

As Reported by the House Education Committee

129th General Assembly

Regular Session

2011-2012

Sub. S. B. No. 316

Senator Lehner

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

Sawyer, Turner, Wagoner

Representatives Stebelton, Roegner, Newbold

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A B I L L

To amend sections 124.38, 3301.04, 3301.079, 1
3301.0712, 3301.0714, 3301.0715, 3301.0723, 2
3301.52, 3301.53, 3301.58, 3301.90, 3301.922, 3
3302.03, 3302.032, 3302.042, 3302.12, 3302.20, 4
3302.21, 3302.25, 3310.01, 3310.02, 3310.03, 5
3310.04, 3310.06, 3310.07, 3310.08, 3310.10, 6
3310.11, 3310.13, 3310.14, 3310.15, 3310.17, 7
3313.37, 3313.41, 3313.411, 3313.608, 3313.609, 8
3313.6013, 3313.674, 3313.813, 3313.816, 3313.842, 9
3313.843, 3313.845, 3313.978, 3314.012, 3314.015, 10
3314.016, 3314.02, 3314.03, 3314.05, 3314.08, 11
3314.17, 3314.18, 3317.01, 3317.03, 3317.11, 12
3318.034, 3318.36, 3318.37, 3318.371, 3318.70, 13
3319.02, 3319.06, 3319.11, 3319.111, 3319.112, 14
3319.58, 3321.01, 3323.011, 3323.052, 3326.03, 15
3326.04, 3326.10, 3326.11, 3326.17, 3326.21, 16
3328.15, 3328.24, 3333.0411, 4139.01, 4139.03, 17
4139.04, 4139.05, 4141.01, 4141.29, 4301.20, 18
5104.01, 5104.011, 5104.02, 5104.21, 5104.30, 19
5104.31, 5104.34, 5104.38, 5709.83, 5751.20, 20
6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 21

6301.08, and 6301.10; to enact sections 3301.941, 22
3302.033, 3302.41, 3310.031, 3313.847, 3314.017, 23
3314.019, 3314.11, 3314.15, 3314.39, 3318.364, 24
3326.031, 3326.26, 4123.391, 4141.292, 5104.031, 25
5104.032, 5104.033, and 5123.022; and to repeal 26
sections 3319.19 and 3324.08 of the Revised Code; 27
to amend Sections 267.10.90 and 267.50.30 of Am. 28
Sub. H.B. 153 of the 129th General Assembly; and 29
to repeal Section 267.60.23 of Am. Sub. H.B. 153 30
of the 129th General Assembly and Section 31
265.20.15 of Am. Sub. H.B. 1 of the 128th General 32
Assembly to revise authorizations and conditions 33
with respect to education, workforce development, 34
and early childhood care; and to amend sections 35
109.57, 2151.011, 2919.227, 2923.124, 2923.126, 36
2923.1212, 2950.11, 2950.13, 3109.051, 3701.63, 37
3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 38
5103.03, 5104.01, 5104.011, 5104.012, 5104.013, 39
5104.015, 5104.022, 5104.03, 5104.04, 5104.041, 40
5104.052, 5104.053, 5104.054, 5104.06, 5104.08, 41
5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 42
5104.35, 5104.36, 5104.38, 5107.60, and 5153.175, 43
to amend, for the purpose of adopting new section 44
numbers as indicated in parentheses, sections 45
5104.011 (5104.015), 5104.015 (5104.25), 5104.031 46
(5104.035), 5104.032 (5104.036), and 5104.033 47
(5104.037), to enact new sections 5104.032 and 48
5104.033 and sections 5104.016, 5104.017, 49
5104.018, 5104.019, 5104.0110, 5104.0111, 50
5104.0112, 5104.034, 5104.038, 5104.039, and 51
5104.14, and to repeal sections 5104.014 and 52
5104.11 of the Revised Code to revise the law 53
governing type B family day-care homes on January 54

1, 2014.

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

Section 101.01. That sections 124.38, 3301.04, 3301.079, 56
3301.0712, 3301.0714, 3301.0715, 3301.0723, 3301.52, 3301.53, 57
3301.58, 3301.90, 3301.922, 3302.03, 3302.032, 3302.042, 3302.12, 58
3302.20, 3302.21, 3302.25, 3310.01, 3310.02, 3310.03, 3310.04, 59
3310.06, 3310.07, 3310.08, 3310.10, 3310.11, 3310.13, 3310.14, 60
3310.15, 3310.17, 3313.37, 3313.41, 3313.411, 3313.608, 3313.609, 61
3313.6013, 3313.674, 3313.813, 3313.816, 3313.842, 3313.843, 62
3313.845, 3313.978, 3314.012, 3314.015, 3314.016, 3314.02, 63
3314.03, 3314.05, 3314.08, 3314.17, 3314.18, 3317.01, 3317.03, 64
3317.11, 3318.034, 3318.36, 3318.37, 3318.371, 3318.70, 3319.02, 65
3319.06, 3319.11, 3319.111, 3319.112, 3319.58, 3321.01, 3323.011, 66
3323.052, 3326.03, 3326.04, 3326.10, 3326.11, 3326.17, 3326.21, 67
3328.15, 3328.24, 3333.0411, 4139.01, 4139.03, 4139.04, 4139.05, 68
4141.01, 4141.29, 4301.20, 5104.01, 5104.011, 5104.02, 5104.21, 69
5104.30, 5104.31, 5104.34, 5104.38, 5709.83, 5751.20, 6301.01, 70
6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 6301.10 be 71
amended; and sections 3301.941, 3302.033, 3302.41, 3310.031, 72
3313.847, 3314.017, 3314.019, 3314.11, 3314.15, 3314.39, 3318.364, 73
3326.031, 3326.26, 4123.391, 4141.292, 5104.031, 5104.032, 74
5104.033, and 5123.022 of the Revised Code be enacted to read as 75
follows: 76

Sec. 124.38. Each of the following shall be entitled for each 77
completed eighty hours of service to sick leave of four and 78
six-tenths hours with pay: 79

(A) Employees in the various offices of the county, 80
municipal, and civil service township service, other than 81
superintendents and management employees, as defined in section 82
5126.20 of the Revised Code, of county boards of developmental 83

disabilities; 84

(B) Employees of any state college or university; 85

(C) ~~Employees~~ Any employee of any board of education for whom 86
sick leave is not provided by section 3319.141 of the Revised 87
Code, provided that the employee is not a substitute, adult 88
education instructor who is scheduled to work the full-time 89
equivalent of less than one hundred twenty days per school year, 90
or a person who is employed on an as-needed, seasonal, or 91
intermittent basis. 92

Employees may use sick leave, upon approval of the 93
responsible administrative officer of the employing unit, for 94
absence due to personal illness, pregnancy, injury, exposure to 95
contagious disease that could be communicated to other employees, 96
and illness, injury, or death in the employee's immediate family. 97
Unused sick leave shall be cumulative without limit. When sick 98
leave is used, it shall be deducted from the employee's credit on 99
the basis of one hour for every one hour of absence from 100
previously scheduled work. 101

The previously accumulated sick leave of an employee who has 102
been separated from the public service shall be placed to the 103
employee's credit upon the employee's re-employment in the public 104
service, provided that the re-employment takes place within ten 105
years of the date on which the employee was last terminated from 106
public service. This ten-year period shall be tolled for any 107
period during which the employee holds elective public office, 108
whether by election or by appointment. 109

An employee who transfers from one public agency to another 110
shall be credited with the unused balance of the employee's 111
accumulated sick leave up to the maximum of the sick leave 112
accumulation permitted in the public agency to which the employee 113
transfers. 114

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

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

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

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

commissioners, establish an alternative schedule of sick leave for 147
its employees that does not diminish the sick leave benefits 148
granted by this section. 149

Sec. 3301.04. Between the first and thirty-first day of 150
January of each odd-numbered year, the state board of education 151
shall hold an organization meeting at which time it shall adopt 152
rules of procedure, elect a president and a vice-president each of 153
whom shall serve for two years or until the president's or 154
vice-president's successor is elected and qualified, and transact 155
such business as the board deems advisable. 156

The state board of education shall ~~hold regular meetings once~~ 157
~~every three months and~~ adopt, by the thirty-first day of March 158
each year, a calendar indicating the dates on which the board will 159
hold its regular meetings for the following fiscal year. The board 160
may hold special meetings on dates not indicated on the adopted 161
calendar at such times as they may be called as provided in this 162
section. Special meetings of the board may be called by the 163
president, and, upon written request signed by at least a majority 164
of the members, the president shall call a special meeting of the 165
board. The president, or the president's designee, shall give 166
notice through the superintendent of public instruction ~~by~~ 167
~~registered mail~~ to each member of the board at least ten days 168
prior to the time of any special meeting. The notice may be 169
delivered by regular mail or by electronic means. The state board 170
of education shall hold its meetings anywhere in Ohio designated 171
by the board. 172

Sec. 3301.079. (A)(1) ~~Not later than June 30, 2010, and~~ 173
~~periodically thereafter, the~~ The state board of education 174
periodically shall adopt statewide academic standards with 175
emphasis on coherence, focus, and rigor for each of grades 176
kindergarten through twelve in English language arts, mathematics, 177

science, and social studies. 178

(a) The standards shall specify the following: 179

(i) The core academic content and skills that students are 180
expected to know and be able to do at each grade level that will 181
allow each student to be prepared for postsecondary instruction 182
and the workplace for success in the twenty-first century; 183

(ii) The development of skill sets that promote information, 184
media, and technological literacy; 185

(iii) Interdisciplinary, project-based, real-world learning 186
opportunities. 187

(b) Not later than July 1, 2012, the state board shall 188
incorporate into the social studies standards for grades four to 189
twelve academic content regarding the original texts of the 190
Declaration of Independence, the Northwest Ordinance, the 191
Constitution of the United States and its amendments, with 192
emphasis on the Bill of Rights, and the Ohio Constitution, and 193
their original context. The state board shall revise the model 194
curricula and achievement assessments adopted under divisions (B) 195
and (C) of this section as necessary to reflect the additional 196
American history and American government content. The state board 197
shall make available a list of suggested grade-appropriate 198
supplemental readings that place the documents prescribed by this 199
division in their historical context, which teachers may use as a 200
resource to assist students in reading the documents within that 201
context. 202

(2) After completing the standards required by division 203
(A)(1) of this section, the state board shall adopt standards and 204
model curricula for instruction in technology, financial literacy 205
and entrepreneurship, fine arts, and foreign language for grades 206
kindergarten through twelve. The standards shall meet the same 207
requirements prescribed in division (A)(1)(a) of this section. 208

(3) The state board shall adopt the most recent standards 209
developed by the national association for sport and physical 210
education for physical education in grades kindergarten through 211
twelve or shall adopt its own standards for physical education in 212
those grades and revise and update them periodically. 213

The department of education shall employ a full-time physical 214
education coordinator to provide guidance and technical assistance 215
to districts, community schools, and STEM schools in implementing 216
the physical education standards adopted under this division. The 217
superintendent of public instruction shall determine that the 218
person employed as coordinator is qualified for the position, as 219
demonstrated by possessing an adequate combination of education, 220
license, and experience. 221

(4) When academic standards have been completed for any 222
subject area required by this section, the state board shall 223
inform all school districts, all community schools established 224
under Chapter 3314. of the Revised Code, all STEM schools 225
established under Chapter 3326. of the Revised Code, and all 226
nonpublic schools required to administer the assessments 227
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 228
of the content of those standards. 229

(B) ~~Not later than March 31, 2011, the~~ (1) The state board 230
shall adopt a model curriculum for instruction in each subject 231
area for which updated academic standards are required by division 232
(A)(1) of this section and for each of grades kindergarten through 233
twelve that is sufficient to meet the needs of students in every 234
community. The model curriculum shall be aligned with the 235
standards, to ensure that the academic content and skills 236
specified for each grade level are taught to students, and shall 237
demonstrate vertical articulation and emphasize coherence, focus, 238
and rigor. When any model curriculum has been completed, the state 239
board shall inform all school districts, community schools, and 240

STEM schools of the content of that model curriculum. 241

(2) Not later than June 30, 2013, the state board, in 242
consultation with any office housed in the governor's office that 243
deals with workforce development, shall adopt model curricula for 244
grades kindergarten through twelve that embed career connection 245
learning strategies into regular classroom instruction. 246

(3) All school districts, community schools, and STEM schools 247
may utilize the state standards and the model curriculum 248
established by the state board, together with other relevant 249
resources, examples, or models to ensure that students have the 250
opportunity to attain the academic standards. Upon request, the 251
department ~~of education~~ shall provide technical assistance to any 252
district, community school, or STEM school in implementing the 253
model curriculum. 254

Nothing in this section requires any school district to 255
utilize all or any part of a model curriculum developed under this 256
~~division~~ section. 257

(C) The state board shall develop achievement assessments 258
aligned with the academic standards and model curriculum for each 259
of the subject areas and grade levels required by divisions (A)(1) 260
and (B)(1) of section 3301.0710 of the Revised Code. 261

When any achievement assessment has been completed, the state 262
board shall inform all school districts, community schools, STEM 263
schools, and nonpublic schools required to administer the 264
assessment of its completion, and the department ~~of education~~ 265
shall make the achievement assessment available to the districts 266
and schools. 267

(D)(1) The state board shall adopt a diagnostic assessment 268
aligned with the academic standards and model curriculum for each 269
of grades kindergarten through two in English language arts and 270
mathematics and for grade three in English language arts. The 271

diagnostic assessment shall be designed to measure student 272
comprehension of academic content and mastery of related skills 273
for the relevant subject area and grade level. Any diagnostic 274
assessment shall not include components to identify gifted 275
students. Blank copies of diagnostic assessments shall be public 276
records. 277

(2) When each diagnostic assessment has been completed, the 278
state board shall inform all school districts of its completion 279
and the department ~~of education~~ shall make the diagnostic 280
assessment available to the districts at no cost to the district. 281
School districts shall administer the diagnostic assessment 282
pursuant to section 3301.0715 of the Revised Code beginning the 283
first school year following the development of the assessment. 284

(E) The state board shall not adopt a diagnostic or 285
achievement assessment for any grade level or subject area other 286
than those specified in this section. 287

(F) Whenever the state board or the department ~~of education~~ 288
consults with persons for the purpose of drafting or reviewing any 289
standards, diagnostic assessments, achievement assessments, or 290
model curriculum required under this section, the state board or 291
the department shall first consult with parents of students in 292
kindergarten through twelfth grade and with active Ohio classroom 293
teachers, other school personnel, and administrators with 294
expertise in the appropriate subject area. Whenever practicable, 295
the state board and department shall consult with teachers 296
recognized as outstanding in their fields. 297

If the department contracts with more than one outside entity 298
for the development of the achievement assessments required by 299
this section, the department shall ensure the interchangeability 300
of those assessments. 301

(G) Whenever the state board adopts standards or model 302

curricula under this section, the department also shall provide 303
information on the use of blended or digital learning in the 304
delivery of the standards or curricula to students in accordance 305
with division (A)(4) of this section. 306

(H) The fairness sensitivity review committee, established by 307
rule of the state board of education, shall not allow any question 308
on any achievement or diagnostic assessment developed under this 309
section or any proficiency test prescribed by former section 310
3301.0710 of the Revised Code, as it existed prior to September 311
11, 2001, to include, be written to promote, or inquire as to 312
individual moral or social values or beliefs. The decision of the 313
committee shall be final. This section does not create a private 314
cause of action. 315

~~(H)~~(I) Not later than forty-five days prior to the ~~initial~~ 316
~~deadline established~~ adoption by the state board of updated 317
academic standards under division (A)(1) of this section ~~and the~~ 318
~~deadline established~~ or updated model curricula under division 319
(B)(1) of this section, the superintendent of public instruction 320
shall present the academic standards or model curricula, as 321
applicable, to the respective committees of the house of 322
representatives and senate that consider education legislation. 323

~~(I)~~(J) As used in this section: 324

(1) "Blended learning" means a formal education program in 325
which a student learns in part through online delivery of content 326
and instruction with some element of student control over time, 327
place, path, or pace, and primarily at a supervised location away 328
from home. 329

(2) "Coherence" means a reflection of the structure of the 330
discipline being taught. 331

~~(2)~~(3) "Digital learning" means learning facilitated by 332
technology that gives students some element of control over time, 333

place, path, or pace of their learning. 334

(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 335
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~~(3)~~(5) "Rigor" means more challenging and demanding when compared to international standards. 337
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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. 339
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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. 345
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(B) The college and work ready assessment system shall consist of the following: 356
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(1) A nationally standardized assessment that measures college and career readiness selected jointly by the state superintendent and the chancellor. 358
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(2) A series of end-of-course examinations in the areas of science, mathematics, English language arts, American history, and American government selected jointly by the state superintendent 361
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and the chancellor in consultation with faculty in the appropriate 364
subject areas at institutions of higher education of the 365
university system of Ohio. For each subject area, the state 366
superintendent and chancellor shall select multiple assessments 367
that school districts, public schools, and chartered nonpublic 368
schools may use as end-of-course examinations. Subject to division 369
(B)(3)(b) of this section, those assessments shall include 370
nationally recognized subject area assessments, such as advanced 371
placement examinations, SAT subject tests, international 372
baccalaureate examinations, and other assessments of college and 373
work readiness. 374

(3)(a) Not later than July 1, 2013, each school district 375
board of education shall adopt interim end-of-course examinations 376
that comply with the requirements of divisions (B)(3)(b)(i) and 377
(ii) of this section to assess mastery of American history and 378
American government standards adopted under division (A)(1)(b) of 379
section 3301.079 of the Revised Code and the topics required under 380
division (M) of section 3313.603 of the Revised Code. Each high 381
school of the district shall use the interim examinations until 382
the state superintendent and chancellor select end-of-course 383
examinations in American history and American government under 384
division (B)(2) of this section. 385

(b) Not later than July 1, 2014, the state superintendent and 386
the chancellor shall select the end-of-course examinations in 387
American history and American government. 388

(i) The end-of-course examinations in American history and 389
American government shall require demonstration of mastery of the 390
American history and American government content for social 391
studies standards adopted under division (A)(1)(b) of section 392
3301.079 of the Revised Code and the topics required under 393
division (M) of section 3313.603 of the Revised Code. 394

(ii) At least twenty per cent of the end-of-course 395

examination in American government shall address the topics on 396
American history and American government described in division (M) 397
of section 3313.603 of the Revised Code. 398

~~(C) Not later than thirty days after the state board adopts~~ 399
~~the model curricula required by division (B) of section 3301.079~~ 400
~~of the Revised Code, the~~ The state board shall convene a group of 401
national experts, state experts, and local practitioners to 402
provide advice, guidance, and recommendations for the alignment of 403
standards and model curricula to the assessments and in the design 404
of the end-of-course examinations prescribed by this section. 405

(D) Upon completion of the development of the assessment 406
system, the state board shall adopt rules prescribing all of the 407
following: 408

(1) A timeline and plan for implementation of the assessment 409
system, including a phased implementation if the state board 410
determines such a phase-in is warranted; 411

(2) The date after which a person entering ninth grade shall 412
meet the requirements of the entire assessment system as a 413
prerequisite for a high school diploma under section 3313.61, 414
3313.612, or 3325.08 of the Revised Code; 415

(3) The date after which a person shall meet the requirements 416
of the entire assessment system as a prerequisite for a diploma of 417
adult education under section 3313.611 of the Revised Code; 418

(4) Whether and the extent to which a person may be excused 419
from an American history end-of-course examination and an American 420
government end-of-course examination under division (H) of section 421
3313.61 and division (B)(2) of section 3313.612 of the Revised 422
Code; 423

(5) The date after which a person who has fulfilled the 424
curriculum requirement for a diploma but has not passed one or 425
more of the required assessments at the time the person fulfilled 426

the curriculum requirement shall meet the requirements of the 427
entire assessment system as a prerequisite for a high school 428
diploma under division (B) of section 3313.614 of the Revised 429
Code; 430

(6) The extent to which the assessment system applies to 431
students enrolled in a dropout recovery and prevention program for 432
purposes of division (F) of section 3313.603 and section 3314.36 433
of the Revised Code. 434

No rule adopted under this division shall be effective 435
earlier than one year after the date the rule is filed in final 436
form pursuant to Chapter 119. of the Revised Code. 437

(E) Not later than forty-five days prior to the state board's 438
adoption of a resolution directing the department of education to 439
file the rules prescribed by division (D) of this section in final 440
form under section 119.04 of the Revised Code, the superintendent 441
of public instruction shall present the assessment system 442
developed under this section to the respective committees of the 443
house of representatives and senate that consider education 444
legislation. 445

Sec. 3301.0714. (A) The state board of education shall adopt 446
rules for a statewide education management information system. The 447
rules shall require the state board to establish guidelines for 448
the establishment and maintenance of the system in accordance with 449
this section and the rules adopted under this section. The 450
guidelines shall include: 451

(1) Standards identifying and defining the types of data in 452
the system in accordance with divisions (B) and (C) of this 453
section; 454

(2) Procedures for annually collecting and reporting the data 455
to the state board in accordance with division (D) of this 456

section;	457
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	458 459
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	460 461
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	462 463 464
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	465 466 467
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services 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.	468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485
(b) The numbers of students receiving support or extracurricular services for each of the support services or	486 487

extracurricular programs offered by the school district, such as 488
counseling services, health services, and extracurricular sports 489
and fine arts programs. The categories of services required by the 490
guidelines under this division shall be the same as the categories 491
of services used in determining cost units pursuant to division 492
(C)(4)(a) of this section. 493

(c) Average student grades in each subject in grades nine 494
through twelve; 495

(d) Academic achievement levels as assessed under sections 496
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 497

(e) The number of students designated as having a disabling 498
condition pursuant to division (C)(1) of section 3301.0711 of the 499
Revised Code; 500

(f) The numbers of students reported to the state board 501
pursuant to division (C)(2) of section 3301.0711 of the Revised 502
Code; 503

(g) Attendance rates and the average daily attendance for the 504
year. For purposes of this division, a student shall be counted as 505
present for any field trip that is approved by the school 506
administration. 507

(h) Expulsion rates; 508

(i) Suspension rates; 509

(j) Dropout rates; 510

(k) Rates of retention in grade; 511

(l) For pupils in grades nine through twelve, the average 512
number of carnegie units, as calculated in accordance with state 513
board of education rules; 514

(m) Graduation rates, to be calculated in a manner specified 515
by the department of education that reflects the rate at which 516
students who were in the ninth grade three years prior to the 517

current year complete school and that is consistent with 518
nationally accepted reporting requirements; 519

(n) Results of diagnostic assessments administered to 520
kindergarten students as required under section 3301.0715 of the 521
Revised Code to permit a comparison of the academic readiness of 522
kindergarten students. However, no district shall be required to 523
report to the department the results of any diagnostic assessment 524
administered to a kindergarten student if the parent of that 525
student requests the district not to report those results. 526

(2) Personnel and classroom enrollment data for each school 527
district, including: 528

(a) The total numbers of licensed employees and nonlicensed 529
employees and the numbers of full-time equivalent licensed 530
employees and nonlicensed employees providing each category of 531
instructional service, instructional support service, and 532
administrative support service used pursuant to division (C)(3) of 533
this section. The guidelines adopted under this section shall 534
require these categories of data to be maintained for the school 535
district as a whole and, wherever applicable, for each grade in 536
the school district as a whole, for each school building as a 537
whole, and for each grade in each school building. 538

(b) The total number of employees and the number of full-time 539
equivalent employees providing each category of service used 540
pursuant to divisions (C)(4)(a) and (b) of this section, and the 541
total numbers of licensed employees and nonlicensed employees and 542
the numbers of full-time equivalent licensed employees and 543
nonlicensed employees providing each category used pursuant to 544
division (C)(4)(c) of this section. The guidelines adopted under 545
this section shall require these categories of data to be 546
maintained for the school district as a whole and, wherever 547
applicable, for each grade in the school district as a whole, for 548
each school building as a whole, and for each grade in each school 549

building.	550
(c) The total number of regular classroom teachers teaching	551
classes of regular education and the average number of pupils	552
enrolled in each such class, in each of grades kindergarten	553
through five in the district as a whole and in each school	554
building in the school district.	555
(d) The number of lead teachers employed by each school	556
district and each school building.	557
(3)(a) Student demographic data for each school district,	558
including information regarding the gender ratio of the school	559
district's pupils, the racial make-up of the school district's	560
pupils, the number of limited English proficient students in the	561
district, and an appropriate measure of the number of the school	562
district's pupils who reside in economically disadvantaged	563
households. The demographic data shall be collected in a manner to	564
allow correlation with data collected under division (B)(1) of	565
this section. Categories for data collected pursuant to division	566
(B)(3) of this section shall conform, where appropriate, to	567
standard practices of agencies of the federal government.	568
(b) With respect to each student entering kindergarten,	569
whether the student previously participated in a public preschool	570
program, a private preschool program, or a head start program, and	571
the number of years the student participated in each of these	572
programs.	573
(4) Any data required to be collected pursuant to federal	574
law.	575
(C) The education management information system shall include	576
cost accounting data for each district as a whole and for each	577
school building in each school district. The guidelines adopted	578
under this section shall require the cost data for each school	579
district to be maintained in a system of mutually exclusive cost	580

units and shall require all of the costs of each school district 581
to be divided among the cost units. The guidelines shall require 582
the system of mutually exclusive cost units to include at least 583
the following: 584

(1) Administrative costs for the school district as a whole. 585
The guidelines shall require the cost units under this division 586
(C)(1) to be designed so that each of them may be compiled and 587
reported in terms of average expenditure per pupil in formula ADM 588
in the school district, as determined pursuant to section 3317.03 589
of the Revised Code. 590

(2) Administrative costs for each school building in the 591
school district. The guidelines shall require the cost units under 592
this division (C)(2) to be designed so that each of them may be 593
compiled and reported in terms of average expenditure per 594
full-time equivalent pupil receiving instructional or support 595
services in each building. 596

(3) Instructional services costs for each category of 597
instructional service provided directly to students and required 598
by guidelines adopted pursuant to division (B)(1)(a) of this 599
section. The guidelines shall require the cost units under 600
division (C)(3) of this section to be designed so that each of 601
them may be compiled and reported in terms of average expenditure 602
per pupil receiving the service in the school district as a whole 603
and average expenditure per pupil receiving the service in each 604
building in the school district and in terms of a total cost for 605
each category of service and, as a breakdown of the total cost, a 606
cost for each of the following components: 607

(a) The cost of each instructional services category required 608
by guidelines adopted under division (B)(1)(a) of this section 609
that is provided directly to students by a classroom teacher; 610

(b) The cost of the instructional support services, such as 611

services provided by a speech-language pathologist, classroom 612
aide, multimedia aide, or librarian, provided directly to students 613
in conjunction with each instructional services category; 614

(c) The cost of the administrative support services related 615
to each instructional services category, such as the cost of 616
personnel that develop the curriculum for the instructional 617
services category and the cost of personnel supervising or 618
coordinating the delivery of the instructional services category. 619

(4) Support or extracurricular services costs for each 620
category of service directly provided to students and required by 621
guidelines adopted pursuant to division (B)(1)(b) of this section. 622
The guidelines shall require the cost units under division (C)(4) 623
of this section to be designed so that each of them may be 624
compiled and reported in terms of average expenditure per pupil 625
receiving the service in the school district as a whole and 626
average expenditure per pupil receiving the service in each 627
building in the school district and in terms of a total cost for 628
each category of service and, as a breakdown of the total cost, a 629
cost for each of the following components: 630

(a) The cost of each support or extracurricular services 631
category required by guidelines adopted under division (B)(1)(b) 632
of this section that is provided directly to students by a 633
licensed employee, such as services provided by a guidance 634
counselor or any services provided by a licensed employee under a 635
supplemental contract; 636

(b) The cost of each such services category provided directly 637
to students by a nonlicensed employee, such as janitorial 638
services, cafeteria services, or services of a sports trainer; 639

(c) The cost of the administrative services related to each 640
services category in division (C)(4)(a) or (b) of this section, 641
such as the cost of any licensed or nonlicensed employees that 642

develop, supervise, coordinate, or otherwise are involved in 643
administering or aiding the delivery of each services category. 644

(D)(1) The guidelines adopted under this section shall 645
require school districts to collect information about individual 646
students, staff members, or both in connection with any data 647
required by division (B) or (C) of this section or other reporting 648
requirements established in the Revised Code. The guidelines may 649
also require school districts to report information about 650
individual staff members in connection with any data required by 651
division (B) or (C) of this section or other reporting 652
requirements established in the Revised Code. The guidelines shall 653
not authorize school districts to request social security numbers 654
of individual students. The guidelines shall prohibit the 655
reporting under this section of a student's name, address, and 656
social security number to the state board of education or the 657
department of education. The guidelines shall also prohibit the 658
reporting under this section of any personally identifiable 659
information about any student, except for the purpose of assigning 660
the data verification code required by division (D)(2) of this 661
section, to any other person unless such person is employed by the 662
school district or the information technology center operated 663
under section 3301.075 of the Revised Code and is authorized by 664
the district or technology center to have access to such 665
information or is employed by an entity with which the department 666
contracts for the scoring of assessments administered under 667
section 3301.0711 of the Revised Code. The guidelines may require 668
school districts to provide the social security numbers of 669
individual staff members. 670

(2)(a) The guidelines shall provide for each school district 671
or community school to assign a data verification code that is 672
unique on a statewide basis over time to each student whose 673
initial Ohio enrollment is in that district or school and to 674

report all required individual student data for that student 675
utilizing such code. The guidelines shall also provide for 676
assigning data verification codes to all students enrolled in 677
districts or community schools on the effective date of the 678
guidelines established under this section. The assignment of data 679
verification codes for other entities, as described in division 680
(D)(2)(c) of this section, the use of those codes, and the 681
reporting and use of associated individual student data shall be 682
coordinated by the department in accordance with state and federal 683
law. 684

~~Individual~~ School districts shall report individual student 685
data ~~shall be reported~~ to the department through the information 686
technology centers utilizing the code ~~but, except.~~ The entities 687
described in division (D)(2)(c) of this section shall report 688
individual student data to the department in the manner prescribed 689
by the department. 690

Except as provided in sections 3301.941, 3310.11, 3310.42, 691
3310.63, 3313.978, ~~3310.63~~, and 3317.20 of the Revised Code, at no 692
time shall the state board or the department have access to 693
information that would enable any data verification code to be 694
matched to personally identifiable student data. 695

(b) Each school district and community school shall ensure 696
that the data verification code is included in the student's 697
records reported to any subsequent school district, community 698
school, or state institution of higher education, as defined in 699
section 3345.011 of the Revised Code, in which the student 700
enrolls. Any such subsequent district or school shall utilize the 701
same identifier in its reporting of data under this section. 702

(c) The director of any state agency that administers a 703
publicly funded program providing services to children who are 704
younger than compulsory school age, as defined in section 3321.01 705
of the Revised Code, including the directors of health, job and 706

family services, mental health, and developmental disabilities, 707
shall request and receive, pursuant to sections 3301.0723 and 708
3701.62 of the Revised Code, a data verification code for a child 709
who is receiving those services ~~under division (A)(2) of section~~ 710
~~3701.61 of the Revised Code.~~ 711

(E) The guidelines adopted under this section may require 712
school districts to collect and report data, information, or 713
reports other than that described in divisions (A), (B), and (C) 714
of this section for the purpose of complying with other reporting 715
requirements established in the Revised Code. The other data, 716
information, or reports may be maintained in the education 717
management information system but are not required to be compiled 718
as part of the profile formats required under division (G) of this 719
section or the annual statewide report required under division (H) 720
of this section. 721

(F) Beginning with the school year that begins July 1, 1991, 722
the board of education of each school district shall annually 723
collect and report to the state board, in accordance with the 724
guidelines established by the board, the data required pursuant to 725
this section. A school district may collect and report these data 726
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 727

(G) The state board shall, in accordance with the procedures 728
it adopts, annually compile the data reported by each school 729
district pursuant to division (D) of this section. The state board 730
shall design formats for profiling each school district as a whole 731
and each school building within each district and shall compile 732
the data in accordance with these formats. These profile formats 733
shall: 734

(1) Include all of the data gathered under this section in a 735
manner that facilitates comparison among school districts and 736
among school buildings within each school district; 737

(2) Present the data on academic achievement levels as 738
assessed by the testing of student achievement maintained pursuant 739
to division (B)(1)(d) of this section. 740

(H)(1) The state board shall, in accordance with the 741
procedures it adopts, annually prepare a statewide report for all 742
school districts and the general public that includes the profile 743
of each of the school districts developed pursuant to division (G) 744
of this section. Copies of the report shall be sent to each school 745
district. 746

(2) The state board shall, in accordance with the procedures 747
it adopts, annually prepare an individual report for each school 748
district and the general public that includes the profiles of each 749
of the school buildings in that school district developed pursuant 750
to division (G) of this section. Copies of the report shall be 751
sent to the superintendent of the district and to each member of 752
the district board of education. 753

(3) Copies of the reports received from the state board under 754
divisions (H)(1) and (2) of this section shall be made available 755
to the general public at each school district's offices. Each 756
district board of education shall make copies of each report 757
available to any person upon request and payment of a reasonable 758
fee for the cost of reproducing the report. The board shall 759
annually publish in a newspaper of general circulation in the 760
school district, at least twice during the two weeks prior to the 761
week in which the reports will first be available, a notice 762
containing the address where the reports are available and the 763
date on which the reports will be available. 764

(I) Any data that is collected or maintained pursuant to this 765
section and that identifies an individual pupil is not a public 766
record for the purposes of section 149.43 of the Revised Code. 767

(J) As used in this section: 768

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

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

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

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

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

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and

submit corrected data by a deadline established by the department. 800
The department also may require the district to develop a 801
corrective action plan, which shall include provisions for the 802
district to provide mandatory staff training on data reporting 803
procedures. 804

(b) Withhold up to ten per cent of the total amount of state 805
funds due to the district for the current fiscal year and, if not 806
previously required under division (L)(2)(a) of this section, 807
require the district to develop a corrective action plan in 808
accordance with that division; 809

(c) Withhold an additional amount of up to twenty per cent of 810
the total amount of state funds due to the district for the 811
current fiscal year; 812

(d) Direct department staff or an outside entity to 813
investigate the district's data reporting practices and make 814
recommendations for subsequent actions. The recommendations may 815
include one or more of the following actions: 816

(i) Arrange for an audit of the district's data reporting 817
practices by department staff or an outside entity; 818

(ii) Conduct a site visit and evaluation of the district; 819

(iii) Withhold an additional amount of up to thirty per cent 820
of the total amount of state funds due to the district for the 821
current fiscal year; 822

(iv) Continue monitoring the district's data reporting; 823

(v) Assign department staff to supervise the district's data 824
management system; 825

(vi) Conduct an investigation to determine whether to suspend 826
or revoke the license of any district employee in accordance with 827
division (N) of this section; 828

(vii) If the district is issued a report card under section 829

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;

(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;

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

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

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

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices

any time the department has reason to believe the district has not 861
made a good faith effort to report data as required by this 862
section. If any audit conducted by an outside entity under 863
division (L)(2)(d)(i) or (5) of this section confirms that a 864
district has not made a good faith effort to report data as 865
required by this section, the district shall reimburse the 866
department for the full cost of the audit. The department may 867
withhold state funds due to the district for this purpose. 868

(6) Prior to issuing a revised report card for a school 869
district under division (L)(2)(d)(viii) of this section, the 870
department may hold a hearing to provide the district with an 871
opportunity to demonstrate that it made a good faith effort to 872
report data as required by this section. The hearing shall be 873
conducted by a referee appointed by the department. Based on the 874
information provided in the hearing, the referee shall recommend 875
whether the department should issue a revised report card for the 876
district. If the referee affirms the department's contention that 877
the district did not make a good faith effort to report data as 878
required by this section, the district shall bear the full cost of 879
conducting the hearing and of issuing any revised report card. 880

(7) If the department determines that any inaccurate data 881
reported under this section caused a school district to receive 882
excess state funds in any fiscal year, the district shall 883
reimburse the department an amount equal to the excess funds, in 884
accordance with a payment schedule determined by the department. 885
The department may withhold state funds due to the district for 886
this purpose. 887

(8) Any school district that has funds withheld under 888
division (L)(2) of this section may appeal the withholding in 889
accordance with Chapter 119. of the Revised Code. 890

(9) In all cases of a disagreement between the department and 891
a school district regarding the appropriateness of an action taken 892

under division (L)(2) of this section, the burden of proof shall 893
be on the district to demonstrate that it made a good faith effort 894
to report data as required by this section. 895

(10) The state board of education shall adopt rules under 896
Chapter 119. of the Revised Code to implement division (L) of this 897
section. 898

(M) No information technology center or school district shall 899
acquire, change, or update its student administration software 900
package to manage and report data required to be reported to the 901
department unless it converts to a student software package that 902
is certified by the department. 903

(N) The state board of education, in accordance with sections 904
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 905
license as defined under division (A) of section 3319.31 of the 906
Revised Code that has been issued to any school district employee 907
found to have willfully reported erroneous, inaccurate, or 908
incomplete data to the education management information system. 909

(O) No person shall release or maintain any information about 910
any student in violation of this section. Whoever violates this 911
division is guilty of a misdemeanor of the fourth degree. 912

(P) The department shall disaggregate the data collected 913
under division (B)(1)(n) of this section according to the race and 914
socioeconomic status of the students assessed. No data collected 915
under that division shall be included on the report cards required 916
by section 3302.03 of the Revised Code. 917

(Q) If the department cannot compile any of the information 918
required by division (C)(5) of section 3302.03 of the Revised Code 919
based upon the data collected under this section, the department 920
shall develop a plan and a reasonable timeline for the collection 921
of any data necessary to comply with that division. 922

Sec. 3301.0715. (A) Except as ~~provided in division (E) of~~ 923
~~this section otherwise required under division (B)(1) of section~~ 924
3313.608 of the Revised Code, the board of education of each city, 925
local, and exempted village school district shall administer each 926
applicable diagnostic assessment developed and provided to the 927
district in accordance with section 3301.079 of the Revised Code 928
to the following: 929

(1) Each student enrolled in a building that has failed to 930
make adequate yearly progress for two or more consecutive school 931
years; 932

(2) Any student who transfers into the district or to a 933
different school within the district if each applicable diagnostic 934
assessment was not administered by the district or school the 935
student previously attended in the current school year, within 936
thirty days after the date of transfer. If the district or school 937
into which the student transfers cannot determine whether the 938
student has taken any applicable diagnostic assessment in the 939
current school year, the district or school may administer the 940
diagnostic assessment to the student. 941

(3) Each kindergarten student, not earlier than four weeks 942
prior to the first day of school and not later than the first day 943
of October. For the purpose of division (A)(3) of this section, 944
the district shall administer the kindergarten readiness 945
assessment provided by the department of education. In no case 946
shall the results of the readiness assessment be used to prohibit 947
a student from enrolling in kindergarten. 948

(4) Each student enrolled in first or second grade. 949

(B) Each district board shall administer each diagnostic 950
assessment as the board deems appropriate, provided the 951
administration complies with section 3313.608 of the Revised Code. 952
However, the board shall administer any diagnostic assessment at 953

least once annually to all students in the appropriate grade 954
level. A district board may administer any diagnostic assessment 955
in the fall and spring of a school year to measure the amount of 956
academic growth attributable to the instruction received by 957
students during that school year. 958

(C) Each district board shall utilize and score any 959
diagnostic assessment administered under division (A) of this 960
section in accordance with rules established by the department. 961
~~Except as required by division (B)(1)(n) of section 3301.0714 of~~ 962
~~the Revised Code, neither the state board of education nor the~~ 963
~~department shall require school districts to report the results of~~ 964
~~diagnostic assessments for any students to the department or to~~ 965
~~make any such results available in any form to the public. After~~ 966
the administration of any diagnostic assessment, each district 967
shall provide a student's completed diagnostic assessment, the 968
results of such assessment, and any other accompanying documents 969
used during the administration of the assessment to the parent of 970
that student upon the parent's request, and shall include all such 971
documents and information in any plan developed for the student 972
under division (C) of section 3313.608 of the Revised Code. Each 973
district shall submit to the department, in the manner the 974
department prescribes, the results of the diagnostic assessments 975
administered under this section, regardless of the type of 976
assessment used under section 3313.608 of the Revised Code. The 977
department may issue reports with respect to the data collected. 978

(D) Each district board shall provide intervention services 979
to students whose diagnostic assessments show that they are 980
failing to make satisfactory progress toward attaining the 981
academic standards for their grade level. 982

(E) ~~Any district that made adequate yearly progress in the~~ 983
~~immediately preceding school year may assess student progress in~~ 984
~~grades one through three using a diagnostic assessment other than~~ 985

~~the diagnostic assessment required by division (A) of this section.~~ 986
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~~(F) A district board may administer the third grade English language arts diagnostic assessment provided to the district in accordance with section 3301.079 of the Revised Code to any student enrolled in a building that is not subject to division (A)(1) of this section. Any district electing to administer the diagnostic assessment to students under this division shall provide intervention services to any such student whose diagnostic assessment shows unsatisfactory progress toward attaining the academic standards for the student's grade level.~~ 988
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~~(G) As used in this section, "adequate yearly progress" has the same meaning as in section 3302.01 of the Revised Code.~~ 997
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Sec. 3301.0723. (A) The independent contractor engaged by the department of education to create and maintain for school districts and community schools the student data verification codes required by division (D)(2) of section 3301.0714 of the Revised Code ~~shall~~, upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health under section 3701.62 of the Revised Code, job and family services, mental health, and developmental disabilities, shall assign a data verification code to a child who is receiving such services ~~under division (A)(2) of section 3701.61 of the Revised Code. The contractor and shall provide that code to the director, who shall submit it, as specified in section 3701.62 of the Revised Code, to the public school in which the child will be enrolled for special education and related services under Chapter 3323. of the Revised Code. The contractor also shall provide that code to the department of education.~~ 999
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(B) The director of a state agency that receives a child's data verification code under division (A) of this section shall use that code to submit information for that child to the department of education in accordance with section 3301.0714 of the Revised Code. 1017
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(C) A public school that receives a from the independent contractor the data verification code for a child ~~from the director of health~~ assigned under division (A) of this section shall not request or assign to that child another data verification code under division (D)(2) of section 3301.0714 of the Revised Code. That school and any other public school in which the child subsequently enrolls shall use the data verification code ~~provided by the director~~ assigned under division (A) of this section to report data relative to that student ~~that is~~ required under section 3301.0714 of the Revised Code. 1022
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Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code: 1032
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(A) "Preschool program" means either of the following: 1034

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school. 1035
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(2) A child care program for preschool children age three or older that is operated by a county DD board. 1038
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(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age. 1040
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(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. 1042
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(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible 1045
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nonpublic school.	1047
(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.	1048 1049 1050
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	1051 1052 1053
(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.	1054 1055 1056 1057
(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.	1058 1059 1060 1061 1062
(I) "County DD board" means a county board of developmental disabilities.	1063 1064
(J) "School child program" means a child care program for only school children that is operated by a school district board of education, county DD board, or eligible nonpublic school.	1065 1066 1067
(K) <u>"School child" and "child care" have the same meanings as in section 5104.01 of the Revised Code means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.</u>	1068 1069 1070 1071
(L) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.	1072 1073 1074
(M) <u>"Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of</u>	1075 1076

school hours by persons other than their parents or guardians, 1077
custodians, or relatives by blood, marriage, or adoption for any 1078
part of the twenty-four-hour day in a place or residence other 1079
than a child's own home. 1080

(N) "Child day-care center," "publicly funded child care," 1081
and "school-age child care center" have the same meanings as in 1082
section 5104.01 of the Revised Code. 1083

Sec. 3301.53. (A) The state board of education, in 1084
consultation with the director of job and family services, shall 1085
formulate and prescribe by rule adopted under Chapter 119. of the 1086
Revised Code minimum standards to be applied to preschool programs 1087
operated by school district boards of education, county DD boards, 1088
or eligible nonpublic schools. The rules shall include the 1089
following: 1090

(1) Standards ensuring that the preschool program is located 1091
in a safe and convenient facility that accommodates the enrollment 1092
of the program, is of the quality to support the growth and 1093
development of the children according to the program objectives, 1094
and meets the requirements of section 3301.55 of the Revised Code; 1095

(2) Standards ensuring that supervision, discipline, and 1096
programs will be administered according to established objectives 1097
and procedures; 1098

(3) Standards ensuring that preschool staff members and 1099
nonteaching employees are recruited, employed, assigned, 1100
evaluated, and provided inservice education without discrimination 1101
on the basis of age, color, national origin, race, or sex; and 1102
that preschool staff members and nonteaching employees are 1103
assigned responsibilities in accordance with written position 1104
descriptions commensurate with their training and experience; 1105

(4) A requirement that boards of education intending to 1106

establish a preschool program demonstrate a need for a preschool program prior to establishing the program; 1107
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(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease; 1109
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(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code. 1112
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(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers. The state board and the director of job and family services shall review all such rules at least once every five years. 1115
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(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for ~~school~~ school-age child ~~day-care~~ care centers under Chapter 5104. of the Revised Code. 1123
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Sec. 3301.58. (A) The department of education is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county DD board, or eligible nonpublic school shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this section. A school district board of education, county DD board, or eligible nonpublic school may obtain a license under this section for a school child program. The school district board of 1128
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education, county DD board, or eligible nonpublic school shall 1138
post the ~~current~~ license for each preschool program and licensed 1139
school child program it operates, establishes, manages, conducts, 1140
or maintains in a conspicuous place in the preschool program or 1141
licensed school child program that is accessible to parents, 1142
custodians, or guardians and employees and staff members of the 1143
program at all times when the program is in operation. 1144

(B) Any school district board of education, county DD board, 1145
or eligible nonpublic school that desires to operate, establish, 1146
manage, conduct, or maintain a preschool program shall apply to 1147
the department of education for a license on a form that the 1148
department shall prescribe by rule. Any school district board of 1149
education, county DD board, or eligible nonpublic school that 1150
desires to obtain a license for a school child program shall apply 1151
to the department for a license on a form that the department 1152
shall prescribe by rule. The department shall provide at no charge 1153
to each applicant for a license under this section a copy of the 1154
requirements under sections 3301.52 to 3301.59 of the Revised Code 1155
and any rules adopted under those sections. ~~The department shall~~ 1156
~~mail application forms for the renewal of a license at least one~~ 1157
~~hundred twenty days prior to the date of the expiration of the~~ 1158
~~license, and the application for renewal of a license shall be~~ 1159
~~filed with the department at least sixty days before the date of~~ 1160
~~the expiration of the existing license.~~ The department may 1161
establish application fees by rule adopted under Chapter 119. of 1162
the Revised Code, and all applicants for a license shall pay any 1163
fee established by the department at the time of making an 1164
application for a license. All fees collected pursuant to this 1165
section shall be paid into the state treasury to the credit of the 1166
general revenue fund. 1167

(C) Upon the filing of an application for a license, the 1168
department of education shall investigate and inspect the 1169

preschool program or school child program to determine the license 1170
capacity for each age category of children of the program and to 1171
determine whether the program complies with sections 3301.52 to 1172
3301.59 of the Revised Code and any rules adopted under those 1173
sections. When, after investigation and inspection, the department 1174
of education is satisfied that sections 3301.52 to 3301.59 of the 1175
Revised Code and any rules adopted under those sections are 1176
complied with by the applicant, the department of education shall 1177
issue the program a provisional license as soon as practicable in 1178
the form and manner prescribed by the rules of the department. The 1179
provisional license shall be valid for ~~six months~~ one year from 1180
the date of issuance unless revoked. 1181

(D) The department of education shall investigate and inspect 1182
a preschool program or school child program that has been issued a 1183
provisional license at least once during operation under the 1184
provisional license. If, after the investigation and inspection, 1185
the department of education determines that the requirements of 1186
sections 3301.52 to 3301.59 of the Revised Code and any rules 1187
adopted under those sections are met by the provisional licensee, 1188
the department of education shall issue the program a license ~~that~~ 1189
~~is effective for two years from the date of the issuance of the~~ 1190
~~provisional license. The license shall remain valid unless revoked~~ 1191
~~or the program ceases operations.~~ 1192

(E) ~~Upon the filing of an application for the renewal of a~~ 1193
~~license by a preschool program or school child program, the~~ The 1194
department of education annually shall investigate and inspect ~~the~~ 1195
each preschool program or school child program. ~~If the department~~ 1196
~~of education determines that~~ licensed under division (D) of this 1197
section to determine if the requirements of sections 3301.52 to 1198
3301.59 of the Revised Code and any rules adopted under those 1199
sections are met by the applicant, ~~the department of education~~ 1200
~~shall renew the license for two years from the date of the~~ 1201

~~expiration date of the previous license program, and shall notify~~ 1202
~~the program of the results.~~ 1203

(F) The license or provisional license shall state the name 1204
of the school district board of education, county DD board, or 1205
eligible nonpublic school that operates the preschool program or 1206
school child program and the license capacity of the program. ~~The~~ 1207
~~license shall include any other information required by section~~ 1208
~~5104.03 of the Revised Code for the license of a child day care~~ 1209
~~center.~~ 1210

(G) The department of education may revoke the license of any 1211
preschool program or school child program that is not in 1212
compliance with the requirements of sections 3301.52 to 3301.59 of 1213
the Revised Code and any rules adopted under those sections. 1214

(H) If the department of education revokes a license ~~or~~ 1215
~~refuses to renew a license to a program,~~ the department shall not 1216
issue a license to the program within two years from the date of 1217
the revocation ~~or refusal~~. All actions of the department with 1218
respect to licensing preschool programs and school child programs 1219
shall be in accordance with Chapter 119. of the Revised Code. 1220

Sec. 3301.90. The governor shall create the early childhood 1221
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 1222
shall appoint one of its members to serve as chairperson of the 1223
council. The council shall serve as the state advisory council on 1224
early childhood education and care, as described in 42 U.S.C. 1225
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 1226
9837b(b)(1), the council ~~shall advise the state regarding the~~ 1227
~~creation and duties of the center for early childhood development~~ 1228
~~and~~ shall promote family-centered programs and services that 1229
acknowledge and support the social, emotional, cognitive, 1230
intellectual, and physical development of children and the vital 1231
role of families in ensuring the well-being and success of 1232

children. 1233

Sec. 3301.922. The department of education shall issue an 1234
annual report on the ~~compliance of~~ participation by public and 1235
chartered nonpublic schools ~~with in~~ the ~~requirements~~ option of 1236
~~section~~ sections 3313.674, 3314.15, and 3326.26 of the Revised 1237
Code to screen students for body mass index and weight status 1238
category. The department shall include in the report any data 1239
regarding student health and wellness collected ~~by the department~~ 1240
in conjunction with those ~~requirements~~ sections. The department 1241
shall submit each report to the governor, the general assembly, 1242
and the healthy choices for healthy children council. 1243

Sec. 3301.941. As used in this section, "early childhood 1244
program" means any publicly funded program providing services to 1245
children younger than compulsory school age, as defined in section 1246
3321.01 of the Revised Code. 1247

Student level data records collected and maintained for 1248
purposes of administering early childhood programs shall be 1249
assigned a unique student data verification code in accordance 1250
with division (D)(2) of section 3301.0714 of the Revised Code and 1251
shall be included in the combined data repository authorized by 1252
section 3301.94 of the Revised Code. The department may require 1253
certain personally identifiable student data, including student 1254
names, to be reported to the department for purposes of 1255
administering early childhood programs but not be included in the 1256
combined data repository. The department and each school or center 1257
providing services through an early childhood program that 1258
receives a student level data record, a data verification code, or 1259
other personally identifiable information shall not release that 1260
record, code, or other information to any person except as 1261
provided by section 3319.321 of the Revised Code or the "Family 1262

Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 1263
U.S.C. 1232g. Any document relative to an early childhood program 1264
that the department holds in its files that contains a student's 1265
name, data verification code, or other personally identifiable 1266
information shall not be a public record under section 149.43 of 1267
the Revised Code. 1268

Any state agency that administers an early childhood program 1269
may use student data contained in the combined data repository to 1270
conduct research and analysis designed to evaluate the 1271
effectiveness of and investments in that program, in compliance 1272
with the Family Educational Rights and Privacy Act and regulations 1273
promulgated under that act. 1274

Sec. 3302.03. (A) Annually the department of education shall 1275
report for each city, local, and exempted village school district 1276
and each school building in a each district all of the following: 1277

(1) The extent to which the school district or building meets 1278
each of the applicable performance indicators created by the state 1279
board of education under section 3302.02 of the Revised Code and 1280
the number of applicable performance indicators that have been 1281
achieved; 1282

(2) The performance index score of the school district or 1283
building; 1284

(3) Whether the school district or building has made adequate 1285
yearly progress; 1286

(4) Whether the school district or building is excellent, 1287
effective, needs continuous improvement, is under an academic 1288
watch, or is in a state of academic emergency. 1289

(B) Except as otherwise provided in division (B)(6) of this 1290
section: 1291

(1) A school district or building shall be declared excellent 1292

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.

