16947
		Grant Administration				
TOTAL FED		Federal Special				16948
Revenue Fund Group			\$	2,310,389,566	\$	2,011,315,739 16949
State Special Revenue Fund Group						16950
4540	200610	Guidance and Testing	\$	1,050,000	\$	1,050,000 16951
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 16952
4R70	200695	Indirect Operational	\$	6,500,000	\$	6,600,000 16953
		Support				
4V70	200633	Interagency	\$	1,117,725	\$	1,117,725 16954
		Operational Support				
5980	200659	Auxiliary Services	\$	1,328,910	\$	1,328,910 16955
		Reimbursement				
5BB0	200696	State Action for	\$	231,300	\$	0 16956
		Education Leadership				
5BJ0	200626	Half-Mill Maintenance	\$	17,300,000	\$	18,000,000 16957
		Equalization				
5U20	200685	National Education	\$	300,000	\$	300,000 16958
		Statistics				
6200	200615	Educational	\$	3,000,000	\$	3,000,000 16959
		Improvement Grants				
TOTAL SSR		State Special Revenue				16960
Fund Group			\$	54,827,935	\$	55,396,635 16961
Lottery Profits Education Fund Group						16962
7017	200612	Foundation Funding	\$	717,500,000	\$	680,500,000 16963
<u>7018</u>	<u>200686</u>	<u>Third Grade Reading</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>13,000,000</u> 16964
		<u>Guarantee</u>				
TOTAL LPE		Lottery Profits				16965

Education Fund Group	\$ 717,500,000	\$ 680,500,000	16966
		<u>693,500,000</u>	
Revenue Distribution Fund Group			16967
7047 200909 School District	\$ 722,000,000	\$ 475,000,000	16968
Property Tax			
Replacement-Business			
7053 200900 School District	\$ 34,000,000	\$ 30,000,000	16969
Property Tax			
Replacement-Utility			
TOTAL RDF Revenue Distribution			16970
Fund Group	\$ 756,000,000	\$ 505,000,000	16971
TOTAL ALL BUDGET FUND GROUPS	\$11,419,890,575	\$10,922,046,458	16972
		<u>10,935,046,458</u>	

Sec. 267.10.90. (A) Notwithstanding anything to the contrary 16974
in section 3301.0710, 3301.0711, 3301.0715, or 3313.608 of the 16975
Revised Code, the administration of the English language arts 16976
assessments for elementary grades as a replacement for the 16977
separate reading and writing assessments prescribed by sections 16978
3301.0710 and 3301.0711 of the Revised Code, as those sections 16979
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 16980
shall not be required until a date prescribed by rule of the State 16981
Board of Education. Until that date, the Department of Education 16982
and school districts and schools shall continue to administer 16983
separate reading assessments for elementary grades, as prescribed 16984
by the versions of sections 3301.0710 and 3301.0711 of the Revised 16985
Code that were in effect prior to the effective date of Section 16986
265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The 16987
intent for delaying implementation of the replacement English 16988
language arts assessment is to provide adequate time for the 16989
complete development of the new assessment. 16990

(B) Notwithstanding anything to the contrary in section 16991
3301.0710 of the Revised Code, the State Board shall not prescribe 16992

the three ranges of scores for the assessments prescribed by 16993
division (A)(2) of section 3301.0710 of the Revised Code, as 16994
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until 16995
the Board adopts the rule required by division (A) of this 16996
section. Until that date, the Board shall continue to prescribe 16997
the five ranges of scores required by the version of section 16998
3301.0710 of the Revised Code in effect prior to the effective 16999
date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General 17000
Assembly, and the following apply: 17001

(1) The range of scores designated by the State Board as a 17002
proficient level of skill remains the passing score on the Ohio 17003
Graduation Tests for purposes of sections 3313.61, 3313.611, 17004
3313.612, and 3325.08 of the Revised Code; 17005

(2) The range of scores designated as a limited level of 17006
skill remains the standard for applying the third-grade reading 17007
guarantee under division (A) of section 3313.608 of the Revised 17008
Code; 17009

~~(3) The range of scores designated by the State Board as a 17010
proficient level of skill remains the standard for the summer 17011
remediation requirement of division (B)(2) of section 3313.608 of 17012
the Revised Code. 17013~~

(C) This section is not subject to expiration after June 30, 17014
2013, under Section 809.10 of this act. 17015

Sec. 267.40.40. LOTTERY PROFITS EDUCATION RESERVE FUND 17016

(A) There is hereby created the Lottery Profits Education 17017
Reserve Fund (Fund 7018) in the State Treasury. Investment 17018
earnings of the Lottery Profits Education Reserve Fund shall be 17019
credited to the fund. 17020