(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.

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

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

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

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

(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly

progress, does not meet at least thirty-one per cent of the 1324
applicable state performance indicators, and has a performance 1325
index score established by the department. 1326

(6) Division (B)(6) of this section does not apply to any 1327
community school established under Chapter 3314. of the Revised 1328
Code in which a majority of the students are enrolled in a dropout 1329
prevention and recovery program. 1330

A school district or building shall not be assigned a higher 1331
performance rating than in need of continuous improvement if at 1332
least ten per cent but not more than fifteen per cent of the 1333
enrolled students do not take all achievement assessments 1334
prescribed for their grade level under division (A)(1) or (B)(1) 1335
of section 3301.0710 of the Revised Code from which they are not 1336
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 1337
the Revised Code. A school district or building shall not be 1338
assigned a higher performance rating than under an academic watch 1339
if more than fifteen per cent but not more than twenty per cent of 1340
the enrolled students do not take all achievement assessments 1341
prescribed for their grade level under division (A)(1) or (B)(1) 1342
of section 3301.0710 of the Revised Code from which they are not 1343
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 1344
the Revised Code. A school district or building shall not be 1345
assigned a higher performance rating than in a state of academic 1346
emergency if more than twenty per cent of the enrolled students do 1347
not take all achievement assessments prescribed for their grade 1348
level under division (A)(1) or (B)(1) of section 3301.0710 of the 1349
Revised Code from which they are not excused pursuant to division 1350
(C)(1) or (3) of section 3301.0711 of the Revised Code. 1351

(C)(1) The department shall issue annual report cards for 1352
each city, local, and exempted village school district, each 1353
building within each district, and for the state as a whole 1354
reflecting performance on the indicators created by the state 1355

board under section 3302.02 of the Revised Code, the performance 1356
index score, and adequate yearly progress. 1357

(2) The department shall include on the report card for each 1358
city, local, and exempted village school district information 1359
pertaining to any change from the previous year made by the school 1360
district or school buildings within the district on any 1361
performance indicator. 1362

(3) When reporting data on student performance, the 1363
department shall disaggregate that data according to the following 1364
categories: 1365

(a) Performance of students by age group; 1366

(b) Performance of students by race and ethnic group; 1367

(c) Performance of students by gender; 1368

(d) Performance of students grouped by those who have been 1369
enrolled in a district or school for three or more years; 1370

(e) Performance of students grouped by those who have been 1371
enrolled in a district or school for more than one year and less 1372
than three years; 1373

(f) Performance of students grouped by those who have been 1374
enrolled in a district or school for one year or less; 1375

(g) Performance of students grouped by those who are 1376
economically disadvantaged; 1377

(h) Performance of students grouped by those who are enrolled 1378
in a conversion community school established under Chapter 3314. 1379
of the Revised Code; 1380

(i) Performance of students grouped by those who are 1381
classified as limited English proficient; 1382

(j) Performance of students grouped by those who have 1383
disabilities; 1384

(k) Performance of students grouped by those who are 1385
classified as migrants; 1386

(l) Performance of students grouped by those who are 1387
identified as gifted pursuant to Chapter 3324. of the Revised 1388
Code. 1389

The department may disaggregate data on student performance 1390
according to other categories that the department determines are 1391
appropriate. To the extent possible, the department shall 1392
disaggregate data on student performance according to any 1393
combinations of two or more of the categories listed in divisions 1394
(C)(3)(a) to (l) of this section that it deems relevant. 1395

In reporting data pursuant to division (C)(3) of this 1396
section, the department shall not include in the report cards any 1397
data statistical in nature that is statistically unreliable or 1398
that could result in the identification of individual students. 1399
For this purpose, the department shall not report student 1400
performance data for any group identified in division (C)(3) of 1401
this section that contains less than ten students. 1402

(4) The department may include with the report cards any 1403
additional education and fiscal performance data it deems 1404
valuable. 1405

(5) The department shall include on each report card a list 1406
of additional information collected by the department that is 1407
available regarding the district or building for which the report 1408
card is issued. When available, such additional information shall 1409
include student mobility data disaggregated by race and 1410
socioeconomic status, college enrollment data, and the reports 1411
prepared under section 3302.031 of the Revised Code. 1412

The department shall maintain a site on the world wide web. 1413
The report card shall include the address of the site and shall 1414
specify that such additional information is available to the 1415

public at that site. The department shall also provide a copy of 1416
each item on the list to the superintendent of each school 1417
district. The district superintendent shall provide a copy of any 1418
item on the list to anyone who requests it. 1419

(6)(a) This division does not apply to conversion community 1420
schools that primarily enroll students between sixteen and 1421
twenty-two years of age who dropped out of high school or are at 1422
risk of dropping out of high school due to poor attendance, 1423
disciplinary problems, or suspensions. 1424

For any city, local, exempted village, or joint vocational 1425
school district that sponsors a conversion community school under 1426
Chapter 3314. of the Revised Code, the department shall combine 1427
data regarding the academic performance of students enrolled in 1428
the community school with comparable data from the schools of the 1429
district for the purpose of calculating the performance of the 1430
district as a whole on the report card issued for the district 1431
under this section or section 3302.033 of the Revised Code. 1432

(b) Any city, local, exempted village, or joint vocational 1433
school district that leases a building to a community school 1434
located in the district or that enters into an agreement with a 1435
community school located in the district whereby the district and 1436
the school endorse each other's programs may elect to have data 1437
regarding the academic performance of students enrolled in the 1438
community school combined with comparable data from the schools of 1439
the district for the purpose of calculating the performance of the 1440
district as a whole on the district report card. Any district that 1441
so elects shall annually file a copy of the lease or agreement 1442
with the department. 1443

(7) The department shall include on each report card the 1444
percentage of teachers in the district or building who are highly 1445
qualified, as defined by the "No Child Left Behind Act of 2001," 1446
and a comparison of that percentage with the percentages of such 1447

teachers in similar districts and buildings. 1448

(8) The department shall include on the report card the 1449
number of lead teachers employed by each district and each 1450
building once the data is available from the education management 1451
information system established under section 3301.0714 of the 1452
Revised Code. 1453

(D)(1) In calculating English language arts, mathematics, 1454
social studies, or science assessment passage rates used to 1455
determine school district or building performance under this 1456
section, the department shall include all students taking an 1457
assessment with accommodation or to whom an alternate assessment 1458
is administered pursuant to division (C)(1) or (3) of section 1459
3301.0711 of the Revised Code. 1460

(2) In calculating performance index scores, rates of 1461
achievement on the performance indicators established by the state 1462
board under section 3302.02 of the Revised Code, and adequate 1463
yearly progress for school districts and buildings under this 1464
section, the department shall do all of the following: 1465

(a) Include for each district or building only those students 1466
who are included in the ADM certified for the first full school 1467
week of October and are continuously enrolled in the district or 1468
building through the time of the spring administration of any 1469
assessment prescribed by division (A)(1) or (B)(1) of section 1470
3301.0710 of the Revised Code that is administered to the 1471
student's grade level; 1472

(b) Include cumulative totals from both the fall and spring 1473
administrations of the third grade English language arts 1474
achievement assessment; 1475

(c) Except as required by the "No Child Left Behind Act of 1476
2001" for the calculation of adequate yearly progress, exclude for 1477
each district or building any limited English proficient student 1478

who has been enrolled in United States schools for less than one 1479
full school year. 1480

Sec. 3302.032. (A) Not later than December 31, 2011, the 1481
state board of education shall establish a measure of the 1482
following: 1483

(1) Student success in meeting the benchmarks contained in 1484
the physical education standards adopted under division (A)(3) of 1485
section 3301.079 of the Revised Code; 1486

(2) Compliance with the requirements for local wellness 1487
policies prescribed by section 204 of the "Child Nutrition and WIC 1488
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 1489

(3) Whether a school district or building ~~is complying with~~ 1490
section has elected to administer the screenings authorized by 1491
sections 3313.674, 3314.15, and 3326.26 of the Revised Code 1492
~~instead of operating under a waiver from the requirements of that~~ 1493
~~section;~~ 1494

(4) Whether a school district or building is participating in 1495
the physical activity pilot program administered under section 1496
3313.6016 of the Revised Code. 1497

(B) The measure shall be included on the school district and 1498
building report cards issued under section 3302.03 of the Revised 1499
Code, beginning with the report cards issued for the 2012-2013 1500
school year, but it shall not be a factor in the performance 1501
ratings issued under that section. 1502

(C) The department of education may accept, receive, and 1503
expend gifts, devises, or bequests of money for the purpose of 1504
establishing the measure required by this section. 1505

Sec. 3302.033. The state board of education, in consultation 1506
with the chancellor of the Ohio board of regents, any office 1507

within the office of the governor concerning workforce 1508
development, the Ohio association of career and technical 1509
education, and the Ohio association of career technical 1510
superintendents, shall approve a report card for joint vocational 1511
school districts and for other career-technical planning districts 1512
that are not joint vocational school districts. The state board 1513
shall submit details of the approved report card to the governor, 1514
the speaker of the house of representatives, the president of the 1515
senate, and the chairpersons of the standing committees of the 1516
house of representatives and the senate principally responsible 1517
for education policy. The department of education annually shall 1518
issue a report card for each joint vocational school district and 1519
career-technical planning district, beginning with report cards 1520
for the 2012-2013 school year to be published not later than 1521
September 1, 2013. 1522

As used in this section, "career-technical planning district" 1523
means a school district or group of school districts designated by 1524
the department as being responsible for the planning for and 1525
provision of career-technical education services to students 1526
within the district or group. 1527

Sec. 3302.042. (A) This section shall operate as a pilot 1528
project that applies to any school that has been ranked according 1529
to performance index score under section 3302.21 of the Revised 1530
Code in the lowest five per cent of ~~all~~ public school buildings 1531
statewide for three or more consecutive school years and is 1532
operated by the Columbus city school district. The pilot project 1533
shall commence once the department of education establishes 1534
implementation guidelines for the pilot project in consultation 1535
with the Columbus city school district. 1536

(B) Except as provided in division (D), (E), or (F) of this 1537
section, if the parents or guardians of at least fifty per cent of 1538

the students enrolled in a school to which this section applies, 1539
or if the parents or guardians of at least fifty per cent of the 1540
total number of students enrolled in that school and the schools 1541
of lower grade levels whose students typically matriculate into 1542
that school, by the thirty-first day of December of any school 1543
year in which the school is subject to this section, sign and file 1544
with the school district treasurer a petition requesting the 1545
district board of education to implement one of the following 1546
reforms in the school, and if the validity and sufficiency of the 1547
petition is certified in accordance with division (C) of this 1548
section, the board shall implement the requested reform in the 1549
next school year: 1550

(1) Reopen the school as a community school under Chapter 1551
3314. of the Revised Code; 1552

(2) Replace at least seventy per cent of the school's 1553
personnel who are related to the school's poor academic 1554
performance or, at the request of the petitioners, retain not more 1555
than thirty per cent of the personnel; 1556

(3) Contract with another school district or a nonprofit or 1557
for-profit entity with a demonstrated record of effectiveness to 1558
operate the school; 1559

(4) Turn operation of the school over to the department; 1560

(5) Any other major restructuring of the school that makes 1561
fundamental reforms in the school's staffing or governance. 1562

(C) Not later than thirty days after receipt of a petition 1563
under division (B) of this section, the district treasurer shall 1564
verify the validity and sufficiency of the signatures on the 1565
petition and certify to the district board whether the petition 1566
contains the necessary number of valid signatures to require the 1567
board to implement the reform requested by the petitioners. If the 1568
treasurer certifies to the district board that the petition does 1569

not contain the necessary number of valid signatures, any person 1570
who signed the petition may file an appeal with the county auditor 1571
within ten days after the certification. Not later than thirty 1572
days after the filing of an appeal, the county auditor shall 1573
conduct an independent verification of the validity and 1574
sufficiency of the signatures on the petition and certify to the 1575
district board whether the petition contains the necessary number 1576
of valid signatures to require the board to implement the 1577
requested reform. If the treasurer or county auditor certifies 1578
that the petition contains the necessary number of valid 1579
signatures, the district board shall notify the superintendent of 1580
public instruction and the state board of education of the 1581
certification. 1582

(D) The district board shall not implement the reform 1583
requested by the petitioners in any of the following 1584
circumstances: 1585

(1) The district board has determined that the request is for 1586
reasons other than improving student academic achievement or 1587
student safety. 1588

(2) The state superintendent has determined that 1589
implementation of the requested reform would not comply with the 1590
model of differentiated accountability described in section 1591
3302.041 of the Revised Code. 1592

(3) The petitioners have requested the district board to 1593
implement the reform described in division (B)(4) of this section 1594
and the department has not agreed to take over the school's 1595
operation. 1596

(4) When all of the following have occurred: 1597

(a) After a public hearing on the matter, the district board 1598
issued a written statement explaining the reasons that it is 1599
unable to implement the requested reform and agreeing to implement 1600

one of the other reforms described in division (B) of this section. 1601
1602

(b) The district board submitted its written statement to the state superintendent and the state board along with evidence showing how the alternative reform the district board has agreed to implement will enable the school to improve its academic performance. 1603
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(c) Both the state superintendent and the state board have approved implementation of the alternative reform. 1608
1609

(E) If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section. 1610
1611
1612

(F) If a school is restructured under this section, section 3302.10 or 3302.12 of the Revised Code, or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring. 1613
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(G) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law. 1618
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Sec. 3302.12. (A) ~~For~~ Except as provided in divisions (C) and (D) of this section, for any school building that is ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of ~~all~~ public school 1627
1628
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1630

buildings statewide for three consecutive years and is declared to 1631
be under an academic watch or in a state of academic emergency 1632
under section 3302.03 of the Revised Code, the district board of 1633
education shall do one of the following at the conclusion of the 1634
school year in which the building first becomes subject to this 1635
division: 1636

(1) Close the school and direct the district superintendent 1637
to reassign the students enrolled in the school to other school 1638
buildings that demonstrate higher academic achievement; 1639

(2) Contract with another school district or a nonprofit or 1640
for-profit entity with a demonstrated record of effectiveness to 1641
operate the school; 1642

(3) Replace the principal and all teaching staff of the 1643
school and, upon request from the new principal, exempt the school 1644
from all requested policies and regulations of the board regarding 1645
curriculum and instruction. The board also shall distribute 1646
funding to the school in an amount that is at least equal to the 1647
product of the per pupil amount of state and local revenues 1648
received by the district multiplied by the student population of 1649
the school. 1650

(4) Reopen the school as a conversion community school under 1651
Chapter 3314. of the Revised Code. 1652

(B) If an action taken by the board under division (A) of 1653
this section causes the district to no longer maintain all grades 1654
kindergarten through twelve, as required by section 3311.29 of the 1655
Revised Code, the board shall enter into a contract with another 1656
school district pursuant to section 3327.04 of the Revised Code 1657
for enrollment of students in the schools of that other district 1658
to the extent necessary to comply with the requirement of section 1659
3311.29 of the Revised Code. Notwithstanding any provision of the 1660
Revised Code to the contrary, if the board enters into and 1661

maintains a contract under section 3327.04 of the Revised Code, 1662
the district shall not be considered to have failed to comply with 1663
the requirement of section 3311.29 of the Revised Code. If, 1664
however, the district board fails to or is unable to enter into or 1665
maintain such a contract, the state board of education shall take 1666
all necessary actions to dissolve the district as provided in 1667
division (A) of section 3311.29 of the Revised Code. 1668

(C) If a particular school is required to restructure under 1669
this section and a petition with respect to that same school has 1670
been filed and verified under divisions (B) and (C) of section 1671
3302.042 of the Revised Code, the provisions of that section and 1672
the petition filed and verified under it shall prevail over the 1673
provisions of this section and the school shall be restructured 1674
under that section. However, if division (D)(1), (2), or (3) of 1675
section 3302.042 of the Revised Code also applies to the school, 1676
the school shall be subject to restructuring under this section 1677
and not section 3302.042 of the Revised Code. 1678

If the provisions of this section conflict in any way with 1679
the requirements of federal law, federal law shall prevail over 1680
the provisions of this section. 1681

(D) If a school is restructured under this section, section 1682
3302.042 or 3302.10 of the Revised Code, or federal law, the 1683
school shall not be required to restructure again under state law 1684
for three consecutive years after the implementation of that prior 1685
restructuring. 1686

Sec. 3302.20. (A) The department of education shall develop 1687
standards for determining, from the existing data reported in 1688
accordance with sections 3301.0714 and 3314.17 of the Revised 1689
Code, the amount of annual operating expenditures for classroom 1690
instructional purposes and for nonclassroom purposes for each 1691
city, exempted village, local, and joint vocational school 1692

district, each community school established under Chapter 3314. 1693
that is not an internet- or computer-based community school, each 1694
internet- or computer-based community school, and each STEM school 1695
established under Chapter 3326. of the Revised Code. ~~Not later~~ 1696
~~than January 1, 2012,~~ the The department shall present those 1697
standards to the state board of education for consideration. In 1698
developing the standards, the department shall adapt existing 1699
standards used by professional organizations, research 1700
organizations, and other state governments. The department also 1701
shall align the expenditure categories required for reporting 1702
under the standards with the categories that are required for 1703
reporting to the United States department of education under 1704
federal law. 1705

The state board shall consider the proposed standards and 1706
adopt a final set of standards not later than December 31, 2012. 1707
School districts, community schools, and STEM schools shall begin 1708
reporting data in accordance with the standards on July 1, 2012 1709
2013. 1710

(B)(1) The department shall categorize all city, exempted 1711
village, and local school districts into not less than three nor 1712
more than five groups based primarily on average daily student 1713
enrollment as reported on the most recent report card issued for 1714
each district under section 3302.03 of the Revised Code. 1715

(2) The department shall categorize all joint vocational 1716
school districts into not less than three nor more than five 1717
groups based primarily on average daily membership as reported 1718
under division (D) of section 3317.03 of the Revised Code rounded 1719
to the nearest whole number. 1720

(3) The department shall categorize all community schools 1721
that are not internet- or computer-based community schools into 1722
not less than three nor more than five groups based primarily on 1723

average daily student enrollment as reported on the most recent 1724
report card issued for each community school under sections 1725
3302.03 and 3314.012 of the Revised Code or, in the case of a 1726
school to which section 3314.017 of the Revised Code applies, on 1727
the total number of students reported under divisions (B)(2)(a) 1728
and (b) of section 3314.08 of the Revised Code. 1729

(4) The department shall categorize all internet- or 1730
computer-based community schools into a single category. 1731

(5) The department shall categorize all STEM schools into a 1732
single category. 1733

(C) Using the standards adopted under division (A) of this 1734
section and the data reported under sections 3301.0714 and 3314.17 1735
of the Revised Code, the department shall compute, ~~for fiscal~~ 1736
~~years 2008 through 2012, and~~ annually for each fiscal year 1737
~~thereafter~~, the following: 1738

(1) The percentage of each district's, community school's, or 1739
STEM school's total operating budget spent for classroom 1740
instructional purposes; 1741

(2) The statewide average percentage for all districts, 1742
community schools, and STEM schools combined spent for classroom 1743
instructional purposes; 1744

(3) The average percentage for each of the categories of 1745
districts and schools established under division (B) of this 1746
section spent for classroom instructional purposes; 1747

(4) The ranking of each district, community school, or STEM 1748
school within its respective category established under division 1749
(B) of this section according to the following: 1750

(a) From highest to lowest percentage spent for classroom 1751
instructional purposes; 1752

(b) From lowest to highest percentage spent for 1753

noninstructional purposes. 1754

(D) In its display of rankings within each category under 1755
division (C)(4) of this section, the department shall make the 1756
following notations: 1757

(1) Within each category of city, exempted village, and local 1758
school districts, the department shall denote each district that 1759
is: 1760

(a) Among the twenty per cent of all city, exempted village, 1761
and local school districts statewide with the lowest total 1762
operating expenditures per pupil; 1763

(b) Among the twenty per cent of all city, exempted village, 1764
and local school districts statewide with the highest performance 1765
index scores. 1766

(2) Within each category of joint vocational school 1767
districts, the department shall denote each district that is: 1768

(a) Among the twenty per cent of all joint vocational school 1769
districts statewide with the lowest total operating expenditures 1770
per pupil; 1771

(b) Among the twenty per cent of all joint vocational school 1772
districts statewide with the highest ~~performance measures required~~ 1773
~~for career technical education under 20 U.S.C. 2323, as ranked~~ 1774
report card scores under ~~division (A)(3) of section 3302.21~~ 1775
3302.033 of the Revised Code. 1776

(3) Within each category of community schools that are not 1777
internet- or computer-based community schools, the department 1778
shall denote each school that is: 1779

(a) Among the twenty per cent of all such community schools 1780
statewide with the lowest total operating expenditures per pupil; 1781

(b) Among the twenty per cent of all such community schools 1782
statewide with the highest performance index scores, excluding 1783

such community schools to which section 3314.017 of the Revised Code applies. 1784
1785

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 1786
1787
1788

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil; 1789
1790

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 1791
1792
1793
1794

(5) Within the category of STEM schools, the department shall denote each school that is: 1795
1796

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil; 1797
1798

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 1799
1800

For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs or primarily students with disabilities. 1801
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(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide 1807
1808
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information computed under division (C)(2) of this section, and 1814
the information computed for the district's or school's category 1815
under division (C)(3) of this section. 1816

(F) As used in this section: 1817

(1) "Internet- or computer-based community school" has the 1818
same meaning as in section 3314.02 of the Revised Code. 1819

(2) A school district's, community school's, or STEM school's 1820
performance index score rank is its performance index score rank 1821
as computed under section 3302.21 of the Revised Code. 1822

Sec. 3302.21. (A) The department of education shall develop a 1823
system to rank order all city, exempted village, and local, ~~and~~ 1824
~~joint vocational~~ school districts, community schools established 1825
under Chapter 3314., except those community schools to which 1826
section 3314.017 applies, and STEM schools established under 1827
Chapter 3326. of the Revised Code according to the following 1828
measures: 1829

(1) Performance index score for each school district, 1830
community school, and STEM school and for each separate building 1831
of a district, community school, or STEM school. For districts, 1832
schools, or buildings to which the performance index score does 1833
not apply, the superintendent of public instruction shall develop 1834
another measure of student academic performance and use that 1835
measure to include those buildings in the ranking so that all 1836
districts, schools, and buildings may be reliably compared to each 1837
other. 1838

(2) Student performance growth from year to year, using the 1839
value-added progress dimension, if applicable, and other measures 1840
of student performance growth designated by the superintendent of 1841
public instruction for subjects and grades not covered by the 1842
value-added progress dimension; 1843

~~(3) Performance measures required for career technical education under 20 U.S.C. 2323, if applicable. If a school district is a "VEPD" or "lead district" as those terms are defined in section 3317.023 of the Revised Code, the district's ranking shall be based on the performance of career technical students from that district and all other districts served by that district, and such fact, including the identity of the other districts served by that district, shall be noted on the report required by division (B) of this section.~~ 1844
1845
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1852

~~(4)~~ Current operating expenditures per pupil as determined under standards adopted by the state board of education under section 3302.20 of the Revised Code; 1853
1854
1855

~~(5)~~(4) Of total current operating expenditures, percentage spent for classroom instruction as determined under standards adopted by the state board ~~of education~~ under section 3302.20 of the Revised Code; 1856
1857
1858
1859

~~(6)~~(5) Performance of, and opportunities provided to, students identified as gifted using value-added progress dimensions, if applicable, and other relevant measures as designated by the superintendent of public instruction. 1860
1861
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The department shall rank each district, each community school except a community school to which section 3314.017 of the Revised Code applies, and each STEM school annually in accordance with the system developed under this section. 1864
1865
1866
1867

(B) In addition to the reports required by sections 3302.03 and 3302.031 of the Revised Code, not later than the first day of September each year, the department shall issue a report for each city, exempted village, and local, ~~and joint vocational~~ school district, each community school except a community school to which section 3314.017 of the Revised Code applies, and each STEM school indicating the district's or school's rank on each measure 1868
1869
1870
1871
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1874

described in divisions (A)(1) to ~~(5)~~(4) of this section, including 1875
each separate building's rank among all public school buildings 1876
according to performance index score under division (A)(1) of this 1877
section. 1878

Sec. 3302.25. (A) In accordance with standards prescribed by 1879
the state board of education for categorization of school district 1880
expenditures adopted under division (A) of section 3302.20 of the 1881
Revised Code, the department of education annually shall determine 1882
all of the following for the previous fiscal year: 1883

(1) For each school district, the ratio of the district's 1884
operating expenditures for classroom instructional purposes 1885
compared to its operating expenditures for ~~administrative~~ 1886
nonclassroom purposes; 1887

(2) For each school district, the per pupil amount of the 1888
district's expenditures for classroom instructional purposes; 1889

(3) For each school district, the per pupil amount of the 1890
district's operating expenditures for ~~administrative~~ nonclassroom 1891
purposes; 1892

(4) For each school district, the percentage of the 1893
district's operating expenditures attributable to school district 1894
funds; 1895

(5) The statewide average among all school districts for each 1896
of the items described in divisions (A)(1) to (4) of this section. 1897

(B) The department annually shall submit a report to each 1898
school district indicating the district's information for each of 1899
the items described in divisions (A)(1) to (4) of this section and 1900
the statewide averages described in division (A)(5) of this 1901
section. 1902

(C) Each school district, upon receipt of the report 1903
prescribed by division (B) of this section, shall publish the 1904

information contained in that report in a prominent location on 1905
the district's web site and publish the report in another fashion 1906
so that it is available to all parents of students enrolled in the 1907
district and to taxpayers of the district. 1908

Sec. 3302.41. As used in this section, "blended learning" has 1909
the same meaning as in section 3301.079 of the Revised Code. 1910

(A) Any local, city, exempted village, or joint vocational 1911
school district, community school established under Chapter 3314. 1912
of the Revised Code, STEM school established under Chapter 3326. 1913
of the Revised Code, college-preparatory boarding school 1914
established under Chapter 3328. of the Revised Code, or chartered 1915
nonpublic school may operate all or part of a school using a 1916
blended learning model. If a school is operated using a blended 1917
learning model or is to cease operating using a blended learning 1918
model, the superintendent of the school or district or director of 1919
the school shall notify the department of education of that fact 1920
not later than the first day of July of the school year for which 1921
the change is effective. If any school is already operated using a 1922
blended learning model on the effective date of this section, the 1923
superintendent of the school or district may notify the department 1924
within ninety days after the effective date of this section of 1925
that fact and request that the school be classified as a blended 1926
learning school. 1927

(B) The state board of education shall revise any operating 1928
standards for school districts and chartered nonpublic schools 1929
adopted under section 3301.07 of the Revised Code to include 1930
standards for the operation of blended learning under this 1931
section. The blended learning operation standards shall provide 1932
for all of the following: 1933

(1) Exemption from student-to-teacher ratios for traditional 1934
classrooms; 1935

(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools; 1936
1937

(3) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom. 1938
1939
1940
1941
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(4) An exemption from minimum school year or school day requirements in sections 3313.48 and 3313.481 of the Revised Code; 1943
1944

(5) Adequate provisions and exemptions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications and in support of differentiated and distributed staffing; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary. 1945
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(C) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, is not a blended learning school authorized under this section. Nor does this section affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code. 1960
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Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 1966

Revised Code:	1967
(A) <u>"Approved nonpublic school" means a nonpublic school that meets both of the following conditions:</u>	1968
	1969
(1) <u>The school is in the process of becoming a chartered nonpublic school and has received a letter of preliminary approval to operate from the department of education within the previous three years.</u>	1970
	1971
	1972
	1973
(2) <u>Not later than the first day of April prior to the school year for which the school intends to begin enrolling eligible students, the school files with the superintendent of public instruction one of the following:</u>	1974
	1975
	1976
	1977
(a) <u>A surety bond payable to the state or a letter of credit with the state as the beneficiary in an amount equal to one-half of the amount of the educational choice scholarship funds expected to be received during a school year, as determined by the state superintendent;</u>	1978
	1979
	1980
	1981
	1982
(b) <u>A guarantee in the amount of one million dollars from a person or organization with a net worth of at least five million dollars which shall be demonstrated to the satisfaction of the auditor of state.</u>	1983
	1984
	1985
	1986
(B) <u>"Chartered nonpublic school" means a nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules adopted by the state board.</u>	1987
	1988
	1989
	1990
(B) (C) <u>An "eligible student" is a student who satisfies the conditions specified in section 3310.03 of the Revised Code.</u>	1991
	1992
(C) (D) <u>"Parent" has the same meaning as in section 3313.98 of the Revised Code.</u>	1993
	1994
(D) (E) <u>"Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or</u>	1995
	1996

3313.65 of the Revised Code.	1997
(E) (F) "School year" has the same meaning as in section	1998
3313.62 of the Revised Code.	1999
Sec. 3310.02. (A) The educational choice scholarship pilot	2000
program is hereby established. Under the program, the department	2001
of education annually shall pay scholarships to attend chartered	2002
<u>or approved</u> nonpublic schools in accordance with section 3310.08	2003
of the Revised Code for up to the following number of eligible	2004
students:	2005
(1) Thirty thousand in the 2011-2012 school year;	2006
(2) Sixty thousand in the 2012-2013 school year and	2007
thereafter.	2008
(B) If the number of students who apply for a scholarship	2009
exceeds the number of scholarships available under division (A) of	2010
this section for the applicable school year, the department shall	2011
award scholarships in the following order of priority:	2012
(1) First, to eligible students who received scholarships in	2013
the prior school year;	2014
(2) Second, to eligible students with family incomes at or	2015
below two hundred per cent of the federal poverty guidelines, as	2016
defined in section 5101.46 of the Revised Code, who qualify under	2017
division (A) of section 3310.03 of the Revised Code. If the number	2018
of students described in division (B)(2) of this section who apply	2019
for a scholarship exceeds the number of available scholarships	2020
after awards are made under division (B)(1) of this section, the	2021
department shall select students described in division (B)(2) of	2022
this section by lot to receive any remaining scholarships.	2023
(3) Third, to other eligible students who qualify under	2024
division (A) of section 3310.03 of the Revised Code. If the number	2025
of students described in division (B)(3) of this section who apply	2026

for a scholarship exceeds the number of available scholarships 2027
after awards are made under divisions (B)(1) and (2) of this 2028
section, the department shall select students described in 2029
division (B)(3) of this section by lot to receive any remaining 2030
scholarships. 2031

(4) Fourth, to eligible students with family incomes at or 2032
below two hundred per cent of the federal poverty guidelines who 2033
qualify under division (B) of section 3310.03 of the Revised Code. 2034
If the number of students described in division (B)(4) of this 2035
section who apply for a scholarship exceeds the number of 2036
available scholarships after awards are made under divisions 2037
(B)(1) to (3) of this section, the department shall select 2038
students described in division (B)(4) of this section by lot to 2039
receive any remaining scholarships. 2040

(5) Fifth, to other eligible students who qualify under 2041
division (B) of section 3310.03 of the Revised Code. If the number 2042
of students described in division (B)(5) of this section who apply 2043
for a scholarship exceeds the number of available scholarships 2044
after awards are made under divisions (B)(1) to (4) of this 2045
section, the department shall select students described in 2046
division (B)(5) of this section by lot to receive any remaining 2047
scholarships. 2048

Sec. 3310.03. A student is an "eligible student" for purposes 2049
of the educational choice scholarship pilot program if the 2050
student's resident district is not a school district in which the 2051
pilot project scholarship program is operating under sections 2052
3313.974 to 3313.979 of the Revised Code and the student satisfies 2053
one of the conditions in division (A) ~~or~~, (B), or (C) of this 2054
section: 2055

(A)(1) The student is enrolled in a school building that is 2056
operated by the student's resident district and to which both of 2057

the following apply: 2058

(a) The building was declared, in at least two of the three 2059
most recent ratings of school buildings published prior to the 2060
first day of July of the school year for which a scholarship is 2061
sought, to be in a state of academic emergency or academic watch 2062
under section 3302.03 of the Revised Code; 2063

(b) The building was not declared to be excellent or 2064
effective under that section in the most recent rating published 2065
prior to the first day of July of the school year for which a 2066
scholarship is sought. 2067

(2) The student ~~is eligible to enroll in kindergarten~~ will be 2068
enrolling in school in this state for the first time in the school 2069
year for which a scholarship is sought and otherwise would be 2070
assigned under section 3319.01 of the Revised Code to a school 2071
building described in division (A)(1) of this section. 2072

(3) The student is enrolled in a community school established 2073
under Chapter 3314. of the Revised Code but otherwise would be 2074
assigned under section 3319.01 of the Revised Code to a building 2075
described in division (A)(1) of this section. 2076

(4) The student is enrolled in a school building that is 2077
operated by the student's resident district or in a community 2078
school established under Chapter 3314. of the Revised Code and 2079
otherwise would be assigned under section 3319.01 of the Revised 2080
Code to a school building described in division (A)(1) of this 2081
section in the school year for which the scholarship is sought. 2082

(5) The student ~~is eligible to enroll in kindergarten~~ will be 2083
enrolling in school in this state for the first time in the school 2084
year for which a scholarship is sought, or is enrolled in a 2085
community school established under Chapter 3314. of the Revised 2086
Code, and all of the following apply to the student's resident 2087
district: 2088

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

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

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

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

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

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

(2) The student ~~is eligible to enroll in kindergarten~~ will be enrolling in school in this state for the first time in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section.

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

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

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

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

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

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

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

instruction, not including excused absences. 2151

~~(D)~~(E)(1) The department shall cease awarding first-time 2152
scholarships pursuant to divisions (A)(1) to (4) of this section 2153
with respect to a school building that, in the most recent ratings 2154
of school buildings published under section 3302.03 of the Revised 2155
Code prior to the first day of July of the school year, ceases to 2156
meet the criteria in division (A)(1) of this section. The 2157
department shall cease awarding first-time scholarships pursuant 2158
to division (A)(5) of this section with respect to a school 2159
district that, in the most recent ratings of school districts 2160
published under section 3302.03 of the Revised Code prior to the 2161
first day of July of the school year, ceases to meet the criteria 2162
in division (A)(5) of this section. 2163

(2) The department shall cease awarding first-time 2164
scholarships pursuant to divisions (B)(1) to (4) of this section 2165
with respect to a school building that, in the most recent ratings 2166
of school buildings under section 3302.03 of the Revised Code 2167
prior to the first day of July of the school year, ceases to meet 2168
the criteria in division (B)(1) of this section. 2169

(3) However, students who have received scholarships in the 2170
prior school year remain eligible students pursuant to division 2171
~~(C)~~(D) of this section. 2172

~~(E)~~(F) The state board of education shall adopt rules 2173
defining excused absences for purposes of division ~~(C)~~(D)(3) of 2174
this section. 2175

Sec. 3310.031. (A) The state board of education shall adopt 2176
rules under section 3310.17 of the Revised Code establishing 2177
procedures for granting educational choice scholarships to 2178
eligible students attending a nonpublic school at the time the 2179
state board grants the school a charter under section 3301.16 of 2180
the Revised Code. The procedures shall include at least the 2181

following: 2182

(1) Provisions for extending the application period for 2183
scholarships for the following school year, if necessary due to 2184
the timing of the award of the nonpublic school's charter, in 2185
order for students enrolled in the school at the time the charter 2186
is granted to apply for scholarships for the following school 2187
year; 2188

(2) Provisions for notifying the resident districts of the 2189
nonpublic school's students that the nonpublic school has been 2190
granted a charter and that educational choice scholarships may be 2191
awarded to the school's students for the following school year. 2192

(B) A student who is enrolled in a nonpublic school at the 2193
time the school's charter is granted is an eligible student if any 2194
of the following applies: 2195

(1) At the end of the last school year before the student 2196
enrolled in the nonpublic school, the student was enrolled in a 2197
school building operated by the student's resident district or in 2198
a community school established under Chapter 3314. of the Revised 2199
Code and, for the current or following school year, the student 2200
otherwise would be assigned under section 3319.01 of the Revised 2201
Code to a school building described in division (A)(1) or (B)(1) 2202
of section 3310.03 of the Revised Code. 2203

(2) The student was not enrolled in any public or other 2204
nonpublic school before the student enrolled in the nonpublic 2205
school and, for the current or following school year, otherwise 2206
would be assigned under section 3319.01 of the Revised Code to a 2207
school building described in division (A)(1) or (B)(1) of section 2208
3310.03 of the Revised Code. 2209

(3) At the end of the last school year before the student 2210
enrolled in the nonpublic school, the student was enrolled in a 2211

school building operated by the student's resident district and, 2212
during that school year, the building met the conditions described 2213
in division (A)(1) or (B)(1) of section 3310.03 of the Revised 2214
Code. 2215

(4) At the end of the last school year before the student 2216
enrolled in the nonpublic school, the student was enrolled in a 2217
community school established under Chapter 3314. of the Revised 2218
Code but otherwise would have been assigned under section 3319.01 2219
of the Revised Code to a school building that, during that school 2220
year, met the conditions described in division (A)(1) or (B)(1) of 2221
section 3310.03 of the Revised Code. 2222

Sec. 3310.04. Any eligible student who is enrolled in a 2223
chartered or approved nonpublic school and for whom a scholarship 2224
under the educational choice scholarship pilot program has been 2225
awarded shall be entitled to transportation to and from the 2226
chartered or approved nonpublic school by the student's resident 2227
district in the manner prescribed in section 3327.01 of the 2228
Revised Code. 2229

Sec. 3310.06. It is the policy adopted by the general 2230
assembly that the educational choice scholarship pilot program 2231
shall be construed as one of several educational options available 2232
for students enrolled in academic emergency or academic watch 2233
school buildings. Students may be enrolled in the schools of the 2234
student's resident district, in a community school established 2235
under Chapter 3314. of the Revised Code, in the schools of another 2236
school district pursuant to an open enrollment policy adopted 2237
under section 3313.98 of the Revised Code, in a chartered or 2238
approved nonpublic school with or without a scholarship under the 2239
educational choice scholarship pilot program, or in other schools 2240
as the law may provide. 2241

Sec. 3310.07. Any parent, or any student who is at least 2242
eighteen years of age, who is seeking a scholarship under the 2243
educational choice scholarship pilot program shall notify the 2244
department of education of the student's and parent's names and 2245
address, the chartered or approved nonpublic school in which the 2246
student has been accepted for enrollment, and the tuition charged 2247
by the school. 2248

Sec. 3310.08. (A) The amount paid for an eligible student 2249
under the educational choice scholarship pilot program shall be 2250
the lesser of the tuition of the chartered or approved nonpublic 2251
school in which the student is enrolled or the maximum amount 2252
prescribed in section 3310.09 of the Revised Code. 2253

(B)(1) The department of education shall pay to the parent of 2254
each eligible student for whom a scholarship is awarded under the 2255
program, or to the student if at least eighteen years of age, 2256
periodic partial payments of the scholarship. 2257

(2) The department shall proportionately reduce or terminate 2258
the payments for any student who withdraws from a chartered or 2259
approved nonpublic school prior to the end of the school year. 2260

(C)(1) The department shall deduct from the payments made to 2261
each school district under Chapter 3317., and if necessary, 2262
sections 321.24 and 323.156 of the Revised Code, the amount paid 2263
under division (B) of this section for each eligible student 2264
awarded a scholarship under the program who is entitled under 2265
section 3313.64 or 3313.65 of the Revised Code to attend school in 2266
the district. In the case of a student entitled to attend school 2267
in a school district under division (B)(2)(a) of section 3313.64 2268
or division (C) of section 3313.65 of the Revised Code, the 2269
department shall deduct the payments from the school district that 2270
includes the student in its average daily membership as reported 2271

to the department under section 3317.03 of the Revised Code, as 2272
determined by the department. 2273

(2) If the department reduces or terminates payments to a 2274
parent or a student, as prescribed in division (B)(2) of this 2275
section, and the student enrolls in the schools of the student's 2276
resident district or in a community school, established under 2277
Chapter 3314. of the Revised Code, before the end of the school 2278
year, the department shall proportionally restore to the resident 2279
district the amount deducted for that student under division 2280
(C)(1) of this section. 2281

Sec. 3310.10. A scholarship awarded under section 3310.08 of 2282
the Revised Code may be used only to pay tuition to any chartered 2283
or approved nonpublic school. 2284

Sec. 3310.11. (A) Only for the purpose of administering the 2285
educational choice scholarship pilot program, the department of 2286
education may request from any of the following entities the data 2287
verification code assigned under division (D)(2) of section 2288
3301.0714 of the Revised Code to any student who is seeking a 2289
scholarship under the program: 2290

(1) The student's resident district; 2291

(2) If applicable, the community school in which that student 2292
is enrolled; 2293

(3) The independent contractor engaged to create and maintain 2294
student data verification codes. 2295

(B) Upon a request by the department under division (A) of 2296
this section for the data verification code of a student seeking a 2297
scholarship or a request by the student's parent for that code, 2298
the school district or community school shall submit that code to 2299
the department or parent in the manner specified by the 2300
department. If the student has not been assigned a code, because 2301

the student will be entering kindergarten during the school year 2302
for which the scholarship is sought, the district shall assign a 2303
code to that student and submit the code to the department or 2304
parent by a date specified by the department. If the district does 2305
not assign a code to the student by the specified date, the 2306
department shall assign a code to that student. 2307

The department annually shall submit to each school district 2308
the name and data verification code of each student residing in 2309
the district who is entering kindergarten, who has been awarded a 2310
scholarship under the program, and for whom the department has 2311
assigned a code under this division. 2312

(C) For the purpose of administering the applicable 2313
assessments prescribed under sections 3301.0710 and 3301.0712 of 2314
the Revised Code, as required by section 3310.14 of the Revised 2315
Code, the department shall provide to each chartered or approved 2316
nonpublic school that enrolls a scholarship student the data 2317
verification code for that student. 2318

(D) The department and each chartered or approved nonpublic 2319
school that receives a data verification code under this section 2320
shall not release that code to any person except as provided by 2321
law. 2322

Any document relative to this program that the department 2323
holds in its files that contains both a student's name or other 2324
personally identifiable information and the student's data 2325
verification code shall not be a public record under section 2326
149.43 of the Revised Code. 2327

Sec. 3310.13. (A) No chartered or approved nonpublic school 2328
shall charge any student whose family income is at or below two 2329
hundred per cent of the federal poverty guidelines, as defined in 2330
section 5101.46 of the Revised Code, a tuition fee that is greater 2331
than the total amount paid for that student under section 3310.08 2332

of the Revised Code. 2333

(B) A chartered or approved nonpublic school may charge any 2334
other student who is paid a scholarship under that section the 2335
difference between the amount of the scholarship and the regular 2336
tuition charge of the school. Each chartered or approved nonpublic 2337
school shall permit such an eligible student's family, at the 2338
family's option, to provide volunteer services in lieu of cash 2339
payment to pay all or part of the amount of the school's tuition 2340
not covered by the scholarship paid under section 3310.08 of the 2341
Revised Code. 2342

Sec. 3310.14. Notwithstanding division (K) of section 2343
3301.0711 of the Revised Code, each chartered or approved 2344
nonpublic school that enrolls students awarded scholarships under 2345
sections 3310.01 to 3310.17 of the Revised Code annually shall 2346
administer the assessments prescribed by section 3301.0710 or 2347
3301.0712 of the Revised Code to each scholarship student enrolled 2348
in the school in accordance with section 3301.0711 of the Revised 2349
Code. Each chartered or approved nonpublic school shall report to 2350
the department of education the results of each assessment 2351
administered to each scholarship student under this section. 2352

Nothing in this section requires a chartered or approved 2353
nonpublic school to administer any achievement assessment, except 2354
for an Ohio graduation test prescribed by division (B)(1) of 2355
section 3301.0710 of the Revised Code, as required by section 2356
3313.612 of the Revised Code, to any student enrolled in the 2357
school who is not a scholarship student. 2358

Sec. 3310.15. (A) The department of education annually shall 2359
compile the scores attained by scholarship students to whom an 2360
assessment is administered under section 3310.14 of the Revised 2361
Code. The scores shall be aggregated as follows: 2362

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

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

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

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

(1) Age Grade level;

(2) Race and ethnicity;

(3) Gender;

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

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

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

(7) Economically disadvantaged students.

(C) The department shall post the student performance data required under divisions (A) and (B) of this section on its web site and, by the first day of February each year, shall distribute that data to the parent of each eligible student. In reporting student performance data under this division, the department shall

not include any data that is statistically unreliable or that 2393
could result in the identification of individual students. For 2394
this purpose, the department shall not report performance data for 2395
any group that contains less than ten students. 2396

(D) The department shall provide the parent of each 2397
scholarship student with information comparing the student's 2398
performance on the assessments administered under section 3310.14 2399
of the Revised Code with the average performance of similar 2400
students enrolled in the building operated by the student's 2401
resident district that the scholarship student would otherwise 2402
attend. In calculating the performance of similar students, the 2403
department shall consider age, grade, race and ethnicity, gender, 2404
and socioeconomic status. 2405

Sec. 3310.17. (A) The state board of education shall adopt 2406
rules in accordance with Chapter 119. of the Revised Code 2407
prescribing procedures for the administration of the educational 2408
choice scholarship pilot program. 2409

(B) The state board and the department of education shall not 2410
require chartered or approved nonpublic schools to comply with any 2411
education laws or rules or other requirements that are not 2412
specified in sections 3310.01 to 3310.17 of the Revised Code or in 2413
rules necessary for the administration of the program, adopted 2414
under division (A) of this section, and that otherwise would not 2415
apply to a chartered or approved nonpublic school. 2416

Sec. 3313.37. (A)(1) The board of education of any city, 2417
local, or exempted village school district may build, enlarge, 2418
repair, and furnish the necessary schoolhouses, purchase or lease 2419
sites therefor, or rights-of-way thereto, or purchase or lease 2420
real estate to be used as playgrounds for children or rent 2421
suitable schoolrooms, either within or without the district, and 2422

provide the necessary apparatus and make all other necessary 2423
provisions for the schools under its control. 2424

(2) A governing board of an educational service center may 2425
acquire, lease or lease-purchase, or enter into a contract to 2426
purchase, lease or lease-purchase, or sell real and personal 2427
property and may construct, enlarge, repair, renovate, furnish, or 2428
equip facilities, buildings, or structures for the educational 2429
service center's purposes. The board may enter into loan 2430
agreements, including mortgages, for the acquisition of such 2431
property. ~~If a governing board exercises any of these powers to 2432
acquire office or classroom space, the board of county 2433
commissioners has no obligation to provide and equip offices and 2434
to provide heat, light, water, and janitorial services for the use 2435
of the service center pursuant to section 3319.19 of the Revised 2436
Code, unless there is a contract as provided by division (D) of 2437
that section. 2438~~

(3) A board of county commissioners may issue securities of 2439
the county pursuant to Chapter 133. of the Revised Code for the 2440
acquisition of real and personal property or for the construction, 2441
enlargement, repair, or renovation of facilities, buildings, or 2442
structures by an educational service center, but only if the 2443
county has a contract ~~under division (D) of section 3319.19 of the 2444
Revised Code~~ with the educational service center whereby the 2445
educational service center agrees to pay the county an amount 2446
equal to the debt charges on the issued securities on or before 2447
the date those charges fall due. For the purposes of this section, 2448
"debt charges" and "securities" have the same meanings as in 2449
section 133.01 of the Revised Code. 2450

(B)(1) Boards of education of city, local, and exempted 2451
village school districts may acquire land by gift or devise, by 2452
purchase, or by appropriation. Lands purchased may be purchased 2453
for cash, by installment payments, with or without a mortgage, by 2454

entering into lease-purchase agreements, or by lease with an 2455
option to purchase, provided that if the purchase price is to be 2456
paid over a period of time, such payments shall not extend for a 2457
period of more than five years. A special tax levy may be 2458
authorized by the voters of the school district in accordance with 2459
section 5705.21 of the Revised Code to provide a special fund to 2460
meet the future time payments. 2461

(2) For the purposes of section 5705.21 of the Revised Code, 2462
acquisition of land under the provisions of this division shall be 2463
considered a necessary requirement of the school district. 2464

(3) Boards of education of city, local, and exempted village 2465
school districts may acquire federal land at a discount by a 2466
lease-purchase agreement for use as a site for the construction of 2467
educational facilities or for other related purposes. External 2468
administrative and other costs pertaining to the acquisition of 2469
federal land at a discount may be paid from funds available to the 2470
school district for operating purposes. Such boards of education 2471
may also acquire federal land by lease-purchase agreements, by 2472
negotiation, or otherwise. 2473

(4) As used in this division: 2474

(a) "Office equipment" includes but is not limited to 2475
typewriters, copying and duplicating equipment, and computer and 2476
data processing equipment. 2477

(b) "Software for instructional purposes" includes computer 2478
programs usable for computer assisted instruction, computer 2479
managed instruction, drill and practice, and problem simulations. 2480

A board of education or governing board of an educational 2481
service center may acquire the necessary office equipment, and 2482
computer hardware and software for instructional purposes, for the 2483
schools under its control by purchase, by lease, by installment 2484
payments, by entering into lease-purchase agreements, or by lease 2485

with an option to purchase. In the case of a city, exempted 2486
village, or local school district, if the purchase price is to be 2487
paid over a period of time, the contract setting forth the terms 2488
of such purchase shall be considered a continuing contract 2489
pursuant to section 5705.41 of the Revised Code. Payments shall 2490
not extend for a period of more than five years. Costs relating to 2491
the acquisition of necessary apparatus may be paid from funds 2492
available to the school district or educational service center for 2493
operating purposes. 2494

(5) A board of education or governing board of an educational 2495
service center may acquire the necessary equipment for the 2496
maintenance or physical upkeep of facilities and land under its 2497
control by entering into lease-purchase agreements. If payments 2498
under the lease-purchase agreement are to be made over a period of 2499
time, the agreement shall be considered a continuing contract 2500
pursuant to section 5705.41 of the Revised Code, and such payments 2501
shall not extend for a period of more than five years. 2502

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 2503
(F), and (G) of this section, when a board of education decides to 2504
dispose of real or personal property that it owns in its corporate 2505
capacity and that exceeds in value ten thousand dollars, it shall 2506
sell the property at public auction, after giving at least thirty 2507
days' notice of the auction by publication in a newspaper of 2508
general circulation in the school district, by publication as 2509
provided in section 7.16 of the Revised Code, or by posting 2510
notices in five of the most public places in the school district 2511
in which the property, if it is real property, is situated, or, if 2512
it is personal property, in the school district of the board of 2513
education that owns the property. The board may offer real 2514
property for sale as an entire tract or in parcels. 2515

(B) When the board of education has offered real or personal 2516

property for sale at public auction at least once pursuant to 2517
division (A) of this section, and the property has not been sold, 2518
the board may sell it at a private sale. Regardless of how it was 2519
offered at public auction, at a private sale, the board shall, as 2520
it considers best, sell real property as an entire tract or in 2521
parcels, and personal property in a single lot or in several lots. 2522

(C) If a board of education decides to dispose of real or 2523
personal property that it owns in its corporate capacity and that 2524
exceeds in value ten thousand dollars, it may sell the property to 2525
the adjutant general; to any subdivision or taxing authority as 2526
respectively defined in ~~divisions (A) and (C) of~~ section 5705.01 2527
of the Revised Code, township park district, board of park 2528
commissioners established under Chapter 755. of the Revised Code, 2529
or park district established under Chapter 1545. of the Revised 2530
Code; to a wholly or partially tax-supported university, 2531
university branch, or college; to a nonprofit institution of 2532
higher education that has a certificate of authorization under 2533
Chapter 1713. of the Revised Code; to the governing authority of a 2534
chartered nonpublic school; or to the board of trustees of a 2535
school district library, upon such terms as are agreed upon. The 2536
sale of real or personal property to the board of trustees of a 2537
school district library is limited, in the case of real property, 2538
to a school district library within whose boundaries the real 2539
property is situated, or, in the case of personal property, to a 2540
school district library whose boundaries lie in whole or in part 2541
within the school district of the selling board of education. 2542

(D) When a board of education decides to trade as a part or 2543
an entire consideration, an item of personal property on the 2544
purchase price of an item of similar personal property, it may 2545
trade the same upon such terms as are agreed upon by the parties 2546
to the trade. 2547

(E) The president and the treasurer of the board of education 2548

shall execute and deliver deeds or other necessary instruments of 2549
conveyance to complete any sale or trade under this section. 2550

(F) When a board of education has identified a parcel of real 2551
property that it determines is needed for school purposes, the 2552
board may, upon a majority vote of the members of the board, 2553
acquire that property by exchanging real property that the board 2554
owns in its corporate capacity for the identified real property or 2555
by using real property that the board owns in its corporate 2556
capacity as part or an entire consideration for the purchase price 2557
of the identified real property. Any exchange or acquisition made 2558
pursuant to this division shall be made by a conveyance executed 2559
by the president and the treasurer of the board. 2560

(G) When a school district board of education decides to 2561
dispose of real property, prior to disposing of that property 2562
under divisions (A) to (F) of this section, it shall first offer 2563
that property for sale to the governing authorities of the 2564
start-up community schools established under Chapter 3314. of the 2565
Revised Code, and the board of trustees of any college-preparatory 2566
boarding school established under Chapter 3328. of the Revised 2567
Code, that are located within the territory of the school 2568
district⁷. The district board shall offer the property at a price 2569
that is not higher than the appraised fair market value of that 2570
property as determined in an appraisal of the property that is not 2571
more than one year old. If more than one community school 2572
governing authority or college-preparatory boarding school board 2573
of trustees accepts the offer made by the school district board, 2574
the board shall sell the property to the governing authority or 2575
board that accepted the offer first in time. If no community 2576
school governing authority or college-preparatory boarding school 2577
board of trustees accepts the offer within sixty days after the 2578
offer is made by the school district board, the board may dispose 2579
of the property in the applicable manner prescribed under 2580

divisions (A) to (F) of this section. 2581

(H) When a school district board of education has property 2582
that the board, by resolution, finds is not needed for school 2583
district use, is obsolete, or is unfit for the use for which it 2584
was acquired, the board may donate that property in accordance 2585
with this division if the fair market value of the property is, in 2586
the opinion of the board, two thousand five hundred dollars or 2587
less. 2588

The property may be donated to an eligible nonprofit 2589
organization that is located in this state and is exempt from 2590
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 2591
Before donating any property under this division, the board shall 2592
adopt a resolution expressing its intent to make unneeded, 2593
obsolete, or unfit-for-use school district property available to 2594
these organizations. The resolution shall include guidelines and 2595
procedures the board considers to be necessary to implement the 2596
donation program and shall indicate whether the school district 2597
will conduct the donation program or the board will contract with 2598
a representative to conduct it. If a representative is known when 2599
the resolution is adopted, the resolution shall provide contact 2600
information such as the representative's name, address, and 2601
telephone number. 2602

The resolution shall include within its procedures a 2603
requirement that any nonprofit organization desiring to obtain 2604
donated property under this division shall submit a written notice 2605
to the board or its representative. The written notice shall 2606
include evidence that the organization is a nonprofit organization 2607
that is located in this state and is exempt from federal income 2608
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 2609
the organization's primary purpose; a description of the type or 2610
types of property the organization needs; and the name, address, 2611
and telephone number of a person designated by the organization's 2612

governing board to receive donated property and to serve as its 2613
agent. 2614

After adoption of the resolution, the board shall publish, in 2615
a newspaper of general circulation in the school district or as 2616
provided in section 7.16 of the Revised Code, notice of its intent 2617
to donate unneeded, obsolete, or unfit-for-use school district 2618
property to eligible nonprofit organizations. The notice shall 2619
include a summary of the information provided in the resolution 2620
and shall be published twice. The second notice shall be published 2621
not less than ten nor more than twenty days after the previous 2622
notice. A similar notice also shall be posted continually in the 2623
board's office. If the school district maintains a web site on the 2624
internet, the notice shall be posted continually at that web site. 2625

The board or its representatives shall maintain a list of all 2626
nonprofit organizations that notify the board or its 2627
representative of their desire to obtain donated property under 2628
this division and that the board or its representative determines 2629
to be eligible, in accordance with the requirements set forth in 2630
this section and in the donation program's guidelines and 2631
procedures, to receive donated property. 2632

The board or its representative also shall maintain a list of 2633
all school district property the board finds to be unneeded, 2634
obsolete, or unfit for use and to be available for donation under 2635
this division. The list shall be posted continually in a 2636
conspicuous location in the board's office, and, if the school 2637
district maintains a web site on the internet, the list shall be 2638
posted continually at that web site. An item of property on the 2639
list shall be donated to the eligible nonprofit organization that 2640
first declares to the board or its representative its desire to 2641
obtain the item unless the board previously has established, by 2642
resolution, a list of eligible nonprofit organizations that shall 2643
be given priority with respect to the item's donation. Priority 2644

may be given on the basis that the purposes of a nonprofit 2645
organization have a direct relationship to specific school 2646
district purposes of programs provided or administered by the 2647
board. A resolution giving priority to certain nonprofit 2648
organizations with respect to the donation of an item of property 2649
shall specify the reasons why the organizations are given that 2650
priority. 2651

Members of the board shall consult with the Ohio ethics 2652
commission, and comply with Chapters 102. and 2921. of the Revised 2653
Code, with respect to any donation under this division to a 2654
nonprofit organization of which a board member, any member of a 2655
board member's family, or any business associate of a board member 2656
is a trustee, officer, board member, or employee. 2657

Sec. 3313.411. (A) As used in this section, ~~"unused:~~ 2658

(1) "College-preparatory boarding school" means a 2659
college-preparatory boarding school established under Chapter 2660
3328. of the Revised Code. 2661

(2) "Community school" means a community school established 2662
under Chapter 3314. of the Revised Code. 2663

(3) "Unused school facilities" means any real property that 2664
has been used by a school district for school operations, 2665
including, but not limited to, academic instruction or 2666
administration, since July 1, 1998, but has not been used in that 2667
capacity for two years. 2668

(B) (1) On and after ~~the effective date of this section June~~ 2669
~~30, 2011~~, any school district board of education shall offer any 2670
unused school facilities it owns in its corporate capacity for 2671
lease or sale to the governing authorities of community schools 2672
~~established under Chapter 3314. of the Revised Code, and the board~~ 2673
of trustees of any college-preparatory boarding school, that are 2674

located within the territory of the ~~school~~ district. 2675

(2) At the same time that a district board makes the offer 2676
required under division (B)(1) of this section, the board also 2677
may, but shall not be required to, offer that property for sale or 2678
lease to the governing authorities of community schools with 2679
plans, stipulated in their contracts entered into under section 2680
3314.03 of the Revised Code, either to relocate their operations 2681
to the territory of the district or to add facilities, as 2682
authorized by division (B)(3) or (4) of section 3314.05 of the 2683
Revised Code, to be located within the territory of the district. 2684

(C)(1) If, not later than sixty days after the district board 2685
makes the offer, the governing authority of only one community 2686
school located within the territory of the school district 2687
qualified party offered the property under division (B) of this 2688
section notifies the district treasurer in writing of ~~its~~ the 2689
intention to purchase the property, the district board shall sell 2690
the property to ~~the community school~~ that party for the appraised 2691
fair market value of the property as determined in an appraisal of 2692
the property that is not more than one year old. 2693

(2) If, not later than sixty days after the district board 2694
makes the offer, ~~the governing authorities of two or more~~ 2695
community schools located within the territory of the school 2696
district notify more than one qualified party offered the property 2697
under division (B) of this section notifies the district treasurer 2698
in writing of ~~their~~ the intention to purchase the property, the 2699
board shall conduct a public auction in the manner required for 2700
auctions of district property under division (A) of section 2701
3313.41 of the Revised Code. Only the ~~governing authorities of all~~ 2702
community schools located within the territory of the school 2703
district parties offered the property under division (B) of this 2704
section that notify the district treasurer of the intention to 2705
purchase the property are eligible to bid at the auction. The 2706

district board is not obligated to accept any bid for the property 2707
that is lower than the appraised fair market value of the property 2708
as determined in an appraisal that is not more than one year old. 2709

(3) If ~~the governing authorities of two or more community~~ 2710
~~schools located within the territory of the school district notify~~ 2711
more than one qualified party offered the property under division 2712
(B) of this section notifies the district treasurer in writing of 2713
~~their~~ the intention to lease the property, the district board 2714
shall conduct a lottery to select from among those parties the 2715
~~community school~~ one qualified party to which the district board 2716
shall lease the property. 2717

(4) The lease price offered by a district board to ~~the~~ 2718
~~governing authority of a community school~~ or college-preparatory 2719
boarding school under this section shall not be higher than the 2720
fair market value for such a leasehold as determined in an 2721
appraisal that is not more than one year old. 2722

(5) If no ~~community school governing authority~~ qualified 2723
party offered the property under division (B) of this section 2724
accepts the offer to lease or buy the property within sixty days 2725
after the offer is made, the district board may offer the property 2726
to any other entity in accordance with divisions (A) to (F) of 2727
section 3313.41 of the Revised Code. 2728

~~(C)~~(D) Notwithstanding division (B) of this section, a school 2729
district board may renew any agreement it originally entered into 2730
prior to ~~the effective date of this section~~ June 30, 2011, to 2731
lease real property to an entity other than a community school or 2732
college-preparatory boarding school. Nothing in this section shall 2733
affect the leasehold arrangements between the district board and 2734
that other entity. 2735

Sec. 3313.608. (A)(1) Beginning with students who enter third 2736
grade in the school year that starts July 1, 2009, and until June 2737

30, 2013, for any student who attains a score in the range 2738
designated under division (A)(2)(c) of section 3301.0710 of the 2739
Revised Code on the assessment prescribed under that section to 2740
measure skill in English language arts expected at the end of 2741
third grade, each school district, in accordance with the policy 2742
adopted under section 3313.609 of the Revised Code, shall do one 2743
of the following: 2744

~~(1)~~(a) Promote the student to fourth grade if the student's 2745
principal and reading teacher agree that other evaluations of the 2746
student's skill in reading demonstrate that the student is 2747
academically prepared to be promoted to fourth grade; 2748

~~(2)~~(b) Promote the student to fourth grade but provide the 2749
student with intensive intervention services in fourth grade; 2750

~~(3)~~(c) Retain the student in third grade. 2751

(2) Beginning with students who enter third grade in the 2752
2013-2014 school year, no city, exempted village, or local school 2753
district shall promote to fourth grade any student who attains a 2754
score in the range designated under division (A)(2)(c) of section 2755
3301.0710 of the Revised Code on the assessment prescribed under 2756
that section to measure skill in English language arts expected at 2757
the end of third grade, unless one of the following applies: 2758

(a) The student is a limited English proficient student who 2759
has been enrolled in United States schools for less than two full 2760
school years and has had less than two years of instruction in an 2761
English as a second language program. 2762

(b) The student is a child with a disability entitled to 2763
special education and related services under Chapter 3323. of the 2764
Revised Code and the student's individualized education program 2765
exempts the student from retention under this division. 2766

(c) The student demonstrates an acceptable level of 2767
performance on an alternative standardized reading assessment as 2768

determined by the department of education. 2769

(d) All of the following apply: 2770

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code. 2771
2772
2773

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 2774
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading during at least two school years but still demonstrates a deficiency in reading. 2777
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(iv) The student previously was retained in any of grades kindergarten to three. 2782
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(e)(i) The student received intensive remediation for reading during at least two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 2784
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 2788
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(B)(1) ~~To~~ Beginning in the 2012-2013 school year, to assist students in meeting ~~this~~ the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it ~~shall~~ annually shall assess 2795
2796
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2798

the reading skills of each student ~~at the end of first and second~~ 2799
~~enrolled in kindergarten to third grade by the thirtieth day of~~ 2800
~~September~~ and shall identify students who are reading below their 2801
grade level by the end of the school year. ~~If Each district shall~~ 2802
use the diagnostic assessment to measure English language arts 2803
ability for the appropriate grade level ~~has been developed in~~ 2804
~~accordance with division (D)(1) of~~ adopted under section 3301.079 2805
of the Revised Code, ~~each school district shall use such~~ 2806
~~diagnostic assessment or a comparable tool approved by the~~ 2807
department of education, to identify such students, ~~except that~~ 2808
~~any district to which division (E) of section 3301.0715 of the~~ 2809
~~Revised Code applies may use another assessment to identify such~~ 2810
~~students.~~ The policies and procedures shall require the students' 2811
classroom teachers to be involved in the assessment and the 2812
identification of students reading below grade level. ~~The district~~ 2813
~~shall notify the parent or guardian of~~ 2814

(2) For each student whose identified under this section as 2815
having reading skills ~~are~~ below grade level ~~and,~~ the district 2816
shall do both of the following: 2817

(a) Provide to the student's parent or guardian, in writing, 2818
all of the following: 2819

(i) Notification that the student has been identified as 2820
having a substantial deficiency in reading; 2821

(ii) A description of the current services that are provided 2822
to the student; 2823

(iii) A description of the proposed supplemental 2824
instructional services and supports that will be provided to the 2825
student that are designed to remediate the identified areas of 2826
reading deficiency; 2827

(iv) Notification that if the student attains a score in the 2828
range designated under division (A)(2)(c) of section 3301.0710 of 2829

the Revised Code on the assessment prescribed under that section 2830
to measure skill in English language arts expected at the end of 2831
third grade, the student shall be retained unless the student is 2832
exempt under division (A) of this section. The notification shall 2833
specify that the assessment under section 3301.0710 of the Revised 2834
Code is not the sole determinant of promotion and that additional 2835
evaluations and assessments are available to the student to assist 2836
parents and the district in knowing when a student is reading at 2837
or above grade level and ready for promotion. 2838

(b) Provide intensive reading instruction to the student 2839
immediately following identification of a reading deficiency, in 2840
accordance with division (C) of this section, ~~provide intervention~~ 2841
~~services to each student reading below grade level.~~ Such 2842
intervention services shall include research-based reading 2843
strategies that have been shown to be successful in improving 2844
reading among low-performing readers and instruction in intensive, 2845
~~systematic phonetics pursuant to rules adopted by the state board~~ 2846
~~of education targeted at the student's identified reading~~ 2847
deficiencies. 2848

~~(2)(3)~~ For each student entering third grade after July 1, 2849
2009, who does not attain by the end of the third grade at least a 2850
score in the range designated under division (A)(2)(b) of section 2851
3301.0710 of the Revised Code on the assessment prescribed under 2852
that section to measure skill in English language arts expected at 2853
the end of third grade retained under division (A) of this 2854
section, the district also shall offer do all of the following: 2855

(a) Provide intense remediation services during the summer 2856
following third grade until the student is able to read at grade 2857
level. The remediation services shall include intensive 2858
interventions in reading that address the areas of deficiencies 2859
identified under this section including, but not limited to, not 2860
less than ninety minutes of reading daily and any of the 2861

<u>following:</u>	2862
<u>(i) Small group instruction;</u>	2863
<u>(ii) Reduced teacher-student ratios;</u>	2864
<u>(iii) More frequent progress monitoring;</u>	2865
<u>(iv) Tutoring or mentoring;</u>	2866
<u>(v) Transition classes containing third and fourth grade students;</u>	2867 2868
<u>(vi) Extended school day, week, or year;</u>	2869
<u>(vii) Summer reading camps.</u>	2870
<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>	2871 2872 2873
<u>(c) Provide each student with a high-performing teacher, as determined by the teacher's student performance data, when available, and performance reviews.</u>	2874 2875 2876
<u>The district may offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.</u>	2877 2878 2879 2880 2881 2882 2883 2884
<u>(4) For each student retained under division (A) of this section who is identified as gifted under division (A) or (B) of section 3324.03 of the Revised Code in a specific academic ability field other than reading, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.</u>	2885 2886 2887 2888 2889 2890

As used in this division, "specific academic ability field" 2891
has the same meaning as in section 3324.01 of the Revised Code. 2892

(C) For each student required to be ~~offered~~ provided 2893
intervention services under this section, the district shall 2894
develop a reading improvement and monitoring plan within sixty 2895
days after receiving the student's results on the diagnostic 2896
assessment or comparable tool administered under division (B)(1) 2897
of this section. The district shall involve the student's parent 2898
or guardian and classroom teacher in developing the intervention 2899
strategy, and shall offer to the parent or guardian the 2900
opportunity to be involved in the intervention services plan. The 2901
plan shall include all of the following: 2902

(1) Identification of the student's specific reading 2903
deficiencies; 2904

(2) A description of the additional instructional services 2905
and support that will be provided to the student to remediate the 2906
identified reading deficiencies; 2907

(3) Opportunities for the student's parent or guardian to be 2908
involved in the instructional services and support described in 2909
division (C)(2) of this section; 2910

(4) A process for monitoring the extent to which the student 2911
receives the instructional services and support described in 2912
division (C)(2) of this section; 2913

(5) A reading curriculum during regular school hours that 2914
does all of the following: 2915

(a) Assists students to read at grade level; 2916

(b) Provides scientifically based and reliable assessment; 2917

(c) Provides initial and ongoing analysis of each student's 2918
reading progress. 2919

(6) A statement that if the student attains a score in the 2920

range designated under division (A)(2)(c) of section 3301.0710 of 2921
the Revised Code on the assessment prescribed under that section 2922
to measure skill in English language arts expected by the end of 2923
third grade, the student may be retained in third grade. 2924

Each student with a reading improvement and monitoring plan 2925
under this division who enters third grade after July 1, 2013, 2926
shall be assigned to a teacher who has either received a passing 2927
score on a rigorous test of principles of scientifically based 2928
reading instruction approved by the state board of education or 2929
has a reading endorsement on the teacher's license. 2930

The district shall report any information requested by the 2931
department about the plans developed under this division in the 2932
manner required by the department. 2933

(D) Each school district shall report annually to the 2934
department on its implementation and compliance with this section 2935
using guidelines prescribed by the superintendent of public 2936
instruction. The superintendent of public instruction annually 2937
shall report to the governor and general assembly the number and 2938
percentage of students in grades kindergarten through four reading 2939
below grade level based on the diagnostic assessments administered 2940
under division (B) of this section and the achievement assessments 2941
administered under divisions (A)(1)(a) and (b) of section 2942
3301.0710 of the Revised Code in English language arts, aggregated 2943
by school district; the types of intervention services provided to 2944
students; and, if available, an evaluation of the efficacy of the 2945
intervention services provided. 2946

(E) Any summer remediation services funded in whole or in 2947
part by the state and offered by school districts to students 2948
under this section shall meet the following conditions: 2949

(1) The remediation methods are based on reliable educational 2950
research. 2951

(2) The school districts conduct assessment before and after 2952
students participate in the program to facilitate monitoring 2953
results of the remediation services. 2954

(3) The parents of participating students are involved in 2955
programming decisions. 2956

~~(4) The services are conducted in a school building or 2957
community center and not on an at-home basis. 2958~~

~~(E)~~(F) This section does not create a new cause of action or 2959
a substantive legal right for any person. 2960

Sec. 3313.609. (A) As used in this section: 2961

(1) "Truant" means absent without excuse. 2962

(2) "Academically prepared" means whatever educational 2963
standard the board of education of each city, exempted village, 2964
local, and joint vocational school district establishes as 2965
necessary for the promotion of a student to the next grade level 2966
pursuant to the policy adopted under division (B) of this section. 2967

(B) The board of education of each city, exempted village, 2968
local, and joint vocational school district shall adopt a grade 2969
promotion and retention policy for students that complies with 2970
this section and section 3313.608 of the Revised Code. The policy 2971
shall prohibit the promotion of a student to the next grade level 2972
if the student has been truant for more than ten per cent of the 2973
required attendance days of the current school year and has failed 2974
two or more of the required curriculum subject areas in the 2975
current grade unless the student's principal and the teachers of 2976
any failed subject areas agree that the student is academically 2977
prepared to be promoted to the next grade level. 2978

Sec. 3313.6013. (A) As used in this section, "dual enrollment 2979
program" means a program that enables a student to earn credit 2980

toward a degree from an institution of higher education while 2981
enrolled in high school or that enables a student to complete 2982
coursework while enrolled in high school that may earn credit 2983
toward a degree from an institution of higher education upon the 2984
student's attainment of a specified score on an examination 2985
covering the coursework. Dual enrollment programs may include any 2986
of the following: 2987

(1) The post-secondary enrollment options program established 2988
under Chapter 3365. of the Revised Code; 2989

(2) Advanced placement courses; 2990

(3) Any similar program established pursuant to an agreement 2991
between a school district or chartered nonpublic high school and 2992
an institution of higher education. 2993

(B) Each city, local, exempted village, and joint vocational 2994
school district and each chartered nonpublic high school shall 2995
provide students enrolled in grades nine through twelve with the 2996
opportunity to participate in a dual enrollment program. For this 2997
purpose, each school district and chartered nonpublic high school 2998
shall offer at least one dual enrollment program in accordance 2999
with division (B)(1) or (2) of this section, as applicable. 3000

(1) A city, local, or exempted village school district meets 3001
the requirements of this division through its mandatory 3002
participation in the post-secondary enrollment options program 3003
established under Chapter 3365. of the Revised Code. However, a 3004
city, local, or exempted village school district may offer any 3005
other dual enrollment program, in addition to the post-secondary 3006
enrollment options program, and each joint vocational school 3007
district shall offer at least one other ~~due~~ dual enrollment 3008
program, to students in good standing, as defined by the 3009
partnership for continued learning under section 3301.42 of the 3010
Revised Code as it existed prior to ~~the effective date of this~~ 3011

~~amendment~~ October 16, 2009, or as subsequently defined by the 3012
department of education. 3013

(2) A chartered nonpublic high school that elects to 3014
participate in the post-secondary enrollment options program 3015
established under Chapter 3365. of the Revised Code meets the 3016
requirements of this division. Each chartered nonpublic high 3017
school that elects not to participate in the post-secondary 3018
enrollment options program instead shall offer at least one other 3019
dual enrollment program to students in good standing, as defined 3020
by the partnership for continued learning under section 3301.42 of 3021
the 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

(C) Each school district and each chartered nonpublic high 3025
school shall provide information about the dual enrollment 3026
programs offered by the district or school to all students 3027
enrolled in grades eight through eleven. 3028

Sec. 3313.674. (A) Except as provided in ~~divisions~~ division 3029
(D) ~~and (H)~~ of this section, the board of education of each city, 3030
exempted village, or local school district and the governing 3031
authority of each chartered nonpublic school ~~shall~~ may require 3032
each student enrolled in kindergarten, third grade, fifth grade, 3033
and ninth grade to undergo a screening for body mass index and 3034
weight status category ~~prior to the first day of May of the school~~ 3035
~~year.~~ 3036

(B) The board or governing authority may provide any 3037
screenings ~~required~~ authorized by this section itself, contract 3038
with another entity for provision of the screenings, or request 3039
the parent or guardian of each student subject to ~~this section~~ the 3040
screening to obtain the screening from a provider selected by the 3041
parent or guardian and to submit the results to the board or 3042

governing authority. If the board or governing authority provides 3043
the screenings itself or contracts with another entity for 3044
provision of the screenings, the board or governing authority 3045
shall protect student privacy by ensuring that each student is 3046
screened alone and not in the presence of other students or staff. 3047

(C) ~~Prior to the first day of February of each~~ Each school 3048
year, ~~the~~ each board or governing authority electing to require 3049
the screening shall provide the parent or guardian of each student 3050
subject to ~~this section~~ the screening with information about the 3051
screening program. If the board or governing authority requests 3052
parents and guardians to obtain a screening from a provider of 3053
their choosing, the board or governing authority shall provide 3054
them with a list of providers and information about screening 3055
services available in the community to parents and guardians who 3056
cannot afford a private provider. 3057

(D) If the parent or guardian of a student subject to ~~this~~ 3058
~~section~~ the screening signs and submits to the board or governing 3059
authority a written statement indicating that the parent or 3060
guardian does not wish to have the student undergo the screening, 3061
the board or governing authority shall not require the student to 3062
be screened. 3063

(E) The board or governing authority shall notify the parent 3064
or guardian of each student screened under this section of any 3065
health risks associated with the student's results and shall 3066
provide the parent or guardian with information about 3067
appropriately addressing the risks. For this purpose, the 3068
department of health, in consultation with the department of 3069
education and the healthy choices for healthy children council 3070
established under section 3301.92 of the Revised Code, shall 3071
develop a list of documents, pamphlets, or other resources that 3072
may be distributed to parents and guardians under this division. 3073

(F) The board or governing authority shall maintain the 3074

confidentiality of each student's individual screening results at 3075
all times. No board or governing authority shall report a 3076
student's individual screening results to any person other than 3077
the student's parent or guardian. 3078

(G) In a manner prescribed by rule of the director of health, 3079
~~the~~ each board or governing authority electing to require the 3080
screening shall report aggregated body mass index and weight 3081
status category data collected under this section, and any other 3082
demographic data required by the director, to the department of 3083
health. In the case of a school district, data shall be aggregated 3084
for the district as a whole and not for individual schools within 3085
the district, unless the district operates only one school. In the 3086
case of a chartered nonpublic school, data shall be aggregated for 3087
the school as a whole. The department annually may publish the 3088
data reported under this division, aggregated by county. ~~If any~~ 3089
For each county in which a district, community school, STEM 3090
school, or chartered nonpublic school ~~was granted a waiver under~~ 3091
~~division (H) of this section~~ has elected not to require the 3092
screening for a school year for which data is published, the 3093
department shall note that the data for the county in which the 3094
district or school is located is incomplete. The department may 3095
share data reported under this division with other governmental 3096
entities for the purpose of monitoring population health, making 3097
reports, or public health promotional activities. 3098

~~(H) A board or governing authority may obtain a waiver of the~~ 3099
~~requirement to have students undergo screenings for body mass~~ 3100
~~index and weight status category by submitting to the~~ 3101
~~superintendent of public instruction an affidavit, attested to by~~ 3102
~~the president or presiding officer of the board or governing~~ 3103
~~authority, stating that the board or governing authority is unable~~ 3104
~~to comply with the requirement. The superintendent shall grant the~~ 3105
~~waiver upon receipt of the affidavit.~~ 3106

Sec. 3313.813. (A) As used in this section: 3107

(1) "Outdoor education center" means a public or nonprofit 3108
private entity that provides to pupils enrolled in any public or 3109
chartered nonpublic elementary or secondary school an outdoor 3110
educational curriculum that the school considers to be part of its 3111
educational program. 3112

(2) "Outside-school-hours care center" has the meaning 3113
established in 7 C.F.R. 226.2. 3114

(B) The state board of education shall establish standards 3115
for a school lunch program, school breakfast program, child and 3116
adult care food program, special food service program for 3117
children, summer food service program for children, special milk 3118
program for children, food service equipment assistance program, 3119
and commodity distribution program established under the "National 3120
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 3121
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 3122
U.S.C. 1771, as amended. Any board of education of a school 3123
district, nonprofit private school, outdoor education center, 3124
child care institution, outside-school-hours care center, or 3125
summer camp desiring to participate in such a program or required 3126
to participate under this section shall, if eligible to 3127
participate under the "National School Lunch Act," as amended, or 3128
the "Child Nutrition Act of 1966," as amended, make application to 3129
the state board of education for assistance. The board shall 3130
administer the allocation and distribution of all state and 3131
federal funds for these programs. 3132

(C) The state board of education shall require the board of 3133
education of each school district to establish and maintain a 3134
school breakfast, lunch, and summer food service program pursuant 3135
to the "National School Lunch Act" and the "Child Nutrition Act of 3136
1966," as described in divisions (C)(1) to (4) of this section. 3137

(1) The state board shall require the board of education in 3138
each school district to establish a breakfast program in every 3139
school where at least one-fifth of the pupils in the school are 3140
eligible under federal requirements for free breakfasts and to 3141
establish a lunch program in every school where at least one-fifth 3142
of the pupils are eligible for free lunches. The board of 3143
education required to establish a breakfast program under this 3144
division may make a charge in accordance with federal requirements 3145
for each reduced price breakfast or paid breakfast to cover the 3146
cost incurred in providing that meal. 3147

(2) The state board shall require the board of education in 3148
each school district to establish a breakfast program in every 3149
school in which the parents of at least one-half of the children 3150
enrolled in the school have requested that the breakfast program 3151
be established. The board of education required to establish a 3152
program under this division may make a charge in accordance with 3153
federal requirements for each meal to cover all or part of the 3154
costs incurred in establishing such a program. 3155

(3) The state board shall require the board of education in 3156
each school district to establish one of the following for summer 3157
intervention services described in division (D) of section 3158
3301.0711 ~~and~~ or provided under section 3313.608 of the Revised 3159
Code, and any other summer intervention program required by law: 3160

(a) An extension of the school breakfast program pursuant to 3161
the "National School Lunch Act" and the "Child Nutrition Act of 3162
1966"; 3163

(b) An extension of the school lunch program pursuant to 3164
those acts; 3165

(c) A summer food service program pursuant to those acts. 3166

(4)(a) If the board of education of a school district 3167
determines that, for financial reasons, it cannot comply with 3168

division (C)(1) or (3) of this section, the district board may 3169
choose not to comply with either or both divisions, except as 3170
provided in division (C)(4)(b) of this section. The district board 3171
publicly shall communicate to the residents of the district, in 3172
the manner it determines appropriate, its decision not to comply. 3173

(b) If a district board chooses not to comply with division 3174
(C)(1) of this section, the state board nevertheless shall require 3175
the district board to establish a breakfast program in every 3176
school where at least one-third of the pupils in the school are 3177
eligible under federal requirements for free breakfasts and to 3178
establish a lunch program in every school where at least one-third 3179
of the pupils are eligible for free lunches. The district board 3180
may make a charge in accordance with federal requirements for each 3181
reduced price breakfast or paid breakfast to cover the cost 3182
incurred in providing that meal. 3183

(c) If a school district cannot for good cause comply with 3184
the requirements of division (C)(2) or (4)(b) of this section at 3185
the time the state board determines that a district is subject to 3186
these requirements, the state board shall grant a reasonable 3187
extension of time. Good cause for an extension of time shall 3188
include, but need not be limited to, economic impossibility of 3189
compliance with the requirements at the time the state board 3190
determines that a district is subject to them. 3191

(D)(1) The state board shall accept the application of any 3192
outdoor education center in the state making application for 3193
participation in a program pursuant to division (B) of this 3194
section. 3195

(2) For purposes of participation in any program pursuant to 3196
this section, the board shall certify any outdoor education center 3197
making application as an educational unit that is part of the 3198
educational system of the state, if the center: 3199

(a) Meets the definition of an outdoor education center;	3200
(b) Provides its outdoor education curriculum to pupils on an overnight basis so that pupils are in residence at the center for more than twenty-four consecutive hours;	3201 3202 3203
(c) Operates under public or nonprofit private ownership in a single building or complex of buildings.	3204 3205
(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program.	3206 3207 3208 3209
(E) Any school district board of education or chartered nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day.	3210 3211 3212 3213
(F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast.	3214 3215 3216 3217 3218 3219 3220
Sec. 3313.816. No public or chartered nonpublic school shall permit the sale of a la carte beverage items other than the following during the regular and extended school day:	3221 3222 3223
(A) For a school in which the majority of grades offered are in the range from kindergarten to grade four:	3224 3225
(1) Water;	3226
(2) Milk;	3227
(3) Eight ounces or less of one hundred per cent fruit juice,	3228

or a one hundred per cent fruit juice and water blend with no 3229
added sweeteners, that contains not more than one hundred sixty 3230
calories per eight ounces. 3231

(B) For a school in which the majority of grades offered are 3232
in the range from grade five to grade eight: 3233

(1) Water; 3234

(2) Milk; 3235

(3) Ten ounces or less of one hundred per cent fruit juice, 3236
or a one hundred per cent fruit juice and water blend with no 3237
added sweeteners, that contains not more than one hundred sixty 3238
calories per eight ounces. 3239

(C) For a school in which the majority of grades offered are 3240
in the range from grade nine to grade twelve: 3241

(1) Water; 3242

(2) Milk; 3243

(3) Twelve ounces or less of one hundred per cent fruit 3244
juice, or a one hundred per cent fruit juice and water blend with 3245
no added sweeteners, that contains not more than one hundred sixty 3246
calories per eight ounces; 3247

(4) Twelve ounces or less of any beverage that contains not 3248
more than sixty-six calories per eight ounces; 3249

(5) Any size of a beverage that contains not more than ten 3250
calories per eight ounces, which may include caffeinated beverages 3251
and beverages with added sweeteners, carbonation, or artificial 3252
flavoring. 3253

~~(D) Each public and chartered nonpublic school shall require 3254
at least fifty per cent of the a la carte beverage items available 3255
for sale from each of the following sources during the regular and 3256
extended school day to be water or other beverages that contain 3257
not more than ten calories per eight ounces. 3258~~

(1) A school food service program;	3259
(2) A vending machine located on school property that does not sell only milk or reimbursable meals;	3260
(3) A store operated by the school, a student association, or other school sponsored organization.	3261
	3262
	3263
Sec. 3313.842. (A) The boards of education or governing	3264
authorities of any two or more school districts or community	3265
schools may enter into an agreement for joint or cooperative	3266
establishment and operation of any educational program including	3267
any class, course, or program that may be included in a school	3268
district's or community school's graded course of study and staff	3269
development programs for teaching and nonteaching school	3270
employees. Each school district or community school that is party	3271
to such an agreement may contribute funds of the district or	3272
school in support of the agreement and for the establishment and	3273
operation of any educational program established under the	3274
agreement. The agreement shall designate one of the districts or	3275
community schools as responsible for receiving and disbursing the	3276
funds contributed by the parties to the agreement.	3277
(B) Notwithstanding sections 3313.48 and 3313.64 of the	3278
Revised Code, any school district that is party to an agreement	3279
for joint or cooperative establishment and operation of an	3280
educational program may charge fees or tuition for students who	3281
participate in the program and are entitled to attend school in	3282
the district under section 3313.64 or 3313.65 of the Revised Code.	3283
Except as otherwise provided in division (H) <u>(G)</u> of section 3321.01	3284
of the Revised Code, no community school that is party to the	3285
agreement shall charge fees or tuition for students who	3286
participate in the program and are reported by the school under	3287
division (B)(2) of section 3314.08 of the Revised Code.	3288

Sec. 3313.843. (A) Notwithstanding division (D) of section 3289
3311.52 of the Revised Code, this section does not apply to any 3290
cooperative education school district. 3291

(B)(1) The board of education of each city, exempted village, 3292
or local school district with an average daily student enrollment 3293
of sixteen thousand or less, reported for the district on the most 3294
recent report card issued under section 3302.03 of the Revised 3295
Code, shall enter into an agreement with the governing board of an 3296
educational service center, under which the educational service 3297
center governing board will provide services to the district. 3298

(2) The board of education of a city, exempted village, or 3299
local school district with an average daily student enrollment of 3300
more than sixteen thousand may enter into an agreement with the 3301
governing board of an educational service center, under which the 3302
educational service center governing board will provide services 3303
to the district. 3304

(3) Services provided under an agreement entered into under 3305
division (B)(1) or (2) of this section shall be specified in the 3306
agreement, and may include any of the following: supervisory 3307
teachers; in-service and continuing education programs for 3308
district personnel; curriculum services; research and development 3309
programs; academic instruction for which the governing board 3310
employs teachers pursuant to section 3319.02 of the Revised Code; 3311
assistance in the provision of special accommodations and classes 3312
for students with disabilities; or any other services the district 3313
board and service center governing board agree can be better 3314
provided by the service center and are not provided under an 3315
agreement entered into under section 3313.845 of the Revised Code. 3316
Services included in the agreement shall be provided to the 3317
district in the manner specified in the agreement. The district 3318
board of education shall reimburse the educational service center 3319

governing board pursuant to section 3317.11 of the Revised Code. 3320

Beginning with the 2012-2013 school year, the board of any 3321
district described in division (B)(2) of this section may elect 3322
not to receive the supervisory services for which supervisory 3323
units are paid under division (B) of section 3317.11 of the 3324
Revised Code, provided that election is specified in the 3325
agreement. 3326

(C) Any agreement entered into pursuant to this section shall 3327
be filed with the department of education by the first day of July 3328
of the school year for which the agreement is in effect. 3329

(D)(1) An agreement for services from an educational service 3330
center entered into under this section may be terminated by the 3331
school district board of education, at its option, by notifying 3332
the governing board of the service center by March 1, 2012, or by 3333
the first day of January of any odd-numbered year thereafter, that 3334
the district board intends to terminate the agreement in that 3335
year, and that termination shall be effective on the thirtieth day 3336
of June of that year. The failure of a district board to notify an 3337
educational service center of its intent to terminate an agreement 3338
by March 1, 2012, shall result in renewal of the existing 3339
agreement for the following school year. Thereafter, the failure 3340
of a district board to notify an educational service center of its 3341
intent to terminate an agreement by the first day of January of an 3342
odd-numbered year shall result in renewal of the existing 3343
agreement for the following two school years. 3344

(2) If the school district that terminates an agreement for 3345
services under division (D)(1) of this section is also subject to 3346
the requirement of division (B)(1) of this section, the district 3347
board shall enter into a new agreement with ~~a different~~ any 3348
educational service center so that the new agreement is effective 3349
on the first day of July of that same year. 3350

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 section. Any agreement entered into pursuant to this section shall be valid only if a copy is filed with the department of education ~~by the first day of the school year for which the agreement is in effect.~~

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

Sec. 3313.847. In the case of a child placed in the custody of a juvenile facility established under section 2151.65 or a detention facility established under section 2152.41 of the Revised Code, if that facility contracts directly with an educational service center for services for that child, the service center may submit its request for payment for services for the child directly to the school district that is responsible to bear the cost of educating the child, as determined under section 2151.362 of the Revised Code. That district shall pay the service center directly for those services. Notwithstanding anything to the contrary in section 3317.03 of the Revised Code, the district that pays a service center for services for a particular child

under this section shall include that child in the district's 3382
average daily membership as reported under division (A) of section 3383
3317.03 of the Revised Code. No other district shall include the 3384
child in its average daily membership. 3385

Sec. 3313.978. (A) Annually by the first day of November, the 3386
superintendent of public instruction shall notify the pilot 3387
project school district of the number of initial scholarships that 3388
the state superintendent will be awarding in each of grades 3389
kindergarten through twelve. 3390

The state superintendent shall provide information about the 3391
scholarship program to all students residing in the district, 3392
shall accept applications from any such students until such date 3393
as shall be established by the state superintendent as a deadline 3394
for applications, and shall establish criteria for the selection 3395
of students to receive scholarships from among all those applying 3396
prior to the deadline, which criteria shall give preference to 3397
students from low-income families. For each student selected, the 3398
state superintendent shall also determine whether the student 3399
qualifies for seventy-five or ninety per cent of the scholarship 3400
amount. Students whose family income is at or above two hundred 3401
per cent of the maximum income level established by the state 3402
superintendent for low-income families shall qualify for 3403
seventy-five per cent of the scholarship amount and students whose 3404
family income is below two hundred per cent of that maximum income 3405
level shall qualify for ninety per cent of the scholarship amount. 3406
The state superintendent shall notify students of their selection 3407
prior to the fifteenth day of January and whether they qualify for 3408
seventy-five or ninety per cent of the scholarship amount. 3409

(1) A student receiving a pilot project scholarship may 3410
utilize it at an alternative public school by notifying the 3411
district superintendent, at any time before the beginning of the 3412

school year, of the name of the public school in an adjacent 3413
school district to which the student has been accepted pursuant to 3414
section 3327.06 of the Revised Code. 3415

(2) A student may decide to utilize a pilot project 3416
scholarship at a registered private school in the district if all 3417
of the following conditions are met: 3418

(a) By the fifteenth day of February of the preceding school 3419
year, or at any time prior to the start of the school year, the 3420
parent makes an application on behalf of the student to a 3421
registered private school. 3422

(b) The registered private school notifies the parent and the 3423
state superintendent as follows that the student has been 3424
admitted: 3425

(i) By the fifteenth day of March of the preceding school 3426
year if the student filed an application by the fifteenth day of 3427
February and was admitted by the school pursuant to division (A) 3428
of section 3313.977 of the Revised Code; 3429

(ii) Within one week of the decision to admit the student if 3430
the student is admitted pursuant to division (C) of section 3431
3313.977 of the Revised Code. 3432

(c) The student actually enrolls in the registered private 3433
school to which the student was first admitted or in another 3434
registered private school in the district or in a public school in 3435
an adjacent school district. 3436

(B) The state superintendent shall also award in any school 3437
year tutorial assistance grants to a number of students equal to 3438
the number of students who receive scholarships under division (A) 3439
of this section. Tutorial assistance grants shall be awarded 3440
solely to students who are enrolled in the public schools of the 3441
district in a grade level covered by the pilot project. Tutorial 3442
assistance grants may be used solely to obtain tutorial assistance 3443

from a provider approved pursuant to division (D) of section 3444
3313.976 of the Revised Code. 3445

All students wishing to obtain tutorial assistance grants 3446
shall make application to the state superintendent by the first 3447
day of the school year in which the assistance will be used. The 3448
state superintendent shall award assistance grants in accordance 3449
with criteria the superintendent shall establish. For each student 3450
awarded a grant, the state superintendent shall also determine 3451
whether the student qualifies for seventy-five or ninety per cent 3452
of the grant amount and so notify the student. Students whose 3453
family income is at or above two hundred per cent of the maximum 3454
income level established by the state superintendent for 3455
low-income families shall qualify for seventy-five per cent of the 3456
grant amount and students whose family income is below two hundred 3457
per cent of that maximum income level shall qualify for ninety per 3458
cent of the grant amount. 3459

(C)(1) In the case of basic scholarships for students in 3460
grades kindergarten through eight, the scholarship amount shall 3461
not exceed the lesser of the tuition charges of the alternative 3462
school the scholarship recipient attends or three thousand dollars 3463
before fiscal year 2007, three thousand four hundred fifty dollars 3464
in fiscal year 2007 through fiscal year 2011, and four thousand 3465
two hundred fifty dollars in fiscal year 2012 and thereafter. 3466

In the case of basic scholarships for students in grades nine 3467
through twelve, the scholarship amount shall not exceed the lesser 3468
of the tuition charges of the alternative school the scholarship 3469
recipient attends or two thousand seven hundred dollars before 3470
fiscal year 2007, three thousand four hundred fifty dollars in 3471
fiscal year 2007 through fiscal year 2011, and five thousand 3472
dollars in fiscal year 2012 and thereafter. 3473

(2) The state superintendent shall provide for an increase in 3474
the basic scholarship amount in the case of any student who is a 3475

mainstreamed student with a disability and shall further increase 3476
such amount in the case of any separately educated student with a 3477
disability. Such increases shall take into account the 3478
instruction, related services, and transportation costs of 3479
educating such students. 3480

(3) In the case of tutorial assistance grants, the grant 3481
amount shall not exceed the lesser of the provider's actual 3482
charges for such assistance or: 3483

(a) Before fiscal year 2007, a percentage established by the 3484
state superintendent, not to exceed twenty per cent, of the amount 3485
of the pilot project school district's average basic scholarship 3486
amount; 3487

(b) In fiscal year 2007 and thereafter, four hundred dollars. 3488

(4) No scholarship or tutorial assistance grant shall be 3489
awarded unless the state superintendent determines that 3490
twenty-five or ten per cent, as applicable, of the amount 3491
specified for such scholarship or grant pursuant to division 3492
(C)(1), (2), or (3) of this section will be furnished by a 3493
political subdivision, a private nonprofit or for profit entity, 3494
or another person. Only seventy-five or ninety per cent of such 3495
amounts, as applicable, shall be paid from state funds pursuant to 3496
section 3313.979 of the Revised Code. 3497