(B) Notwithstanding any other provision of law to the 17021
contrary, the Director of Budget and Management may transfer cash 17022

from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 17023
in fiscal year 2012 and fiscal year 2013. Amounts transferred 17024
under this section are hereby appropriated. 17025

(C) On July 15, 2011, or as soon as possible thereafter, the 17026
Director of the Ohio Lottery Commission shall certify to the 17027
Director of Budget and Management the amount by which lottery 17028
profit transfers received by Fund 7017 exceeded \$711,000,000 in 17029
fiscal year 2011. The Director of Budget and Management may 17030
transfer the amount so certified, plus the cash balance in Fund 17031
7017, to Fund 7018. 17032

(D) On July 15, 2012, or as soon as possible thereafter, the 17033
Director of the Ohio Lottery Commission shall certify to the 17034
Director of Budget and Management the amount by which lottery 17035
profit transfers received by Fund 7017 exceeded \$717,500,000 in 17036
fiscal year 2012. The Director of Budget and Management may 17037
transfer the amount so certified, plus the cash balance in Fund 17038
7017, to Fund 7018. 17039

THIRD GRADE READING GUARANTEE 17040

The foregoing appropriation item 200686, Third Grade Reading 17041
Guarantee, shall be used to make competitive grants to school 17042
districts and community schools to support reading intervention 17043
efforts that assist students in meeting the third grade reading 17044
guarantee established in section 3313.608 of the Revised Code. 17045

The Superintendent of Public Instruction shall administer and 17046
award the grants. The Superintendent shall establish procedures 17047
and forms by which applicants may apply for a grant, a competitive 17048
process for awarding the grants, procedures for distributing 17049
grants to recipients, and procedures for monitoring the use of 17050
grants by recipients. The procedures shall require each school 17051
district and community school applying for a grant to submit, as 17052
part of its grant application, a reading program plan identifying 17053

how the grant award will be used. To be eligible for a grant 17054
award, school districts and community schools shall apply to the 17055
Superintendent not later than December 31, 2012. The 17056
Superintendent shall announce the grant awards not later than 17057
April 30, 2013. 17058

In awarding the grants, the Superintendent shall give 17059
priority to plans that either utilize public-private partnerships 17060
or involve collaboration with educational service centers, other 17061
school districts, or local entities, such as libraries, parks and 17062
recreation authorities, or other community entities. The 17063
Superintendent shall also consider an applicant's past performance 17064
on the third grade reading assessment administered pursuant to the 17065
version of section 3301.0710 of the Revised Code that was in 17066
effect prior to October 16, 2009. In considering this factor, the 17067
Superintendent shall take into account the existing resources 17068
available for reading improvement initiatives, including the 17069
amount of funding the school district or community school 17070
regularly receives under Title I of the "Elementary and Secondary 17071
Education Act of 1965," 20 U.S.C. 6301, et seq. 17072

Sec. 283.20. STATEHOUSE NEWS BUREAU 17073

The foregoing appropriation item 935401, Statehouse News 17074
Bureau, shall be used solely to support the operations of the Ohio 17075
Statehouse News Bureau. 17076

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 17077

The foregoing appropriation item 935402, Ohio Government 17078
Telecommunications Services, shall be used solely to support the 17079
operations of Ohio Government Telecommunications Services which 17080
include providing multimedia support to the state government and 17081
its affiliated organizations and broadcasting the activities of 17082
the legislative, judicial, and executive branches of state 17083
government, among its other functions. 17084

TECHNOLOGY OPERATIONS 17085

The foregoing appropriation item 935409, Technology 17086
Operations, shall be used by eTech Ohio to pay expenses of eTech 17087
Ohio's network infrastructure, which includes the television and 17088
radio transmission infrastructure and infrastructure that shall 17089
link all public K-12 classrooms to each other and to the Internet, 17090
and provide access to voice, video, other communication services, 17091
and data educational resources for students and teachers. The 17092
foregoing appropriation item 935409, Technology Operations, may 17093
also be used to cover student costs for taking advanced placement 17094
courses and courses that the Chancellor of the Board of Regents 17095
has determined to be eligible for postsecondary credit through the 17096
OhioLearns Gateway. To the extent that funds remain available for 17097
this purpose, public and chartered nonpublic school students 17098
taking advanced placement or postsecondary courses through the 17099
OhioLearns Gateway shall be eligible to receive a fee waiver to 17100
cover the cost of participating in one course. The fee waivers 17101
shall be distributed until the funds appropriated to support the 17102
waivers have been exhausted. 17103