(D)(1) Annually by the first day of November, the state 3498
superintendent shall estimate the maximum per-pupil scholarship 3499
amounts for the ensuing school year. The state superintendent 3500
shall make this estimate available to the general public at the 3501
offices of the district board of education together with the forms 3502
required by division (D)(2) of this section. 3503

(2) Annually by the fifteenth day of January, the chief 3504
administrator of each registered private school located in the 3505
pilot project district and the principal of each public school in 3506

such district shall complete a parental information form and 3507
forward it to the president of the board of education. The 3508
parental information form shall be prescribed by the department of 3509
education and shall provide information about the grade levels 3510
offered, the numbers of students, tuition amounts, achievement 3511
test results, and any sectarian or other organizational 3512
affiliations. 3513

(E)(1) Only for the purpose of administering the pilot 3514
project scholarship program, the department may request from any 3515
of the following entities the data verification code assigned 3516
under division (D)(2) of section 3301.0714 of the Revised Code to 3517
any student who is seeking a scholarship under the program: 3518

(a) The school district in which the student is entitled to 3519
attend school under section 3313.64 or 3313.65 of the Revised 3520
Code; 3521

(b) If applicable, the community school in which the student 3522
is enrolled; 3523

(c) The independent contractor engaged to create and maintain 3524
data verification codes. 3525

(2) Upon a request by the department under division (E)(1) of 3526
this section for the data verification code of a student seeking a 3527
scholarship or a request by the student's parent for that code, 3528
the school district or community school shall submit that code to 3529
the department or parent in the manner specified by the 3530
department. If the student has not been assigned a code, because 3531
the student will be entering kindergarten during the school year 3532
for which the scholarship is sought, the district shall assign a 3533
code to that student and submit the code to the department or 3534
parent by a date specified by the department. If the district does 3535
not assign a code to the student by the specified date, the 3536
department shall assign a code to the student. 3537

The department annually shall submit to each school district 3538
the name and data verification code of each student residing in 3539
the district who is entering kindergarten, who has been awarded a 3540
scholarship under the program, and for whom the department has 3541
assigned a code under this division. 3542

(3) The department shall not release any data verification 3543
code that it receives under division (E) of this section to any 3544
person except as provided by law. 3545

(F) Any document relative to the pilot project scholarship 3546
program that the department holds in its files that contains both 3547
a student's name or other personally identifiable information and 3548
the student's data verification code shall not be a public record 3549
under section 149.43 of the Revised Code. 3550

(G)(1) The department annually shall compile the scores 3551
attained by scholarship students enrolled in registered private 3552
schools on the assessments administered to the students pursuant 3553
to division (A)(11) of section 3313.976 of the Revised Code. The 3554
scores shall be aggregated as follows: 3555

(a) By school district, which shall include all scholarship 3556
students residing in the pilot project school district who are 3557
enrolled in a registered private school and were required to take 3558
an assessment pursuant to division (A)(11) of section 3313.976 of 3559
the Revised Code; 3560

(b) By registered private school, which shall include all 3561
scholarship students enrolled in that school who were required to 3562
take an assessment pursuant to division (A)(11) of section 3563
3313.976 of the Revised Code. 3564

(2) The department shall disaggregate the student performance 3565
data described in division (G)(1) of this section according to the 3566
following categories: 3567

(a) Age Grade level; 3568

(b) Race and ethnicity;	3569
(c) Gender;	3570
(d) Students who have participated in the scholarship program for three or more years;	3571 3572
(e) Students who have participated in the scholarship program for more than one year and less than three years;	3573 3574
(f) Students who have participated in the scholarship program for one year or less;	3575 3576
(g) Economically disadvantaged students.	3577
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	3578 3579 3580 3581 3582 3583 3584 3585 3586 3587
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.	3588 3589 3590 3591 3592 3593 3594 3595 3596 3597
Sec. 3314.012. (A) Within ninety days of September 28, 1999,	3598

the superintendent of public instruction shall appoint 3599
representatives of the department of education, including 3600
employees who work with the education management information 3601
system, to a committee to develop report card models for community 3602
schools. The committee shall design model report cards appropriate 3603
for the various types of community schools approved to operate in 3604
the state. Sufficient models shall be developed to reflect the 3605
variety of grade levels served and the missions of the state's 3606
community schools. All models shall include both financial and 3607
academic data. The initial models shall be developed by March 31, 3608
2000. 3609

(B) The Except as provided in section 3314.017 of the Revised 3610
Code, the department of education shall issue an annual report 3611
card for each community school, regardless of how long the school 3612
has been in operation. The report card shall report the academic 3613
and financial performance of the school utilizing one of the 3614
models developed under division (A) of this section. The report 3615
card shall include all information applicable to school buildings 3616
under division (A) of section 3302.03 of the Revised Code. The 3617
ratings a community school receives under section 3302.03 of the 3618
Revised Code for its first two full school years shall not be 3619
considered toward automatic closure of the school under section 3620
3314.35 of the Revised Code or any other matter that is based on 3621
report card ratings. 3622

(C) Upon receipt of a copy of a contract between a sponsor 3623
and a community school entered into under this chapter, the 3624
department of education shall notify the community school of the 3625
specific model report card that will be used for that school. 3626

(D) Report cards shall be distributed to the parents of all 3627
students in the community school, to the members of the board of 3628
education of the school district in which the community school is 3629
located, and to any person who requests one from the department. 3630

Sec. 3314.015. (A) The department of education shall be 3631
responsible for the oversight of any and all sponsors of the 3632
community schools established under this chapter and shall provide 3633
technical assistance to schools and sponsors in their compliance 3634
with applicable laws and the terms of the contracts entered into 3635
under section 3314.03 of the Revised Code and in the development 3636
and start-up activities of those schools. In carrying out its 3637
duties under this section, the department shall do all of the 3638
following: 3639

(1) In providing technical assistance to proposing parties, 3640
governing authorities, and sponsors, conduct training sessions and 3641
distribute informational materials; 3642

(2) Approve entities to be sponsors of community schools; 3643

(3) Monitor the effectiveness of any and all sponsors in 3644
their oversight of the schools with which they have contracted; 3645

(4) By December thirty-first of each year, issue a report to 3646
the governor, the speaker of the house of representatives, the 3647
president of the senate, and the chairpersons of the house and 3648
senate committees principally responsible for education matters 3649
regarding the effectiveness of academic programs, operations, and 3650
legal compliance and of the financial condition of all community 3651
schools established under this chapter and on the performance of 3652
community school sponsors; 3653

(5) From time to time, make legislative recommendations to 3654
the general assembly designed to enhance the operation and 3655
performance of community schools. 3656

(B)(1) Except as provided in sections 3314.021 and 3314.027 3657
of the Revised Code, no entity listed in division (C)(1) of 3658
section 3314.02 of the Revised Code shall enter into a preliminary 3659
agreement under division (C)(2) of section 3314.02 of the Revised 3660

Code until it has received approval from the department of 3661
education to sponsor community schools under this chapter and has 3662
entered into a written agreement with the department regarding the 3663
manner in which the entity will conduct such sponsorship. The 3664
department shall adopt in accordance with Chapter 119. of the 3665
Revised Code rules containing criteria, procedures, and deadlines 3666
for processing applications for such approval, for oversight of 3667
sponsors, for revocation of the approval of sponsors, and for 3668
entering into written agreements with sponsors. The rules shall 3669
require an entity to submit evidence of the entity's ability and 3670
willingness to comply with the provisions of division (D) of 3671
section 3314.03 of the Revised Code. The rules also shall require 3672
entities approved as sponsors on and after June 30, 2005, to 3673
demonstrate a record of financial responsibility and successful 3674
implementation of educational programs. If an entity seeking 3675
approval on or after June 30, 2005, to sponsor community schools 3676
in this state sponsors or operates schools in another state, at 3677
least one of the schools sponsored or operated by the entity must 3678
be comparable to or better than the performance of Ohio schools in 3679
need of continuous improvement under section 3302.03 of the 3680
Revised Code, as determined by the department. 3681

Subject to section 3314.016 of the Revised Code, an entity 3682
that sponsors community schools may enter into preliminary 3683
agreements and sponsor up to one hundred schools, provided each 3684
school and the contract for sponsorship meets the requirements of 3685
this chapter. 3686

(2) The department of education shall determine, pursuant to 3687
criteria adopted by rule of the department, whether the mission 3688
proposed to be specified in the contract of a community school to 3689
be sponsored by a state university board of trustees or the 3690
board's designee under division (C)(1)(e) of section 3314.02 of 3691
the Revised Code complies with the requirements of that division. 3692

Such determination of the department is final. 3693

(3) The department of education shall determine, pursuant to 3694
criteria adopted by rule of the department, if any tax-exempt 3695
entity under section 501(c)(3) of the Internal Revenue Code that 3696
is proposed to be a sponsor of a community school is an 3697
education-oriented entity for purpose of satisfying the condition 3698
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 3699
Revised Code. Such determination of the department is final. 3700

(C) If at any time the state board of education finds that a 3701
sponsor is not in compliance or is no longer willing to comply 3702
with its contract with any community school or with the 3703
department's rules for sponsorship, the state board or designee 3704
shall conduct a hearing in accordance with Chapter 119. of the 3705
Revised Code on that matter. If after the hearing, the state board 3706
or designee has confirmed the original finding, the department of 3707
education may revoke the sponsor's approval to sponsor community 3708
schools ~~and~~. In that case, the department's office of Ohio school 3709
sponsorship, established under section 3314.029 of the Revised 3710
Code, may assume the sponsorship of any schools with which the 3711
sponsor has contracted until the earlier of the expiration of two 3712
school years or until a new sponsor as described in division 3713
(C)(1) of section 3314.02 of the Revised Code is secured by the 3714
school's governing authority. The ~~department~~ office of Ohio school 3715
sponsorship may extend the term of the contract in the case of a 3716
school for which it has assumed sponsorship under this division as 3717
necessary to accommodate the term of the department's 3718
authorization to sponsor the school specified in this division. 3719
Community schools sponsored under this division shall not apply to 3720
the limit on directly authorized community schools under division 3721
(A)(3) of section 3314.029 of the Revised Code. However, nothing 3722
in this division shall preclude a community school affected by 3723
this division from applying for sponsorship under that section. 3724

(D) The decision of the department to disapprove an entity 3725
for sponsorship of a community school or to revoke approval for 3726
such sponsorship under division (C) of this section, may be 3727
appealed by the entity in accordance with section 119.12 of the 3728
Revised Code. 3729

(E) The department shall adopt procedures for use by a 3730
community school governing authority and sponsor when the school 3731
permanently closes and ceases operation, which shall include at 3732
least procedures for data reporting to the department, handling of 3733
student records, distribution of assets in accordance with section 3734
3314.074 of the Revised Code, and other matters related to ceasing 3735
operation of the school. 3736

(F) In carrying out its duties under this chapter, the 3737
department shall not impose requirements on community schools or 3738
their sponsors that are not permitted by law or duly adopted 3739
rules. 3740

Sec. 3314.016. This section applies to any entity that 3741
sponsors a community school, regardless of whether section 3742
3314.021 or 3314.027 of the Revised Code exempts the entity from 3743
the requirement to be approved for sponsorship under divisions 3744
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 3745
office of Ohio school sponsorship established under section 3746
3314.029 of the Revised Code shall be rated under division (D) of 3747
this section, but the prohibitions of divisions (A), (B), (C), and 3748
(E) of this section do not apply to the office. 3749

(A) An entity that sponsors a community school shall be 3750
permitted to enter into contracts under section 3314.03 of the 3751
Revised Code to sponsor additional community schools only if the 3752
entity meets both of the following criteria: 3753

(1) The entity is in compliance with all provisions of this 3754
chapter requiring sponsors of community schools to report data or 3755

information to the department of education. 3756

(2) The entity is not ranked in the lowest twenty per cent of 3757
community school sponsors on the ranking prescribed by division 3758
(B) of this section. 3759

(B)(1) For purposes of this section, the department shall 3760
develop a composite performance index score, as defined in section 3761
3302.01 of the Revised Code, that measures the academic 3762
performance of students enrolled in community schools sponsored by 3763
the same entity. ~~In~~ 3764

(2) In calculating the an entity's composite performance 3765
index score, the department shall exclude all of the following: 3766

(a) All community schools that have been in operation for 3767
less than two full school years; 3768

(b) All community schools described in division (A)(3) of 3769
section 3314.35 of the Revised Code, but the department shall 3770
cease to exclude those schools beginning January 1, 2013, if the 3771
general assembly does not enact by that date separate performance 3772
standards for community schools that operate dropout prevention 3773
and recovery programs and for community schools that serve 3774
students with disabilities. The 3775

(3) The department annually shall rank all entities that 3776
sponsor community schools from highest to lowest according to the 3777
entities' composite performance index scores and shall publish the 3778
rankings between the first day of October and the fifteenth day of 3779
October. 3780

(C) If the governing authority of a community school enters 3781
into a contract with a sponsor prior to the date on which the 3782
sponsor is prohibited from sponsoring additional schools under 3783
division (A) of this section and the school has not opened for 3784
operation as of that date, that contract shall be void and the 3785
school shall not open until the governing authority secures a new 3786

sponsor by entering into a contract with the new sponsor under 3787
section 3314.03 of the Revised Code. 3788

Sec. 3314.017. (A) Not later than December 31, 2014, the 3789
state board of education shall prescribe by rules, adopted in 3790
accordance with Chapter 119. of the Revised Code, an academic 3791
performance rating and report card system that satisfies the 3792
requirements of this section for community schools described in 3793
division (A)(3)(a) of section 3314.35 of the Revised Code, to be 3794
used in lieu of the system prescribed under sections 3302.03 and 3795
3314.012 of the Revised Code. Beginning with the 2014-2015 school 3796
year, the system developed under this section shall be used for 3797
community schools that primarily serve students enrolled in 3798
dropout prevention and recovery programs as described in division 3799
(A)(3)(a) of section 3314.35 of the Revised Code, and each such 3800
school shall comply with the testing and reporting requirements of 3801
the system as prescribed by the state board. 3802

(B) Pending development of the system prescribed by this 3803
section, for the 2012-2013 and 2013-2014 school years, the 3804
department shall not apply the rating and report card system 3805
prescribed by sections 3302.03 and 3314.012 of the Revised Code to 3806
any community school described in division (A)(3)(a) of section 3807
3314.35 of the Revised Code. No report card under those sections 3808
shall be issued for such schools for those school years. However, 3809
nothing in this section shall at any time relieve a school from 3810
its obligations under the "No Child Left Behind Act of 2001" to 3811
make "adequate yearly progress," as both that act and that term 3812
are defined in section 3302.01 of the Revised Code, or a school's 3813
amenability to the provisions of section 3302.04 or 3302.041 of 3814
the Revised Code. The department of education shall continue to 3815
report each school's performance as required by the act and to 3816
enforce applicable sanctions under section 3302.04 or 3302.041 of 3817
the Revised Code. 3818

<u>(C) The state board shall prescribe the following performance</u>	3819
<u>indicators for the rating and report card system required by this</u>	3820
<u>section:</u>	3821
<u>(1) Graduation rate for each of the following student</u>	3822
<u>cohorts:</u>	3823
<u>(a) Percentage of students currently enrolled in a school who</u>	3824
<u>entered ninth grade for the first time four years prior to the</u>	3825
<u>current school year and earned a high school diploma by the</u>	3826
<u>completion of the current school year;</u>	3827
<u>(b) Percentage of students currently enrolled in a school who</u>	3828
<u>entered ninth grade for the first time five years prior to the</u>	3829
<u>current school year and earned a high school diploma by the</u>	3830
<u>completion of the current school year;</u>	3831
<u>(c) Percentage of students currently enrolled in a school who</u>	3832
<u>entered ninth grade for the first time six years prior to the</u>	3833
<u>current school year and earned a high school diploma by the</u>	3834
<u>completion of the current school year;</u>	3835
<u>(d) Percentage of students currently enrolled in a school who</u>	3836
<u>entered ninth grade for the first time seven years prior to the</u>	3837
<u>current school year and earned a high school diploma by the</u>	3838
<u>completion of the current school year;</u>	3839
<u>(e) Percentage of students currently enrolled in a school who</u>	3840
<u>entered ninth grade for the first time eight years prior to the</u>	3841
<u>current school year and earned a high school diploma by the</u>	3842
<u>completion of the current school year.</u>	3843
<u>(2) The percentage of twelfth-grade students currently</u>	3844
<u>enrolled in the school who are within three months of their</u>	3845
<u>twenty-second birthday and have attained the designated passing</u>	3846
<u>score on all of the applicable state high school achievement</u>	3847
<u>assessments required under division (B)(1) or (2) of section</u>	3848
<u>3301.0710 of the Revised Code by their twenty-second birthday.</u>	3849

(3) Growth in annual student achievement in reading and mathematics as measured by separate nationally norm-referenced assessments, prescribed by the state board. 3850
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(D) The state board shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division (E) of this section. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories: 3853
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(1) Exceeds standards; 3860

(2) Meets standards; 3861

(3) Does not meet standards. 3862

The rating and the relevant performance data for each school shall be posted on the department's web site. 3863
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(E) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(3)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including sample assessments for purposes of measuring student achievement growth as described in division (C)(3) of this section. The department shall consult with stakeholder groups in performing its duties under this division. 3865
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Sec. 3314.019. (A)(1) Any community school established on or after the effective date of this section whose governing authority has entered into a contract with an operator that has operated a community school in the state for not less than five continuous 3876
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school years may function as a hybrid community school in 3880
accordance with this section to provide students with a 3881
combination of technology-based instruction, including internet- 3882
or computer-based instruction, and classroom-based instruction. 3883
The contract adopted under section 3314.03 of the Revised Code 3884
shall describe the hybrid nature of the school's instructional 3885
program and prescribe an academic accountability plan. 3886

(2) The governing authority of any community school 3887
established prior to the effective date of this section that has 3888
entered into a contract with an operator that has operated a 3889
community school in the state for not less than five continuous 3890
school years, upon the approval of the school's sponsor, may 3891
restructure the school as a hybrid community school in accordance 3892
with this section to provide students with a combination of 3893
technology-based instruction and classroom-based instruction. 3894
Prior to the first day of July of the school year in which the 3895
school will be restructured, the governing authority and the 3896
school's sponsor shall amend the contract adopted under section 3897
3314.03 of the Revised Code to describe the hybrid nature of the 3898
school's instructional program, to prescribe an academic 3899
accountability plan, and to make any other changes necessary to 3900
conform the contract to the requirements of this section. 3901

(3) A hybrid community school is not subject to, and shall 3902
not count toward the cap imposed by, section 3314.013 of the 3903
Revised Code. 3904

(B)(1) The governing authority of each hybrid community 3905
school shall require each student enrolled in the school to do 3906
both of the following: 3907

(a) Primarily attend a designated site maintained by the 3908
governing authority that is within a twenty-mile radius of each 3909
student's resident district to receive instruction; 3910

(b) For the period of time the student does not attend the site maintained by the governing authority, work primarily from the student's residence on assignments in nonclassroom-based learning opportunities provided via a technology-based instructional method. 3911
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(2) Before the beginning of each school year, the education team of each student enrolled in a community school established or restructured under this section shall determine the instructional program that best meets the student's needs, including the portion of the student's learning opportunities that shall be devoted to traditional classroom-based instruction and technology-based instruction. As used in this division, "education team" includes, but is not limited to, the chief administrative officer of the school, or the chief administrative officer's designee, the student, the student's parent or guardian, and any teacher requested by the chief administrative officer, student, or parent or guardian. 3916
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(C) The designated site maintained by the school's governing authority for the provision of classroom-based instruction shall be located in a challenged school district or an adjacent school district. However, the challenged school district shall be considered the school district in which the school is located for all purposes of this chapter, including adopting an admission policy under division (A)(19) of section 3314.03 of the Revised Code. 3928
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(D) Notwithstanding anything in this chapter or Chapter 3317. of the Revised Code to the contrary, all of the following apply with respect to each student enrolled in a hybrid community school: 3936
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(1) The community school shall report monthly to the department of education the number of hours each school week that the student is required to attend the designated site described in 3940
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division (C) of this section. 3943

(2) The department shall deduct from the school district reported for the student under division (B)(2)(h) of section 3314.08 of the Revised Code the amounts prescribed under division (C) of section 3314.08 of the Revised Code that would be applicable if the student were enrolled in a community school other than an internet- or computer-based community school. 3944
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(3) The department shall pay to the community school the sum of the following: 3950
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(a) The amount calculated under divisions (D)(1) to (10) of section 3314.08 of the Revised Code; 3952
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(b) Any amount prescribed by division (E) of section 3314.08 of the Revised Code. 3954
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(E) Except as provided in section 3314.091 of the Revised Code, the board of education of each city, local, and exempted village school district shall provide for its district's native students, in accordance with section 3327.01 of the Revised Code, transportation to and from the site described in division (C) of this section on each weekday the students are required to attend school at that site. 3956
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As used in this division, "native student" has the same meaning as in section 3314.09 of the Revised Code. 3963
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(F) A hybrid community school is not an internet- or computer-based community school for purposes of this chapter. Nevertheless, except as otherwise provided in this section, a hybrid community school shall comply with all requirements of this chapter, including any provisions that apply solely to an internet- or computer-based community school. 3965
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Sec. 3314.02. (A) As used in this chapter: 3971

(1) "Sponsor" means the board of education of a school 3972

district or the governing board of an educational service center 3973
that agrees to the conversion of all or part of a school or 3974
building under division (B) of this section, or an entity listed 3975
in division (C)(1) of this section, which either has been approved 3976
by the department of education to sponsor community schools or is 3977
exempted by section 3314.021 or 3314.027 of the Revised Code from 3978
obtaining approval, and with which the governing authority of ~~the~~ 3979
~~proposed~~ a community school enters into a contract ~~pursuant to~~ 3980
~~this~~ under section 3314.03 of the Revised Code. 3981

(2) "Pilot project area" means the school districts included 3982
in the territory of the former community school pilot project 3983
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 3984
the 122nd general assembly. 3985

(3) "Challenged school district" means any of the following: 3986

(a) A school district that is part of the pilot project area; 3987

(b) A school district that is either in a state of academic 3988
emergency or in a state of academic watch under section 3302.03 of 3989
the Revised Code; 3990

(c) A big eight school district; 3991

(d) A school district ranked in the lowest five per cent of 3992
school districts according to performance index score under 3993
section 3302.21 of the Revised Code. 3994

(4) "Big eight school district" means a school district that 3995
for fiscal year 1997 had both of the following: 3996

(a) A percentage of children residing in the district and 3997
participating in the predecessor of Ohio works first greater than 3998
thirty per cent, as reported pursuant to section 3317.10 of the 3999
Revised Code; 4000

(b) An average daily membership greater than twelve thousand, 4001
as reported pursuant to former division (A) of section 3317.03 of 4002

the Revised Code. 4003

(5) "New start-up school" means a community school other than 4004
one created by converting all or part of an existing public school 4005
or educational service center building, as designated in the 4006
school's contract pursuant to division (A)(17) of section 3314.03 4007
of the Revised Code. 4008

(6) "Urban school district" means one of the state's 4009
twenty-one urban school districts as defined in division (O) of 4010
section 3317.02 of the Revised Code as that section existed prior 4011
to July 1, 1998. 4012

(7) "Internet- or computer-based community school" means a 4013
community school established under this chapter in which the 4014
enrolled students work primarily from their residences on 4015
assignments in nonclassroom-based learning opportunities provided 4016
via an internet- or other computer-based instructional method that 4017
does not rely on regular classroom instruction or via 4018
comprehensive instructional methods that include internet-based, 4019
other computer-based, and noncomputer-based learning 4020
opportunities. 4021

(8) "Operator" means either of the following: 4022

(a) An individual or organization that manages the daily 4023
operations of a community school pursuant to a contract between 4024
the operator and the school's governing authority; 4025

(b) A nonprofit organization that provides programmatic 4026
oversight and support to a community school under a contract with 4027
the school's governing authority and that retains the right to 4028
terminate its affiliation with the school if the school fails to 4029
meet the organization's quality standards. 4030

(B) Any person or group of individuals may initially propose 4031
under this division the conversion of all or a portion of a public 4032
school or a building operated by an educational service center to 4033

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 majority of the territory of the district in which the school is proposed to be located;

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

(d) The governing board of any educational service center, as 4065
long as the proposed school will be located in a county within the 4066
territory of the service center or in a county contiguous to such 4067
county; 4068

(e) A sponsoring authority designated by the board of 4069
trustees of any of the thirteen state universities listed in 4070
section 3345.011 of the Revised Code or the board of trustees 4071
itself as long as a mission of the proposed school to be specified 4072
in the contract under division (A)(2) of section 3314.03 of the 4073
Revised Code and as approved by the department of education under 4074
division (B)(2) of section 3314.015 of the Revised Code will be 4075
the practical demonstration of teaching methods, educational 4076
technology, or other teaching practices that are included in the 4077
curriculum of the university's teacher preparation program 4078
approved by the state board of education; 4079

(f) Any qualified tax-exempt entity under section 501(c)(3) 4080
of the Internal Revenue Code as long as all of the following 4081
conditions are satisfied: 4082

(i) The entity has been in operation for at least five years 4083
prior to applying to be a community school sponsor. 4084

(ii) The entity has assets of at least five hundred thousand 4085
dollars and a demonstrated record of financial responsibility. 4086

(iii) The department of education has determined that the 4087
entity is an education-oriented entity under division (B)(3) of 4088
section 3314.015 of the Revised Code and the entity has a 4089
demonstrated record of successful implementation of educational 4090
programs. 4091

(iv) The entity is not a community school. 4092

Any entity described in division (C)(1) of this section may 4093
enter into a preliminary agreement pursuant to division (C)(2) of 4094
this section with the proposing person or group. 4095

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

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

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

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall

notify the department of education when the contract has been 4128
signed. Subject to sections 3314.013 and 3314.016 of the Revised 4129
Code, an unlimited number of community schools may be established 4130
in any school district provided that a contract is entered into 4131
for each community school pursuant to this chapter. 4132

(E)(1) As used in this division, "immediate relatives" are 4133
limited to spouses, children, parents, grandparents, siblings, and 4134
in-laws. 4135

Each new start-up community school established under this 4136
chapter shall be under the direction of a governing authority 4137
which shall consist of a board of not less than five individuals. 4138

No person shall serve on the governing authority or operate 4139
the community school under contract with the governing authority 4140
so long as the person owes the state any money or is in a dispute 4141
over whether the person owes the state any money concerning the 4142
operation of a community school that has closed. 4143

(2) No person shall serve on the governing authorities of 4144
more than ~~two~~ three start-up community schools at the same time. 4145

(3) No present or former member, or immediate relative of a 4146
present or former member, of the governing authority of any 4147
community school established under this chapter shall be an owner, 4148
employee, or consultant of any sponsor or operator of a community 4149
school, unless at least one year has elapsed since the conclusion 4150
of the person's membership. 4151

(4) The governing authority of a start-up community school 4152
may provide by resolution for the compensation of its members. 4153
However, no individual who serves on the governing authority of a 4154
start-up community school shall be compensated more than four 4155
hundred twenty-five dollars per meeting of that governing 4156
authority and no such individual shall be compensated more than a 4157
total amount of five thousand dollars per year for all governing 4158

authorities upon which the individual serves. 4159

(F)(1) A new start-up school that is established prior to 4160
August 15, 2003, in an urban school district that is not also a 4161
big-eight school district may continue to operate after that date 4162
and the contract between the school's governing authority and the 4163
school's sponsor may be renewed, as provided under this chapter, 4164
after that date, but no additional new start-up schools may be 4165
established in such a district unless the district is a challenged 4166
school district as defined in this section as it exists on and 4167
after that date. 4168

(2) A community school that was established prior to June 29, 4169
1999, and is located in a county contiguous to the pilot project 4170
area and in a school district that is not a challenged school 4171
district may continue to operate after that date, provided the 4172
school complies with all provisions of this chapter. The contract 4173
between the school's governing authority and the school's sponsor 4174
may be renewed, but no additional start-up community school may be 4175
established in that district unless the district is a challenged 4176
school district. 4177

(3) Any educational service center that, on June 30, 2007, 4178
sponsors a community school that is not located in a county within 4179
the territory of the service center or in a county contiguous to 4180
such county may continue to sponsor that community school on and 4181
after June 30, 2007, and may renew its contract with the school. 4182
However, the educational service center shall not enter into a 4183
contract with any additional community school unless the school is 4184
located in a county within the territory of the service center or 4185
in a county contiguous to such county. 4186

Sec. 3314.03. A copy of every contract entered into under 4187
this section shall be filed with the superintendent of public 4188
instruction. 4189

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	4190 4191 4192
(1) That the school shall be established as either of the following:	4193 4194
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	4195 4196
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	4197 4198
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	4199 4200 4201 4202
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	4203 4204 4205
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	4206 4207
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	4208 4209
(6)(a) Dismissal procedures;	4210
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	4211 4212 4213 4214 4215 4216
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	4217 4218
(8) Requirements for financial audits by the auditor of	4219

state. The contract shall require financial records of the school 4220
to be maintained in the same manner as are financial records of 4221
school districts, pursuant to rules of the auditor of state. 4222
Audits shall be conducted in accordance with section 117.10 of the 4223
Revised Code. 4224

(9) The facilities to be used and their locations; 4225

(10) Qualifications of teachers, including the following: 4226

(a) A requirement that the school's classroom teachers be 4227
licensed in accordance with sections 3319.22 to 3319.31 of the 4228
Revised Code, except that a community school may engage 4229
noncertificated persons to teach up to twelve hours per week 4230
pursuant to section 3319.301 of the Revised Code; 4231

(b) A requirement that each classroom teacher initially hired 4232
by the school on or after July 1, 2013, and employed to provide 4233
instruction in physical education hold a valid license issued 4234
pursuant to section 3319.22 of the Revised Code for teaching 4235
physical education. 4236

(11) That the school will comply with the following 4237
requirements: 4238

(a) The school will provide learning opportunities to a 4239
minimum of twenty-five students for a minimum of nine hundred 4240
twenty hours per school year. 4241

(b) The governing authority will purchase liability 4242
insurance, or otherwise provide for the potential liability of the 4243
school. 4244

(c) The school will be nonsectarian in its programs, 4245
admission policies, employment practices, and all other 4246
operations, and will not be operated by a sectarian school or 4247
religious institution. 4248

(d) The school will comply with sections 9.90, 9.91, 109.65, 4249

121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 4250
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 4251
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 4252
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 4253
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 4254
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3313.817, 4255
3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 4256
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 4257
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 4258
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 4259
of the Revised Code as if it were a school district and will 4260
comply with section 3301.0714 of the Revised Code in the manner 4261
specified in section 3314.17 of the Revised Code. 4262

(e) The school shall comply with Chapter 102. and section 4263
2921.42 of the Revised Code. 4264

(f) The school will comply with sections 3313.61, 3313.611, 4265
and 3313.614 of the Revised Code, except that for students who 4266
enter ninth grade for the first time before July 1, 2010, the 4267
requirement in sections 3313.61 and 3313.611 of the Revised Code 4268
that a person must successfully complete the curriculum in any 4269
high school prior to receiving a high school diploma may be met by 4270
completing the curriculum adopted by the governing authority of 4271
the community school rather than the curriculum specified in Title 4272
XXXIII of the Revised Code or any rules of the state board of 4273
education. Beginning with students who enter ninth grade for the 4274
first time on or after July 1, 2010, the requirement in sections 4275
3313.61 and 3313.611 of the Revised Code that a person must 4276
successfully complete the curriculum of a high school prior to 4277
receiving a high school diploma shall be met by completing the 4278
Ohio core curriculum prescribed in division (C) of section 4279
3313.603 of the Revised Code, unless the person qualifies under 4280
division (D) or (F) of that section. Each school shall comply with 4281

the plan for awarding high school credit based on demonstration of 4282
subject area competency, adopted by the state board of education 4283
under division (J) of section 3313.603 of the Revised Code. 4284

(g) The school governing authority will submit within four 4285
months after the end of each school year a report of its 4286
activities and progress in meeting the goals and standards of 4287
divisions (A)(3) and (4) of this section and its financial status 4288
to the sponsor and the parents of all students enrolled in the 4289
school. 4290

(h) The school, unless it is an internet- or computer-based 4291
community school, will comply with ~~sections 3313.674 and section~~ 4292
3313.801 of the Revised Code as if it were a school district. 4293

(i) If the school is the recipient of moneys from a grant 4294
awarded under the federal race to the top program, Division (A), 4295
Title XIV, Sections 14005 and 14006 of the "American Recovery and 4296
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 4297
school will pay teachers based upon performance in accordance with 4298
section 3317.141 and will comply with section 3319.111 of the 4299
Revised Code as if it were a school district. 4300

(12) Arrangements for providing health and other benefits to 4301
employees; 4302

(13) The length of the contract, which shall begin at the 4303
beginning of an academic year. No contract shall exceed five years 4304
unless such contract has been renewed pursuant to division (E) of 4305
this section. 4306

(14) The governing authority of the school, which shall be 4307
responsible for carrying out the provisions of the contract; 4308

(15) A financial plan detailing an estimated school budget 4309
for each year of the period of the contract and specifying the 4310
total estimated per pupil expenditure amount for each such year. 4311
The plan shall specify for each year the base formula amount that 4312

will be used for purposes of funding calculations under section 4313
3314.08 of the Revised Code. This base formula amount for any year 4314
shall not exceed the formula amount defined under section 3317.02 4315
of the Revised Code. The plan may also specify for any year a 4316
percentage figure to be used for reducing the per pupil amount of 4317
the subsidy calculated pursuant to section 3317.029 of the Revised 4318
Code the school is to receive that year under section 3314.08 of 4319
the Revised Code. 4320

(16) Requirements and procedures regarding the disposition of 4321
employees of the school in the event the contract is terminated or 4322
not renewed pursuant to section 3314.07 of the Revised Code; 4323

(17) Whether the school is to be created by converting all or 4324
part of an existing public school or educational service center 4325
building or is to be a new start-up school, and if it is a 4326
converted public school or service center building, specification 4327
of any duties or responsibilities of an employer that the board of 4328
education or service center governing board that operated the 4329
school or building before conversion is delegating to the 4330
governing authority of the community school with respect to all or 4331
any specified group of employees provided the delegation is not 4332
prohibited by a collective bargaining agreement applicable to such 4333
employees; 4334

(18) Provisions establishing procedures for resolving 4335
disputes or differences of opinion between the sponsor and the 4336
governing authority of the community school; 4337

(19) A provision requiring the governing authority to adopt a 4338
policy regarding the admission of students who reside outside the 4339
district in which the school is located. That policy shall comply 4340
with the admissions procedures specified in sections 3314.06 and 4341
3314.061 of the Revised Code and, at the sole discretion of the 4342
authority, shall do one of the following: 4343

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	4344 4345
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	4346 4347
(c) Permit the enrollment of students who reside in any other district in the state.	4348 4349
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	4350 4351 4352 4353
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	4354 4355 4356
(22) A provision recognizing both of the following:	4357
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	4358 4359 4360 4361
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	4362 4363 4364 4365 4366 4367 4368
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised	4369 4370 4371 4372 4373

Code; 4374

(24) The school will comply with sections 3302.04 and 4375
3302.041 of the Revised Code, except that any action required to 4376
be taken by a school district pursuant to those sections shall be 4377
taken by the sponsor of the school. However, the sponsor shall not 4378
be required to take any action described in division (F) of 4379
section 3302.04 of the Revised Code. 4380

(25) Beginning in the 2006-2007 school year, the school will 4381
open for operation not later than the thirtieth day of September 4382
each school year, unless the mission of the school as specified 4383
under division (A)(2) of this section is solely to serve dropouts. 4384
In its initial year of operation, if the school fails to open by 4385
the thirtieth day of September, or within one year after the 4386
adoption of the contract pursuant to division (D) of section 4387
3314.02 of the Revised Code if the mission of the school is solely 4388
to serve dropouts, the contract shall be void. 4389

(B) The community school shall also submit to the sponsor a 4390
comprehensive plan for the school. The plan shall specify the 4391
following: 4392

(1) The process by which the governing authority of the 4393
school will be selected in the future; 4394

(2) The management and administration of the school; 4395

(3) If the community school is a currently existing public 4396
school or educational service center building, alternative 4397
arrangements for current public school students who choose not to 4398
attend the converted school and for teachers who choose not to 4399
teach in the school or building after conversion; 4400

(4) The instructional program and educational philosophy of 4401
the school; 4402

(5) Internal financial controls. 4403

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

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

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

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

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

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

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

of the school pursuant to section 3314.07 of the Revised Code as 4435
determined necessary by the sponsor; 4436

(6) Have in place a plan of action to be undertaken in the 4437
event the community school experiences financial difficulties or 4438
closes prior to the end of a school year. 4439

(E) Upon the expiration of a contract entered into under this 4440
section, the sponsor of a community school may, with the approval 4441
of the governing authority of the school, renew that contract for 4442
a period of time determined by the sponsor, but not ending earlier 4443
than the end of any school year, if the sponsor finds that the 4444
school's compliance with applicable laws and terms of the contract 4445
and the school's progress in meeting the academic goals prescribed 4446
in the contract have been satisfactory. Any contract that is 4447
renewed under this division remains subject to the provisions of 4448
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 4449

(F) If a community school fails to open for operation within 4450
one year after the contract entered into under this section is 4451
adopted pursuant to division (D) of section 3314.02 of the Revised 4452
Code or permanently closes prior to the expiration of the 4453
contract, the contract shall be void and the school shall not 4454
enter into a contract with any other sponsor. A school shall not 4455
be considered permanently closed because the operations of the 4456
school have been suspended pursuant to section 3314.072 of the 4457
Revised Code. 4458

Sec. 3314.05. (A) The contract between the community school 4459
and the sponsor shall specify the facilities to be used for the 4460
community school and the method of acquisition. Except as provided 4461
in divisions (B)(3) and (4) of this section, no community school 4462
shall be established in more than one school district under the 4463
same contract. 4464

(B) Division (B) of this section shall not apply to internet- 4465

or computer-based community schools. 4466

(1) A community school may be located in multiple facilities 4467
under the same contract only if the limitations on availability of 4468
space prohibit serving all the grade levels specified in the 4469
contract in a single facility or division (B)(2), (3), or (4) of 4470
this section applies to the school. The school shall not offer the 4471
same grade level classrooms in more than one facility. 4472

(2) A community school may be located in multiple facilities 4473
under the same contract and, notwithstanding division (B)(1) of 4474
this section, may assign students in the same grade level to 4475
multiple facilities, as long as all of the following apply: 4476

(a) The governing authority of the community school filed a 4477
copy of its contract with the school's sponsor under section 4478
3314.03 of the Revised Code with the superintendent of public 4479
instruction on or before May 15, 2008. 4480

(b) The school was not open for operation prior to July 1, 4481
2008. 4482

(c) The governing authority has entered into and maintains a 4483
contract with an operator of the type described in division 4484
(A)(8)(b) of section 3314.02 of the Revised Code. 4485

(d) The contract with that operator qualified the school to 4486
be established pursuant to division (A) of former section 3314.016 4487
of the Revised Code. 4488

(e) Section 3314.017 of the Revised Code does not apply to 4489
the school. 4490

(f) The school's rating under section 3302.03 of the Revised 4491
Code does not fall below "in need of continuous improvement" for 4492
two or more consecutive years. 4493

(3) A new start-up community school may be established in two 4494
school districts under the same contract if all of the following 4495

apply: 4496

(a) At least one of the school districts in which the school 4497
is established is a challenged school district; 4498

(b) The school operates not more than one facility in each 4499
school district and, in accordance with division (B)(1) of this 4500
section, the school does not offer the same grade level classrooms 4501
in both facilities; and 4502

(c) Transportation between the two facilities does not 4503
require more than thirty minutes of direct travel time as measured 4504
by school bus. 4505

In the case of a community school to which division (B)(3) of 4506
this section applies, if only one of the school districts in which 4507
the school is established is a challenged school district, that 4508
district shall be considered the school's primary location and the 4509
district in which the school is located for the purposes of 4510
division (A)(19) of section 3314.03 and divisions (C) and (H) of 4511
section 3314.06 of the Revised Code and for all other purposes of 4512
this chapter. If both of the school districts in which the school 4513
is established are challenged school districts, the school's 4514
governing authority shall designate one of those districts to be 4515
considered the school's primary location and the district in which 4516
the school is located for the purposes of those divisions and all 4517
other purposes of this chapter and shall notify the department of 4518
education of that designation. 4519

(4) A community school may be located in multiple facilities 4520
under the same contract and, notwithstanding division (B)(1) of 4521
this section, may assign students in the same grade level to 4522
multiple facilities, as long as both of the following apply: 4523

(a) The facilities are all located in the same county. 4524

(b) The governing authority has entered into and maintains a 4525
contract with an operator. 4526

In the case of a community school to which division (B)(4) of 4527
this section applies and that maintains facilities in more than 4528
one school district, the school's governing authority shall 4529
designate one of those districts to be considered the school's 4530
primary location and the district in which the school is located 4531
for the purposes of division (A)(19) of section 3314.03 and 4532
divisions (C) and (H) of section 3314.06 of the Revised Code and 4533
for all other purposes of this chapter and shall notify the 4534
department of that designation. 4535

(5) Any facility used for a community school shall meet all 4536
health and safety standards established by law for school 4537
buildings. 4538

(C) In the case where a community school is proposed to be 4539
located in a facility owned by a school district or educational 4540
service center, the facility may not be used for such community 4541
school unless the district or service center board owning the 4542
facility enters into an agreement for the community school to 4543
utilize the facility. Use of the facility may be under any terms 4544
and conditions agreed to by the district or service center board 4545
and the school. 4546

(D) Two or more separate community schools may be located in 4547
the same facility. 4548

(E) In the case of a community school that is located in 4549
multiple facilities, beginning July 1, 2012, the department shall 4550
assign a unique identification number to the school and to each 4551
facility maintained by the school. Each number shall be used for 4552
identification purposes only. Nothing in this division shall be 4553
construed to require the department to calculate the amount of 4554
funds paid under this chapter, or to compute any data required for 4555
the report cards issued under section 3314.012 or 3314.017 of the 4556
Revised Code, for each facility separately. The department shall 4557
make all such calculations or computations for the school as a 4558

whole. 4559

Sec. 3314.08. The deductions under division (C) and the 4560
payments under division (D) of this section for fiscal years 2012 4561
and 2013 shall be made in accordance with section 3314.088 of the 4562
Revised Code. 4563

(A) As used in this section: 4564

(1) "Base formula amount" means the amount specified as such 4565
in a community school's financial plan for a school year pursuant 4566
to division (A)(15) of section 3314.03 of the Revised Code. 4567

(2) "IEP" has the same meaning as in section 3323.01 of the 4568
Revised Code. 4569

(3) "Applicable special education weight" means the multiple 4570
specified in section 3317.013 of the Revised Code for a disability 4571
described in that section. 4572

(4) "Applicable vocational education weight" means: 4573

(a) For a student enrolled in vocational education programs 4574
or classes described in division (A) of section 3317.014 of the 4575
Revised Code, the multiple specified in that division; 4576

(b) For a student enrolled in vocational education programs 4577
or classes described in division (B) of section 3317.014 of the 4578
Revised Code, the multiple specified in that division. 4579

(5) "Entitled to attend school" means entitled to attend 4580
school in a district under section 3313.64 or 3313.65 of the 4581
Revised Code. 4582

(6) A community school student is "included in the poverty 4583
student count" of a school district if the student is entitled to 4584
attend school in the district and the student's family receives 4585
assistance under the Ohio works first program. 4586

(7) "Poverty-based assistance reduction factor" means the 4587

percentage figure, if any, for reducing the per pupil amount of 4588
poverty-based assistance a community school is entitled to receive 4589
pursuant to divisions (D)(5) to (9) of this section in any year, 4590
as specified in the school's financial plan for the year pursuant 4591
to division (A)(15) of section 3314.03 of the Revised Code. 4592

(8) "All-day kindergarten" has the same meaning as in section 4593
3321.05 of the Revised Code. 4594

(9) "State education aid" has the same meaning as in section 4595
5751.20 of the Revised Code. 4596

(B) The state board of education shall adopt rules requiring 4597
both of the following: 4598

(1) The board of education of each city, exempted village, 4599
and local school district to annually report the number of 4600
students entitled to attend school in the district who are 4601
enrolled in grades one through twelve in a community school 4602
established under this chapter, the number of students entitled to 4603
attend school in the district who are enrolled in kindergarten in 4604
a community school, the number of those kindergartners who are 4605
enrolled in all-day kindergarten in their community school, and 4606
for each child, the community school in which the child is 4607
enrolled. 4608

(2) The governing authority of each community school 4609
established under this chapter to annually report all of the 4610
following: 4611

(a) The number of students enrolled in grades one through 4612
twelve and the number of students enrolled in kindergarten in the 4613
school who are not receiving special education and related 4614
services pursuant to an IEP; 4615

(b) The number of enrolled students in grades one through 4616
twelve and the number of enrolled students in kindergarten, who 4617
are receiving special education and related services pursuant to 4618

an IEP;	4619
(c) The number of students reported under division (B)(2)(b)	4620
of this section receiving special education and related services	4621
pursuant to an IEP for a disability described in each of divisions	4622
(A) to (F) of section 3317.013 of the Revised Code;	4623
(d) The full-time equivalent number of students reported	4624
under divisions (B)(2)(a) and (b) of this section who are enrolled	4625
in vocational education programs or classes described in each of	4626
divisions (A) and (B) of section 3317.014 of the Revised Code that	4627
are provided by the community school;	4628
(e) Twenty per cent of the number of students reported under	4629
divisions (B)(2)(a) and (b) of this section who are not reported	4630
under division (B)(2)(d) of this section but who are enrolled in	4631
vocational education programs or classes described in each of	4632
divisions (A) and (B) of section 3317.014 of the Revised Code at a	4633
joint vocational school district under a contract between the	4634
community school and the joint vocational school district and are	4635
entitled to attend school in a city, local, or exempted village	4636
school district whose territory is part of the territory of the	4637
joint vocational school district;	4638
(f) The number of enrolled preschool children with	4639
disabilities receiving special education services in a	4640
state-funded unit;	4641
(g) The community school's base formula amount;	4642
(h) For each student, the city, exempted village, or local	4643
school district in which the student is entitled to attend school;	4644
(i) Any poverty-based assistance reduction factor that	4645
applies to a school year.	4646
(C) From the state education aid calculated for a city,	4647
exempted village, or local school district and, if necessary, from	4648

the payment made to the district under sections 321.24 and 323.156 4649
of the Revised Code, the department of education shall annually 4650
subtract the sum of the amounts described in divisions (C)(1) to 4651
(9) of this section. However, when deducting payments on behalf of 4652
students enrolled in internet- or computer-based community 4653
schools, the department shall deduct only those amounts described 4654
in divisions (C)(1) and (2) of this section. Furthermore, the 4655
aggregate amount deducted under this division shall not exceed the 4656
sum of the district's state education aid and its payment under 4657
sections 321.24 and 323.156 of the Revised Code. 4658

(1) An amount equal to the sum of the amounts obtained when, 4659
for each community school where the district's students are 4660
enrolled, the number of the district's students reported under 4661
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 4662
in grades one through twelve, and one-half the number of students 4663
reported under those divisions who are enrolled in kindergarten, 4664
in that community school is multiplied by the sum of the base 4665
formula amount of that community school plus the per pupil amount 4666
of the base funding supplements specified in divisions (C)(1) to 4667
(4) of section 3317.012 of the Revised Code. 4668

(2) The sum of the amounts calculated under divisions 4669
(C)(2)(a) and (b) of this section: 4670

(a) For each of the district's students reported under 4671
division (B)(2)(c) of this section as enrolled in a community 4672
school in grades one through twelve and receiving special 4673
education and related services pursuant to an IEP for a disability 4674
described in section 3317.013 of the Revised Code, the product of 4675
the applicable special education weight times the community 4676
school's base formula amount; 4677

(b) For each of the district's students reported under 4678
division (B)(2)(c) of this section as enrolled in kindergarten in 4679
a community school and receiving special education and related 4680

services pursuant to an IEP for a disability described in section 4681
3317.013 of the Revised Code, one-half of the amount calculated as 4682
prescribed in division (C)(2)(a) of this section. 4683

(3) For each of the district's students reported under 4684
division (B)(2)(d) of this section for whom payment is made under 4685
division (D)(4) of this section, the amount of that payment; 4686

(4) An amount equal to the sum of the amounts obtained when, 4687
for each community school where the district's students are 4688
enrolled, the number of the district's students enrolled in that 4689
community school who are included in the district's poverty 4690
student count is multiplied by the per pupil amount of 4691
poverty-based assistance the school district receives that year 4692
pursuant to division (C) of section 3317.029 of the Revised Code, 4693
as adjusted by any poverty-based assistance reduction factor of 4694
that community school. The per pupil amount of that aid for the 4695
district shall be calculated by the department. 4696

(5) An amount equal to the sum of the amounts obtained when, 4697
for each community school where the district's students are 4698
enrolled, the district's per pupil amount of aid received under 4699
division (E) of section 3317.029 of the Revised Code, as adjusted 4700
by any poverty-based assistance reduction factor of the community 4701
school, is multiplied by the sum of the following: 4702

(a) The number of the district's students reported under 4703
division (B)(2)(a) of this section who are enrolled in grades one 4704
to three in that community school and who are not receiving 4705
special education and related services pursuant to an IEP; 4706

(b) One-half of the district's students who are enrolled in 4707
all-day or any other kindergarten class in that community school 4708
and who are not receiving special education and related services 4709
pursuant to an IEP; 4710

(c) One-half of the district's students who are enrolled in 4711

all-day kindergarten in that community school and who are not 4712
receiving special education and related services pursuant to an 4713
IEP. 4714

The district's per pupil amount of aid under division (E) of 4715
section 3317.029 of the Revised Code is the quotient of the amount 4716
the district received under that division divided by the 4717
district's kindergarten through third grade ADM, as defined in 4718
that section. 4719

(6) An amount equal to the sum of the amounts obtained when, 4720
for each community school where the district's students are 4721
enrolled, the district's per pupil amount received under division 4722
(F) of section 3317.029 of the Revised Code, as adjusted by any 4723
poverty-based assistance reduction factor of that community 4724
school, is multiplied by the number of the district's students 4725
enrolled in the community school who are identified as 4726
limited-English proficient. 4727

(7) An amount equal to the sum of the amounts obtained when, 4728
for each community school where the district's students are 4729
enrolled, the district's per pupil amount received under division 4730
(G) of section 3317.029 of the Revised Code, as adjusted by any 4731
poverty-based assistance reduction factor of that community 4732
school, is multiplied by the sum of the following: 4733

(a) The number of the district's students enrolled in grades 4734
one through twelve in that community school; 4735

(b) One-half of the number of the district's students 4736
enrolled in kindergarten in that community school. 4737

The district's per pupil amount under division (G) of section 4738
3317.029 of the Revised Code is the district's amount per teacher 4739
calculated under division (G)(1) or (2) of that section divided by 4740
17. 4741

(8) An amount equal to the sum of the amounts obtained when, 4742

for each community school where the district's students are 4743
enrolled, the district's per pupil amount received under divisions 4744
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 4745
by any poverty-based assistance reduction factor of that community 4746
school, is multiplied by the sum of the following: 4747

(a) The number of the district's students enrolled in grades 4748
one through twelve in that community school; 4749

(b) One-half of the number of the district's students 4750
enrolled in kindergarten in that community school. 4751

The district's per pupil amount under divisions (H) and (I) 4752
of section 3317.029 of the Revised Code is the amount calculated 4753
under each division divided by the district's formula ADM, as 4754
defined in section 3317.02 of the Revised Code. 4755

(9) An amount equal to the per pupil state parity aid funding 4756
calculated for the school district under either division (C) or 4757
(D) of section 3317.0217 of the Revised Code multiplied by the sum 4758
of the number of students in grades one through twelve, and 4759
one-half of the number of students in kindergarten, who are 4760
entitled to attend school in the district and are enrolled in a 4761
community school as reported under division (B)(1) of this 4762
section. 4763

(D) The department shall annually pay to a community school 4764
established under this chapter the sum of the amounts described in 4765
divisions (D)(1) to (10) of this section. However, the department 4766
shall calculate and pay to each internet- or computer-based 4767
community school only the amounts described in divisions (D)(1) to 4768
(3) of this section. Furthermore, the sum of the payments to all 4769
community schools under divisions (D)(1), (2), and (4) to (10) of 4770
this section for the students entitled to attend school in any 4771
particular school district shall not exceed the sum of that 4772
district's state education aid and its payment under sections 4773

321.24 and 323.156 of the Revised Code. If the sum of the payments 4774
calculated under those divisions for the students entitled to 4775
attend school in a particular school district exceeds the sum of 4776
that district's state education aid and its payment under sections 4777
321.24 and 323.156 of the Revised Code, the department shall 4778
calculate and apply a proration factor to the payments to all 4779
community schools under those divisions for the students entitled 4780
to attend school in that district. 4781

(1) An amount equal to the sum of the amounts obtained when 4782
the number of students enrolled in grades one through twelve, plus 4783
one-half of the kindergarten students in the school, reported 4784
under divisions (B)(2)(a), (b), and (e) of this section who are 4785
not receiving special education and related services pursuant to 4786
an IEP for a disability described in section 3317.013 of the 4787
Revised Code is multiplied by the sum of the community school's 4788
base formula amount plus the per pupil amount of the base funding 4789
supplements specified in divisions (C)(1) to (4) of section 4790
3317.012 of the Revised Code. 4791

(2) The sum of the following amounts: 4792

(a) For each student reported under division (B)(2)(c) of 4793
this section as enrolled in the school in grades one through 4794
twelve and receiving special education and related services 4795
pursuant to an IEP for a disability described in section 3317.013 4796
of the Revised Code, the following amount: 4797

(the school's base formula amount plus 4798
the per pupil amount of the base funding supplements specified in 4799
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 4800
+ (the applicable special education weight X the 4801
community school's base formula amount); 4802

(b) For each student reported under division (B)(2)(c) of 4803
this section as enrolled in kindergarten and receiving special 4804
education and related services pursuant to an IEP for a disability 4805

described in section 3317.013 of the Revised Code, one-half of the 4806
amount calculated under the formula prescribed in division 4807
(D)(2)(a) of this section. 4808

(3) An amount received from federal funds to provide special 4809
education and related services to students in the community 4810
school, as determined by the superintendent of public instruction. 4811

(4) For each student reported under division (B)(2)(d) of 4812
this section as enrolled in vocational education programs or 4813
classes that are described in section 3317.014 of the Revised 4814
Code, are provided by the community school, and are comparable as 4815
determined by the superintendent of public instruction to school 4816
district vocational education programs and classes eligible for 4817
state weighted funding under section 3317.014 of the Revised Code, 4818
an amount equal to the applicable vocational education weight 4819
times the community school's base formula amount times the 4820
percentage of time the student spends in the vocational education 4821
programs or classes. 4822

(5) An amount equal to the sum of the amounts obtained when, 4823
for each school district where the community school's students are 4824
entitled to attend school, the number of that district's students 4825
enrolled in the community school who are included in the 4826
district's poverty student count is multiplied by the per pupil 4827
amount of poverty-based assistance that school district receives 4828
that year pursuant to division (C) of section 3317.029 of the 4829
Revised Code, as adjusted by any poverty-based assistance 4830
reduction factor of the community school. The per pupil amount of 4831
aid shall be determined as described in division (C)(4) of this 4832
section. 4833

(6) An amount equal to the sum of the amounts obtained when, 4834
for each school district where the community school's students are 4835
entitled to attend school, the district's per pupil amount of aid 4836
received under division (E) of section 3317.029 of the Revised 4837

Code, as adjusted by any poverty-based assistance reduction factor 4838
of the community school, is multiplied by the sum of the 4839
following: 4840

(a) The number of the district's students reported under 4841
division (B)(2)(a) of this section who are enrolled in grades one 4842
to three in that community school and who are not receiving 4843
special education and related services pursuant to an IEP; 4844

(b) One-half of the district's students who are enrolled in 4845
all-day or any other kindergarten class in that community school 4846
and who are not receiving special education and related services 4847
pursuant to an IEP; 4848

(c) One-half of the district's students who are enrolled in 4849
all-day kindergarten in that community school and who are not 4850
receiving special education and related services pursuant to an 4851
IEP. 4852

The district's per pupil amount of aid under division (E) of 4853
section 3317.029 of the Revised Code shall be determined as 4854
described in division (C)(5) of this section. 4855

(7) An amount equal to the sum of the amounts obtained when, 4856
for each school district where the community school's students are 4857
entitled to attend school, the number of that district's students 4858
enrolled in the community school who are identified as 4859
limited-English proficient is multiplied by the district's per 4860
pupil amount received under division (F) of section 3317.029 of 4861
the Revised Code, as adjusted by any poverty-based assistance 4862
reduction factor of the community school. 4863

(8) An amount equal to the sum of the amounts obtained when, 4864
for each school district where the community school's students are 4865
entitled to attend school, the district's per pupil amount 4866
received under division (G) of section 3317.029 of the Revised 4867
Code, as adjusted by any poverty-based assistance reduction factor 4868

of the community school, is multiplied by the sum of the 4869
following: 4870

(a) The number of the district's students enrolled in grades 4871
one through twelve in that community school; 4872

(b) One-half of the number of the district's students 4873
enrolled in kindergarten in that community school. 4874

The district's per pupil amount under division (G) of section 4875
3317.029 of the Revised Code shall be determined as described in 4876
division (C)(7) of this section. 4877

(9) An amount equal to the sum of the amounts obtained when, 4878
for each school district where the community school's students are 4879
entitled to attend school, the district's per pupil amount 4880
received under divisions (H) and (I) of section 3317.029 of the 4881
Revised Code, as adjusted by any poverty-based assistance 4882
reduction factor of the community school, is multiplied by the sum 4883
of the following: 4884

(a) The number of the district's students enrolled in grades 4885
one through twelve in that community school; 4886

(b) One-half of the number of the district's students 4887
enrolled in kindergarten in that community school. 4888

The district's per pupil amount under divisions (H) and (I) 4889
of section 3317.029 of the Revised Code shall be determined as 4890
described in division (C)(8) of this section. 4891

(10) An amount equal to the sum of the amounts obtained when, 4892
for each school district where the community school's students are 4893
entitled to attend school, the district's per pupil amount of 4894
state parity aid funding calculated under either division (C) or 4895
(D) of section 3317.0217 of the Revised Code is multiplied by the 4896
sum of the number of that district's students enrolled in grades 4897
one through twelve, and one-half of the number of that district's 4898

students enrolled in kindergarten, in the community school as 4899
reported under divisions (B)(2)(a) and (b) of this section. 4900

(E)(1) If a community school's costs for a fiscal year for a 4901
student receiving special education and related services pursuant 4902
to an IEP for a disability described in divisions (B) to (F) of 4903
section 3317.013 of the Revised Code exceed the threshold 4904
catastrophic cost for serving the student as specified in division 4905
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 4906
submit to the superintendent of public instruction documentation, 4907
as prescribed by the superintendent, of all its costs for that 4908
student. Upon submission of documentation for a student of the 4909
type and in the manner prescribed, the department shall pay to the 4910
community school an amount equal to the school's costs for the 4911
student in excess of the threshold catastrophic costs. 4912

(2) The community school shall only report under division 4913
(E)(1) of this section, and the department shall only pay for, the 4914
costs of educational expenses and the related services provided to 4915
the student in accordance with the student's individualized 4916
education program. Any legal fees, court costs, or other costs 4917
associated with any cause of action relating to the student may 4918
not be included in the amount. 4919

(F) A community school may apply to the department of 4920
education for preschool children with disabilities unit funding 4921
the school would receive if it were a school district. Upon 4922
request of its governing authority, a community school that 4923
received such unit funding as a school district-operated school 4924
before it became a community school shall retain any units awarded 4925
to it as a school district-operated school provided the school 4926
continues to meet eligibility standards for the unit. 4927

A community school shall be considered a school district and 4928
its governing authority shall be considered a board of education 4929
for the purpose of applying to any state or federal agency for 4930

grants that a school district may receive under federal or state 4931
law or any appropriations act of the general assembly. The 4932
governing authority of a community school may apply to any private 4933
entity for additional funds. 4934

(G) A board of education sponsoring a community school may 4935
utilize local funds to make enhancement grants to the school or 4936
may agree, either as part of the contract or separately, to 4937
provide any specific services to the community school at no cost 4938
to the school. 4939

(H) A community school may not levy taxes or issue bonds 4940
secured by tax revenues. 4941

(I) No community school shall charge tuition for the 4942
enrollment of any student. 4943

(J)(1)(a) A community school may borrow money to pay any 4944
necessary and actual expenses of the school in anticipation of the 4945
receipt of any portion of the payments to be received by the 4946
school pursuant to division (D) of this section. The school may 4947
issue notes to evidence such borrowing. The proceeds of the notes 4948
shall be used only for the purposes for which the anticipated 4949
receipts may be lawfully expended by the school. 4950

(b) A school may also borrow money for a term not to exceed 4951
fifteen years for the purpose of acquiring facilities. 4952

(2) Except for any amount guaranteed under section 3318.50 of 4953
the Revised Code, the state is not liable for debt incurred by the 4954
governing authority of a community school. 4955

(K) For purposes of determining the number of students for 4956
which divisions (D)(5) and (6) of this section applies in any 4957
school year, a community school may submit to the department of 4958
job and family services, no later than the first day of March, a 4959
list of the students enrolled in the school. For each student on 4960
the list, the community school shall indicate the student's name, 4961

address, and date of birth and the school district where the 4962
student is entitled to attend school. Upon receipt of a list under 4963
this division, the department of job and family services shall 4964
determine, for each school district where one or more students on 4965
the list is entitled to attend school, the number of students 4966
residing in that school district who were included in the 4967
department's report under section 3317.10 of the Revised Code. The 4968
department shall make this determination on the basis of 4969
information readily available to it. Upon making this 4970
determination and no later than ninety days after submission of 4971
the list by the community school, the department shall report to 4972
the state department of education the number of students on the 4973
list who reside in each school district who were included in the 4974
department's report under section 3317.10 of the Revised Code. In 4975
complying with this division, the department of job and family 4976
services shall not report to the state department of education any 4977
personally identifiable information on any student. 4978

(L) The department of education shall adjust the amounts 4979
subtracted and paid under divisions (C) and (D) of this section to 4980
reflect any enrollment of students in community schools for less 4981
than the equivalent of a full school year. The state board of 4982
education within ninety days after April 8, 2003, shall adopt in 4983
accordance with Chapter 119. of the Revised Code rules governing 4984
the payments to community schools under this section and section 4985
3314.13 of the Revised Code including initial payments in a school 4986
year and adjustments and reductions made in subsequent periodic 4987
payments to community schools and corresponding deductions from 4988
school district accounts as provided under divisions (C) and (D) 4989
of this section and section 3314.13 of the Revised Code. For 4990
purposes of this section and section 3314.13 of the Revised Code: 4991

(1) A student shall be considered enrolled in the community 4992
school for any portion of the school year the student is 4993

participating at a college under Chapter 3365. of the Revised 4994
Code. 4995

(2) A student shall be considered to be enrolled in a 4996
community school for the period of time beginning on the later of 4997
the date on which the school both has received documentation of 4998
the student's enrollment from a parent and the student has 4999
commenced participation in learning opportunities as defined in 5000
the contract with the sponsor, or thirty days prior to the date on 5001
which the student is entered into the education management 5002
information system established under section 3301.0714 of the 5003
Revised Code. For purposes of applying this division and divisions 5004
(L)(3) and (4) of this section to a community school student, 5005
"learning opportunities" shall be defined in the contract, which 5006
shall describe both classroom-based and non-classroom-based 5007
learning opportunities and shall be in compliance with criteria 5008
and documentation requirements for student participation which 5009
shall be established by the department. Any student's instruction 5010
time in non-classroom-based learning opportunities shall be 5011
certified by an employee of the community school. A student's 5012
enrollment shall be considered to cease on the date on which any 5013
of the following occur: 5014

(a) The community school receives documentation from a parent 5015
terminating enrollment of the student. 5016

(b) The community school is provided documentation of a 5017
student's enrollment in another public or private school. 5018

(c) The community school ceases to offer learning 5019
opportunities to the student pursuant to the terms of the contract 5020
with the sponsor or the operation of any provision of this 5021
chapter. 5022

Except as otherwise specified in this paragraph, beginning in 5023
the 2011-2012 school year, any student who completed the prior 5024

school year in an internet- or computer-based community school 5025
shall be considered to be enrolled in the same school in the 5026
subsequent school year until the student's enrollment has ceased 5027
as specified in division (L)(2) of this section. The department 5028
shall continue subtracting and paying amounts for the student 5029
under divisions (C) and (D) of this section without interruption 5030
at the start of the subsequent school year. However, if the 5031
student without a legitimate excuse fails to participate in the 5032
first one hundred five consecutive hours of learning opportunities 5033
offered to the student in that subsequent school year, the student 5034
shall be considered not to have re-enrolled in the school for that 5035
school year and the department shall recalculate the payments to 5036
the school for that school year to account for the fact that the 5037
student is not enrolled. 5038

(3) The department shall determine each community school 5039
student's percentage of full-time equivalency based on the 5040
percentage of learning opportunities offered by the community 5041
school to that student, reported either as number of hours or 5042
number of days, is of the total learning opportunities offered by 5043
the community school to a student who attends for the school's 5044
entire school year. However, no internet- or computer-based 5045
community school shall be credited for any time a student spends 5046
participating in learning opportunities beyond ten hours within 5047
any period of twenty-four consecutive hours. Whether it reports 5048
hours or days of learning opportunities, each community school 5049
shall offer not less than nine hundred twenty hours of learning 5050
opportunities during the school year. 5051

(4) With respect to the calculation of full-time equivalency 5052
under division (L)(3) of this section, the department shall waive 5053
the number of hours or days of learning opportunities not offered 5054
to a student because the community school was closed during the 5055
school year due to disease epidemic, hazardous weather conditions, 5056

law enforcement emergencies, inoperability of school buses or 5057
other equipment necessary to the school's operation, damage to a 5058
school building, or other temporary circumstances due to utility 5059
failure rendering the school building unfit for school use, so 5060
long as the school was actually open for instruction with students 5061
in attendance during that school year for not less than the 5062
minimum number of hours required by this chapter. The department 5063
shall treat the school as if it were open for instruction with 5064
students in attendance during the hours or days waived under this 5065
division. 5066

(M) The department of education shall reduce the amounts paid 5067
under division (D) of this section to reflect payments made to 5068
colleges under division (B) of section 3365.07 of the Revised Code 5069
or through alternative funding agreements entered into under rules 5070
adopted under section 3365.12 of the Revised Code. 5071

(N)(1) No student shall be considered enrolled in any 5072
internet- or computer-based community school or, if applicable to 5073
the student, in any community school that is required to provide 5074
the student with a computer pursuant to division (C) of section 5075
3314.22 of the Revised Code, unless both of the following 5076
conditions are satisfied: 5077

(a) The student possesses or has been provided with all 5078
required hardware and software materials and all such materials 5079
are operational so that the student is capable of fully 5080
participating in the learning opportunities specified in the 5081
contract between the school and the school's sponsor as required 5082
by division (A)(23) of section 3314.03 of the Revised Code; 5083

(b) The school is in compliance with division (A) of section 5084
3314.22 of the Revised Code, relative to such student. 5085

(2) In accordance with policies adopted jointly by the 5086
superintendent of public instruction and the auditor of state, the 5087

department shall reduce the amounts otherwise payable under 5088
division (D) of this section to any community school that includes 5089
in its program the provision of computer hardware and software 5090
materials to any student, if such hardware and software materials 5091
have not been delivered, installed, and activated for each such 5092
student in a timely manner or other educational materials or 5093
services have not been provided according to the contract between 5094
the individual community school and its sponsor. 5095

The superintendent of public instruction and the auditor of 5096
state shall jointly establish a method for auditing any community 5097
school to which this division pertains to ensure compliance with 5098
this section. 5099

The superintendent, auditor of state, and the governor shall 5100
jointly make recommendations to the general assembly for 5101
legislative changes that may be required to assure fiscal and 5102
academic accountability for such schools. 5103

(O)(1) If the department determines that a review of a 5104
community school's enrollment is necessary, such review shall be 5105
completed and written notice of the findings shall be provided to 5106
the governing authority of the community school and its sponsor 5107
within ninety days of the end of the community school's fiscal 5108
year, unless extended for a period not to exceed thirty additional 5109
days for one of the following reasons: 5110

(a) The department and the community school mutually agree to 5111
the extension. 5112

(b) Delays in data submission caused by either a community 5113
school or its sponsor. 5114

(2) If the review results in a finding that additional 5115
funding is owed to the school, such payment shall be made within 5116
thirty days of the written notice. If the review results in a 5117
finding that the community school owes moneys to the state, the 5118

following procedure shall apply: 5119

(a) Within ten business days of the receipt of the notice of 5120
findings, the community school may appeal the department's 5121
determination to the state board of education or its designee. 5122

(b) The board or its designee shall conduct an informal 5123
hearing on the matter within thirty days of receipt of such an 5124
appeal and shall issue a decision within fifteen days of the 5125
conclusion of the hearing. 5126

(c) If the board has enlisted a designee to conduct the 5127
hearing, the designee shall certify its decision to the board. The 5128
board may accept the decision of the designee or may reject the 5129
decision of the designee and issue its own decision on the matter. 5130

(d) Any decision made by the board under this division is 5131
final. 5132

(3) If it is decided that the community school owes moneys to 5133
the state, the department shall deduct such amount from the 5134
school's future payments in accordance with guidelines issued by 5135
the superintendent of public instruction. 5136

(P) The department shall not subtract from a school 5137
district's state aid account under division (C) of this section 5138
and shall not pay to a community school under division (D) of this 5139
section any amount for any of the following: 5140

(1) Any student who has graduated from the twelfth grade of a 5141
public or nonpublic high school; 5142

(2) Any student who is not a resident of the state; 5143

(3) Any student who was enrolled in the community school 5144
during the previous school year when assessments were administered 5145
under section 3301.0711 of the Revised Code but did not take one 5146
or more of the assessments required by that section and was not 5147
excused pursuant to division (C)(1) or (3) of that section, unless 5148

the superintendent of public instruction grants the student a 5149
waiver from the requirement to take the assessment and a parent is 5150
not paying tuition for the student pursuant to section 3314.26 of 5151
the Revised Code. The superintendent may grant a waiver only for 5152
good cause in accordance with rules adopted by the state board of 5153
education. 5154

(4) Any student who has attained the age of twenty-two years, 5155
except for veterans of the armed services whose attendance was 5156
interrupted before completing the recognized twelve-year course of 5157
the public schools by reason of induction or enlistment in the 5158
armed forces and who apply for enrollment in a community school 5159
not later than four years after termination of war or their 5160
honorable discharge. If, however, any such veteran elects to 5161
enroll in special courses organized for veterans for whom tuition 5162
is paid under federal law, or otherwise, the department shall not 5163
subtract from a school district's state aid account under division 5164
(C) of this section and shall not pay to a community school under 5165
division (D) of this section any amount for that veteran. 5166

Sec. 3314.11. (A) The board of education of each city, 5167
exempted village, and local school district monthly shall review 5168
enrollment for students enrolled in start-up community schools 5169
established under this chapter and entitled to attend school in 5170
the district under section 3313.64 or 3313.65 of the Revised Code. 5171
For each student, the district shall verify to the department of 5172
education both of the following: 5173

(1) The community school in which the student is enrolled; 5174

(2) That the student is entitled to attend school in the 5175
district under section 3313.64 or 3313.65 of the Revised Code. 5176

(B) In determining division (A)(2) of this section, the 5177
governing authority of a community school may adopt a policy that 5178
prescribes the number of documents listed in division (C) of this 5179

section required to verify a student's residency. This policy, if 5180
adopted, shall supersede any policy adopted by the district the 5181
student is entitled to attend. If a community school does not 5182
adopt a policy under this division, the policy of the school 5183
district in which the student is entitled to attend shall prevail. 5184

(C) For purposes of this section, the following documents 5185
belonging to the student's residential parent or legal guardian 5186
are a valid proof of residency: 5187

(1) A deed, mortgage, lease, current home owner's or renter's 5188
insurance declaration page, or current real property tax bill; 5189

(2) A utility bill or receipt of utility installation issued 5190
within ninety days of enrollment; 5191

(3) A valid vehicle registration; 5192

(4) A copy of the most recent tax return or W-2 form; 5193

(5) A voter registration card that is dated not more than two 5194
years earlier than the date of enrollment; 5195

(6) A paycheck or paystub issued within ninety days of the 5196
date of enrollment that includes the residential parent or legal 5197
custodian's address; 5198

(7) The most current available bank statement that includes 5199
the residential parent or legal custodian's address; 5200

(8) Any official document issued by an agency of the federal, 5201
state, or county government dated within ninety days of 5202
enrollment, including, but not limited to, documents issued by the 5203
social security administration, the bureau of workers' 5204
compensation, or a county department of job and family services. 5205
The superintendent of public instruction shall define what 5206
qualifies as an "official document" under this division. 5207

(D) When a student loses permanent housing and becomes a 5208
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 5209

child who is such a homeless child or youth changes temporary 5210
living arrangements, one of the following applies: 5211

(1) If the student was enrolled in a start-up community 5212
school prior to becoming homeless, the school district in which 5213
the student was entitled to attend school shall remain so. 5214

(2) If the student is homeless and enrolls in a start-up 5215
community school subsequent to becoming homeless, the student 5216
shall be entitled to attend school in the school district in which 5217
the student currently resides. 5218

In verifying a student's residence status under division (D) 5219
of this section, a school district shall accept, in addition to 5220
the documents listed in division (C) of this section, a notarized 5221
statement containing the address of the place where the student is 5222
residing signed by the student's residential parent or legal 5223
guardian or a notarized statement signed by the owner or lessee of 5224
a property in which a student is residing, as a student's proof of 5225
residency. 5226

(E) In the event of a disagreement as to which school 5227
district a student is entitled to attend, the superintendent of 5228
public instruction shall determine which district the student is 5229
entitled to attend. 5230

(F) The department shall not withhold payments to a community 5231
school based on a challenge brought by a school district 5232
concerning the community school's enrollment and student residency 5233
reports. 5234

(G) This section does not apply to students enrolled in 5235
conversion community schools. 5236

Sec. 3314.15. The governing authority of a community school, 5237
other than an internet- or computer-based community school, may 5238
screen students for body mass index and weight status category. If 5239

a governing authority elects to require the screenings, it shall 5240
comply with section 3313.674 of the Revised Code in the same 5241
manner required of a school district board of education. 5242

Sec. 3314.17. (A) Each community school established under 5243
this chapter shall participate in the statewide education 5244
management information system established under section 3301.0714 5245
of the Revised Code. All provisions of that section and the rules 5246
adopted under that section apply to each community school as if it 5247
were a school district, except as modified for community schools 5248
under division (B) of this section. Each community school shall 5249
comply with division ~~(B)~~(C) of section 3301.0723 of the Revised 5250
Code. 5251

(B) The rules adopted by the state board of education under 5252
section 3301.0714 of the Revised Code may distinguish methods and 5253
timelines for community schools to annually report data, which 5254
methods and timelines differ from those prescribed for school 5255
districts. Any methods and timelines prescribed for community 5256
schools shall be appropriate to the academic schedule and 5257
financing of community schools. The guidelines, however, shall not 5258
modify the actual data required to be reported under that section. 5259

(C) Each fiscal officer appointed under section 3314.011 of 5260
the Revised Code is responsible for annually reporting the 5261
community school's data under section 3301.0714 of the Revised 5262
Code. If the superintendent of public instruction determines that 5263
a community school fiscal officer has willfully failed to report 5264
data or has willfully reported erroneous, inaccurate, or 5265
incomplete data in any year, or has negligently reported 5266
erroneous, inaccurate, or incomplete data in the current and any 5267
previous year, the superintendent may impose a civil penalty of 5268
one hundred dollars on the fiscal officer after providing the 5269
officer with notice and an opportunity for a hearing in accordance 5270

with Chapter 119. of the Revised Code. The superintendent's 5271
authority to impose civil penalties under this division does not 5272
preclude the state board of education from suspending or revoking 5273
the license of a community school employee under division (N) of 5274
section 3301.0714 of the Revised Code. 5275

(D) No community school shall acquire, change, or update its 5276
student administration software package to manage and report data 5277
required to be reported to the department unless it converts to a 5278
student software package that is certified by the department. 5279

Sec. 3314.18. (A) Subject to division (C) of this section, 5280
the governing authority of each community school shall establish a 5281
breakfast program pursuant to the "National School Lunch Act," 60 5282
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 5283
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 5284
if at least one-fifth of the pupils in the school are eligible 5285
under federal requirements for free breakfasts, and shall 5286
establish a lunch program pursuant to those acts if at least 5287
one-fifth of the pupils are eligible for free lunches. The 5288
governing authority required to establish a breakfast program 5289
under this division may make a charge in accordance with federal 5290
requirements for each reduced price breakfast or paid breakfast to 5291
cover the cost incurred in providing that meal. 5292

(B) Subject to division (C) of this section, the governing 5293
authority of each community school shall establish one of the 5294
following for summer intervention services described in division 5295
(D) of section 3301.0711 ~~and~~ or provided under section 3313.608 of 5296
the Revised Code, and any other summer intervention program 5297
required by law: 5298

(1) An extension of the school breakfast program pursuant to 5299
the "National School Lunch Act" and the "Child Nutrition Act of 5300
1966"; 5301

(2) An extension of the school lunch program pursuant to 5302
those acts; 5303

(3) A summer food service program pursuant to those acts. 5304

(C) If the governing authority of a community school 5305
determines that, for financial reasons, it cannot comply with 5306
division (A) or (B) of this section, the governing authority may 5307
choose not to comply with either or both divisions. In that case, 5308
the governing authority shall communicate to the parents of its 5309
students, in the manner it determines appropriate, its decision 5310
not to comply. 5311

(D) The governing authority of each community school required 5312
to establish a school breakfast, school lunch, or summer food 5313
service program under this section shall apply for state and 5314
federal funds allocated by the state board of education under 5315
division (B) of section 3313.813 of the Revised Code and shall 5316
comply with the state board's standards adopted under that 5317
division. 5318

(E) The governing authority of any community school required 5319
to establish a breakfast program under this section or that elects 5320
to participate in a breakfast program pursuant to the "National 5321
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 5322
breakfast to pupils in their classrooms during the school day. 5323

(F) Notwithstanding anything in this section to the contrary, 5324
in each fiscal year in which the general assembly appropriates 5325
funds for purposes of this division, the governing authority of 5326
each community school required to establish a breakfast program 5327
under this section or that elects to participate in a breakfast 5328
program pursuant to the "National School Lunch Act" and the "Child 5329
Nutrition Act of 1966" shall provide a breakfast free of charge to 5330
each pupil who is eligible under federal requirements for a 5331
reduced price breakfast. 5332

(G) This section does not apply to internet- or 5333
computer-based community schools. 5334

Sec. 3314.39. (A) Notwithstanding any provision to the 5335
contrary in this chapter, the provisions of this section prevail 5336
over conflicting provisions of other sections or items of law of 5337
this chapter. However, except as provided otherwise in this 5338
section, each community school established under this section 5339
shall operate in accordance with the provisions of this chapter. 5340

(B) Not later than January 31, 2013, the department of 5341
education shall issue a request for proposals to establish and 5342
operate a new start-up community school in each region of the 5343
educational regional service system, as prescribed by section 5344
3312.02 of the Revised Code, to serve primarily students 5345
identified as gifted under Chapter 3324. of the Revised Code. 5346

A proposal may be submitted by any school district, 5347
educational service center, institution of higher education, 5348
another community school, a STEM school established under Chapter 5349
3326. of the Revised Code, or a consortium of two or more such 5350
entities. 5351

The department shall select an entity to operate each of the 5352
community schools based upon the following criteria: 5353

(1) Capacity to provide the necessary facilities, 5354
appropriately trained personnel, and other resources; 5355

(2) Capability to serve identified gifted students in the 5356
region through one or more facilities; 5357

(3) Evidence that the entity will work collaboratively with 5358
other school districts and community schools in the region; 5359

(4) Evidence of an appropriate governance structure for the 5360
school; 5361

(5) A memorandum of understanding with an entity eligible to 5362

sponsor community schools under section 3314.02 of the Revised Code to sponsor the school; 5363
5364

(6) Intent of the entity to open the school by September 30, 2014. 5365
5366

(C) A proposal may include recommendations for an alternate funding formula to calculate, or an alternate method to transmit, the amount to be paid to a community school established under this section. That alternate funding formula or alternate method to transmit payment shall not be implemented unless expressly approved by the superintendent of public instruction. No alternate funding formula or alternate method to transmit payment approved under this division shall result in any of the following: 5367
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(1) A deduction from any school district for payments for a student enrolled in the community school that are greater than the aggregate amount that would be deducted under sections 3314.08 and 3314.13 of the Revised Code for that student; 5375
5376
5377
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(2) A tuition charge for any student enrolled in the school; 5379

(3) Denial of admission to the school of any identified gifted student residing in the state. 5380
5381

(D) If no entity responds to the request for proposals or submits a proposal that satisfies the criteria prescribed by divisions (B)(1) to (6) of this section to operate a community school for a region, the department may select a school district, educational service center, institution of higher education, or STEM school to establish and operate the school for that region. In the event that the department selects a school district, educational service center, institution of higher education, or STEM school under this division to operate the school and no entity eligible to sponsor community schools under section 3314.02 of Revised Code can be contracted to sponsor the school, the office of Ohio school sponsorship within the department shall act 5382
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as the school's sponsor and shall have all of the powers and 5394
duties that apply to sponsors under this chapter, except that the 5395
office shall not be entitled to a sponsorship fee as otherwise 5396
authorized under division (B) of section 3314.029 or division (C) 5397
of section 3314.03 of the Revised Code. Community schools 5398
sponsored by the office under this division shall not apply to the 5399
limit on directly authorized community schools under division 5400
(A)(3) of section 3314.029 of the Revised Code. 5401

(E) The entity selected by the department to operate each 5402
community school shall be considered the school's operator and 5403
shall comply with all provisions of this chapter. Each school 5404
established under this section shall not be an internet- or other 5405
computer-based community school, but it may use internet- or other 5406
computer-based methods to provide services to enrolled students. 5407
The school may operate in multiple facilities in more than one 5408
school district. The school shall not be required to operate any 5409
facility in a challenged school district. Each school shall be 5410
open to all identified gifted students residing in the state. 5411

Sec. 3317.01. As used in this section, "school district," 5412
unless otherwise specified, means any city, local, exempted 5413
village, joint vocational, or cooperative education school 5414
district and any educational service center. 5415

This chapter shall be administered by the state board of 5416
education. The superintendent of public instruction shall 5417
calculate the amounts payable to each school district and shall 5418
certify the amounts payable to each eligible district to the 5419
treasurer of the district as provided by this chapter. As soon as 5420
possible after such amounts are calculated, the superintendent 5421
shall certify to the treasurer of each school district the 5422
district's adjusted charge-off increase, as defined in section 5423
5705.211 of the Revised Code. No moneys shall be distributed 5424

pursuant to this chapter without the approval of the controlling board. 5425
5426

The state board of education shall, in accordance with 5427
appropriations made by the general assembly, meet the financial 5428
obligations of this chapter. 5429

Moneys distributed pursuant to this chapter shall be 5430
calculated and paid on a fiscal year basis, beginning with the 5431
first day of July and extending through the thirtieth day of June. 5432
The moneys appropriated for each fiscal year shall be distributed 5433
periodically to each school district unless otherwise provided 5434
for. The state board, in June of each year, shall submit to the 5435
controlling board the state board's year-end distributions 5436
pursuant to this chapter. 5437

Except as otherwise provided, payments under this chapter 5438
shall be made only to those school districts in which: 5439

(A) The school district, except for any educational service 5440
center and any joint vocational or cooperative education school 5441
district, levies for current operating expenses at least twenty 5442
mills. Levies for joint vocational or cooperative education school 5443
districts or county school financing districts, limited to or to 5444
the extent apportioned to current expenses, shall be included in 5445
this qualification requirement. School district income tax levies 5446
under Chapter 5748. of the Revised Code, limited to or to the 5447
extent apportioned to current operating expenses, shall be 5448
included in this qualification requirement to the extent 5449
determined by the tax commissioner under division (D) of section 5450
3317.021 of the Revised Code. 5451

(B) The school year next preceding the fiscal year for which 5452
such payments are authorized meets the requirement of section 5453
3313.48 or 3313.481 of the Revised Code, with regard to the 5454
minimum number of days or hours school must be open for 5455

instruction with pupils in attendance, for individualized 5456
parent-teacher conference and reporting periods, and for 5457
professional meetings of teachers. This requirement shall be 5458
waived by the superintendent of public instruction if it had been 5459
necessary for a school to be closed because of disease epidemic, 5460
hazardous weather conditions, law enforcement emergencies, 5461
inoperability of school buses or other equipment necessary to the 5462
school's operation, damage to a school building, or other 5463
temporary circumstances due to utility failure rendering the 5464
school building unfit for school use, provided that for those 5465
school districts operating pursuant to section 3313.48 of the 5466
Revised Code the number of days the school was actually open for 5467
instruction with pupils in attendance and for individualized 5468
parent-teacher conference and reporting periods is not less than 5469
one hundred seventy-five, or for those school districts operating 5470
on a trimester plan the number of days the school was actually 5471
open for instruction with pupils in attendance not less than 5472
seventy-nine days in any trimester, for those school districts 5473
operating on a quarterly plan the number of days the school was 5474
actually open for instruction with pupils in attendance not less 5475
than fifty-nine days in any quarter, or for those school districts 5476
operating on a pentamester plan the number of days the school was 5477
actually open for instruction with pupils in attendance not less 5478
than forty-four days in any pentamester. 5479

A school district shall not be considered to have failed to 5480
comply with this division or section 3313.481 of the Revised Code 5481
because schools were open for instruction but either twelfth grade 5482
students were excused from attendance for up to three days or only 5483
a portion of the kindergarten students were in attendance for up 5484
to three days in order to allow for the gradual orientation to 5485
school of such students. 5486

The superintendent of public instruction shall waive the 5487

requirements of this section with reference to the minimum number 5488
of days or hours school must be in session with pupils in 5489
attendance for the school year succeeding the school year in which 5490
a board of education initiates a plan of operation pursuant to 5491
section 3313.481 of the Revised Code. The minimum requirements of 5492
this section shall again be applicable to such a district 5493
beginning with the school year commencing the second July 5494
succeeding the initiation of one such plan, and for each school 5495
year thereafter. 5496

A school district shall not be considered to have failed to 5497
comply with this division or section 3313.48 or 3313.481 of the 5498
Revised Code because schools were open for instruction but the 5499
length of the regularly scheduled school day, for any number of 5500
days during the school year, was reduced by not more than two 5501
hours due to hazardous weather conditions. 5502

A board of education or governing board of an educational 5503
service center which has not conformed with other law and the 5504
rules pursuant thereto, shall not participate in the distribution 5505
of funds authorized by this chapter, except for good and 5506
sufficient reason established to the satisfaction of the state 5507
board of education and the state controlling board. 5508

All funds allocated to school districts under this chapter, 5509
except those specifically allocated for other purposes, shall be 5510
used to pay current operating expenses only. 5511

Sec. 3317.03. (A) The superintendent of each city, local, and 5512
exempted village school district and of each educational service 5513
center shall, for the schools under the superintendent's 5514
supervision, certify to the state board of education on or before 5515
the fifteenth day of October in each year for the first full 5516
school week in October the average daily membership of students 5517
receiving services from schools under the superintendent's 5518

supervision, and the numbers of other students entitled to attend 5519
school in the district under section 3313.64 or 3313.65 of the 5520
Revised Code the superintendent is required to report under this 5521
section, so that the department of education can calculate the 5522
district's formula ADM. If a school under the superintendent's 5523
supervision is closed for one or more days during that week due to 5524
hazardous weather conditions or other circumstances described in 5525
the first paragraph of division (B) of section 3317.01 of the 5526
Revised Code, the superintendent may apply to the superintendent 5527
of public instruction for a waiver, under which the superintendent 5528
of public instruction may exempt the district superintendent from 5529
certifying the average daily membership for that school for that 5530
week and specify an alternate week for certifying the average 5531
daily membership of that school. 5532

The average daily membership during such week shall consist 5533
of the sum of the following: 5534

(1) On an FTE basis, the number of students in grades 5535
kindergarten through twelve receiving any educational services 5536
from the district, except that the following categories of 5537
students shall not be included in the determination: 5538

(a) Students enrolled in adult education classes; 5539

(b) Adjacent or other district students enrolled in the 5540
district under an open enrollment policy pursuant to section 5541
3313.98 of the Revised Code; 5542

(c) Students receiving services in the district pursuant to a 5543
compact, cooperative education agreement, or a contract, but who 5544
are entitled to attend school in another district pursuant to 5545
section 3313.64 or 3313.65 of the Revised Code; 5546

(d) Students for whom tuition is payable pursuant to sections 5547
3317.081 and 3323.141 of the Revised Code; 5548

(e) Students receiving services in the district through a 5549

scholarship awarded under either section 3310.41 or sections 5550
3310.51 to 3310.64 of the Revised Code. 5551

(2) On an FTE basis, the number of students entitled to 5552
attend school in the district pursuant to section 3313.64 or 5553
3313.65 of the Revised Code, but receiving educational services in 5554
grades kindergarten through twelve from one or more of the 5555
following entities: 5556

(a) A community school pursuant to Chapter 3314. of the 5557
Revised Code, including any participation in a college pursuant to 5558
Chapter 3365. of the Revised Code while enrolled in such community 5559
school; 5560

(b) An alternative school pursuant to sections 3313.974 to 5561
3313.979 of the Revised Code as described in division (I)(2)(a) or 5562
(b) of this section; 5563

(c) A college pursuant to Chapter 3365. of the Revised Code, 5564
except when the student is enrolled in the college while also 5565
enrolled in a community school pursuant to Chapter 3314. or a 5566
science, technology, engineering, and mathematics school 5567
established under Chapter 3326. of the Revised Code; 5568

(d) An adjacent or other school district under an open 5569
enrollment policy adopted pursuant to section 3313.98 of the 5570
Revised Code; 5571

(e) An educational service center or cooperative education 5572
district; 5573

(f) Another school district under a cooperative education 5574
agreement, compact, or contract; 5575

(g) A ~~chartered~~ nonpublic school with a scholarship paid 5576
under section 3310.08 of the Revised Code; 5577

(h) An alternative public provider or a registered private 5578
provider with a scholarship awarded under either section 3310.41 5579

or sections 3310.51 to 3310.64 of the Revised Code. 5580

As used in this section, "alternative public provider" and 5581
"registered private provider" have the same meanings as in section 5582
3310.41 or 3310.51 of the Revised Code, as applicable. 5583

(i) A science, technology, engineering, and mathematics 5584
school established under Chapter 3326. of the Revised Code, 5585
including any participation in a college pursuant to Chapter 3365. 5586
of the Revised Code while enrolled in the school; 5587

(j) A college-preparatory boarding school established under 5588
Chapter 3328. of the Revised Code. 5589

(3) The number of students enrolled in a joint vocational 5590
school district or under a vocational education compact, excluding 5591
any students entitled to attend school in the district under 5592
section 3313.64 or 3313.65 of the Revised Code who are enrolled in 5593
another school district through an open enrollment policy as 5594
reported under division (A)(2)(d) of this section and then enroll 5595
in a joint vocational school district or under a vocational 5596
education compact; 5597

(4) The number of children with disabilities, other than 5598
preschool children with disabilities, entitled to attend school in 5599
the district pursuant to section 3313.64 or 3313.65 of the Revised 5600
Code who are placed by the district with a county DD board, minus 5601
the number of such children placed with a county DD board in 5602
fiscal year 1998. If this calculation produces a negative number, 5603
the number reported under division (A)(4) of this section shall be 5604
zero. 5605

(B) To enable the department of education to obtain the data 5606
needed to complete the calculation of payments pursuant to this 5607
chapter, in addition to the average daily membership, each 5608
superintendent shall report separately the following student 5609
counts for the same week for which average daily membership is 5610

certified:	5611
(1) The total average daily membership in regular learning day classes included in the report under division (A)(1) or (2) of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;	5612 5613 5614 5615
(2) The number of all preschool children with disabilities enrolled as of the first day of December in classes in the district that are eligible for approval under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section;	5616 5617 5618 5619 5620 5621
(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:	5622 5623 5624
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	5625 5626 5627
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	5628 5629 5630 5631 5632
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	5633 5634
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	5635 5636 5637 5638 5639 5640

(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	5641 5642 5643 5644
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	5645 5646
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	5647 5648 5649
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	5650 5651 5652
(i) Participating in a program operated by a county DD board or a state institution;	5653 5654
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	5655 5656 5657 5658
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	5659 5660
(4) The number of pupils enrolled in joint vocational schools;	5661 5662
(5) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	5663 5664 5665 5666 5667 5668 5669 5670

(6) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(7) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(8) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(9) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(10) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;

(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

Beginning with fiscal year 2010, vocational education ADM shall not be used to calculate a district's funding but shall be reported under divisions (B)(11) and (12) of this section for

statistical purposes.	5735
(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;	5736 5737 5738 5739
(14)(a) The number of children, other than preschool children with disabilities, the district placed with a county DD board in fiscal year 1998;	5740 5741 5742
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	5743 5744 5745 5746 5747
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	5748 5749 5750 5751 5752
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	5753 5754 5755 5756 5757
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	5758 5759 5760 5761 5762
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education	5763 5764 5765

services for the category five disabilities described in division 5766
(E) of section 3317.013 of the Revised Code; 5767

(g) The number of children with disabilities, other than 5768
preschool children with disabilities, placed with a county DD 5769
board in the current fiscal year to receive special education 5770
services for category six disabilities described in division (F) 5771
of section 3317.013 of the Revised Code. 5772

(C)(1) The average daily membership in divisions (B)(1) to 5773
(12) of this section shall be based upon the number of full-time 5774
equivalent students. The state board of education shall adopt 5775
rules defining full-time equivalent students and for determining 5776
the average daily membership therefrom for the purposes of 5777
divisions (A), (B), and (D) of this section. Each student enrolled 5778
in kindergarten shall be counted as one full-time equivalent 5779
student regardless of whether the student is enrolled in a 5780
part-day or all-day kindergarten class. 5781

(2) A student enrolled in a community school established 5782
under Chapter 3314., a science, technology, engineering, and 5783
mathematics school established under Chapter 3326., or a 5784
college-preparatory boarding school established under Chapter 5785
3328. of the Revised Code shall be counted in the formula ADM and, 5786
if applicable, the category one, two, three, four, five, or six 5787
special education ADM of the school district in which the student 5788
is entitled to attend school under section 3313.64 or 3313.65 of 5789
the Revised Code for the same proportion of the school year that 5790
the student is counted in the enrollment of the community school, 5791
the science, technology, engineering, and mathematics school, or 5792
the college-preparatory boarding school for purposes of section 5793
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 5794
the number of students reported pursuant to division (B)(3)(d), 5795
(e), (j), or (k) of this section, the department may adjust the 5796
formula ADM of a school district to account for students entitled 5797

to attend school in the district under section 3313.64 or 3313.65 5798
of the Revised Code who are enrolled in a community school, a 5799
science, technology, engineering, and mathematics school, or a 5800
college-preparatory boarding school for only a portion of the 5801
school year. 5802

(3) No child shall be counted as more than a total of one 5803
child in the sum of the average daily memberships of a school 5804
district under division (A), divisions (B)(1) to (12), or division 5805
(D) of this section, except as follows: 5806

(a) A child with a disability described in section 3317.013 5807
of the Revised Code may be counted both in formula ADM and in 5808
category one, two, three, four, five, or six special education ADM 5809
and, if applicable, in category one or two vocational education 5810
ADM. As provided in division (C) of section 3317.02 of the Revised 5811
Code, such a child shall be counted in category one, two, three, 5812
four, five, or six special education ADM in the same proportion 5813
that the child is counted in formula ADM. 5814

(b) A child enrolled in vocational education programs or 5815
classes described in section 3317.014 of the Revised Code may be 5816
counted both in formula ADM and category one or two vocational 5817
education ADM and, if applicable, in category one, two, three, 5818
four, five, or six special education ADM. Such a child shall be 5819
counted in category one or two vocational education ADM in the 5820
same proportion as the percentage of time that the child spends in 5821
the vocational education programs or classes. 5822

(4) Based on the information reported under this section, the 5823
department of education shall determine the total student count, 5824
as defined in section 3301.011 of the Revised Code, for each 5825
school district. 5826

(D)(1) The superintendent of each joint vocational school 5827
district shall certify to the superintendent of public instruction 5828

on or before the fifteenth day of October in each year for the 5829
first full school week in October the formula ADM, for purposes of 5830
section 3318.42 of the Revised Code and for any other purpose 5831
prescribed by law for which "formula ADM" of the joint vocational 5832
district is a factor. If a school operated by the joint vocational 5833
school district is closed for one or more days during that week 5834
due to hazardous weather conditions or other circumstances 5835
described in the first paragraph of division (B) of section 5836
3317.01 of the Revised Code, the superintendent may apply to the 5837
superintendent of public instruction for a waiver, under which the 5838
superintendent of public instruction may exempt the district 5839
superintendent from certifying the formula ADM for that school for 5840
that week and specify an alternate week for certifying the formula 5841
ADM of that school. 5842

The formula ADM, except as otherwise provided in this 5843
division, shall consist of the average daily membership during 5844
such week, on an FTE basis, of the number of students receiving 5845
any educational services from the district, including students 5846
enrolled in a community school established under Chapter 3314. or 5847
a science, technology, engineering, and mathematics school 5848
established under Chapter 3326. of the Revised Code who are 5849
attending the joint vocational district under an agreement between 5850
the district board of education and the governing authority of the 5851
community school or the governing body of the science, technology, 5852
engineering, and mathematics school and are entitled to attend 5853
school in a city, local, or exempted village school district whose 5854
territory is part of the territory of the joint vocational 5855
district. 5856

The following categories of students shall not be included in 5857
the determination made under division (D)(1) of this section: 5858

(a) Students enrolled in adult education classes; 5859

(b) Adjacent or other district joint vocational students 5860

enrolled in the district under an open enrollment policy pursuant	5861
to section 3313.98 of the Revised Code;	5862
(c) Students receiving services in the district pursuant to a	5863
compact, cooperative education agreement, or a contract, but who	5864
are entitled to attend school in a city, local, or exempted	5865
village school district whose territory is not part of the	5866
territory of the joint vocational district;	5867
(d) Students for whom tuition is payable pursuant to sections	5868
3317.081 and 3323.141 of the Revised Code.	5869
(2) To enable the department of education to obtain the data	5870
needed to complete the calculation of payments pursuant to this	5871
chapter, in addition to the formula ADM, each superintendent shall	5872
report separately the average daily membership included in the	5873
report under division (D)(1) of this section for each of the	5874
following categories of students for the same week for which	5875
formula ADM is certified:	5876
(a) Students enrolled in each individual grade included in	5877
the joint vocational district schools;	5878
(b) Children with disabilities receiving special education	5879
services for the category one disability described in division (A)	5880
of section 3317.013 of the Revised Code;	5881
(c) Children with disabilities receiving special education	5882
services for the category two disabilities described in division	5883
(B) of section 3317.013 of the Revised Code;	5884
(d) Children with disabilities receiving special education	5885
services for category three disabilities described in division (C)	5886
of section 3317.013 of the Revised Code;	5887
(e) Children with disabilities receiving special education	5888
services for category four disabilities described in division (D)	5889
of section 3317.013 of the Revised Code;	5890

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	5891 5892 5893
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	5894 5895 5896
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	5897 5898 5899
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	5900 5901 5902
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	5903 5904 5905 5906 5907
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of	5908 5909 5910 5911 5912 5913 5914 5915 5916 5917 5918 5919 5920 5921

any school any of the following:	5922
(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;	5923 5924
(2) Any pupil who is not a resident of the state;	5925
(3) Any pupil who was enrolled in the schools of the district 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;	5926 5927 5928 5929 5930
(4) Any pupil 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 reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge.	5931 5932 5933 5934 5935 5936 5937
If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership.	5938 5939 5940 5941 5942
Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.	5943 5944 5945 5946 5947 5948 5949 5950 5951
Except as provided in divisions (B)(2) and (F) of this	5952

section, the average daily membership figure of any local, city, 5953
exempted village, or joint vocational school district shall be 5954
determined by dividing the figure representing the sum of the 5955
number of pupils enrolled during each day the school of attendance 5956
is actually open for instruction during the week for which the 5957
average daily membership is being certified by the total number of 5958
days the school was actually open for instruction during that 5959
week. For purposes of state funding, "enrolled" persons are only 5960
those pupils who are attending school, those who have attended 5961
school during the current school year and are absent for 5962
authorized reasons, and those children with disabilities currently 5963
receiving home instruction. 5964

The average daily membership figure of any cooperative 5965
education school district shall be determined in accordance with 5966
rules adopted by the state board of education. 5967

(F)(1) If the formula ADM for the first full school week in 5968
February is at least three per cent greater than that certified 5969
for the first full school week in the preceding October, the 5970
superintendent of schools of any city, exempted village, or joint 5971
vocational school district or educational service center shall 5972
certify such increase to the superintendent of public instruction. 5973
Such certification shall be submitted no later than the fifteenth 5974
day of February. For the balance of the fiscal year, beginning 5975
with the February payments, the superintendent of public 5976
instruction shall use the increased formula ADM in calculating or 5977
recalculating the amounts to be allocated in accordance with 5978
section 3317.022 or 3317.16 of the Revised Code. In no event shall 5979
the superintendent use an increased membership certified to the 5980
superintendent after the fifteenth day of February. Division 5981
(F)(1) of this section does not apply after fiscal year 2006. 5982

(2) If on the first school day of April the total number of 5983
classes or units for preschool children with disabilities that are 5984

eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the department determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the department shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code.