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 17104

The foregoing appropriation item 935410, Content Development, 17105
Acquisition, and Distribution, shall be used for the development, 17106
acquisition, and distribution of information resources by public 17107
media and radio reading services and for educational use in the 17108
classroom and online. 17109

Of the foregoing appropriation item 935410, Content 17110
Development, Acquisition, and Distribution, up to \$658,099 in each 17111
fiscal year shall be allocated equally among the 12 Ohio 17112
educational television stations and used with the advice and 17113
approval of eTech Ohio. Funds shall be used for the production of 17114
interactive instructional programming series with priority given 17115
to resources aligned with state academic content standards in 17116

consultation with the Ohio Department of Education and for 17117
teleconferences to support eTech Ohio. The programming shall be 17118
targeted to the needs of the poorest two hundred school districts 17119
as determined by the district's adjusted valuation per pupil as 17120
defined in former section 3317.0213 of the Revised Code as that 17121
section existed prior to June 30, 2005. 17122

Of the foregoing appropriation item 935410, Content 17123
Development, Acquisition, and Distribution, up to \$1,749,283 in 17124
each fiscal year shall be distributed by eTech Ohio to Ohio's 17125
qualified public educational television stations and educational 17126
radio stations to support their operations. The funds shall be 17127
distributed pursuant to an allocation formula used by the Ohio 17128
Educational Telecommunications Network Commission unless a 17129
substitute formula is developed by eTech Ohio in consultation with 17130
Ohio's qualified public educational television stations and 17131
educational radio stations. 17132

Of the foregoing appropriation item 935410, Content 17133
Development, Acquisition, and Distribution, up to \$199,712 in each 17134
fiscal year shall be distributed by eTech Ohio to Ohio's qualified 17135
radio reading services to support their operations. The funds 17136
shall be distributed pursuant to an allocation formula used by the 17137
Ohio Educational Telecommunications Network Commission unless a 17138
substitute formula is developed by eTech Ohio in consultation with 17139
Ohio's qualified radio reading services. 17140

Section 610.11. That existing Sections 267.10, 267.10.90, 17141
267.40.40, and 283.20 of Am. Sub. H.B. 153 of the 129th General 17142
Assembly are hereby repealed. 17143

Section 610.20. That Section 267.60.23 of Am. Sub. H.B. 153 17144
of the 129th General Assembly and Section 265.20.15 of Am. Sub. 17145
H.B. 1 of the 128th General Assembly are hereby repealed. 17146

Section 733.10. Not later than June 20, 2013, the Department 17147
of Education shall conduct a study of the licensure requirements 17148
for educational staff responsible for the development of 17149
informational sources for the support of curriculum and literacy 17150
development in schools. The Department and the State Board of 17151
Education shall use the study to make any necessary updates or 17152
revisions to the licensure requirements for those staff. 17153

Section 733.13. The Community School Mandate Review Panel is 17154
hereby created. Not later than sixty days after the effective date 17155
of this section, the Superintendent of Public Instruction, the 17156
Director of the Governor's Office of 21st Century Education, and 17157
the Auditor of State jointly shall appoint seven experts on 17158
community schools to the panel. The panel shall conduct a review 17159
of all Revised Code and Administrative Code sections with which 17160
community schools must comply to determine how to reduce 17161
unnecessary reporting and compliance requirements for community 17162
schools. 17163

Not later than one year after the effective date of this 17164
section, the panel shall report its findings, including 17165
legislative recommendations, to the Department of Education, 17166
Governor, and the General Assembly in accordance with section 17167
101.68 of the Revised Code. Upon submitting the report, the panel 17168
shall cease to exist. 17169

Section 733.15. Not later than ninety days after the 17170
effective date of this section, the Department of Education shall 17171
make available on its web site a copy of every approved, executed 17172
contract that was filed with the Superintendent of Public 17173
Instruction under section 3314.03 of the Revised Code before the 17174
effective date of this section. 17175

Section 733.20. The General Assembly hereby declares its 17176
intent, in enacting section 3319.031 of the Revised Code, to 17177
supersede any effect of the decision of the Court of Appeals of 17178
the Eighth Appellate District in *OAPSE/AFSCME Local 4 v. Berdine*, 17179
174 Ohio App.3d 46 (Cuyahoga County, 2007) to the extent the 17180
decision conflicts with the principle that boards of education may 17181
appoint a licensed business manager, but also may determine 17182
instead to assign the roles and functions of a business manager to 17183
one or more employees or officers of the board, including the 17184
treasurer, in the board's sole discretion. 17185