(3) If a student attending a community school under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code is not included in the formula ADM certified for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school during the week for which the formula ADM is being certified.

(4) If a student awarded an educational choice scholarship is

not included in the formula ADM of the school district from which 6017
the department deducts funds for the scholarship under section 6018
3310.08 of the Revised Code, the department shall adjust the 6019
formula ADM of that school district to include the student to the 6020
extent necessary to account for the deduction, and shall 6021
recalculate the school district's payments under this chapter for 6022
the entire fiscal year on the basis of that adjusted formula ADM. 6023
This requirement applies regardless of whether the student was 6024
enrolled, as defined in division (E) of this section, in the 6025
chartered or approved nonpublic school, the school district, or a 6026
community school during the week for which the formula ADM is 6027
being certified. 6028

(5) If a student awarded a scholarship under the Jon Peterson 6029
special needs scholarship program is not included in the formula 6030
ADM of the school district from which the department deducts funds 6031
for the scholarship under section 3310.55 of the Revised Code, the 6032
department shall adjust the formula ADM of that school district to 6033
include the student to the extent necessary to account for the 6034
deduction, and shall recalculate the school district's payments 6035
under this chapter for the entire fiscal year on the basis of that 6036
adjusted formula ADM. This requirement applies regardless of 6037
whether the student was enrolled, as defined in division (E) of 6038
this section, in an alternative public provider, a registered 6039
private provider, or the school district during the week for which 6040
the formula ADM is being certified. 6041

(G)(1)(a) The superintendent of an institution operating a 6042
special education program pursuant to section 3323.091 of the 6043
Revised Code shall, for the programs under such superintendent's 6044
supervision, certify to the state board of education, in the 6045
manner prescribed by the superintendent of public instruction, 6046
both of the following: 6047

(i) The average daily membership of all children with 6048

disabilities other than preschool children with disabilities 6049
receiving services at the institution for each category of 6050
disability described in divisions (A) to (F) of section 3317.013 6051
of the Revised Code; 6052

(ii) The average daily membership of all preschool children 6053
with disabilities in classes or programs approved annually by the 6054
department of education for unit funding under section 3317.05 of 6055
the Revised Code. 6056

(b) The superintendent of an institution with vocational 6057
education units approved under division (A) of section 3317.05 of 6058
the Revised Code shall, for the units under the superintendent's 6059
supervision, certify to the state board of education the average 6060
daily membership in those units, in the manner prescribed by the 6061
superintendent of public instruction. 6062

(2) The superintendent of each county DD board that maintains 6063
special education classes under section 3317.20 of the Revised 6064
Code or units approved pursuant to section 3317.05 of the Revised 6065
Code shall do both of the following: 6066

(a) Certify to the state board, in the manner prescribed by 6067
the board, the average daily membership in classes under section 6068
3317.20 of the Revised Code for each school district that has 6069
placed children in the classes; 6070

(b) Certify to the state board, in the manner prescribed by 6071
the board, the number of all preschool children with disabilities 6072
enrolled as of the first day of December in classes eligible for 6073
approval under division (B) of section 3317.05 of the Revised 6074
Code, and the number of those classes. 6075

(3)(a) If on the first school day of April the number of 6076
classes or units maintained for preschool children with 6077
disabilities by the county DD board that are eligible for approval 6078
under division (B) of section 3317.05 of the Revised Code is 6079

greater than the number of units approved for the year under that 6080
division, the superintendent shall make the certification required 6081
by this section for that day. 6082

(b) If the department determines that additional classes or 6083
units can be approved for the fiscal year within any limitations 6084
set forth in the acts appropriating moneys for the funding of the 6085
classes and units described in division (G)(3)(a) of this section, 6086
the department shall approve and fund additional units for the 6087
fiscal year on the basis of such average daily membership. For 6088
each unit so approved, the department shall pay an amount computed 6089
in the manner prescribed in sections 3317.052 and 3317.053 of the 6090
Revised Code. 6091

(H) Except as provided in division (I) of this section, when 6092
any city, local, or exempted village school district provides 6093
instruction for a nonresident pupil whose attendance is 6094
unauthorized attendance as defined in section 3327.06 of the 6095
Revised Code, that pupil's membership shall not be included in 6096
that district's membership figure used in the calculation of that 6097
district's formula ADM or included in the determination of any 6098
unit approved for the district under section 3317.05 of the 6099
Revised Code. The reporting official shall report separately the 6100
average daily membership of all pupils whose attendance in the 6101
district is unauthorized attendance, and the membership of each 6102
such pupil shall be credited to the school district in which the 6103
pupil is entitled to attend school under division (B) of section 6104
3313.64 or section 3313.65 of the Revised Code as determined by 6105
the department of education. 6106

(I)(1) A city, local, exempted village, or joint vocational 6107
school district admitting a scholarship student of a pilot project 6108
district pursuant to division (C) of section 3313.976 of the 6109
Revised Code may count such student in its average daily 6110
membership. 6111

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the average daily membership certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.11. (A) As used in this section:

(1) "Client school district" means a city, exempted village, or local school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from

an educational service center. 6142

(2) "Service center ADM" means the sum of the total student 6143
counts of all of an educational service center's client school 6144
districts. 6145

(3) "STEM school" means a science, technology, engineering, 6146
and mathematics school established under Chapter 3326. of the 6147
Revised Code. 6148

(4) "Total student count" has the same meaning as in section 6149
3301.011 of the Revised Code. 6150

(B)(1) Beginning with the 2012-2013 school year, this 6151
division shall not apply to any client school district that has 6152
elected not to receive supervisory services under this division, 6153
as specified in the district's agreement under section 3313.843 of 6154
the Revised Code, and the department of education shall not make 6155
any deductions for the district under this division. 6156

(1) The governing board of each educational service center 6157
shall provide supervisory services to each of its client school 6158
districts. Except as provided in division (B)(2) of this section, 6159
the supervisory services shall not exceed one supervisory teacher 6160
for the first fifty classroom teachers required to be employed in 6161
the districts, as calculated in the manner prescribed under former 6162
division (B) of section 3317.023 of the Revised Code, as that 6163
division existed prior to June 30, 2011, and one for each 6164
additional one hundred required classroom teachers, as so 6165
calculated. 6166

The supervisory services shall be financed annually through 6167
supervisory units. Except as provided in division (B)(2) of this 6168
section, the number of supervisory units assigned to each district 6169
shall not exceed one unit for the first fifty classroom teachers 6170
required to be employed in the district, as calculated in the 6171
manner prescribed under former division (B) of section 3317.023 of 6172

the Revised Code, as that division existed prior to June 30, 2011, 6173
and one for each additional one hundred required classroom 6174
teachers, as so calculated. The cost of each supervisory unit 6175
shall be the sum of: 6176

(a) The minimum salary prescribed by section 3317.13 of the 6177
Revised Code for the licensed supervisory employee of the 6178
governing board; 6179

(b) An amount equal to fifteen per cent of that salary; 6180

(c) An allowance for necessary travel expenses, limited to 6181
the lesser of two hundred twenty-three dollars and sixteen cents 6182
per month or two thousand six hundred seventy-eight dollars per 6183
year. 6184

(2) If a majority of the boards of education, or 6185
superintendents acting on behalf of the boards, of the client 6186
school districts receiving services from the educational service 6187
center agree to receive additional supervisory services and to pay 6188
the cost of a corresponding number of supervisory units in excess 6189
of the services and units specified in division (B)(1) of this 6190
section, the service center shall provide the additional services 6191
as agreed to by the majority of districts to, and the department 6192
~~of education~~ shall apportion the cost of the corresponding number 6193
of additional supervisory units pursuant to division (B)(3) of 6194
this section among, all of the service center's client school 6195
districts. 6196

(3) The department shall apportion the total cost for all 6197
supervisory units among the service center's client school 6198
districts based on each district's total student count. The 6199
department shall deduct each district's apportioned share pursuant 6200
to division (B) of section 3317.023 of the Revised Code and pay 6201
the apportioned share to the service center. 6202

(C) The department annually shall deduct from each client 6203

school district of each educational service center, pursuant to 6204
division (B) of section 3317.023 of the Revised Code, and pay to 6205
the service center an amount equal to six dollars and fifty cents 6206
times the school district's total student count. The board of 6207
education, or the superintendent acting on behalf of the board, of 6208
any client school district may agree to pay an amount in excess of 6209
six dollars and fifty cents per student in total student count. If 6210
a majority of the boards of education, or superintendents acting 6211
on behalf of the boards, of the service center's client school 6212
districts approve an amount in excess of six dollars and fifty 6213
cents per student in total student count, the department shall 6214
deduct the approved excess per student amount from all of the 6215
service center's client school districts and pay the excess amount 6216
to the service center. 6217

(D) The department shall pay each educational service center 6218
the amounts due to it from school districts pursuant to contracts, 6219
compacts, or agreements under which the service center furnishes 6220
services to the districts or their students. In order to receive 6221
payment under this division, an educational service center shall 6222
furnish either a copy of the contract, compact, or agreement 6223
clearly indicating the amounts of the payments, or a written 6224
statement that clearly indicates the payments owed and is signed 6225
by the superintendent or treasurer of the responsible school 6226
district. The amounts paid to service centers under this division 6227
shall be deducted from payments to school districts pursuant to 6228
division (H)(3) of section 3317.023 of the Revised Code. 6229

(E) Each school district's deduction under this section and 6230
divisions (B) and (H)(3) of section 3317.023 of the Revised Code 6231
shall be made from the total payment computed for the district 6232
under this chapter, after making any other adjustments in that 6233
payment required by law. 6234

(F)(1) Except as provided in division (F)(2) of this section, 6235

the department annually shall pay the governing board of each 6236
educational service center state funds equal to thirty-seven 6237
dollars times its service center ADM. 6238

(2) The department annually shall pay state funds equal to 6239
forty dollars and fifty-two cents times the service center ADM to 6240
each educational service center comprising territory that was 6241
included in the territory of at least three former service centers 6242
or county school districts, which former centers or districts 6243
engaged in one or more mergers under section 3311.053 of the 6244
Revised Code to form the present center. 6245

(G) Each city, exempted village, local, joint vocational, or 6246
cooperative education school district shall pay to the governing 6247
board of an educational service center any amounts agreed to for 6248
each child enrolled in the district who receives special education 6249
and related services or career-technical education from the 6250
educational service center, unless these educational services are 6251
provided pursuant to a contract, compact, or agreement for which 6252
the department deducts and transfers payments under division (D) 6253
of this section and division (H)(3) of section 3317.023 of the 6254
Revised Code. 6255

(H) The department annually shall pay the governing board of 6256
each educational service center that has entered into a contract 6257
with a STEM school for the provision of services described in 6258
division (B) of section 3326.45 of the Revised Code state funds 6259
equal to the per-pupil amount specified in the contract for the 6260
provision of those services times the number of students enrolled 6261
in the STEM school. 6262

(I) An educational service center: 6263

(1) May provide special education and career-technical 6264
education to students in its client school districts; 6265

(2) Is eligible for transportation funding under division (C) 6266

of section 3317.024 of the Revised Code; 6267

(3) May apply for and receive gifted education units and 6268
provide gifted education services to students in its client school 6269
districts; 6270

(4) May conduct driver education for high school students in 6271
accordance with Chapter 4508. of the Revised Code. 6272

Sec. 3318.034. (A) This section applies to both of the 6273
following: 6274

(1) Any school district that has not executed an agreement 6275
for a project under sections 3318.01 to 3318.20 of the Revised 6276
Code prior to June 24, 2008; 6277

(2) Any school district that is eligible for additional 6278
assistance under sections 3318.01 to 3318.20 of the Revised Code 6279
pursuant to division (B)(2) of section 3318.04 of the Revised 6280
Code. 6281

Notwithstanding any provision of this chapter to the 6282
contrary, with the approval of the Ohio school facilities 6283
commission, any school district to which this section applies may 6284
opt to divide the district's entire classroom facilities needs, as 6285
those needs are jointly determined by the staff of the commission 6286
and the school district, into discrete segments and shall comply 6287
with all of the provisions of those sections unless otherwise 6288
provided in this section. 6289

(B) Except as provided in division (C) of this section, each 6290
segment shall comply with all of the following: 6291

(1) The segment shall consist of the new construction of one 6292
or more entire buildings or the complete renovation of one or more 6293
entire existing buildings, with any necessary additions to that 6294
building. 6295

(2) The segment shall not include any construction of or 6296

renovation or repair to any building that does not complete the 6297
needs of the district with respect to that particular building at 6298
the time the segment is completed. 6299

(3) The segment shall consist of new construction, 6300
renovations, additions, reconstruction, or repair of classroom 6301
facilities to the extent that the school district portion, as 6302
determined under section 3318.032 of the Revised Code, is an 6303
amount not less than the product of ~~0.040~~ 0.020 times the 6304
district's valuation at the time the agreement for the segment is 6305
executed, unless the district previously has undertaken a segment 6306
under this section and the district's portion of the estimated 6307
basic project cost of the remainder of its entire classroom 6308
facilities needs, as determined jointly by the staff of the 6309
commission and the district, is less than the amount otherwise 6310
required by this division. 6311

(C) A district described in division (A)(2) of this section 6312
that has not received the additional assistance authorized under 6313
division (B)(2) of section 3318.04 of the Revised Code may 6314
undertake a segment, with commission approval, for the purpose of 6315
renovating or replacing work performed on a facility under the 6316
district's prior project. The commission may approve that segment 6317
if the commission determines that the renovation or replacement is 6318
necessary to protect the facility. The basic project cost of the 6319
segment shall be allocated between the state and the district in 6320
accordance with section 3318.032 of the Revised Code. However, the 6321
requirements of division (B) of this section shall not apply to a 6322
segment undertaken under this division. 6323

(D) The commission shall conditionally approve and seek 6324
controlling board approval in accordance with division (A) of 6325
section 3318.04 of the Revised Code of each segment. 6326

(E) The school district's maintenance levy requirement, as 6327
defined in section 3318.18 of the Revised Code, shall run for 6328

twenty-three years from the date the first segment is undertaken; 6329
however, the maintenance levy requirement does not apply to a 6330
segment undertaken under division (C) of this section. 6331

Sec. 3318.36. (A)(1) As used in this section: 6332

(a) "Ohio school facilities commission," "classroom 6333
facilities," "school district," "school district board," "net 6334
bonded indebtedness," "required percentage of the basic project 6335
costs," "basic project cost," "valuation," and "percentile" have 6336
the same meanings as in section 3318.01 of the Revised Code. 6337

(b) "Required level of indebtedness" means five per cent of 6338
the school district's valuation for the year preceding the year in 6339
which the commission and school district enter into an agreement 6340
under division (B) of this section, plus [two one-hundredths of 6341
one per cent multiplied by (the percentile in which the district 6342
ranks minus one)]. 6343

(c) "Local resources" means any moneys generated in any 6344
manner permitted for a school district board to raise the school 6345
district portion of a project undertaken with assistance under 6346
sections 3318.01 to 3318.20 of the Revised Code. 6347

(2) For purposes of determining the required level of 6348
indebtedness, the required percentage of the basic project costs 6349
under division (C)(1) of this section, and priority for assistance 6350
under sections 3318.01 to 3318.20 of the Revised Code, the 6351
percentile ranking of a school district with which the commission 6352
has entered into an agreement under this section between the first 6353
day of July and the thirty-first day of August in each fiscal year 6354
is the percentile ranking calculated for that district for the 6355
immediately preceding fiscal year, and the percentile ranking of a 6356
school district with which the commission has entered into such 6357
agreement between the first day of September and the thirtieth day 6358
of June in each fiscal year is the percentile ranking calculated 6359

for that district for the current fiscal year. 6360

(B)(1) There is hereby established the school building 6361
assistance expedited local partnership program. Under the program, 6362
the Ohio school facilities commission may enter into an agreement 6363
with the ~~school district~~ board of any school district under which 6364
the ~~school district~~ board may proceed with the new construction or 6365
major repairs of a part of the ~~school~~ district's classroom 6366
facilities needs, as determined under sections 3318.01 to 3318.20 6367
of the Revised Code, through the expenditure of local resources 6368
prior to the school district's eligibility for state assistance 6369
under those sections, and may apply that expenditure toward 6370
meeting the school district's portion of the basic project cost of 6371
the total of the ~~school~~ district's classroom facilities needs, as 6372
~~determined under sections 3318.01 to 3318.20 of the Revised Code~~ 6373
~~and~~ as recalculated under division (E) of this section, ~~that are~~ 6374
when the district becomes eligible for state assistance under 6375
sections 3318.01 to 3318.20 or section 3318.364 of the Revised 6376
Code ~~when the school district becomes eligible for that~~ 6377
~~assistance~~. Any school district that is reasonably expected to 6378
receive assistance under sections 3318.01 to 3318.20 of the 6379
Revised Code within two fiscal years from the date the school 6380
district adopts its resolution under division (B) of this section 6381
shall not be eligible to participate in the program established 6382
under this section. 6383

(2) To participate in the program, a school district board 6384
shall first adopt a resolution certifying to the commission the 6385
board's intent to participate in the program. 6386

The resolution shall specify the approximate date that the 6387
board intends to seek elector approval of any bond or tax measures 6388
or to apply other local resources to use to pay the cost of 6389
classroom facilities to be constructed under this section. The 6390
resolution may specify the application of local resources or 6391

elector-approved bond or tax measures after the resolution is 6392
adopted by the board, and in such case the board may proceed with 6393
a discrete portion of its project under this section as soon as 6394
the commission and the controlling board have approved the basic 6395
project cost of the district's classroom facilities needs as 6396
specified in division (D) of this section. The board shall submit 6397
its resolution to the commission not later than ten days after the 6398
date the resolution is adopted by the board. 6399

The commission shall not consider any resolution that is 6400
submitted pursuant to division (B)(2) of this section, as amended 6401
by this amendment, sooner than September 14, 2000. 6402

(3) For purposes of determining when a district that enters 6403
into an agreement under this section becomes eligible for 6404
assistance under sections 3318.01 to 3318.20 of the Revised Code 6405
or priority for assistance under section 3318.364 of the Revised 6406
Code, the commission shall use the district's percentile ranking 6407
determined at the time the district entered into the agreement 6408
under this section, as prescribed by division (A)(2) of this 6409
section. 6410

(4) Any project under this section shall comply with section 6411
3318.03 of the Revised Code and with any specifications for plans 6412
and materials for classroom facilities adopted by the commission 6413
under section 3318.04 of the Revised Code. 6414

(5) If a school district that enters into an agreement under 6415
this section has not begun a project applying local resources as 6416
provided for under that agreement at the time the district is 6417
notified by the commission that it is eligible to receive state 6418
assistance under sections 3318.01 to 3318.20 of the Revised Code, 6419
all assessment and agreement documents entered into under this 6420
section are void. 6421

(6) Only construction of or repairs to classroom facilities 6422

that have been approved by the commission and have been therefore 6423
included as part of a district's basic project cost qualify for 6424
application of local resources under this section. 6425

(C) Based on the results of on-site visits and assessment, 6426
the commission shall determine the basic project cost of the 6427
school district's classroom facilities needs. The commission shall 6428
determine the school district's portion of such basic project 6429
cost, which shall be the greater of: 6430

(1) The required percentage of the basic project costs, 6431
determined based on the school district's percentile ranking; 6432

(2) An amount necessary to raise the school district's net 6433
bonded indebtedness, as of the fiscal year the commission and the 6434
school district enter into the agreement under division (B) of 6435
this section, to within five thousand dollars of the required 6436
level of indebtedness. 6437

(D)(1) When the commission determines the basic project cost 6438
of the classroom facilities needs of a school district and the 6439
school district's portion of that basic project cost under 6440
division (C) of this section, the project shall be conditionally 6441
approved. Such conditional approval shall be submitted to the 6442
controlling board for approval thereof. The controlling board 6443
shall forthwith approve or reject the commission's determination, 6444
conditional approval, and the amount of the state's portion of the 6445
basic project cost; however, no state funds shall be encumbered 6446
under this section. Upon approval by the controlling board, the 6447
school district board may identify a discrete part of its 6448
classroom facilities needs, which shall include only new 6449
construction of or additions or major repairs to a particular 6450
building, to address with local resources. Upon identifying a part 6451
of the school district's basic project cost to address with local 6452
resources, the school district board may allocate any available 6453
school district moneys to pay the cost of that identified part, 6454

including the proceeds of an issuance of bonds if approved by the electors of the school district.

All local resources utilized under this division shall first be deposited in the project construction account required under section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, one of the following conditions shall be satisfied:

(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code, which may be combined in a single ballot question with the questions prescribed under section 5705.218 of the Revised Code.

(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section

3318.05 of the Revised Code the amount prescribed in section 6486
3318.051 of the Revised Code in lieu of the tax otherwise required 6487
under division (D)(2)(a) of this section for the maintenance of 6488
the classroom facilities included in the basic project cost as 6489
determined by the commission. 6490

(d) If the school district board has rescinded the agreement 6491
to make transfers under section 3318.051 of the Revised Code, as 6492
provided under division (F) of that section, the electors of the 6493
school district, in accordance with section 3318.063 of the 6494
Revised Code, first shall approve the levy of taxes outside the 6495
ten-mill limitation for the period specified in that section at a 6496
rate of not less than one-half mill for each dollar of valuation. 6497

(e) The school district board shall apply the proceeds of a 6498
tax to leverage bonds as authorized under section 3318.052 of the 6499
Revised Code or dedicate a local donated contribution in the 6500
manner described in division (B) of section 3318.084 of the 6501
Revised Code in an amount equivalent to the additional tax 6502
otherwise required under division (D)(2)(a) of this section for 6503
the maintenance of the classroom facilities included in the basic 6504
project cost as determined by the commission. 6505

(3) A school district board may opt to delay taking any of 6506
the actions described in division (D)(2) of this section until the 6507
school district becomes eligible for state assistance under 6508
sections 3318.01 to 3318.20 of the Revised Code. In order to 6509
exercise this option, the board shall certify to the commission a 6510
resolution indicating the board's intent to do so prior to 6511
entering into an agreement under division (B) of this section. 6512

(4) If pursuant to division (D)(3) of this section a district 6513
board opts to delay levying an additional tax until the district 6514
becomes eligible for state assistance, it shall submit the 6515
question of levying that tax to the district electors as follows: 6516

(a) In accordance with section 3318.06 of the Revised Code if 6517
it will also be necessary pursuant to division (E) of this section 6518
to submit a proposal for approval of a bond issue; 6519

(b) In accordance with section 3318.361 of the Revised Code 6520
if it is not necessary to also submit a proposal for approval of a 6521
bond issue pursuant to division (E) of this section. 6522

(5) No state assistance under sections 3318.01 to 3318.20 of 6523
the Revised Code shall be released until a school district board 6524
that adopts and certifies a resolution under division (D) of this 6525
section also demonstrates to the satisfaction of the commission 6526
compliance with the provisions of division (D)(2) of this section. 6527

Any amount required for maintenance under division (D)(2) of 6528
this section shall be deposited into a separate fund as specified 6529
in division (B) of section 3318.05 of the Revised Code. 6530

(E)(1) If the school district becomes eligible for state 6531
assistance under sections 3318.01 to 3318.20 of the Revised Code 6532
based on its percentile ranking under division (B)(3) of this 6533
section or is offered assistance under section 3318.364 of the 6534
Revised Code, the commission shall conduct a new assessment of the 6535
school district's classroom facilities needs and shall recalculate 6536
the basic project cost based on this new assessment. The basic 6537
project cost recalculated under this division shall include the 6538
amount of expenditures made by the school district board under 6539
division (D)(1) of this section. The commission shall then 6540
recalculate the school district's portion of the new basic project 6541
cost, which shall be the percentage of the original basic project 6542
cost assigned to the school district as its portion under division 6543
(C) of this section. The commission shall deduct the expenditure 6544
of school district moneys made under division (D)(1) of this 6545
section from the school district's portion of the basic project 6546
cost as recalculated under this division. If the amount of school 6547
district resources applied by the school district board to the 6548

school district's portion of the basic project cost under this 6549
section is less than the total amount of such portion as 6550
recalculated under this division, the school district board by a 6551
majority vote of all of its members shall, if it desires to seek 6552
state assistance under sections 3318.01 to 3318.20 of the Revised 6553
Code, adopt a resolution as specified in section 3318.06 of the 6554
Revised Code to submit to the electors of the school district the 6555
question of approval of a bond issue in order to pay any 6556
additional amount of school district portion required for state 6557
assistance. Any tax levy approved under division (D) of this 6558
section satisfies the requirements to levy the additional tax 6559
under section 3318.06 of the Revised Code. 6560

(2) If the amount of school district resources applied by the 6561
school district board to the school district's portion of the 6562
basic project cost under this section is more than the total 6563
amount of such portion as recalculated under this division, within 6564
one year after the school district's portion is recalculated under 6565
division (E)(1) of this section the commission may grant to the 6566
school district the difference between the two calculated 6567
portions, but at no time shall the commission expend any state 6568
funds on a project in an amount greater than the state's portion 6569
of the basic project cost as recalculated under this division. 6570

Any reimbursement under this division shall be only for local 6571
resources the school district has applied toward construction cost 6572
expenditures for the classroom facilities approved by the 6573
commission, which shall not include any financing costs associated 6574
with that construction. 6575

The school district board shall use any moneys reimbursed to 6576
the district under this division to pay off any debt service the 6577
district owes for classroom facilities constructed under its 6578
project under this section before such moneys are applied to any 6579
other purpose. However, the district board first may deposit 6580

moneys reimbursed under this division into the district's general 6581
fund or a permanent improvement fund to replace local resources 6582
the district withdrew from those funds, as long as, and to the 6583
extent that, those local resources were used by the district for 6584
constructing classroom facilities included in the district's basic 6585
project cost. 6586

Sec. 3318.364. In any fiscal year, the Ohio school facilities 6587
commission may, at its discretion, provide assistance under 6588
sections 3318.01 to 3318.20 of the Revised Code to a school 6589
district that has entered into an expedited local partnership 6590
agreement under section 3318.36 of the Revised Code before the 6591
district is otherwise eligible for that assistance based on its 6592
percentile rank, if the commission determines all of the 6593
following: 6594

(A) The district has made an expenditure of local resources 6595
under its expedited local partnership agreement on a discrete part 6596
of its district-wide project. 6597

(B) The district is ready to complete its district-wide 6598
project or a segment of the project, in accordance with section 6599
3318.034 of the Revised Code. 6600

(C) The district is in compliance with division (D)(2) of 6601
section 3318.36 of the Revised Code. 6602

(D) Sufficient state funds have been appropriated for 6603
classroom facilities projects for the fiscal year to pay the state 6604
share of the district's project or segment after paying the state 6605
share of projects for all of the following: 6606

(1) Districts that previously had their conditional approval 6607
lapse pursuant to section 3318.05 of the Revised Code; 6608

(2) Districts eligible for assistance under division (B)(2) 6609
of section 3318.04 of the Revised Code; 6610

(3) Districts participating in the exceptional needs school facilities assistance program under section 3318.37 or 3318.371 of the Revised Code; 6611
6612
6613

(4) Districts participating in the accelerated urban school building assistance program under section 3318.38 of the Revised Code. 6614
6615
6616

Assistance under this section shall be offered to eligible districts in the order of their percentile rankings at the time they entered into their expedited local partnership agreements, from lowest to highest percentile. In the event that more than one district has the same percentile ranking, those districts shall be offered assistance in the order of the date they entered into their expedited local partnership agreements, from earliest to latest date. 6617
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As used in this section, "local resources" and "percentile" have the same meanings as in section 3318.36 of the Revised Code. 6625
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Sec. 3318.37. (A)(1) As used in this section: 6627

~~(a) "Large land area school district" means a school district with a territory of greater than three hundred square miles in any percentile as determined under section 3318.011 of the Revised Code.~~ 6628
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~~(b) "Low wealth school district" means a school district in the first through seventy fifth percentiles as determined under section 3318.011 of the Revised Code.~~ 6632
6633
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~~(c) A, a "school district with an exceptional need for immediate classroom facilities assistance" means a low wealth or large land area school district with an exceptional need for new facilities in order to protect the health and safety of all or a portion of its students.~~ 6635
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(2) No school district that participates in the school 6640

building assistance expedited local partnership program under 6641
section 3318.36 of the Revised Code shall receive assistance under 6642
the program established under this section unless the following 6643
conditions are satisfied: 6644

(a) The district board adopted a resolution certifying its 6645
intent to participate in the school building assistance expedited 6646
local partnership program under section 3318.36 of the Revised 6647
Code prior to September 14, 2000. 6648

(b) The district was selected by the Ohio school facilities 6649
commission for participation in the school building assistance 6650
expedited local partnership program under section 3318.36 of the 6651
Revised Code in the manner prescribed by the commission under that 6652
section as it existed prior to September 14, 2000. 6653

(B)(1) There is hereby established the exceptional needs 6654
school facilities assistance program. Under the program, the Ohio 6655
school facilities commission may set aside from the moneys 6656
annually appropriated to it for classroom facilities assistance 6657
projects up to twenty-five per cent for assistance to school 6658
districts with exceptional needs for immediate classroom 6659
facilities assistance. 6660

(2)(a) After consulting with education and construction 6661
experts, the commission shall adopt guidelines for identifying 6662
school districts with an exceptional need for immediate classroom 6663
facilities assistance. 6664

(b) The guidelines shall include application forms and 6665
instructions for school districts to use in applying for 6666
assistance under this section. 6667

(3) The commission shall evaluate the classroom facilities, 6668
and the need for replacement classroom facilities from the 6669
applications received under this section. The commission, 6670
utilizing the guidelines adopted under division (B)(2)(a) of this 6671

section, shall prioritize the school districts to be assessed. 6672

Notwithstanding section 3318.02 of the Revised Code, the 6673
commission may conduct on-site evaluation of the school districts 6674
prioritized under this section and approve and award funds until 6675
such time as all funds set aside under division (B)(1) of this 6676
section have been encumbered. However, the commission need not 6677
conduct the evaluation of facilities if the commission determines 6678
that a district's assessment conducted under section 3318.36 of 6679
the Revised Code is sufficient for purposes of this section. 6680

(4) Notwithstanding division (A) of section 3318.05 of the 6681
Revised Code, the school district's portion of the basic project 6682
cost under this section shall be the "required percentage of the 6683
basic project costs," as defined in division (K) of section 6684
3318.01 of the Revised Code. 6685

(5) Except as otherwise specified in this section, any 6686
project undertaken with assistance under this section shall comply 6687
with all provisions of sections 3318.01 to 3318.20 of the Revised 6688
Code. A school district may receive assistance under sections 6689
3318.01 to 3318.20 of the Revised Code for the remainder of the 6690
district's classroom facilities needs as assessed under this 6691
section when the district is eligible for such assistance pursuant 6692
to section 3318.02 of the Revised Code, but any classroom facility 6693
constructed with assistance under this section shall not be 6694
included in a district's project at that time unless the 6695
commission determines the district has experienced the increased 6696
enrollment specified in division (B)(1) of section 3318.04 of the 6697
Revised Code. 6698

(C) No school district shall receive assistance under this 6699
section for a classroom facility that has been included in the 6700
discrete part of the district's classroom facilities needs 6701
identified and addressed in the district's project pursuant to an 6702
agreement entered into under section 3318.36 of the Revised Code, 6703

unless the district's entire classroom facilities plan consists of 6704
only a single building designed to house grades kindergarten 6705
through twelve. 6706

Sec. 3318.371. The Ohio school facilities commission may 6707
provide assistance under the exceptional needs school facilities 6708
program established by section 3318.37 of the Revised Code to any 6709
school district for the purpose of the relocation or replacement 6710
of classroom facilities required as a result of any contamination 6711
of air, soil, or water that impacts the occupants of the facility. 6712
~~Assistance under this section is not limited to school districts 6713
in the first through seventy fifth percentiles as determined under 6714
section 3318.011 of the Revised Code. 6715~~

The commission shall make a determination in accordance with 6716
guidelines adopted by the commission regarding eligibility and 6717
funding for projects under this section. The commission may 6718
contract with an independent environmental consultant to conduct a 6719
study to assist the commission in making the determination. 6720

If the federal government or other public or private entity 6721
provides funds for restitution of costs incurred by the state or 6722
school district in the relocation or replacement of the classroom 6723
facilities, the school district shall use such funds in excess of 6724
the school district's share to refund the state for the state's 6725
contribution to the environmental contamination portion of the 6726
project. The school district may apply an amount of such 6727
restitution funds up to an amount equal to the school district's 6728
portion of the project, as defined by the commission, toward 6729
paying its portion of that project to reduce the amount of bonds 6730
the school district otherwise must issue to receive state 6731
assistance under sections 3318.01 to 3318.20 of the Revised Code. 6732

Sec. 3318.70. (A) As used in this section: 6733

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code that is not governed by a single school district board of education, as prescribed by section 3326.51 of the Revised Code.

(B) Upon receipt of a written proposal by the governing body of a STEM school, the Ohio school facilities commission, subject to approval of the controlling board, may provide funding to assist that STEM school in the acquisition of classroom facilities. The proposal of the governing body shall be submitted in a form and in the manner prescribed by the commission and shall indicate both the total amount of state funding requested and the amount of nonstate funding pledged for the acquisition of the classroom facilities, which shall not be less than the total amount of state funding requested. If the commission decides in favor of providing funding for the classroom facilities and if the controlling board approves that funding, the commission shall enter into an agreement with the governing body for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the commission for classroom facilities assistance projects. The agreement shall include a stipulation of the ownership of the classroom facilities in the event the STEM school permanently closes at any time.

(C) In the case of the governing body of a group of STEM schools, as prescribed by section 3326.031 of the Revised Code, the governing body shall submit a proposal for each school under its direction separately, and the commission shall consider each

proposal separately. 6766

Sec. 3319.02. (A)(1) As used in this section, "other administrator" means any of the following: 6767
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(a) Except as provided in division (A)(2) of this section, any employee in a position for which a board of education requires a license designated by rule of the department of education for being an administrator issued under section 3319.22 of the Revised Code, including a professional pupil services employee or administrative specialist or an equivalent of either one who is not employed as a school counselor and spends less than fifty per cent of the time employed teaching or working with students; 6769
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(b) Any nonlicensed employee whose job duties enable such employee to be considered as either a "supervisor" or a "management level employee," as defined in section 4117.01 of the Revised Code; 6777
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(c) A business manager appointed under section 3319.03 of the Revised Code. 6781
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(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal. 6783
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(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 6786
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designate. 6796

(C) In educational service centers and in city, exempted 6797
village, and local school districts, assistant superintendents, 6798
principals, assistant principals, and other administrators shall 6799
only be employed or reemployed in accordance with nominations of 6800
the superintendent, except that a board of education of a school 6801
district or the governing board of a service center, by a 6802
three-fourths vote of its full membership, may reemploy any 6803
assistant superintendent, principal, assistant principal, or other 6804
administrator whom the superintendent refuses to nominate. 6805

The board of education or governing board shall execute a 6806
written contract of employment with each assistant superintendent, 6807
principal, assistant principal, and other administrator it employs 6808
or reemploys. The term of such contract shall not exceed three 6809
years except that in the case of a person who has been employed as 6810
an assistant superintendent, principal, assistant principal, or 6811
other administrator in the district or center for three years or 6812
more, the term of the contract shall be for not more than five 6813
years and, unless the superintendent of the district recommends 6814
otherwise, not less than two years. If the superintendent so 6815
recommends, the term of the contract of a person who has been 6816
employed by the district or service center as an assistant 6817
superintendent, principal, assistant principal, or other 6818
administrator for three years or more may be one year, but all 6819
subsequent contracts granted such person shall be for a term of 6820
not less than two years and not more than five years. When a 6821
teacher with continuing service status becomes an assistant 6822
superintendent, principal, assistant principal, or other 6823
administrator with the district or service center with which the 6824
teacher holds continuing service status, the teacher retains such 6825
status in the teacher's nonadministrative position as provided in 6826
sections 3319.08 and 3319.09 of the Revised Code. 6827

A board of education or governing board may reemploy an 6828
assistant superintendent, principal, assistant principal, or other 6829
administrator at any regular or special meeting held during the 6830
period beginning on the first day of January of the calendar year 6831
immediately preceding the year of expiration of the employment 6832
contract and ending on the ~~last~~ first day of ~~March~~ June of the 6833
year the employment contract expires. 6834

Except by mutual agreement of the parties thereto, no 6835
assistant superintendent, principal, assistant principal, or other 6836
administrator shall be transferred during the life of a contract 6837
to a position of lesser responsibility. No contract may be 6838
terminated by a board except pursuant to section 3319.16 of the 6839
Revised Code. No contract may be suspended except pursuant to 6840
section 3319.17 or 3319.171 of the Revised Code. The salaries and 6841
compensation prescribed by such contracts shall not be reduced by 6842
a board unless such reduction is a part of a uniform plan 6843
affecting the entire district or center. The contract shall 6844
specify the employee's administrative position and duties as 6845
included in the job description adopted under division (D) of this 6846
section, the salary and other compensation to be paid for 6847
performance of duties, the number of days to be worked, the number 6848
of days of vacation leave, if any, and any paid holidays in the 6849
contractual year. 6850

An assistant superintendent, principal, assistant principal, 6851
or other administrator is, at the expiration of the current term 6852
of employment, deemed reemployed at the same salary plus any 6853
increments that may be authorized by the board, unless such 6854
employee notifies the board in writing to the contrary on or 6855
before the ~~first~~ fifteenth day of June, or unless such board, on 6856
or before the ~~last~~ first day of ~~March~~ June of the year in which 6857
the contract of employment expires, either reemploys such employee 6858
for a succeeding term or gives written notice of its intention not 6859

to reemploy the employee. The term of reemployment of a person 6860
reemployed under this paragraph shall be one year, except that if 6861
such person has been employed by the school district or service 6862
center as an assistant superintendent, principal, assistant 6863
principal, or other administrator for three years or more, the 6864
term of reemployment shall be two years. 6865

(D)(1) Each board shall adopt procedures for the evaluation 6866
of all assistant superintendents, principals, assistant 6867
principals, and other administrators and shall evaluate such 6868
employees in accordance with those procedures. The procedures for 6869
the evaluation of principals and assistant principals shall be 6870
based on principles comparable to the teacher evaluation policy 6871
adopted by the board under section 3319.111 of the Revised Code, 6872
but shall be tailored to the duties and responsibilities of 6873
principals and assistant principals and the environment in which 6874
~~principals~~ they work. An evaluation based upon procedures adopted 6875
under this division shall be considered by the board in deciding 6876
whether to renew the contract of employment of an assistant 6877
superintendent, principal, assistant principal, or other 6878
administrator. 6879

(2) The evaluation shall measure each assistant 6880
superintendent's, principal's, assistant principal's, and other 6881
administrator's effectiveness in performing the duties included in 6882
the job description and the evaluation procedures shall provide 6883
for, but not be limited to, the following: 6884

(a) Each assistant superintendent, principal, assistant 6885
principal, and other administrator shall be evaluated annually 6886
through a written evaluation process. 6887

(b) The evaluation shall be conducted by the superintendent 6888
or designee. 6889

(c) In order to provide time to show progress in correcting 6890

the deficiencies identified in the evaluation process, the 6891
evaluation process shall be completed as follows: 6892

(i) In any school year that the employee's contract of 6893
employment is not due to expire, at least one evaluation shall be 6894
completed in that year. A written copy of the evaluation shall be 6895
provided to the employee no later than the end of the employee's 6896
contract year as defined by the employee's annual salary notice. 6897

(ii) In any school year that the employee's contract of 6898
employment is due to expire, at least a preliminary evaluation and 6899
at least a final evaluation shall be completed in that year. A 6900
written copy of the preliminary evaluation shall be provided to 6901
the employee at least sixty days prior to any action by the board 6902
on the employee's contract of employment. The final evaluation 6903
shall indicate the superintendent's intended recommendation to the 6904
board regarding a contract of employment for the employee. A 6905
written copy of the evaluation shall be provided to the employee 6906
at least five days prior to the board's acting to renew or not 6907
renew the contract. 6908

(3) Termination of an assistant superintendent, principal, 6909
assistant principal, or other administrator's contract shall be 6910
pursuant to section 3319.16 of the Revised Code. Suspension of any 6911
such employee shall be pursuant to section 3319.17 or 3319.171 of 6912
the Revised Code. 6913

(4) Before taking action to renew or nonrenew the contract of 6914
an assistant superintendent, principal, assistant principal, or 6915
other administrator under this section and prior to the ~~last~~ first 6916
day of ~~March~~ June of the year in which such employee's contract 6917
expires, the board shall notify each such employee of the date 6918
that the contract expires and that the employee may request a 6919
meeting with the board. Upon request by such an employee, the 6920
board shall grant the employee a meeting in executive session. In 6921
that meeting, the board shall discuss its reasons for considering 6922

renewal or nonrenewal of the contract. The employee shall be 6923
permitted to have a representative, chosen by the employee, 6924
present at the meeting. 6925

(5) The establishment of an evaluation procedure shall not 6926
create an expectancy of continued employment. Nothing in division 6927
(D) of this section shall prevent a board from making the final 6928
determination regarding the renewal or nonrenewal of the contract 6929
of any assistant superintendent, principal, assistant principal, 6930
or other administrator. However, if a board fails to provide 6931
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 6932
section, or if the board fails to provide at the request of the 6933
employee a meeting as prescribed in division (D)(4) of this 6934
section, the employee automatically shall be reemployed at the 6935
same salary plus any increments that may be authorized by the 6936
board for a period of one year, except that if the employee has 6937
been employed by the district or service center as an assistant 6938
superintendent, principal, assistant principal, or other 6939
administrator for three years or more, the period of reemployment 6940
shall be for two years. 6941

(E) On nomination of the superintendent of a service center a 6942
governing board may employ supervisors who shall be employed under 6943
written contracts of employment for terms not to exceed five years 6944
each. Such contracts may be terminated by a governing board 6945
pursuant to section 3319.16 of the Revised Code. Any supervisor 6946
employed pursuant to this division may terminate the contract of 6947
employment at the end of any school year after giving the board at 6948
least thirty days' written notice prior to such termination. On 6949
the recommendation of the superintendent the contract or contracts 6950
of any supervisor employed pursuant to this division may be 6951
suspended for the remainder of the term of any such contract 6952
pursuant to section 3319.17 or 3319.171 of the Revised Code. 6953

(F) A board may establish vacation leave for any individuals 6954

employed under this section. Upon such an individual's separation 6955
from employment, a board that has such leave may compensate such 6956
an individual at the individual's current rate of pay for all 6957
lawfully accrued and unused vacation leave credited at the time of 6958
separation, not to exceed the amount accrued within three years 6959
before the date of separation. In case of the death of an 6960
individual employed under this section, such unused vacation leave 6961
as the board would have paid to the individual upon separation 6962
under this section shall be paid in accordance with section 6963
2113.04 of the Revised Code, or to the estate. 6964

(G) The board of education of any school district may 6965
contract with the governing board of the educational service 6966
center from which it otherwise receives services to conduct 6967
searches and recruitment of candidates for assistant 6968
superintendent, principal, assistant principal, and other 6969
administrator positions authorized under this section. 6970

Sec. 3319.06. (A) The board of education of each city, 6971
exempted village, or local school district may create the position 6972
of internal auditor. Any person employed by the board as an 6973
internal auditor shall hold a valid permit issued under section 6974
4701.10 of the Revised Code to practice as a certified public 6975
accountant or a public accountant. 6976

(B) The board shall execute a written contract of employment 6977
with each internal auditor it employs. The contract shall specify 6978
the internal auditor's duties, the salary and other compensation 6979
to be paid for performance of those duties, the number of days to 6980
be worked, the number of days of vacation leave, if any, and any 6981
paid holidays in the contractual year. The salary and other 6982
compensation prescribed by the contract may be increased by the 6983
board during the term of the contract but shall not be reduced 6984
during that term unless such reduction is part of a uniform plan 6985

affecting employees of the entire district. The term of the 6986
initial contract shall not exceed three years. Any renewal of the 6987
contract shall be for a term of not less than two years and not 6988
more than five years. 6989

The internal auditor shall be directly responsible to the 6990
board for the performance of all duties outlined in the contract. 6991
If the board does not intend to renew the contract upon its 6992
expiration, the board shall provide written notice to the internal 6993
auditor of its intention not to renew the contract not later than 6994
the ~~last~~ first day of ~~March~~ June of the year in which the contract 6995
expires. If the board does not provide such notice by that date, 6996
the internal auditor shall be deemed reemployed for a term of one 6997
year at the same salary plus any increments that may be authorized 6998
by the board. Termination of an internal auditor's contract shall 6999
be pursuant to section 3319.16 of the Revised Code. 7000

(C) Each board that employs an internal auditor shall adopt 7001
procedures for the evaluation of the internal auditor and shall 7002
evaluate the internal auditor in accordance with those procedures. 7003
The evaluation based upon the procedures shall be considered by 7004
the board in deciding whether to renew the internal auditor's 7005
contract of employment. The establishment of an evaluation 7006
procedure shall not create an expectancy of continued employment. 7007
Nothing in this section shall prevent the board from making the 7008
final determination regarding the renewal or nonrenewal of the 7009
contract of an internal auditor. 7010

Sec. 3319.11. (A) As used in this section: 7011

(1) "Evaluation procedures" means the procedures required by 7012
the policy adopted pursuant to division (A) of section 3319.111 of 7013
the Revised Code. 7014

(2) "Limited contract" means a limited contract, as described 7015
in section 3319.08 of the Revised Code, that a school district 7016

board of education or governing board of an educational service 7017
center enters into with a teacher who is not eligible for 7018
continuing service status. 7019

(3) "Extended limited contract" means a limited contract, as 7020
described in section 3319.08 of the Revised Code, that a board of 7021
education or governing board enters into with a teacher who is 7022
eligible for continuing service status. 7023

(B) Teachers eligible for continuing service status in any 7024
city, exempted village, local, or joint vocational school district 7025
or educational service center shall be those teachers qualified as 7026
described in division (D) of section 3319.08 of the Revised Code, 7027
who within the last five years have taught for at least three 7028
years in the district or center, and those teachers who, having 7029
attained continuing contract status elsewhere, have served two 7030
years in the district or center, but the board, upon the 7031
recommendation of the superintendent, may at the time of 7032
employment or at any time within such two-year period, declare any 7033
of the latter teachers eligible. 7034

(1) Upon the recommendation of the superintendent that a 7035
teacher eligible for continuing service status be reemployed, a 7036
continuing contract shall be entered into between the board and 7037
the teacher unless the board by a three-fourths vote of its full 7038
membership rejects the recommendation of the superintendent. If 7039
the board rejects by a three-fourths vote of its full membership 7040
the recommendation of the superintendent that a teacher eligible 7041
for continuing service status be reemployed and the superintendent 7042
makes no recommendation to the board pursuant to division (C) of 7043
this section, the board may declare its intention not to reemploy 7044
the teacher by giving the teacher written notice on or before the 7045
~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy 7046
the teacher. If evaluation procedures have not been complied with 7047
pursuant to section 3319.111 of the Revised Code or the board does 7048

not give the teacher written notice on or before the ~~thirtieth~~ 7049
~~first~~ day of ~~April~~ June of its intention not to reemploy the 7050
teacher, the teacher is deemed reemployed under an extended 7051
limited contract for a term not to exceed one year at the same 7052
salary plus any increment provided by the salary schedule. The 7053
teacher is presumed to have accepted employment under the extended 7054
limited contract for a term not to exceed one year unless such 7055
teacher notifies the board in writing to the contrary on or before 7056
the ~~first~~ fifteenth day of June, and an extended limited contract 7057
for a term not to exceed one year shall be executed accordingly. 7058
Upon any subsequent reemployment of the teacher only a continuing 7059
contract may be entered into. 7060

(2) If the superintendent recommends that a teacher eligible 7061
for continuing service status not be reemployed, the board may 7062
declare its intention not to reemploy the teacher by giving the 7063
teacher written notice on or before the ~~thirtieth~~ first day of 7064
~~April~~ June of its intention not to reemploy the teacher. If 7065
evaluation procedures have not been complied with pursuant to 7066
section 3319.111 of the Revised Code or the board does not give 7067
the teacher written notice on or before the ~~thirtieth~~ first day of 7068
~~April~~ June of its intention not to reemploy the teacher, the 7069
teacher is deemed reemployed under an extended limited contract 7070
for a term not to exceed one year at the same salary plus any 7071
increment provided by the salary schedule. The teacher is presumed 7072
to have accepted employment under the extended limited contract 7073
for a term not to exceed one year unless such teacher notifies the 7074
board in writing to the contrary on or before the ~~first~~ fifteenth 7075
day of June, and an extended limited contract for a term not to 7076
exceed one year shall be executed accordingly. Upon any subsequent 7077
reemployment of a teacher only a continuing contract may be 7078
entered into. 7079

(3) Any teacher receiving written notice of the intention of 7080

a board not to reemploy such teacher pursuant to this division is 7081
entitled to the hearing provisions of division (G) of this 7082
section. 7083

(C)(1) If a board rejects the recommendation of the 7084
superintendent for reemployment of a teacher pursuant to division 7085
(B)(1) of this section, the superintendent may recommend 7086
reemployment of the teacher, if continuing service status has not 7087
previously been attained elsewhere, under an extended limited 7088
contract for a term not to exceed two years, provided that written 7089
notice of the superintendent's intention to make such 7090
recommendation has been given to the teacher with reasons directed 7091
at the professional improvement of the teacher on or before the 7092
~~thirtieth~~ first day of ~~April~~ June. Upon subsequent reemployment of 7093
the teacher only a continuing contract may be entered into. 7094

(2) If a board of education takes affirmative action on a 7095
superintendent's recommendation, made pursuant to division (C)(1) 7096
of this section, of an extended limited contract for a term not to 7097
exceed two years but the board does not give the teacher written 7098
notice of its affirmative action on the superintendent's 7099
recommendation of an extended limited contract on or before the 7100
~~thirtieth~~ first day of ~~April~~ June, the teacher is deemed 7101
reemployed under a continuing contract at the same salary plus any 7102
increment provided by the salary schedule. The teacher is presumed 7103
to have accepted employment under such continuing contract unless 7104
such teacher notifies the board in writing to the contrary on or 7105
before the ~~first~~ fifteenth day of June, and a continuing contract 7106
shall be executed accordingly. 7107

(3) A board shall not reject a superintendent's 7108
recommendation, made pursuant to division (C)(1) of this section, 7109
of an extended limited contract for a term not to exceed two years 7110
except by a three-fourths vote of its full membership. If a board 7111
rejects by a three-fourths vote of its full membership the 7112

recommendation of the superintendent of an extended limited 7113
contract for a term not to exceed two years, the board may declare 7114
its intention not to reemploy the teacher by giving the teacher 7115
written notice on or before the ~~thirtieth~~ first day of ~~April~~ June 7116
of its intention not to reemploy the teacher. If evaluation 7117
procedures have not been complied with pursuant to section 7118
3319.111 of the Revised Code or if the board does not give the 7119
teacher written notice on or before the ~~thirtieth~~ first day of 7120
~~April~~ June of its intention not to reemploy the teacher, the 7121
teacher is deemed reemployed under an extended limited contract 7122
for a term not to exceed one year at the same salary plus any 7123
increment provided by the salary schedule. The teacher is presumed 7124
to have accepted employment under the extended limited contract 7125
for a term not to exceed one year unless such teacher notifies the 7126
board in writing to the contrary on or before the ~~first~~ fifteenth 7127
day of June, and an extended limited contract for a term not to 7128
exceed one year shall be executed accordingly. Upon any subsequent 7129
reemployment of the teacher only a continuing contract may be 7130
entered into. 7131

Any teacher receiving written notice of the intention of a 7132
board not to reemploy such teacher pursuant to this division is 7133
entitled to the hearing provisions of division (G) of this 7134
section. 7135

(D) A teacher eligible for continuing contract status 7136
employed under an extended limited contract pursuant to division 7137
(B) or (C) of this section, is, at the expiration of such extended 7138
limited contract, deemed reemployed under a continuing contract at 7139
the same salary plus any increment granted by the salary schedule, 7140
unless evaluation procedures have been complied with pursuant to 7141
section 3319.111 of the Revised Code and the employing board, 7142
acting on the superintendent's recommendation that the teacher not 7143
be reemployed, gives the teacher written notice on or before the 7144

~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy 7145
such teacher. A teacher who does not have evaluation procedures 7146
applied in compliance with section 3319.111 of the Revised Code or 7147
who does not receive notice on or before the ~~thirtieth~~ first day 7148
of ~~April~~ June of the intention of the board not to reemploy such 7149
teacher is presumed to have accepted employment under a continuing 7150
contract unless such teacher notifies the board in writing to the 7151
contrary on or before the ~~first~~ fifteenth day of June, and a 7152
continuing contract shall be executed accordingly. 7153

Any teacher receiving a written notice of the intention of a 7154
board not to reemploy such teacher pursuant to this division is 7155
entitled to the hearing provisions of division (G) of this 7156
section. 7157

(E) The board shall enter into a limited contract with each 7158
teacher employed by the board who is not eligible to be considered 7159
for a continuing contract. 7160

Any teacher employed under a limited contract, and not 7161
eligible to be considered for a continuing contract, is, at the 7162
expiration of such limited contract, considered reemployed under 7163
the provisions of this division at the same salary plus any 7164
increment provided by the salary schedule unless evaluation 7165
procedures have been complied with pursuant to section 3319.111 of 7166
the Revised Code and the employing board, acting upon the 7167
superintendent's written recommendation that the teacher not be 7168
reemployed, gives such teacher written notice of its intention not 7169
to reemploy such teacher on or before the ~~thirtieth~~ first day of 7170
~~April~~ June. A teacher who does not have evaluation procedures 7171
applied in compliance with section 3319.111 of the Revised Code or 7172
who does not receive notice of the intention of the board not to 7173
reemploy such teacher on or before the ~~thirtieth~~ first day of 7174
~~April~~ June is presumed to have accepted such employment unless 7175
such teacher notifies the board in writing to the contrary on or 7176

before the ~~first~~ fifteenth day of June, and a written contract for 7177
the succeeding school year shall be executed accordingly. 7178

Any teacher receiving a written notice of the intention of a 7179
board not to reemploy such teacher pursuant to this division is 7180
entitled to the hearing provisions of division (G) of this 7181
section. 7182

(F) The failure of a superintendent to make a recommendation 7183
to the board under any of the conditions set forth in divisions 7184
(B) to (E) of this section, or the failure of the board to give 7185
such teacher a written notice pursuant to divisions (C) to (E) of 7186
this section shall not prejudice or prevent a teacher from being 7187
deemed reemployed under either a limited or continuing contract as 7188
the case may be under the provisions of this section. A failure of 7189
the parties to execute a written contract shall not void any 7190
automatic reemployment provisions of this section. 7191

(G)(1) Any teacher receiving written notice of the intention 7192
of a board of education not to reemploy such teacher pursuant to 7193
division (B), (C)(3), (D), or (E) of this section may, within ten 7194
days of the date of receipt of the notice, file with the treasurer 7195
of the board a written demand for a written statement describing 7196
the circumstances that led to the board's intention not to 7197
reemploy the teacher. 7198

(2) The treasurer of a board, on behalf of the board, shall, 7199
within ten days of the date of receipt of a written demand for a 7200
written statement pursuant to division (G)(1) of this section, 7201
provide to the teacher a written statement describing the 7202
circumstances that led to the board's intention not to reemploy 7203
the teacher. 7204

(3) Any teacher receiving a written statement describing the 7205
circumstances that led to the board's intention not to reemploy 7206
the teacher pursuant to division (G)(2) of this section may, 7207

within five days of the date of receipt of the statement, file 7208
with the treasurer of the board a written demand for a hearing 7209
before the board pursuant to divisions (G)(4) to (6) of this 7210
section. 7211

(4) The treasurer of a board, on behalf of the board, shall, 7212
within ten days of the date of receipt of a written demand for a 7213
hearing pursuant to division (G)(3) of this section, provide to 7214
the teacher a written notice setting forth the time, date, and 7215
place of the hearing. The board shall schedule and conclude the 7216
hearing within forty days of the date on which the treasurer of 7217
the board receives a written demand for a hearing pursuant to 7218
division (G)(3) of this section. 7219

(5) Any hearing conducted pursuant to this division shall be 7220
conducted by a majority of the members of the board. The hearing 7221
shall be held in executive session of the board unless the board 7222
and the teacher agree to hold the hearing in public. The 7223
superintendent, assistant superintendent, the teacher, and any 7224
person designated by either party to take a record of the hearing 7225
may be present at the hearing. The board may be represented by 7226
counsel and the teacher may be represented by counsel or a 7227
designee. A record of the hearing may be taken by either party at 7228
the expense of the party taking the record. 7229

(6) Within ten days of the conclusion of a hearing conducted 7230
pursuant to this division, the board shall issue to the teacher a 7231
written decision containing an order affirming the intention of 7232
the board not to reemploy the teacher reported in the notice given 7233
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 7234
this section or an order vacating the intention not to reemploy 7235
and expunging any record of the intention, notice of the 7236
intention, and the hearing conducted pursuant to this division. 7237

(7) A teacher may appeal an order affirming the intention of 7238
the board not to reemploy the teacher to the court of common pleas 7239

of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D), or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the ~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy the teacher pursuant to division (B), (C)(3), (D), or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was not warranted by any statement given pursuant to division (G)(2) of this section.

No appeal of an order of a board may be made except as specified in this division.

(H)(1) In giving a teacher any notice required by division (B), (C), (D), or (E) of this section, the board or the superintendent shall do either of the following:

(a) Deliver the notice by personal service upon the teacher;

(b) Deliver the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of employment and deliver a copy of the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of residence.

(2) In giving a board any notice required by division (B), (C), (D), or (E) of this section, the teacher shall do either of the following:

(a) Deliver the notice by personal delivery to the office of the superintendent during regular business hours;

(b) Deliver the notice by certified mail, return receipt requested, addressed to the office of the superintendent and deliver a copy of the notice by certified mail, return receipt requested, addressed to the president of the board at the president's place of residence.

(3) When any notice and copy of the notice are mailed pursuant to division (H)(1)(b) or (2)(b) of this section, the notice or copy of the notice with the earlier date of receipt shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.

(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised Code, this section applies to any person who is employed under a teacher license issued under this chapter, or under a professional or permanent teacher's certificate issued under former section 3319.222 of the Revised Code, and who spends at least fifty per cent of the time employed providing student instruction. However, this section does not apply to any person who is employed as a

substitute teacher. 7301

(A) Not later than July 1, 2013, the board of education of 7302
each school district, in consultation with teachers employed by 7303
the board, shall adopt a standards-based teacher evaluation policy 7304
that conforms with the framework for evaluation of teachers 7305
developed under section 3319.112 of the Revised Code. ~~The policy~~ 7306
~~shall become operative at the expiration of any collective~~ 7307
~~bargaining agreement covering teachers employed by the board that~~ 7308
~~is in effect on the effective date of this section and shall be~~ 7309
~~included in any renewal or extension of such an agreement.~~ 7310

(B) When using measures of student academic growth as a 7311
component of a teacher's evaluation, those measures shall include 7312
the value-added progress dimension prescribed by section 3302.021 7313
of the Revised Code. For teachers of grade levels and subjects for 7314
which the value-added progress dimension is not applicable, the 7315
board shall administer assessments on the list developed under 7316
division (B)(2) of section 3319.112 of the Revised Code. 7317

(C)(1) The board shall conduct an evaluation of each teacher 7318
employed by the board at least once each school year, except as 7319
provided in ~~divisions~~ division (C)(2) ~~and (3)~~ of this section. The 7320
evaluation shall be completed by the first day of ~~April~~ May and 7321
the teacher shall receive a written report of the results of the 7322
evaluation by the tenth day of ~~April~~ May. 7323

(2) ~~If the board has entered into a limited contract or~~ 7324
~~extended limited contract with the teacher pursuant to section~~ 7325
~~3319.11 of the Revised Code, the board shall evaluate the teacher~~ 7326
~~at least twice in any school year in which the board may wish to~~ 7327
~~declare its intention not to re-employ the teacher pursuant to~~ 7328
~~division (B), (C)(3), (D), or (E) of that section. One evaluation~~ 7329
~~shall be conducted and completed not later than the fifteenth day~~ 7330
~~of January and the teacher being evaluated shall receive a written~~ 7331
~~report of the results of this evaluation not later than the~~ 7332

~~twenty fifth day of January. One evaluation shall be conducted and 7333
completed between the tenth day of February and the first day of 7334
April and the teacher being evaluated shall receive a written 7335
report of the results of this evaluation not later than the tenth 7336
day of April. 7337~~

~~(3) The board may elect, by adoption of a resolution, to 7338
evaluate each teacher who received a rating of accomplished on the 7339
teacher's most recent evaluation conducted under this section once 7340
every two school years. In that case, the biennial evaluation 7341
shall be completed by the first day of ~~April~~ May of the applicable 7342
school year, and the teacher shall receive a written report of the 7343
results of the evaluation by the tenth day of ~~April~~ May of that 7344
school year. 7345~~

(D) Each evaluation conducted pursuant to this section shall 7346
be conducted by one or more of the following persons who hold a 7347
credential established by the department of education for being an 7348
evaluator: 7349

(1) A person who is under contract with the board pursuant to 7350
section 3319.01 or 3319.02 of the Revised Code and holds a license 7351
designated for being a superintendent, assistant superintendent, 7352
or principal issued under section 3319.22 of the Revised Code; 7353

(2) A person who is under contract with the board pursuant to 7354
section 3319.02 of the Revised Code and holds a license designated 7355
for being a vocational director, administrative specialist, or a 7356
supervisor in any educational area issued under section 3319.22 of 7357
the Revised Code; 7358

(3) A person designated to conduct evaluations under an 7359
agreement ~~providing for peer review~~ entered into by the board, 7360
including an agreement providing for peer review entered into by 7361
the board and representatives of teachers employed by the board; 7362

(4) A person who is employed by an entity contracted by the 7363

board to conduct evaluations and who holds a license designated 7364
for being a superintendent, assistant superintendent, principal, 7365
vocational director, administrative specialist, or supervisor in 7366
any educational area issued under section 3319.22 of the Revised 7367
Code. 7368

(E) Notwithstanding division (A)(3) of section 3319.112 of 7369
the Revised Code: 7370

(1) The board shall require at least three formal 7371
observations of each teacher with whom the board has entered into 7372
a limited contract or an extended limited contract under section 7373
3319.11 of the Revised Code. 7374

(2) The board may elect, by adoption of a resolution, to 7375
require only one formal observation of a teacher who received a 7376
rating of accomplished on the teacher's most recent evaluation 7377
conducted under this section, provided the teacher completes a 7378
project that has been approved by the board to demonstrate the 7379
teacher's continued growth and practice at the accomplished level. 7380

(F) The board shall include in its evaluation policy 7381
procedures for using the evaluation results for retention and 7382
promotion decisions and for removal of poorly performing teachers. 7383
Seniority shall not be the basis for a decision to retain a 7384
teacher, except when making a decision between teachers who have 7385
comparable evaluations. 7386

~~(F) This section does not apply to superintendents and~~ 7387
~~administrators subject to evaluation procedures under sections~~ 7388
~~3319.01 and 3319.02 of the Revised Code or to any teacher employed~~ 7389
~~as a substitute for less than one hundred twenty days during a~~ 7390
~~school year pursuant to section 3319.10 of the Revised Code.~~ 7391

(G) For purposes of section 3333.0411 of the Revised Code, 7392
the board annually shall report to the department of education the 7393
number of teachers for whom an evaluation was conducted under this 7394

section and the number of teachers assigned each rating prescribed 7395
under division (B)(1) of section 3319.112 of the Revised Code, 7396
aggregated by the teacher preparation programs from which and the 7397
years in which the teachers graduated. The department shall 7398
establish guidelines for reporting the information required by 7399
this division. The guidelines shall not permit or require that the 7400
name of, or any other personally identifiable information about, 7401
any teacher be reported under this division. 7402

(H) Notwithstanding any provision to the contrary in Chapter 7403
4117. of the Revised Code, the requirements of this section 7404
prevail over any conflicting provisions of a collective bargaining 7405
agreement entered into on or after the effective date of this 7406
amendment. 7407

Sec. 3319.112. (A) Not later than December 31, 2011, the 7408
state board of education shall develop a standards-based state 7409
framework for the evaluation of teachers. The state board may 7410
update the framework periodically by adoption of a resolution. The 7411
framework shall establish an evaluation system that does the 7412
following: 7413

(1) Provides for multiple evaluation factors, including 7414
student academic growth which shall account for fifty per cent of 7415
each evaluation. In calculating student academic growth for an 7416
evaluation, a student shall not be included if the student has 7417
sixty or more absences for the school year, whether excused or 7418
unexcused. 7419

(2) Is aligned with the standards for teachers adopted under 7420
section 3319.61 of the Revised Code; 7421

(3) Requires observation of the teacher being evaluated, 7422
including at least two formal observations by the evaluator of at 7423
least thirty minutes each and classroom walkthroughs; 7424

(4) Assigns a rating on each evaluation in accordance with	7425
division (B) of this section;	7426
(5) Requires each teacher to be provided with a written	7427
report of the results of the teacher's evaluation;	7428
(6) Identifies measures of student academic growth for grade	7429
levels and subjects for which the value-added progress dimension	7430
prescribed by section 3302.021 of the Revised Code does not apply;	7431
(7) Implements a classroom-level, value-added program	7432
developed by a nonprofit organization described in division (B) of	7433
section 3302.021 of the Revised Code;	7434
(8) Provides for professional development to accelerate and	7435
continue teacher growth and provide support to poorly performing	7436
teachers;	7437
(9) Provides for the allocation of financial resources to	7438
support professional development.	7439
(B) For purposes of the framework developed under this	7440
section, the state board also shall do the following:	7441
(1) Develop specific standards and criteria that distinguish	7442
between the following levels of performance for teachers and	7443
principals for the purpose of assigning ratings on the evaluations	7444
conducted under sections 3319.02 and 3319.111 of the Revised Code:	7445
(a) Accomplished;	7446
(b) Proficient;	7447
(c) Developing;	7448
(d) Ineffective.	7449
(2) For grade levels and subjects for which the assessments	7450
prescribed under sections 3301.0710 and 3301.0712 of the Revised	7451
Code and the value-added progress dimension prescribed by section	7452
3302.021 of the Revised Code do not apply, develop a list of	7453

student assessments that measure mastery of the course content for 7454
the appropriate grade level, which may include nationally normed 7455
standardized assessments, industry certification examinations, or 7456
end-of-course examinations. 7457

(C) The state board shall consult with experts, teachers and 7458
principals employed in public schools, and representatives of 7459
stakeholder groups in developing the standards and criteria 7460
required by division (B)(1) of this section. 7461

(D) To assist school districts in developing evaluation 7462
policies under sections 3319.02 and 3319.111 of the Revised Code, 7463
the department shall do both of the following: 7464

(1) Serve as a clearinghouse of promising evaluation 7465
procedures and evaluation models that districts may use; 7466

(2) Provide technical assistance to districts in creating 7467
evaluation policies. 7468

(E) Not later than June 30, 2013, the state board, in 7469
consultation with state agencies that employ teachers, shall 7470
develop a standards-based framework for the evaluation of teachers 7471
employed by those agencies. Each state agency that employs 7472
teachers shall adopt a standards-based teacher evaluation policy 7473
that conforms with the framework developed under this division. 7474
The policy shall become operative at the expiration of any 7475
collective bargaining agreement covering teachers employed by the 7476
agency that is in effect on the effective date of this amendment 7477
and shall be included in any renewal or extension of such an 7478
agreement. 7479

Sec. 3319.58. (A) As used in this section, "core subject 7480
area" has the same meaning as in section 3319.074 of the Revised 7481
Code. 7482

(B) Each year, the board of education of each city, exempted 7483

village, and local school district shall require each classroom 7484
teacher who is currently teaching in a core subject area and has 7485
received a rating of ineffective on the evaluations conducted 7486
under section 3319.111 of the Revised Code for two of the three 7487
most recent school years to register for and take all written 7488
examinations of content knowledge selected by the department of 7489
education as appropriate to determine expertise to teach that core 7490
subject area and the grade level to which the teacher is assigned. 7491

~~(C)~~ Each year, the ~~board of education of each city, exempted~~ 7492
~~village, and local school district,~~ governing authority of each 7493
community school established under Chapter 3314. of the Revised 7494
Code, and governing body of each STEM school established under 7495
Chapter 3326. of the Revised Code with a building ranked in the 7496
lowest ten per cent of all public school buildings according to 7497
performance index score, under section 3302.21 of the Revised 7498
Code, shall require each classroom teacher currently teaching in a 7499
core subject area in such a building to register for and take all 7500
written examinations ~~prescribed by the state board of education~~ 7501
~~for licensure of~~ content knowledge selected by the department as 7502
appropriate to determine expertise to teach that core subject area 7503
and the grade level to which the teacher is assigned ~~under section~~ 7504
~~3319.22 of the Revised Code. However, if~~ 7505

(D) If a teacher who takes a ~~prescribed~~ an examination under 7506
this ~~division~~ section passes that examination and provides proof 7507
of that passage to the teacher's employer, the teacher shall not 7508
be required to take the examination again for three years, 7509
regardless of the teacher's evaluation ratings or the performance 7510
index score ranking of the building in which the teacher teaches. 7511
No teacher shall be responsible for the cost of taking an 7512
examination under this ~~division~~ section. 7513

~~(C)~~(E) Each district board of education, each community 7514
school governing authority, and each STEM school governing body 7515

may use the results of a teacher's examinations required under 7516
division (B) or (C) of this section in developing and revising 7517
professional development plans and in deciding whether or not to 7518
continue employing the teacher in accordance with the provisions 7519
of this chapter or Chapter 3314. or 3326. of the Revised Code. 7520
However, no decision to terminate or not to renew a teacher's 7521
employment contract shall be made solely on the basis of the 7522
results of a teacher's examination under this section until and 7523
unless the teacher has not attained a passing score on the same 7524
required examination for at least three consecutive 7525
administrations of that examination. 7526

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 7527
"guardian," or "other person having charge or care of a child" 7528
means either parent unless the parents are separated or divorced 7529
or their marriage has been dissolved or annulled, in which case 7530
"parent" means the parent who is the residential parent and legal 7531
custodian of the child. If the child is in the legal or permanent 7532
custody of a person or government agency, "parent" means that 7533
person or government agency. When a child is a resident of a home, 7534
as defined in section 3313.64 of the Revised Code, and the child's 7535
parent is not a resident of this state, "parent," "guardian," or 7536
"other person having charge or care of a child" means the head of 7537
the home. 7538

A child between six and eighteen years of age is "of 7539
compulsory school age" for the purpose of sections 3321.01 to 7540
3321.13 of the Revised Code. A child under six years of age who 7541
has been enrolled in kindergarten also shall be considered "of 7542
compulsory school age" for the purpose of sections 3321.01 to 7543
3321.13 of the Revised Code unless at any time the child's parent 7544
or guardian, at the parent's or guardian's discretion and in 7545
consultation with the child's teacher and principal, formally 7546
withdraws the child from kindergarten. The compulsory school age 7547

of a child shall not commence until the beginning of the term of 7548
such schools, or other time in the school year fixed by the rules 7549
of the board of the district in which the child resides. 7550

(2) No child shall be admitted to a kindergarten or a first 7551
grade of a public school in a district in which all children are 7552
admitted to kindergarten and the first grade in August or 7553
September unless the child is five or six years of age, 7554
respectively, by the thirtieth day of September of the year of 7555
admittance, or by the first day of a term or semester other than 7556
one beginning in August or September in school districts granting 7557
admittance at the beginning of such term or semester, ~~except that~~ 7558
~~in those school districts using or obtaining educationally~~ 7559
~~accepted standardized testing programs for determining entrance,~~ 7560
~~as approved by the board of education of such districts, the board~~ 7561
~~shall admit a child to kindergarten or the first grade who fails~~ 7562
~~to meet the age requirement, provided the child meets necessary~~ 7563
~~standards as determined by such standardized testing programs. If~~ 7564
~~the board of education has not established a standardized testing~~ 7565
~~program, the board shall designate the necessary standards and a~~ 7566
~~testing program it will accept for the purpose of admitting a~~ 7567
~~child to kindergarten or first grade who fails to meet the age~~ 7568
~~requirement. Each child who will be the proper age for entrance to~~ 7569
~~kindergarten or first grade by the first day of January of the~~ 7570
~~school year for which admission is requested shall be so tested~~ 7571
~~upon the request of the child's parent unless the child has been~~ 7572
~~recommended for early admittance in accordance with the district's~~ 7573
~~acceleration policy adopted under section 3324.10 of the Revised~~ 7574
~~Code. A child who does not meet the age requirement for admittance~~ 7575
~~to kindergarten or first grade shall be evaluated for early~~ 7576
~~admittance upon referral by an educator employed by the district,~~ 7577
~~a preschool educator who knows the child, or a pediatrician or~~ 7578
~~psychologist who knows the child.~~ 7579

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

(4) After a student has been admitted to kindergarten in a school district or chartered nonpublic school, no board of education of a school district to which the student transfers shall deny that student admission based on the student's age.

(B) As used in ~~divisions~~ division (C) and ~~(D)~~ of this section, "successfully completed kindergarten" and ~~"successful completion of kindergarten"~~ means that the child has completed the kindergarten requirements at one of the following:

(1) A public or chartered nonpublic school;

(2) A kindergarten class that is both of the following:

(a) Offered by a day-care provider licensed under Chapter 5104. of the Revised Code;

(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:

(i) A valid educator license issued under section 3319.22 of the Revised Code;

(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;

(iii) Certification determined under division ~~(G)~~(F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;

(iv) Certification for teachers in nontax-supported schools

pursuant to section 3301.071 of the Revised Code. 7610

(C) Except as provided in division ~~(D)~~(A)(2) of this section, 7611
no school district shall admit to the first grade any child who 7612
has not successfully completed kindergarten. 7613

~~(D) Upon request of a parent, the requirement of division (C) 7614
of this section may be waived by the district's pupil personnel 7615
services committee in the case of a child who is at least six 7616
years of age by the thirtieth day of September of the year of 7617
admittance and who demonstrates to the satisfaction of the 7618
committee the possession of the social, emotional, and cognitive 7619
skills necessary for first grade. 7620~~

~~The board of education of each city, local, and exempted 7621
village school district shall establish a pupil personnel services 7622
committee. The committee shall be composed of all of the following 7623
to the extent such personnel are either employed by the district 7624
or employed by the governing board of the educational service 7625
center within whose territory the district is located and the 7626
educational service center generally furnishes the services of 7627
such personnel to the district: 7628~~

~~(1) The director of pupil personnel services; 7629~~

~~(2) An elementary school counselor; 7630~~

~~(3) An elementary school principal; 7631~~

~~(4) A school psychologist; 7632~~

~~(5) A teacher assigned to teach first grade; 7633~~

~~(6) A gifted coordinator. 7634~~

~~The responsibilities of the pupil personnel services 7635
committee shall be limited to the issuing of waivers allowing 7636
admittance to the first grade without the successful completion of 7637
kindergarten. The committee shall have no other authority except 7638
as specified in this section. 7639~~

~~(E)~~ The scheduling of times for kindergarten classes and 7640
length of the school day for kindergarten shall be determined by 7641
the board of education of a city, exempted village, or local 7642
school district. 7643

~~(F)~~(E) Any kindergarten class offered by a day-care provider 7644
or school described by division (B)(1) or (B)(2)(a) of this 7645
section shall be developmentally appropriate. 7646

~~(G)~~(F) Upon written request of a day-care provider described 7647
by division (B)(2)(a) of this section, the department of education 7648
shall determine whether certification held by a teacher employed 7649
by the provider meets the requirement of division (B)(2)(b)(iii) 7650
of this section and, if so, shall furnish the provider a statement 7651
to that effect. 7652

~~(H)~~(G) As used in this division, "all-day kindergarten" has 7653
the same meaning as in section 3321.05 of the Revised Code. 7654

(1) Any school district that did not receive for fiscal year 7655
2009 poverty-based assistance for all-day kindergarten under 7656
division (D) of section 3317.029 of the Revised Code may charge 7657
fees or tuition for students enrolled in all-day kindergarten. If 7658
a district charges fees or tuition for all-day kindergarten under 7659
this division, the district shall develop a sliding fee scale 7660
based on family incomes. 7661

(2) The department of education shall conduct an annual 7662
survey of each school district described in division ~~(H)~~(G)(1) of 7663
this section to determine the following: 7664

(a) Whether the district charges fees or tuition for students 7665
enrolled in all-day kindergarten; 7666

(b) The amount of the fees or tuition charged; 7667

(c) How many of the students for whom tuition is charged are 7668
eligible for free lunches under the "National School Lunch Act," 7669

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, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

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

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

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

Sec. 3323.011. As used in this chapter, "individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this definition and that includes:

(A) A statement of the child's present levels of academic achievement and functional performance, including:

(1) How the child's disability affects the child's involvement and progress in the general education curriculum;

(2) For a preschool child with a disability, as appropriate, how the disability affects the child's participation in appropriate activities;

(3) For a child with a disability who is not a preschool child and who will take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.

(B) A statement of measurable annual goals, including

academic and functional goals and, at the discretion of the 7700
department of education, short-term instructional objectives that 7701
are designed to: 7702

(1) Meet the child's needs that result from the child's 7703
disability so as to enable the child to be involved in and make 7704
progress in the general education curriculum; 7705

(2) Meet each of the child's other educational needs that 7706
result from the child's disability. 7707

(C) A description of how the child's progress toward meeting 7708
the annual goals described pursuant to division (B) of this 7709
section will be measured and when periodic reports on the progress 7710
the child is making toward meeting the annual goals will be 7711
provided. Such reports may be quarterly or other periodic reports 7712
that are issued concurrent with the issuance of regular report 7713
cards. 7714

(D) A statement of the special education and related services 7715
and supplementary aids and services, based on peer-reviewed 7716
research to the extent practicable, to be provided to the child, 7717
or on behalf of the child, and a statement of the program 7718
modifications or supports for school personnel that will be 7719
provided for the child so that the child may: 7720

(1) Advance appropriately toward attaining the annual goals 7721
described pursuant to division (B) of this section; 7722

(2) Be involved in and make progress in the general education 7723
curriculum and participate in extracurricular and other 7724
nonacademic activities; 7725

(3) Be educated with and participate with both other children 7726
with disabilities and nondisabled children in the specific 7727
activities described pursuant to division (D) of this section. 7728

(E) An explanation of the extent, if any, to which the child 7729

will not participate with nondisabled children in the regular 7730
class, including an early childhood education setting, and in the 7731
activities described pursuant to division (D) of this section; 7732

(F) A statement of any individual appropriate accommodations 7733
that are necessary to measure the academic achievement and 7734
functional performance of the child on state and districtwide 7735
assessments consistent with section 612(a)(16) of the "Individuals 7736
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 7737
1412(a)(16). If the IEP team determines that the child shall take 7738
an alternate assessment on a particular state or districtwide 7739
assessment of student achievement, the IEP shall contain a 7740
statement of why the child cannot participate in the regular 7741
assessment and why the particular alternate assessment selected is 7742
appropriate for the child. 7743

(G) The projected date for the beginning of the services and 7744
modifications described pursuant to division (D) of this section 7745
and the anticipated frequency, location, and duration of those 7746
services and modifications; 7747

(H) Beginning not later than the first IEP to be in effect 7748
when the child is ~~sixteen~~ fourteen years of age, and updated 7749
annually thereafter, a statement describing: 7750

(1) Appropriate measurable post-secondary goals based upon 7751
age-appropriate transition assessments related to training, 7752
education, ~~employment~~, and independent living skills; 7753

(2) Appropriate measurable post-secondary goals based on 7754
age-appropriate transition assessments related to employment in a 7755
competitive environment in which workers are integrated regardless 7756
of disability; 7757

(3) The transition services, including courses of study, 7758
needed to assist the child in reaching the goals described in 7759
~~division~~ divisions (H)(1) and (2) of this section. 7760

(I) Beginning not later than one year before the child reaches eighteen years of age, a statement that the child has been informed of the child's rights under Title XX of the United States Code that will transfer to the child on reaching eighteen years of age in accordance with section 615(m) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1415(m).

Nothing in this section shall be construed to require that additional information be included in a child's IEP beyond the items explicitly required by this section and that the IEP team include information under one component of a child's IEP that is already contained under another component of the IEP.

Sec. 3323.052. ~~(A) Not later than sixty days after the effective date of this section~~ November 28, 2011, the department of education shall develop a document that compares a parent's and child's rights under this chapter and 20 U.S.C. 1400 et seq. with the parent's and child's rights under the Jon Peterson special needs scholarship program, established in sections 3310.51 to 3310.64 of the Revised Code, including the deadline for application for a scholarship or renewal of a scholarship and notice of that application to the child's school district, prescribed in division (C) of section 3310.52 of the Revised Code, and the provisions of divisions (A) and (B) of section 3310.53 of the Revised Code. The department shall revise that document as necessary to reflect any pertinent changes in state or federal statutory law, rule, or regulation enacted or adopted after the initial document is developed. ~~The~~

(B) The department and each school district shall ensure that the document prescribed in division (A) of this section is included in, appended to, or otherwise distributed in conjunction with the notice required under 20 U.S.C. 1415(d), and any

provision of the Code of Federal Regulations implementing that 7792
requirement, in the manner and at all the times specified for such 7793
notice in federal law or regulation. ~~As~~ 7794

(C) In addition to the requirement prescribed by division (B) 7795
of this section, each time a child's school district completes an 7796
evaluation for a child with a disability or undertakes the 7797
development, review, or revision of the child's IEP, the district 7798
shall notify the child's parent, by letter or electronic means, 7799
about both the autism scholarship program, under section 3310.41 7800
of the Revised Code, and the Jon Peterson special needs 7801
scholarship program, under sections 3310.51 to 3310.64 of the 7802
Revised Code. The notice shall include the following statement: 7803

"Your child may be eligible for a scholarship under the 7804
Autism Scholarship Program or the Jon Peterson Special Needs 7805
Scholarship Program to attend a special education program that 7806
implements the child's individualized education program and that 7807
is operated by an alternative public provider or by a registered 7808
private provider." 7809

The notice shall include the telephone number of the office 7810
of the department responsible for administering the scholarship 7811
programs and the specific location of scholarship information on 7812
the department's web site. 7813

(D) As used in this section, a "child's school district" 7814
means the school district in which the child is entitled to attend 7815
school under section 3313.64 or 3313.65 of the Revised Code. 7816

Sec. 3326.03. (A) The STEM committee shall authorize the 7817
establishment of and award grants to science, technology, 7818
engineering, and mathematics schools based on proposals submitted 7819
to the committee. 7820

The committee shall determine the criteria for proposals, 7821

establish procedures for the submission of proposals, accept and 7822
evaluate proposals, and choose which proposals to approve to 7823
become a STEM school. In approving proposals for STEM schools, the 7824
committee shall consider locating the schools in diverse 7825
geographic regions of the state so that all students have access 7826
to a STEM school. 7827

The committee may authorize the establishment of a group of 7828
multiple STEM schools to operate from multiple facilities located 7829
in one or more school districts under the direction of a single 7830
governing body in the manner prescribed by section 3326.031 of the 7831
Revised Code. The committee shall consider the merits of each of 7832
the proposed STEM schools within a group and shall authorize each 7833
school separately. Anytime after authorizing a group of STEM 7834
schools to be under the direction of a single governing body, upon 7835
a proposal from the governing body, the committee may authorize 7836
one or more additional schools to operate as part of that group. 7837

The STEM committee may approve one or more STEM schools to 7838
serve only students identified as gifted under Chapter 3324. of 7839
the Revised Code. 7840

(B) Proposals may be submitted only by a partnership of 7841
public and private entities consisting of at least all of the 7842
following: 7843

(1) A city, exempted village, local, or joint vocational 7844
school district; 7845

(2) Higher education entities; 7846

(3) Business organizations. 7847

(C) Each proposal shall include at least the following: 7848

(1) Assurances that the STEM school or group of STEM schools 7849
will be under the oversight of a governing body and a description 7850
of the members of that governing body and how they will be 7851

selected;	7852
(2) Assurances that the <u>each</u> STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee;	7853 7854 7855
(3) Evidence that the <u>each</u> 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:	7856 7857 7858 7859 7860
(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	7861 7862
(b) Incorporates scientific inquiry and technological design;	7863
(c) Includes the arts and humanities;	7864
(d) Emphasizes personalized learning and teamwork skills.	7865
(4) Evidence that the <u>each</u> school will attract school leaders who support the curriculum principles of division (C)(3) of this section;	7866 7867 7868
(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;	7869 7870 7871
(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;	7872 7873 7874
(7) Evidence that the <u>each</u> school will operate in collaboration with a partnership that includes institutions of higher education and businesses;	7875 7876 7877
(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;	7878 7879 7880

(9) A description of how ~~the~~ each school's assets will be 7881
distributed if the school closes for any reason. 7882

Sec. 3326.031. (A) As authorized by the STEM committee, a 7883
single governing body may direct a group of multiple STEM schools 7884
to operate from multiple facilities located in one or more school 7885
districts to be organized and operated in the manner prescribed 7886
under this chapter except as specified by this section. Each 7887
school within the group shall operate as a separate school but 7888
under the direction of a common governing body. The governing body 7889
may employ a single treasurer, licensed in the manner prescribed 7890
by section 3326.21 of the Revised Code, to manage the fiscal 7891
affairs of all of the schools within the group. Each school shall 7892
have a chief administrative officer, as required by section 7893
3326.08 of the Revised Code, but the governing body may in its 7894
discretion appoint a single individual to be the chief 7895
administrative officer of two or more schools in the group. No 7896
school within the group shall be organized or funded in the manner 7897
prescribed by section 3326.51 of the Revised Code. 7898

(B) The department shall calculate funds under this chapter 7899
for each STEM school within a group separately and shall pay those 7900
funds directly to each school. 7901

(C) In accordance with section 3326.17 of the Revised Code, 7902
the department shall issue a separate report card for each STEM 7903
school within a group. The department also shall compute a rating 7904
for each group of schools and report that rating in a distinct 7905
report card for the group. 7906

Sec. 3326.04. (A) The STEM committee shall award grants to 7907
support the operation of STEM programs of excellence to serve 7908
students in any of grades kindergarten through eight through a 7909
request for proposals. 7910

(B) Proposals may be submitted by any of the following:	7911
(1) The board of education of a city, exempted village, or local school district;	7912 7913
(2) The governing authority of a community school established under Chapter 3314. of the Revised Code.	7914 7915
(C) Each proposal shall demonstrate to the satisfaction of the STEM committee that the program meets at least the following standards:	7916 7917 7918
(1) The <u>Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the</u> program will serve all students enrolled in the district or school in the grades for which the program is designed.	7919 7920 7921 7922
(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom.	7923 7924 7925 7926 7927
(3) The <u>Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the</u> program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.	7928 7929 7930 7931
(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.	7932 7933 7934
(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses.	7935 7936 7937
(6) The program will include teacher professional development strategies that are augmented by community and business partners.	7938 7939
(D) The STEM committee shall give priority to proposals for	7940

new or expanding innovative programs. 7941

Sec. 3326.10. Each science, technology, engineering, and 7942
mathematics school shall adopt admission procedures that specify 7943
the following: 7944

(A)(1) Admission shall be open to individuals entitled and 7945
eligible to attend school pursuant to section 3313.64 or 3313.65 7946
of the Revised Code in a school district in the state. 7947

(2) Students who are not residents of Ohio shall not be 7948
permitted to enroll in a science, technology, engineering, and 7949
mathematics school. 7950

(B) There will be no discrimination in the admission of 7951
students to the school on the basis of race, creed, color, 7952
disability, or sex. 7953

(C) The school will comply with all federal and state laws 7954
regarding the education of students with disabilities. 7955

(D) ~~The~~ Unless the school serves only students identified as 7956
gifted under Chapter 3324. of the Revised Code, the school will 7957
not limit admission to students on the basis of intellectual 7958
ability, measures of achievement or aptitude, or athletic or 7959
artistic ability; ~~the~~. 7960

(E) The school will assert its best effort to attract a 7961
diverse student body that reflects the community; ~~and~~ the school 7962
will recruit students from disadvantaged and underrepresented 7963
groups. 7964

Sec. 3326.11. Each science, technology, engineering, and 7965
mathematics school established under this chapter and its 7966
governing body shall comply with sections 9.90, 9.91, 109.65, 7967
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 7968
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 7969

3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 7970
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 7971
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 7972
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 7973
3313.671, 3313.672, 3313.673, ~~3313.674~~, 3313.69, 3313.71, 7974
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 7975
3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 3319.21, 7976
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 7977
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 7978
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 7979
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 7980
4123., 4141., and 4167. of the Revised Code as if it were a school 7981
district. 7982

Sec. 3326.17. (A) The department of education shall issue an 7983
annual report card for each science, technology, engineering, and 7984
mathematics school that includes all information applicable to 7985
school buildings under section 3302.03 of the Revised Code. 7986

(B) For each student enrolled in a STEM school, the 7987
department shall combine data regarding the academic performance 7988
of that student with comparable data from the school district in 7989
which the student is entitled to attend school pursuant to section 7990
3313.64 or 3313.65 of the Revised Code for the purpose of 7991
calculating the performance of the district as a whole on the 7992
report card issued for the district under section 3302.03 of the 7993
Revised Code. 7994

(C) The department also shall compute a rating for each group 7995
of STEM schools that is under the direction of the same governing 7996
body, as authorized under section 3326.031 of the Revised Code, 7997
and issue a distinct report card for the group as a whole. 7998

(D) Each STEM school and its governing body shall comply with 7999
sections 3302.04 and 3302.041 of the Revised Code, except that any 8000

action required to be taken by a school district pursuant to those 8001
sections shall be taken by the school. However, the school shall 8002
not be required to take any action described in division (F) of 8003
section 3302.04 of the Revised Code. 8004

Sec. 3326.21. (A) ~~Each~~ Except as provided by section 3326.031 8005
of the Revised Code, each science, technology, engineering, and 8006
mathematics school shall have a treasurer who is licensed under 8007
section 3301.074 of the Revised Code. The governing body of the 8008
school and the treasurer shall comply with sections 3301.072, 8009
3313.22 to 3313.32, 3313.51, and 3315.08 of the Revised Code in 8010
the same manner as a school district board of education and a 8011
district treasurer. 8012

(B) Financial records of each STEM school shall be maintained 8013
in the same manner as are financial records of school districts, 8014
pursuant to rules of the auditor of state. 8015

Sec. 3326.26. The governing body of a science, technology, 8016
engineering, and mathematics school may screen students in ninth 8017
grade for body mass index and weight status category. If a 8018
governing body elects to require the screenings, it shall comply 8019
with section 3313.674 of the Revised Code in the same manner 8020
required of a school district board of education. 8021

Sec. 3328.15. (A) Each college-preparatory boarding school 8022
established under this chapter shall be governed by a board of 8023
trustees consisting of up to twenty-five members. Five of those 8024
members shall be appointed by the governor, with the advice and 8025
consent of the senate. The governor's appointments may be based on 8026
nonbinding recommendations made by the superintendent of public 8027
instruction. Of the remaining members, initial members shall be 8028
appointed by the school's operator and future members shall be 8029
appointed pursuant to the bylaws adopted under section 3328.13 of 8030

the Revised Code. The governor, operator, or any other person or 8031
entity who appoints a member of the board of trustees under this 8032
section or the bylaws adopted under section 3328.13 of the Revised 8033
Code may remove that member from the board at any time. 8034

(B) The terms of office of the initial members shall be as 8035
follows: 8036

(1) Two members appointed by the governor shall serve for an 8037
initial term of three years. 8038

(2) Two members appointed by the governor shall serve for an 8039
initial term of two years. 8040

(3) One member appointed by the governor shall serve for an 8041
initial term of one year. 8042

(4) One-third of the members appointed by the operator, 8043
rounded down to the nearest whole number, shall serve for an 8044
initial term of three years. 8045

(5) One-third of the members appointed by the operator, 8046
rounded down to the nearest whole number, shall serve for an 8047
initial term of two years. 8048

(6) One-third of the members appointed by the operator, 8049
rounded down to the nearest whole number, shall serve for an 8050
initial term of one year. 8051

(7) Any remaining members appointed by the operator shall 8052
serve for an initial term of one year. 8053

Thereafter the terms of office of all members shall be for 8054
three years. 8055

The beginning date and ending date of terms of office shall 8056
be as prescribed by the school's operator, unless modified in the 8057
bylaws adopted under section 3328.13 of the Revised Code. 8058

(C) Vacancies on the board shall be filled in the same manner 8059

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.

(D) No member may serve for more than three consecutive three-year terms.

(E) The officers of the board shall be selected by and from among the members of the board.

(F) Compensation for the members of the board, if any, shall be as prescribed in the bylaws adopted under section 3328.13 of the Revised Code.

Sec. 3328.24. A college-preparatory boarding school established under this chapter, ~~its operator,~~ and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3319.39, and 3319.391 of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 3333.0411. Not later than December 31, 2012, and annually thereafter, the chancellor of the Ohio board of regents shall report aggregate academic growth data for students assigned to graduates of teacher preparation programs approved under section 3333.048 of the Revised Code who teach English language arts or mathematics in any of grades four to eight in a public school in Ohio. For this purpose, the chancellor shall use the value-added progress dimension prescribed by section 3302.021 of the Revised Code. The chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this section applies, the chancellor shall report the data for a group of classes over a three-year period. ~~It~~

Not later than December 31, 2014, and annually thereafter,

the chancellor of the Ohio board of regents shall report for each 8090
approved teacher preparation program, the number and percentage of 8091
all graduates of the program who were rated at each of the 8092
performance levels prescribed by division (B)(1) of section 8093
3319.112 of the Revised Code on an evaluation conducted in 8094
accordance with section 3319.111 of the Revised Code in the 8095
previous school year. 8096

In no case shall the ~~report~~ reports identify any individual 8097
graduate. The department of education shall share any data 8098
necessary for the report with the chancellor. 8099

Sec. 4123.391. (A) For purposes of this section, "learn to 8100
earn program" has the same meaning as in section 4141.292 of the 8101
Revised Code. 8102

(B) Solely for the purpose of providing compensation and 8103
benefits as set forth in this section, a participant in a learn to 8104
earn program is an employee of the department, and not an employee 8105
of the entity conducting the training. 8106

(C) A learn to earn program participant who suffers an injury 8107
or contracts an occupational disease in the course of and arising 8108
out of participation in the learn to earn program is entitled to 8109
compensation and benefits under this chapter. 8110

(D)(1) This chapter is the exclusive remedy for a learn to 8111
earn program participant or the participant's dependents resulting 8112
from the participant's injury or occupational disease received in 8113
the course of and arising out of the participant's participation 8114
in the program. Pursuant to section 4123.74 of the Revised Code, 8115
neither the department nor the designated worksite training 8116
provider shall be liable to respond in damages at common law or by 8117
statute for any injury, occupational disease, or bodily condition 8118
suffered or contracted by a participant in the course of or 8119
arising out of participation in the program. 8120

(2) Notwithstanding division (D)(1) of this section, a participant or the participant's dependents do not waive any cause of action for an intentional tort under section 2745.01 of the Revised Code against the department or the designated worksite training provider.

(E) The department may include a learn to earn program participant in its department workers' compensation coverage, or may establish a separate workers' compensation coverage policy with the bureau of workers' compensation upon the terms and conditions for insurance to be established by the bureau consistent with insurance principles, as is equitable in the view of degree and hazard.

Sec. 4139.01. As used in ~~sections 4139.01 to 4139.06 of the Revised Code~~ this chapter:

(A) "Apprentice" means a person at least sixteen years of age, except when a higher minimum age standard is otherwise fixed by law, who is covered by an in a registered apprenticeship program to learn a skilled occupation, pursuant to a registered apprenticeship agreement.