Section 733.30. The Department of Education and the 17186
Governor's Director of 21st Century Education jointly shall 17187
develop legislative recommendations regarding the state's policies 17188
on reading readiness for individuals from birth through third 17189
grade. The Department and the Director shall consult with the 17190
State Board of Education, the Early Childhood Advisory Council, 17191
and the Early Education and Development Innovation Committee, and 17192
education stakeholders in the development of their 17193
recommendations. The Department and the Director shall submit the 17194
recommendations to the Governor and the General Assembly, in 17195
accordance with section 101.68 of the Revised Code, not later than 17196
March 31, 2013. The recommendations shall address all of the 17197
following: 17198

(A) Alignment of the state's policies and resources for 17199
reading readiness and proficiency from birth through third grade; 17200

(B) Development and implementation of reading readiness 17201
standards, evidence-based curricula, professional development, 17202
instructional practices, and assessments to reduce early learning 17203
difficulties and to ensure third grade reading proficiency; 17204

(C) Identification of early learning strategies that support 17205

the goal of the third grade reading guarantee, prescribed by 17206
section 3313.608 of the Revised Code; 17207

(D) A plan for implementation and funding of reading 17208
proficiency strategies. 17209

Section 733.40. Not later than December 31, 2012, the 17210
Superintendent of Public Instruction and the Governor's Director 17211
of 21st Century Education shall issue a report to the Governor and 17212
the General Assembly, in accordance with section 101.68 of the 17213
Revised Code, on the ability of the Ohio Department of Education 17214
to reprioritize state and federal funds appropriated or allocated 17215
to the Department, in order to identify additional funds that may 17216
be used to support the assessments and interventions associated 17217
with the third grade reading guarantee prescribed by section 17218
3313.608 of the Revised Code. The Superintendent and the Director 17219
shall examine all available sources of funding, including Title I 17220
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 17221
6301 et seq.; Title III, Part A, of the "No Child Left Behind Act 17222
of 2001," 20 U.S.C. 6811, et seq.; and the "Enhancing Education 17223
Through Technology Act of 2001," 20 U.S.C. 6751. 17224

Section 733.50. (A) There is hereby created a task force to 17225
make legislative recommendations for a new academic performance 17226
rating and report card system for school districts, school 17227
district buildings, community schools, and STEM schools, to 17228
replace the system prescribed by sections 3302.03, 3314.012, and 17229
3326.17 of the Revised Code. The recommended new system shall 17230
annually rate the growth and performance of students in each 17231
district, building, and school, based on a variety of metrics, and 17232
shall assign each district, building, and school a letter grade of 17233
"A," "B," "C," "D," or "F" for its overall performance. The goal 17234
shall be to have the new system in place for the report cards 17235
issued in August of 2013 for the 2012-2013 school year. 17236

In developing its recommendations, the task force shall 17237
consult with one or more nonprofit organizations that have been 17238
responsible for developing policy recommendations for a similar 17239
letter grade rating system for schools implemented in other 17240
states. 17241

The task force shall consist of the Governor's Director of 17242
21st Century Education, who shall be the chair of the task force, 17243
the Superintendent of Public Instruction, the President of the 17244
State Board of Education, and one legislative member appointed by 17245
each of the President of the Senate, the Speaker of the House of 17246
Representatives, the minority leader of the Senate, and the 17247
minority leader of the House of Representatives. 17248

Not later than October 1, 2012, the task force shall submit 17249
its recommendations to the Governor and the General Assembly in 17250
accordance with section 101.68 of the Revised Code. 17251

(B) Not later than January 31, 2013, the Department of 17252
Education shall provide each city, exempted village, or local 17253
school district, each community school, and each STEM school with 17254
a report indicating the estimated rating the district or school 17255
would have been assigned for the 2011-2012 school year under the 17256
letter grade rating system recommended by the task force under 17257
division (A) of this section if that system were in effect for 17258
that school year. 17259

Section 733.60. The Department of Education shall develop 17260
legislative recommendations for a battery of measures to be used 17261
to rank the performance of the sponsors of community schools 17262
established under Chapter 3314. of the Revised Code. The 17263
recommendations shall propose measures for use in addition to the 17264
ratings required by section 3314.016 of the Revised Code, to 17265
determine whether an entity may sponsor additional community 17266
schools. The Department shall submit its recommendations to the 17267

Governor and the General Assembly, in accordance with section 17268
101.68 of the Revised Code, not later than December 31, 2012. 17269

Section 733.70. The Department of Education shall conduct a 17270
second Educational Choice Scholarship application period for the 17271
2012-2013 school year to award scholarships to eligible students 17272
who were enrolled in a nonpublic school in the 2011-2012 school 17273
year that was granted a charter by the State Board of Education 17274
during the 2011-2012 school year. The second application period 17275
shall commence on the effective date of this section and shall end 17276
at the close of business of the first business day that is at 17277
least thirty days after the effective date of this section. A 17278
student is an eligible student if an application is timely 17279
submitted under this section and the student meets the eligibility 17280
standards of division (B) of section 3310.031 of the Revised Code. 17281
Notwithstanding section 3310.10 of the Revised Code, a scholarship 17282
awarded during the second application period shall be used in the 17283
2012-2013 school year only to pay tuition at the nonpublic school 17284
in which the eligible student was enrolled in the 2011-2012 school 17285
year. 17286

Section 751.10. The Revised Code section cited in the 17287
Administrative Code as the authority for any rules adopted under 17288
Chapter 5104. of the Revised Code shall be deemed to be the 17289
Revised Code section as renumbered by Section 101.01 of this act. 17290
The Director of Job and Family Services is not required to amend 17291
any rule previously adopted under Chapter 5104. of the Revised 17292
Code for the sole purpose of changing the citation of the Revised 17293
Code section that authorizes the rule. 17294

Section 751.20. The Revised Code sections cited in the 17295
Administrative Code as the authority for any rules adopted under 17296
Chapter 5104. of the Revised Code shall be deemed to be the 17297

Revised Code sections as renumbered by Section 120.01 of this act. 17298
The Director of Job and Family Services is not required to amend 17299
any rules previously adopted under Chapter 5104. of the Revised 17300
Code for the sole purpose of changing the citation of the Revised 17301
Code section that authorizes the rule. 17302

Section 751.30. On January 1, 2014, a person who is operating 17303
a type B family day-care home certified pursuant to section 17304
5104.11 of the Revised Code, as that section existed on December 17305
31, 2013, shall be issued a license to operate a type B family 17306
day-care home pursuant to section 5104.03 of the Revised Code as 17307
amended by this act. The Department of Job and Family Services 17308
shall adopt rules establishing a plan to facilitate the transition 17309
of type B homes from certification to licensure. The rules shall 17310
be adopted in accordance with Chapter 119. of the Revised Code. 17311
17312

Section 763.10. The Office of Workforce Transformation is 17313
authorized to create a web site to help link energy companies with 17314
trained workers and to provide information on industry compatible 17315
curriculum and training. The Office of Workforce Transformation is 17316
also authorized to work with veterans to match training and skills 17317
to needed jobs in industries, including to the oil and gas 17318
industry. 17319

Section 806.10. The items of law contained in this act, and 17320
their applications, are severable. If any item of law contained in 17321
this act, or if any application of any item of law contained in 17322
this act, is held invalid, the invalidity does not affect other 17323
items of law contained in this act and their applications that can 17324
be given effect without the invalid item of law or application. 17325

Section 812.10. Sections subject to referendum: general 17326

effective date. Except as otherwise provided in this act, the 17327
amendment, enactment, or repeal by this act of a section is 17328
subject to the referendum under Ohio Constitution, Article II, 17329
Section 1c and therefore takes effect on the ninety-first day 17330
after this act is filed with the Secretary of State. 17331

Section 812.11. Sections subject to referendum: special 17332
effective dates. The amendment, enactment, or repeal by this act 17333
of the following sections is subject to the referendum under Ohio 17334
Constitution, Article II, Section 1c and therefore takes effect on 17335
the ninety-first day after this act is filed with the Secretary of 17336
State or on the date specified below, whichever is later: 17337

Section 751.20 of this act takes effect January 1, 2014. 17338

Section 812.20. Sections exempt from referendum: general 17339
effective date. The amendment, enactment, or repeal by this act of 17340
the following sections is exempt from the referendum under Ohio 17341
Constitution, Article II, Section 1d and section 1.471 of the 17342
Revised Code and therefore takes effect immediately when this act 17343
becomes law: 17344

Sections 267.10, 267.30.56, and 267.40.40 of Am. Sub. H.B. 17345
153 of the 129th General Assembly, as amended by this act. 17346

Section 763.10 of this act. 17347

Section 815.10. Section 4301.20 of the Revised Code is 17348
presented in this act as a composite of the section as amended by 17349
both Am. Sub. H.B. 114 and S.B. 73 of the 129th General Assembly. 17350
The General Assembly, applying the principle stated in division 17351
(B) of section 1.52 of the Revised Code that amendments are to be 17352
harmonized if reasonably capable of simultaneous operation, finds 17353
that the composite is the resulting version of the section in 17354
effect prior to the effective date of the section as presented in 17355

this act.

17356