(B) "Apprenticeship agreement" means a written agreement, registered with the ~~Ohio~~ state apprenticeship council, providing for not less than two thousand hours of reasonably continuous employment, and for participation in an approved schedule of work experience through employment, which shall be supplemented by a minimum of one hundred forty-four hours per year of related and supplemental instructions.

(C) "Council office" means the unit of the department of job and family services that staffs the apprenticeship council and performs the administrative and oversight functions concerning this state's registered apprenticeship system.

Sec. 4139.03. The apprenticeship council may ~~establish~~ 8151
recommend minimum standards for apprenticeship programs and may 8152
formulate policies and ~~issue~~ recommend rules as may be necessary 8153
to carry out the purpose of ~~sections 4139.01 to 4139.06 of the~~ 8154
~~Revised Code~~ this chapter. The council shall determine the date 8155
and place of its meetings and shall prescribe its own rules of 8156
procedure. 8157

Sec. 4139.04. The director of job and family services shall 8158
appoint the executive secretary of the ~~apprenticeship~~ council 8159
office, which appointment shall be subject to confirmation by a 8160
majority vote of the apprenticeship council. The director shall 8161
appoint such additional personnel as may be necessary, subject to 8162
Chapter 124. of the Revised Code. 8163

Sec. 4139.05. The executive secretary of the ~~apprenticeship~~ 8164
council office has the following duties: 8165

(A) Encourage the voluntary participation of employers and 8166
employees in the furtherance of the objective of ~~sections 4139.01~~ 8167
~~to 4139.06 of the Revised Code~~ this chapter; 8168

(B) Register any apprenticeship programs and agreements that 8169
meet the minimum standards established by ~~the council~~ federal 8170
regulations and state rules governing the registered 8171
apprenticeship system; 8172

(C) Terminate or cancel ~~on the authority of~~ in consultation 8173
with the apprenticeship council any registered apprenticeship 8174
programs and agreements not in ~~accordance~~ compliance with the 8175
provisions of such standards; 8176

(D) Keep a record of apprenticeship programs and their 8177
disposition; 8178

(E) ~~Issue certificate of completion of apprenticeship in~~ 8179

accordance with the council's standards;	8180
(F) Devise <u>and implement</u> all necessary procedures and records	8181
<u>minimum standards as are necessary for the administration of the</u>	8182
<u>registered apprenticeship system;</u>	8183
<u>(F) Implement administrative rules adopted by the director of</u>	8184
<u>job and family services as necessary for the administration of the</u>	8185
<u>registered apprenticeship system;</u>	8186
(G) Prepare statistical reports regarding apprenticeship	8187
training;	8188
(H) Issue information related to apprenticeship;	8189
(I) Perform such other duties as the council may direct	8190
<u>appropriate under the applicable rules and regulations.</u>	8191
Sec. 4141.01. As used in this chapter, unless the context	8192
otherwise requires:	8193
(A)(1) "Employer" means the state, its instrumentalities, its	8194
political subdivisions and their instrumentalities, Indian tribes,	8195
and any individual or type of organization including any	8196
partnership, limited liability company, association, trust,	8197
estate, joint-stock company, insurance company, or corporation,	8198
whether domestic or foreign, or the receiver, trustee in	8199
bankruptcy, trustee, or the successor thereof, or the legal	8200
representative of a deceased person who subsequent to December 31,	8201
1971, or in the case of political subdivisions or their	8202
instrumentalities, subsequent to December 31, 1973:	8203
(a) Had in employment at least one individual, or in the case	8204
of a nonprofit organization, subsequent to December 31, 1973, had	8205
not less than four individuals in employment for some portion of a	8206
day in each of twenty different calendar weeks, in either the	8207
current or the preceding calendar year whether or not the same	8208
individual was in employment in each such day; or	8209

(b) Except for a nonprofit organization, had paid for service 8210
in employment wages of fifteen hundred dollars or more in any 8211
calendar quarter in either the current or preceding calendar year; 8212
or 8213

(c) Had paid, subsequent to December 31, 1977, for employment 8214
in domestic service in a local college club, or local chapter of a 8215
college fraternity or sorority, cash remuneration of one thousand 8216
dollars or more in any calendar quarter in the current calendar 8217
year or the preceding calendar year, or had paid subsequent to 8218
December 31, 1977, for employment in domestic service in a private 8219
home cash remuneration of one thousand dollars in any calendar 8220
quarter in the current calendar year or the preceding calendar 8221
year: 8222

(i) For the purposes of divisions (A)(1)(a) and (b) of this 8223
section, there shall not be taken into account any wages paid to, 8224
or employment of, an individual performing domestic service as 8225
described in this division. 8226

(ii) An employer under this division shall not be an employer 8227
with respect to wages paid for any services other than domestic 8228
service unless the employer is also found to be an employer under 8229
division (A)(1)(a), (b), or (d) of this section. 8230

(d) As a farm operator or a crew leader subsequent to 8231
December 31, 1977, had in employment individuals in agricultural 8232
labor; and 8233

(i) During any calendar quarter in the current calendar year 8234
or the preceding calendar year, paid cash remuneration of twenty 8235
thousand dollars or more for the agricultural labor; or 8236

(ii) Had at least ten individuals in employment in 8237
agricultural labor, not including agricultural workers who are 8238
aliens admitted to the United States to perform agricultural labor 8239
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 8240

"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 8241
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 8242
of the twenty different calendar weeks, in either the current or 8243
preceding calendar year whether or not the same individual was in 8244
employment in each day; or 8245

(e) Is not otherwise an employer as defined under division 8246
(A)(1)(a) or (b) of this section; and 8247

(i) For which, within either the current or preceding 8248
calendar year, service, except for domestic service in a private 8249
home not covered under division (A)(1)(c) of this section, is or 8250
was performed with respect to which such employer is liable for 8251
any federal tax against which credit may be taken for 8252
contributions required to be paid into a state unemployment fund; 8253

(ii) Which, as a condition for approval of this chapter for 8254
full tax credit against the tax imposed by the "Federal 8255
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 8256
required, pursuant to such act to be an employer under this 8257
chapter; or 8258

(iii) Who became an employer by election under division 8259
(A)(4) or (5) of this section and for the duration of such 8260
election; or 8261

(f) In the case of the state, its instrumentalities, its 8262
political subdivisions, and their instrumentalities, and Indian 8263
tribes, had in employment, as defined in divisions (B)(2)(a) and 8264
(B)(2)(1) of this section, at least one individual; 8265

(g) For the purposes of division (A)(1)(a) of this section, 8266
if any week includes both the thirty-first day of December and the 8267
first day of January, the days of that week before the first day 8268
of January shall be considered one calendar week and the days 8269
beginning the first day of January another week. 8270

(2) Each individual employed to perform or to assist in 8271

performing the work of any agent or employee of an employer is 8272
employed by such employer for all the purposes of this chapter, 8273
whether such individual was hired or paid directly by such 8274
employer or by such agent or employee, provided the employer had 8275
actual or constructive knowledge of the work. All individuals 8276
performing services for an employer of any person in this state 8277
who maintains two or more establishments within this state are 8278
employed by a single employer for the purposes of this chapter. 8279

(3) An employer subject to this chapter within any calendar 8280
year is subject to this chapter during the whole of such year and 8281
during the next succeeding calendar year. 8282

(4) An employer not otherwise subject to this chapter who 8283
files with the director of job and family services a written 8284
election to become an employer subject to this chapter for not 8285
less than two calendar years shall, with the written approval of 8286
such election by the director, become an employer subject to this 8287
chapter to the same extent as all other employers as of the date 8288
stated in such approval, and shall cease to be subject to this 8289
chapter as of the first day of January of any calendar year 8290
subsequent to such two calendar years only if at least thirty days 8291
prior to such first day of January the employer has filed with the 8292
director a written notice to that effect. 8293

(5) Any employer for whom services that do not constitute 8294
employment are performed may file with the director a written 8295
election that all such services performed by individuals in the 8296
employer's employ in one or more distinct establishments or places 8297
of business shall be deemed to constitute employment for all the 8298
purposes of this chapter, for not less than two calendar years. 8299
Upon written approval of the election by the director, such 8300
services shall be deemed to constitute employment subject to this 8301
chapter from and after the date stated in such approval. Such 8302
services shall cease to be employment subject to this chapter as 8303

of the first day of January of any calendar year subsequent to 8304
such two calendar years only if at least thirty days prior to such 8305
first day of January such employer has filed with the director a 8306
written notice to that effect. 8307

(B)(1) "Employment" means service performed by an individual 8308
for remuneration under any contract of hire, written or oral, 8309
express or implied, including service performed in interstate 8310
commerce and service performed by an officer of a corporation, 8311
without regard to whether such service is executive, managerial, 8312
or manual in nature, and without regard to whether such officer is 8313
a stockholder or a member of the board of directors of the 8314
corporation, unless it is shown to the satisfaction of the 8315
director that such individual has been and will continue to be 8316
free from direction or control over the performance of such 8317
service, both under a contract of service and in fact. The 8318
director shall adopt rules to define "direction or control." 8319

(2) "Employment" includes: 8320

(a) Service performed after December 31, 1977, by an 8321
individual in the employ of the state or any of its 8322
instrumentalities, or any political subdivision thereof or any of 8323
its instrumentalities or any instrumentality of more than one of 8324
the foregoing or any instrumentality of any of the foregoing and 8325
one or more other states or political subdivisions and without 8326
regard to divisions (A)(1)(a) and (b) of this section, provided 8327
that such service is excluded from employment as defined in the 8328
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 8329
3306(c)(7) and is not excluded under division (B)(3) of this 8330
section; or the services of employees covered by voluntary 8331
election, as provided under divisions (A)(4) and (5) of this 8332
section; 8333

(b) Service performed after December 31, 1971, by an 8334
individual in the employ of a religious, charitable, educational, 8335

or other organization which is excluded from the term "employment" 8336
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 8337
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 8338
3306(c)(8) of that act and is not excluded under division (B)(3) 8339
of this section; 8340

(c) Domestic service performed after December 31, 1977, for 8341
an employer, as provided in division (A)(1)(c) of this section; 8342

(d) Agricultural labor performed after December 31, 1977, for 8343
a farm operator or a crew leader, as provided in division 8344
(A)(1)(d) of this section; 8345

(e) Service not covered under division (B)(1) of this section 8346
which is performed after December 31, 1971: 8347

(i) As an agent-driver or commission-driver engaged in 8348
distributing meat products, vegetable products, fruit products, 8349
bakery products, beverages other than milk, laundry, or 8350
dry-cleaning services, for the individual's employer or principal; 8351

(ii) As a traveling or city salesperson, other than as an 8352
agent-driver or commission-driver, engaged on a full-time basis in 8353
the solicitation on behalf of and in the transmission to the 8354
salesperson's employer or principal except for sideline sales 8355
activities on behalf of some other person of orders from 8356
wholesalers, retailers, contractors, or operators of hotels, 8357
restaurants, or other similar establishments for merchandise for 8358
resale, or supplies for use in their business operations, provided 8359
that for the purposes of division (B)(2)(e)(ii) of this section, 8360
the services shall be deemed employment if the contract of service 8361
contemplates that substantially all of the services are to be 8362
performed personally by the individual and that the individual 8363
does not have a substantial investment in facilities used in 8364
connection with the performance of the services other than in 8365
facilities for transportation, and the services are not in the 8366

nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed. 8367
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(f) An individual's entire service performed within or both within and without the state if: 8369
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(i) The service is localized in this state. 8371

(ii) The service is not localized in any state, but some of the service is performed in this state and either the base of operations, or if there is no base of operations then the place from which such service is directed or controlled, is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state. 8372
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(g) Service not covered under division (B)(2)(f)(ii) of this section and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, the Virgin Islands, Canada, or of the United States, if the individual performing such service is a resident of this state and the director approves the election of the employer for whom such services are performed; or, if the individual is not a resident of this state but the place from which the service is directed or controlled is in this state, the entire services of such individual shall be deemed to be employment subject to this chapter, provided service is deemed to be localized within this state if the service is performed entirely within this state or if the service is performed both within and without this state but the service performed without this state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions; 8380
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(h) Service of an individual who is a citizen of the United 8397

States, performed outside the United States except in Canada after 8398
December 31, 1971, or the Virgin Islands, after December 31, 1971, 8399
and before the first day of January of the year following that in 8400
which the United States secretary of labor approves the Virgin 8401
Islands law for the first time, in the employ of an American 8402
employer, other than service which is "employment" under divisions 8403
(B)(2)(f) and (g) of this section or similar provisions of another 8404
state's law, if: 8405

(i) The employer's principal place of business in the United 8406
States is located in this state; 8407

(ii) The employer has no place of business in the United 8408
States, but the employer is an individual who is a resident of 8409
this state; or the employer is a corporation which is organized 8410
under the laws of this state, or the employer is a partnership or 8411
a trust and the number of partners or trustees who are residents 8412
of this state is greater than the number who are residents of any 8413
other state; or 8414

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 8415
of this section is met but the employer has elected coverage in 8416
this state or the employer having failed to elect coverage in any 8417
state, the individual has filed a claim for benefits, based on 8418
such service, under this chapter. 8419

(i) For the purposes of division (B)(2)(h) of this section, 8420
the term "American employer" means an employer who is an 8421
individual who is a resident of the United States; or a 8422
partnership, if two-thirds or more of the partners are residents 8423
of the United States; or a trust, if all of the trustees are 8424
residents of the United States; or a corporation organized under 8425
the laws of the United States or of any state, provided the term 8426
"United States" includes the states, the District of Columbia, the 8427
Commonwealth of Puerto Rico, and the Virgin Islands. 8428

(j) Notwithstanding any other provisions of divisions (B)(1) 8429
and (2) of this section, service, except for domestic service in a 8430
private home not covered under division (A)(1)(c) of this section, 8431
with respect to which a tax is required to be paid under any 8432
federal law imposing a tax against which credit may be taken for 8433
contributions required to be paid into a state unemployment fund, 8434
or service, except for domestic service in a private home not 8435
covered under division (A)(1)(c) of this section, which, as a 8436
condition for full tax credit against the tax imposed by the 8437
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 8438
3311, is required to be covered under this chapter. 8439

(k) Construction services performed by any individual under a 8440
construction contract, as defined in section 4141.39 of the 8441
Revised Code, if the director determines that the employer for 8442
whom services are performed has the right to direct or control the 8443
performance of the services and that the individuals who perform 8444
the services receive remuneration for the services performed. The 8445
director shall presume that the employer for whom services are 8446
performed has the right to direct or control the performance of 8447
the services if ten or more of the following criteria apply: 8448

(i) The employer directs or controls the manner or method by 8449
which instructions are given to the individual performing 8450
services; 8451

(ii) The employer requires particular training for the 8452
individual performing services; 8453

(iii) Services performed by the individual are integrated 8454
into the regular functioning of the employer; 8455

(iv) The employer requires that services be provided by a 8456
particular individual; 8457

(v) The employer hires, supervises, or pays the wages of the 8458
individual performing services; 8459

(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	8460 8461 8462
(vii) The employer requires the individual to perform services during established hours;	8463 8464
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	8465 8466 8467
(ix) The employer requires the individual to perform services on the employer's premises;	8468 8469
(x) The employer requires the individual performing services to follow the order of work established by the employer;	8470 8471
(xi) The employer requires the individual performing services to make oral or written reports of progress;	8472 8473
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	8474 8475
(xiii) The employer pays expenses for the individual performing services;	8476 8477
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	8478 8479
(xv) The individual performing services has not invested in the facilities used to perform services;	8480 8481
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	8482 8483 8484
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	8485 8486
(xviii) The individual performing services does not make the services available to the general public;	8487 8488

(xix) The employer has a right to discharge the individual performing services;	8489 8490
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	8491 8492 8493
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 1837 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	8494 8495 8496 8497 8498 8499 8500 8501 8502
(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:	8503 8504 8505 8506 8507
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	8508 8509 8510
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;	8511 8512 8513 8514
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:	8515 8516 8517
(i) As a publicly elected official;	8518

(ii) As a member of a legislative body, or a member of the judiciary;	8519 8520
(iii) As a military member of the Ohio national guard;	8521
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	8522 8523 8524 8525
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	8526 8527 8528 8529 8530
(d) In the employ of any governmental unit or instrumentality of the United States;	8531 8532
(e) Service performed after December 31, 1971:	8533
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	8534 8535 8536 8537 8538
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers+.	8539 8540 8541 8542 8543 8544 8545 8546 8547 8548 8549

(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;

(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;

(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.

(h) Service performed after December 31, 1971:

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out

a program of rehabilitation for individuals whose earning capacity 8581
is impaired by age or physical or mental deficiency or injury, or 8582
providing remunerative work for individuals who because of their 8583
impaired physical or mental capacity cannot be readily absorbed in 8584
the competitive labor market, by an individual receiving such 8585
rehabilitation or remunerative work; 8586

(i) Service performed after June 30, 1939, with respect to 8587
which unemployment compensation is payable under the "Railroad 8588
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 8589

(j) Service performed by an individual in the employ of any 8590
organization exempt from income tax under section 501 of the 8591
"Internal Revenue Code of 1954," if the remuneration for such 8592
service does not exceed fifty dollars in any calendar quarter, or 8593
if such service is in connection with the collection of dues or 8594
premiums for a fraternal beneficial society, order, or association 8595
and is performed away from the home office or is ritualistic 8596
service in connection with any such society, order, or 8597
association; 8598

(k) Casual labor not in the course of an employer's trade or 8599
business; incidental service performed by an officer, appraiser, 8600
or member of a finance committee of a bank, building and loan 8601
association, savings and loan association, or savings association 8602
when the remuneration for such incidental service exclusive of the 8603
amount paid or allotted for directors' fees does not exceed sixty 8604
dollars per calendar quarter is casual labor; 8605

(l) Service performed in the employ of a voluntary employees' 8606
beneficial association providing for the payment of life, 8607
sickness, accident, or other benefits to the members of such 8608
association or their dependents or their designated beneficiaries, 8609
if admission to a membership in such association is limited to 8610
individuals who are officers or employees of a municipal or public 8611
corporation, of a political subdivision of the state, or of the 8612

United States and no part of the net earnings of such association 8613
inures, other than through such payments, to the benefit of any 8614
private shareholder or individual; 8615

(m) Service performed by an individual in the employ of a 8616
foreign government, including service as a consular or other 8617
officer or employee or of a nondiplomatic representative; 8618

(n) Service performed in the employ of an instrumentality 8619
wholly owned by a foreign government if the service is of a 8620
character similar to that performed in foreign countries by 8621
employees of the United States or of an instrumentality thereof 8622
and if the director finds that the secretary of state of the 8623
United States has certified to the secretary of the treasury of 8624
the United States that the foreign government, with respect to 8625
whose instrumentality exemption is claimed, grants an equivalent 8626
exemption with respect to similar service performed in the foreign 8627
country by employees of the United States and of instrumentalities 8628
thereof; 8629

(o) Service with respect to which unemployment compensation 8630
is payable under an unemployment compensation system established 8631
by an act of congress; 8632

(p) Service performed as a student nurse in the employ of a 8633
hospital or a nurses' training school by an individual who is 8634
enrolled and is regularly attending classes in a nurses' training 8635
school chartered or approved pursuant to state law, and service 8636
performed as an intern in the employ of a hospital by an 8637
individual who has completed a four years' course in a medical 8638
school chartered or approved pursuant to state law; 8639

(q) Service performed by an individual under the age of 8640
eighteen in the delivery or distribution of newspapers or shopping 8641
news, not including delivery or distribution to any point for 8642
subsequent delivery or distribution; 8643

(r) Service performed in the employ of the United States or
an instrumentality of the United States immune under the
Constitution of the United States from the contributions imposed
by this chapter, except that to the extent that congress permits
states to require any instrumentalities of the United States to
make payments into an unemployment fund under a state unemployment
compensation act, this chapter shall be applicable to such
instrumentalities and to services performed for such
instrumentalities in the same manner, to the same extent, and on
the same terms as to all other employers, individuals, and
services, provided that if this state is not certified for any
year by the proper agency of the United States under section 3304
of the "Internal Revenue Code of 1954," the payments required of
such instrumentalities with respect to such year shall be refunded
by the director from the fund in the same manner and within the
same period as is provided in division (E) of section 4141.09 of
the Revised Code with respect to contributions erroneously
collected;

(s) Service performed by an individual as a member of a band
or orchestra, provided such service does not represent the
principal occupation of such individual, and which service is not
subject to or required to be covered for full tax credit against
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat.
183 (1939), 26 U.S.C.A. 3301 to 3311.

(t) Service performed in the employ of a day camp whose
camping season does not exceed twelve weeks in any calendar year,
and which service is not subject to the "Federal Unemployment Tax
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service
performed after December 31, 1971:

(i) In the employ of a hospital, if the service is performed
by a patient of the hospital, as defined in division (W) of this
section;

(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;

(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.

(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;

(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;

(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;

(y) Service performed by a person committed to a penal institution.

(z) Service performed for an Indian tribe as described in 8707
division (B)(2)(1) of this section when performed in any of the 8708
following manners: 8709

(i) As a publicly elected official; 8710

(ii) As a member of an Indian tribal council; 8711

(iii) As a member of a legislative or judiciary body; 8712

(iv) In a position which, pursuant to Indian tribal law, is 8713
designated as a major nontenured policymaking or advisory 8714
position, or a policymaking or advisory position where the 8715
performance of the duties ordinarily does not require more than 8716
eight hours of time per week; 8717

(v) As an employee serving on a temporary basis in the case 8718
of a fire, storm, snow, earthquake, flood, or similar emergency. 8719

(aa) Service performed after December 31, 1971, for a 8720
nonprofit organization, this state or its instrumentalities, a 8721
political subdivision or its instrumentalities, or an Indian tribe 8722
as part of an unemployment work-relief or work-training program 8723
assisted or financed in whole or in part by any federal agency or 8724
an agency of a state or political subdivision, thereof, by an 8725
individual receiving the work-relief or work-training. 8726

(bb) Participation in a learn to earn program as defined in 8727
section 4141.292 of the Revised Code. 8728

(4) If the services performed during one half or more of any 8729
pay period by an employee for the person employing that employee 8730
constitute employment, all the services of such employee for such 8731
period shall be deemed to be employment; but if the services 8732
performed during more than one half of any such pay period by an 8733
employee for the person employing that employee do not constitute 8734
employment, then none of the services of such employee for such 8735
period shall be deemed to be employment. As used in division 8736

(B)(4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B)(4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B)(3)(o) of this section.

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director.

(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week.

(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim" means any claim other than the first claim for benefits and other than an additional claim.

(G)(1) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of eight thousand two hundred fifty dollars on and after January 1, 1992; eight thousand five hundred dollars on and after January 1, 1993; eight thousand seven hundred fifty dollars on and after January 1, 1994; and nine thousand dollars on and after January 1, 1995. Remuneration in excess of such amounts shall be deemed wages

subject to contribution to the same extent that such remuneration 8768
is defined as wages under the "Federal Unemployment Tax Act," 84 8769
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 8770
remuneration paid an employee by an employer with respect to 8771
employment in another state, upon which contributions were 8772
required and paid by such employer under the unemployment 8773
compensation act of such other state, shall be included as a part 8774
of remuneration in computing the amount specified in this 8775
division. 8776

(2) Notwithstanding division (G)(1) of this section, if, as 8777
of the computation date for any calendar year, the director 8778
determines that the level of the unemployment compensation fund is 8779
sixty per cent or more below the minimum safe level as defined in 8780
section 4141.25 of the Revised Code, then, effective the first day 8781
of January of the following calendar year, wages subject to this 8782
chapter shall not include that part of remuneration paid during 8783
any calendar year to an individual by an employer or such 8784
employer's predecessor in interest in the same business or 8785
enterprise which is in excess of nine thousand dollars. The 8786
increase in the dollar amount of wages subject to this chapter 8787
under this division shall remain in effect from the date of the 8788
director's determination pursuant to division (G)(2) of this 8789
section and thereafter notwithstanding the fact that the level in 8790
the fund may subsequently become less than sixty per cent below 8791
the minimum safe level. 8792

(H)(1) "Remuneration" means all compensation for personal 8793
services, including commissions and bonuses and the cash value of 8794
all compensation in any medium other than cash, except that in the 8795
case of agricultural or domestic service, "remuneration" includes 8796
only cash remuneration. Gratuities customarily received by an 8797
individual in the course of the individual's employment from 8798
persons other than the individual's employer and which are 8799

accounted for by such individual to the individual's employer are 8800
taxable wages. 8801

The reasonable cash value of compensation paid in any medium 8802
other than cash shall be estimated and determined in accordance 8803
with rules prescribed by the director, provided that 8804
"remuneration" does not include: 8805

(a) Payments as provided in divisions (b)(2) to (b)(16) of 8806
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 8807
26 U.S.C.A. 3301 to 3311, as amended; 8808

(b) The payment by an employer, without deduction from the 8809
remuneration of the individual in the employer's employ, of the 8810
tax imposed upon an individual in the employer's employ under 8811
section 3101 of the "Internal Revenue Code of 1954," with respect 8812
to services performed after October 1, 1941. 8813

(2) "Cash remuneration" means all remuneration paid in cash, 8814
including commissions and bonuses, but not including the cash 8815
value of all compensation in any medium other than cash. 8816

(I) "Interested party" means the director and any party to 8817
whom notice of a determination of an application for benefit 8818
rights or a claim for benefits is required to be given under 8819
section 4141.28 of the Revised Code. 8820

(J) "Annual payroll" means the total amount of wages subject 8821
to contributions during a twelve-month period ending with the last 8822
day of the second calendar quarter of any calendar year. 8823

(K) "Average annual payroll" means the average of the last 8824
three annual payrolls of an employer, provided that if, as of any 8825
computation date, the employer has had less than three annual 8826
payrolls in such three-year period, such average shall be based on 8827
the annual payrolls which the employer has had as of such date. 8828

(L)(1) "Contributions" means the money payments to the state 8829

unemployment compensation fund required of employers by section 8830
4141.25 of the Revised Code and of the state and any of its 8831
political subdivisions electing to pay contributions under section 8832
4141.242 of the Revised Code. Employers paying contributions shall 8833
be described as "contributory employers." 8834

(2) "Payments in lieu of contributions" means the money 8835
payments to the state unemployment compensation fund required of 8836
reimbursing employers under sections 4141.241 and 4141.242 of the 8837
Revised Code. 8838

(M) An individual is "totally unemployed" in any week during 8839
which the individual performs no services and with respect to such 8840
week no remuneration is payable to the individual. 8841

(N) An individual is "partially unemployed" in any week if, 8842
due to involuntary loss of work, the total remuneration payable to 8843
the individual for such week is less than the individual's weekly 8844
benefit amount. 8845

(O) "Week" means the calendar week ending at midnight 8846
Saturday unless an equivalent week of seven consecutive calendar 8847
days is prescribed by the director. 8848

(1) "Qualifying week" means any calendar week in an 8849
individual's base period with respect to which the individual 8850
earns or is paid remuneration in employment subject to this 8851
chapter. A calendar week with respect to which an individual earns 8852
remuneration but for which payment was not made within the base 8853
period, when necessary to qualify for benefit rights, may be 8854
considered to be a qualifying week. The number of qualifying weeks 8855
which may be established in a calendar quarter shall not exceed 8856
the number of calendar weeks in the quarter. 8857

(2) "Average weekly wage" means the amount obtained by 8858
dividing an individual's total remuneration for all qualifying 8859
weeks during the base period by the number of such qualifying 8860

weeks, provided that if the computation results in an amount that 8861
is not a multiple of one dollar, such amount shall be rounded to 8862
the next lower multiple of one dollar. 8863

(P) "Weekly benefit amount" means the amount of benefits an 8864
individual would be entitled to receive for one week of total 8865
unemployment. 8866

(Q)(1) "Base period" means the first four of the last five 8867
completed calendar quarters immediately preceding the first day of 8868
an individual's benefit year, except as provided in division 8869
(Q)(2) of this section. 8870

(2) If an individual does not have sufficient qualifying 8871
weeks and wages in the base period to qualify for benefit rights, 8872
the individual's base period shall be the four most recently 8873
completed calendar quarters preceding the first day of the 8874
individual's benefit year. Such base period shall be known as the 8875
"alternate base period." If information as to weeks and wages for 8876
the most recent quarter of the alternate base period is not 8877
available to the director from the regular quarterly reports of 8878
wage information, which are systematically accessible, the 8879
director may, consistent with the provisions of section 4141.28 of 8880
the Revised Code, base the determination of eligibility for 8881
benefits on the affidavit of the claimant with respect to weeks 8882
and wages for that calendar quarter. The claimant shall furnish 8883
payroll documentation, where available, in support of the 8884
affidavit. The determination based upon the alternate base period 8885
as it relates to the claimant's benefit rights, shall be amended 8886
when the quarterly report of wage information from the employer is 8887
timely received and that information causes a change in the 8888
determination. As provided in division (B) of section 4141.28 of 8889
the Revised Code, any benefits paid and charged to an employer's 8890
account, based upon a claimant's affidavit, shall be adjusted 8891
effective as of the beginning of the claimant's benefit year. No 8892

calendar quarter in a base period or alternate base period shall 8893
be used to establish a subsequent benefit year. 8894

(3) The "base period" of a combined wage claim, as described 8895
in division (H) of section 4141.43 of the Revised Code, shall be 8896
the base period prescribed by the law of the state in which the 8897
claim is allowed. 8898

(4) For purposes of determining the weeks that comprise a 8899
completed calendar quarter under this division, only those weeks 8900
ending at midnight Saturday within the calendar quarter shall be 8901
utilized. 8902

(R)(1) "Benefit year" with respect to an individual means the 8903
fifty-two week period beginning with the first day of that week 8904
with respect to which the individual first files a valid 8905
application for determination of benefit rights, and thereafter 8906
the fifty-two week period beginning with the first day of that 8907
week with respect to which the individual next files a valid 8908
application for determination of benefit rights after the 8909
termination of the individual's last preceding benefit year, 8910
except that the application shall not be considered valid unless 8911
the individual has had employment in six weeks that is subject to 8912
this chapter or the unemployment compensation act of another 8913
state, or the United States, and has, since the beginning of the 8914
individual's previous benefit year, in the employment earned three 8915
times the average weekly wage determined for the previous benefit 8916
year. The "benefit year" of a combined wage claim, as described in 8917
division (H) of section 4141.43 of the Revised Code, shall be the 8918
benefit year prescribed by the law of the state in which the claim 8919
is allowed. Any application for determination of benefit rights 8920
made in accordance with section 4141.28 of the Revised Code is 8921
valid if the individual filing such application is unemployed, has 8922
been employed by an employer or employers subject to this chapter 8923
in at least twenty qualifying weeks within the individual's base 8924

period, and has earned or been paid remuneration at an average 8925
weekly wage of not less than twenty-seven and one-half per cent of 8926
the statewide average weekly wage for such weeks. For purposes of 8927
determining whether an individual has had sufficient employment 8928
since the beginning of the individual's previous benefit year to 8929
file a valid application, "employment" means the performance of 8930
services for which remuneration is payable. 8931

(2) Effective for benefit years beginning on and after 8932
December 26, 2004, any application for determination of benefit 8933
rights made in accordance with section 4141.28 of the Revised Code 8934
is valid if the individual satisfies the criteria described in 8935
division (R)(1) of this section, and if the reason for the 8936
individual's separation from employment is not disqualifying 8937
pursuant to division (D)(2) of section 4141.29 or section 4141.291 8938
of the Revised Code. A disqualification imposed pursuant to 8939
division (D)(2) of section 4141.29 or section 4141.291 of the 8940
Revised Code must be removed as provided in those sections as a 8941
requirement of establishing a valid application for benefit years 8942
beginning on and after December 26, 2004. 8943

(3) The statewide average weekly wage shall be calculated by 8944
the director once a year based on the twelve-month period ending 8945
the thirtieth day of June, as set forth in division (B)(3) of 8946
section 4141.30 of the Revised Code, rounded down to the nearest 8947
dollar. Increases or decreases in the amount of remuneration 8948
required to have been earned or paid in order for individuals to 8949
have filed valid applications shall become effective on Sunday of 8950
the calendar week in which the first day of January occurs that 8951
follows the twelve-month period ending the thirtieth day of June 8952
upon which the calculation of the statewide average weekly wage 8953
was based. 8954

(4) As used in this division, an individual is "unemployed" 8955
if, with respect to the calendar week in which such application is 8956

filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this division, means any service performed prior to January 1, 1972, which was agricultural labor as defined in this division prior to that date, and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 U.S.C. 1141j, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one half of the commodity with respect to which such service is performed;

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V)(4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V)(4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other

similar structures used primarily for the raising of agricultural 9019
or horticultural commodities and orchards. 9020

(W) "Hospital" means an institution which has been registered 9021
or licensed by the Ohio department of health as a hospital. 9022

(X) "Nonprofit organization" means an organization, or group 9023
of organizations, described in section 501(c)(3) of the "Internal 9024
Revenue Code of 1954," and exempt from income tax under section 9025
501(a) of that code. 9026

(Y) "Institution of higher education" means a public or 9027
nonprofit educational institution, including an educational 9028
institution operated by an Indian tribe, which: 9029

(1) Admits as regular students only individuals having a 9030
certificate of graduation from a high school, or the recognized 9031
equivalent; 9032

(2) Is legally authorized in this state or by the Indian 9033
tribe to provide a program of education beyond high school; and 9034

(3) Provides an educational program for which it awards a 9035
bachelor's or higher degree, or provides a program which is 9036
acceptable for full credit toward such a degree, a program of 9037
post-graduate or post-doctoral studies, or a program of training 9038
to prepare students for gainful employment in a recognized 9039
occupation. 9040

For the purposes of this division, all colleges and 9041
universities in this state are institutions of higher education. 9042

(Z) For the purposes of this chapter, "states" includes the 9043
District of Columbia, the Commonwealth of Puerto Rico, and the 9044
Virgin Islands. 9045

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 9046
this section, an individual who is an alien admitted to the United 9047
States to perform service in agricultural labor pursuant to 9048

sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 9049
9050

(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and: 9051
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9053

(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them; 9054
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(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator. 9058
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(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if: 9062
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9065

(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 9066
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9068

(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and 9069
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(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B)(1) of this section. 9073
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(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not 9076
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treated as in the employment of the crew leader under division 9079
(BB)(2) of this section shall be treated as the employee of the 9080
other employer or farm operator and not of the crew leader. The 9081
other employer or farm operator shall be treated as having paid 9082
cash remuneration to the individual in an amount equal to the 9083
amount of cash remuneration paid to the individual by the crew 9084
leader, either on the crew leader's own behalf or on behalf of the 9085
other employer or farm operator, for the service in agricultural 9086
labor performed for the other employer or farm operator. 9087

(CC) "Educational institution" means an institution other 9088
than an institution of higher education as defined in division (Y) 9089
of this section, including an educational institution operated by 9090
an Indian tribe, which: 9091

(1) Offers participants, trainees, or students an organized 9092
course of study or training designed to transfer to them 9093
knowledge, skills, information, doctrines, attitudes, or abilities 9094
from, by, or under the guidance of an instructor or teacher; and 9095

(2) Is approved, chartered, or issued a permit to operate as 9096
a school by the state board of education, other government agency, 9097
or Indian tribe that is authorized within the state to approve, 9098
charter, or issue a permit for the operation of a school. 9099

For the purposes of this division, the courses of study or 9100
training which the institution offers may be academic, technical, 9101
trade, or preparation for gainful employment in a recognized 9102
occupation. 9103

(DD) "Cost savings day" means any unpaid day off from work in 9104
which employees continue to accrue employee benefits which have a 9105
determinable value including, but not limited to, vacation, 9106
pension contribution, sick time, and life and health insurance. 9107

Sec. 4141.29. Each eligible individual shall receive benefits 9108

as compensation for loss of remuneration due to involuntary total 9109
or partial unemployment in the amounts and subject to the 9110
conditions stipulated in this chapter. 9111

(A) No individual is entitled to a waiting period or benefits 9112
for any week unless the individual: 9113

(1) Has filed a valid application for determination of 9114
benefit rights in accordance with section 4141.28 of the Revised 9115
Code; 9116

(2) Has made a claim for benefits in accordance with section 9117
4141.28 of the Revised Code; 9118

(3) Has registered at an employment office or other 9119
registration place maintained or designated by the director of job 9120
and family services. Registration shall be made in accordance with 9121
the time limits, frequency, and manner prescribed by the director. 9122

(4)(a)(i) Is able to work and available for suitable work 9123
and, except as provided in division (A)(4)(a)(ii) of this section, 9124
is actively seeking suitable work either in a locality in which 9125
the individual has earned wages subject to this chapter during the 9126
individual's base period, or if the individual leaves that 9127
locality, then in a locality where suitable work normally is 9128
performed. 9129

(ii) The director may waive the requirement that a claimant 9130
be actively seeking work when the director finds that the 9131
individual has been laid off and the employer who laid the 9132
individual off has notified the director within ten days after the 9133
layoff, that work is expected to be available for the individual 9134
within a specified number of days not to exceed forty-five 9135
calendar days following the last day the individual worked. In the 9136
event the individual is not recalled within the specified period, 9137
this waiver shall cease to be operative with respect to that 9138
layoff. 9139

(b) The individual shall be instructed as to the efforts that 9140
the individual must make in the search for suitable work, except 9141
where the active search for work requirement has been waived under 9142
division (A)(4)(a) of this section, and shall keep a record of 9143
where and when the individual has sought work in complying with 9144
those instructions and, upon request, shall produce that record 9145
for examination by the director. 9146

(c) An individual who is attending a training course approved 9147
by the director meets the requirement of this division, if 9148
attendance was recommended by the director and the individual is 9149
regularly attending the course and is making satisfactory 9150
progress. An individual also meets the requirements of this 9151
division if the individual is participating and advancing in a 9152
training program, as defined in division (P) of section 5709.61 of 9153
the Revised Code, and if an enterprise, defined in division (B) of 9154
section 5709.61 of the Revised Code, is paying all or part of the 9155
cost of the individual's participation in the training program 9156
with the intention of hiring the individual for employment as a 9157
new employee, as defined in division (L) of section 5709.61 of the 9158
Revised Code, for at least ninety days after the individual's 9159
completion of the training program. 9160

(d) An individual who becomes unemployed while attending a 9161
regularly established school and whose base period qualifying 9162
weeks were earned in whole or in part while attending that school, 9163
meets the availability and active search for work requirements of 9164
division (A)(4)(a) of this section if the individual regularly 9165
attends the school during weeks with respect to which the 9166
individual claims unemployment benefits and makes self available 9167
on any shift of hours for suitable employment with the 9168
individual's most recent employer or any other employer in the 9169
individual's base period, or for any other suitable employment to 9170
which the individual is directed, under this chapter. 9171

(e) The director shall adopt any rules that the director 9172
deems necessary for the administration of division (A)(4) of this 9173
section. 9174

(f) Notwithstanding any other provisions of this section, no 9175
otherwise eligible individual shall be denied benefits for any 9176
week because the individual is in training approved under section 9177
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 9178
2296, nor shall that individual be denied benefits by reason of 9179
leaving work to enter such training, provided the work left is not 9180
suitable employment, or because of the application to any week in 9181
training of provisions in this chapter, or any applicable federal 9182
unemployment compensation law, relating to availability for work, 9183
active search for work, or refusal to accept work. 9184

For the purposes of division (A)(4)(f) of this section, 9185
"suitable employment" means with respect to an individual, work of 9186
a substantially equal or higher skill level than the individual's 9187
past adversely affected employment, as defined for the purposes of 9188
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 9189
wages for such work at not less than eighty per cent of the 9190
individual's average weekly wage as determined for the purposes of 9191
that federal act. 9192

(5) Is unable to obtain suitable work. An individual who is 9193
provided temporary work assignments by the individual's employer 9194
under agreed terms and conditions of employment, and who is 9195
required pursuant to those terms and conditions to inquire with 9196
the individual's employer for available work assignments upon the 9197
conclusion of each work assignment, is not considered unable to 9198
obtain suitable employment if suitable work assignments are 9199
available with the employer but the individual fails to contact 9200
the employer to inquire about work assignments. 9201

(6) Participates in reemployment services, such as job search 9202
assistance services, if the individual has been determined to be 9203

likely to exhaust benefits under this chapter, including 9204
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 9205
extended compensation, and needs reemployment services pursuant to 9206
the profiling system established by the director under division 9207
(K) of this section, unless the director determines that: 9208

(a) The individual has completed such services; or 9209

(b) There is justifiable cause for the claimant's failure to 9210
participate in such services. 9211

(B) An individual suffering total or partial unemployment is 9212
eligible for benefits for unemployment occurring subsequent to a 9213
waiting period of one week and no benefits shall be payable during 9214
this required waiting period. Not more than one week of waiting 9215
period shall be required of any individual in any benefit year in 9216
order to establish the individual's eligibility for total or 9217
partial unemployment benefits. 9218

(C) The waiting period for total or partial unemployment 9219
shall commence on the first day of the first week with respect to 9220
which the individual first files a claim for benefits at an 9221
employment office or other place of registration maintained or 9222
designated by the director or on the first day of the first week 9223
with respect to which the individual has otherwise filed a claim 9224
for benefits in accordance with the rules of the department of job 9225
and family services, provided such claim is allowed by the 9226
director. 9227

(D) Notwithstanding division (A) of this section, no 9228
individual may serve a waiting period or be paid benefits under 9229
the following conditions: 9230

(1) For any week with respect to which the director finds 9231
that: 9232

(a) The individual's unemployment was due to a labor dispute 9233
other than a lockout at any factory, establishment, or other 9234

premises located in this or any other state and owned or operated 9235
by the employer by which the individual is or was last employed; 9236
and for so long as the individual's unemployment is due to such 9237
labor dispute. No individual shall be disqualified under this 9238
provision if either of the following applies: 9239

(i) The individual's employment was with such employer at any 9240
factory, establishment, or premises located in this state, owned 9241
or operated by such employer, other than the factory, 9242
establishment, or premises at which the labor dispute exists, if 9243
it is shown that the individual is not financing, participating 9244
in, or directly interested in such labor dispute; 9245

(ii) The individual's employment was with an employer not 9246
involved in the labor dispute but whose place of business was 9247
located within the same premises as the employer engaged in the 9248
dispute, unless the individual's employer is a wholly owned 9249
subsidiary of the employer engaged in the dispute, or unless the 9250
individual actively participates in or voluntarily stops work 9251
because of such dispute. If it is established that the claimant 9252
was laid off for an indefinite period and not recalled to work 9253
prior to the dispute, or was separated by the employer prior to 9254
the dispute for reasons other than the labor dispute, or that the 9255
individual obtained a bona fide job with another employer while 9256
the dispute was still in progress, such labor dispute shall not 9257
render the employee ineligible for benefits. 9258

(b) The individual has been given a disciplinary layoff for 9259
misconduct in connection with the individual's work. 9260

(2) For the duration of the individual's unemployment if the 9261
director finds that: 9262

(a) The individual quit work without just cause or has been 9263
discharged for just cause in connection with the individual's 9264
work, provided division (D)(2) of this section does not apply to 9265

the separation of a person under any of the following 9266
circumstances: 9267

(i) Separation from employment for the purpose of entering 9268
the armed forces of the United States if the individual is 9269
inducted into the armed forces within one of the following 9270
periods: 9271

(I) Thirty days after separation; 9272

(II) One hundred eighty days after separation if the 9273
individual's date of induction is delayed solely at the discretion 9274
of the armed forces. 9275

(ii) Separation from employment pursuant to a 9276
labor-management contract or agreement, or pursuant to an 9277
established employer plan, program, or policy, which permits the 9278
employee, because of lack of work, to accept a separation from 9279
employment; 9280

(iii) The individual has left employment to accept a recall 9281
from a prior employer or, except as provided in division 9282
(D)(2)(a)(iv) of this section, to accept other employment as 9283
provided under section 4141.291 of the Revised Code, or left or 9284
was separated from employment that was concurrent employment at 9285
the time of the most recent separation or within six weeks prior 9286
to the most recent separation where the remuneration, hours, or 9287
other conditions of such concurrent employment were substantially 9288
less favorable than the individual's most recent employment and 9289
where such employment, if offered as new work, would be considered 9290
not suitable under the provisions of divisions (E) and (F) of this 9291
section. Any benefits that would otherwise be chargeable to the 9292
account of the employer from whom an individual has left 9293
employment or was separated from employment that was concurrent 9294
employment under conditions described in division (D)(2)(a)(iii) 9295
of this section, shall instead be charged to the mutualized 9296

account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section shall be charged to the account of the reimbursing employer and not to the mutualized account, except as provided in division (D)(2) of section 4141.24 of the Revised Code.

(iv) When an individual has been issued a definite layoff date by the individual's employer and before the layoff date, the individual quits to accept other employment, the provisions of division (D)(2)(a)(iii) of this section apply and no disqualification shall be imposed under division (D) of this section. However, if the individual fails to meet the employment and earnings requirements of division (A)(2) of section 4141.291 of the Revised Code, then the individual, pursuant to division (A)(5) of this section, shall be ineligible for benefits for any week of unemployment that occurs prior to the layoff date.

(b) The individual has refused without good cause to accept an offer of suitable work when made by an employer either in person or to the individual's last known address, or has refused or failed to investigate a referral to suitable work when directed to do so by a local employment office of this state or another state, provided that this division shall not cause a disqualification for a waiting week or benefits under the following circumstances:

(i) When work is offered by the individual's employer and the individual is not required to accept the offer pursuant to the terms of the labor-management contract or agreement; or

(ii) When the individual is attending a training course pursuant to division (A)(4) of this section except, in the event of a refusal to accept an offer of suitable work or a refusal or failure to investigate a referral, benefits thereafter paid to such individual shall not be charged to the account of any

employer and, except as provided in division (B)(1)(b) of section 9329
4141.241 of the Revised Code, shall be charged to the mutualized 9330
account as provided in division (B) of section 4141.25 of the 9331
Revised Code. 9332

(c) Such individual quit work to marry or because of marital, 9333
parental, filial, or other domestic obligations. 9334

(d) The individual became unemployed by reason of commitment 9335
to any correctional institution. 9336

(e) The individual became unemployed because of dishonesty in 9337
connection with the individual's most recent or any base period 9338
work. Remuneration earned in such work shall be excluded from the 9339
individual's total base period remuneration and qualifying weeks 9340
that otherwise would be credited to the individual for such work 9341
in the individual's base period shall not be credited for the 9342
purpose of determining the total benefits to which the individual 9343
is eligible and the weekly benefit amount to be paid under section 9344
4141.30 of the Revised Code. Such excluded remuneration and 9345
noncredited qualifying weeks shall be excluded from the 9346
calculation of the maximum amount to be charged, under division 9347
(D) of section 4141.24 and section 4141.33 of the Revised Code, 9348
against the accounts of the individual's base period employers. In 9349
addition, no benefits shall thereafter be paid to the individual 9350
based upon such excluded remuneration or noncredited qualifying 9351
weeks. 9352

For purposes of division (D)(2)(e) of this section, 9353
"dishonesty" means the commission of substantive theft, fraud, or 9354
deceitful acts. 9355

(E) No individual otherwise qualified to receive benefits 9356
shall lose the right to benefits by reason of a refusal to accept 9357
new work if: 9358

(1) As a condition of being so employed the individual would 9359

be required to join a company union, or to resign from or refrain 9360
from joining any bona fide labor organization, or would be denied 9361
the right to retain membership in and observe the lawful rules of 9362
any such organization. 9363

(2) The position offered is vacant due directly to a strike, 9364
lockout, or other labor dispute. 9365

(3) The work is at an unreasonable distance from the 9366
individual's residence, having regard to the character of the work 9367
the individual has been accustomed to do, and travel to the place 9368
of work involves expenses substantially greater than that required 9369
for the individual's former work, unless the expense is provided 9370
for. 9371

(4) The remuneration, hours, or other conditions of the work 9372
offered are substantially less favorable to the individual than 9373
those prevailing for similar work in the locality. 9374

(F) Subject to the special exceptions contained in division 9375
(A)(4)(f) of this section and section 4141.301 of the Revised 9376
Code, in determining whether any work is suitable for a claimant 9377
in the administration of this chapter, the director, in addition 9378
to the determination required under division (E) of this section, 9379
shall consider the degree of risk to the claimant's health, 9380
safety, and morals, the individual's physical fitness for the 9381
work, the individual's prior training and experience, the length 9382
of the individual's unemployment, the distance of the available 9383
work from the individual's residence, and the individual's 9384
prospects for obtaining local work. 9385

(G) The "duration of unemployment" as used in this section 9386
means the full period of unemployment next ensuing after a 9387
separation from any base period or subsequent work and until an 9388
individual has become reemployed in employment subject to this 9389
chapter, or the unemployment compensation act of another state, or 9390

of the United States, and until such individual has worked six 9391
weeks and for those weeks has earned or been paid remuneration 9392
equal to six times an average weekly wage of not less than: 9393
eighty-five dollars and ten cents per week beginning on June 26, 9394
1990; and beginning on and after January 1, 1992, twenty-seven and 9395
one-half per cent of the statewide average weekly wage as computed 9396
each first day of January under division (B)(3) of section 4141.30 9397
of the Revised Code, rounded down to the nearest dollar, except 9398
for purposes of division (D)(2)(c) of this section, such term 9399
means the full period of unemployment next ensuing after a 9400
separation from such work and until such individual has become 9401
reemployed subject to the terms set forth above, and has earned 9402
wages equal to one-half of the individual's average weekly wage or 9403
sixty dollars, whichever is less. 9404

(H) If a claimant is disqualified under division (D)(2)(a), 9405
(c), or (d) of this section or found to be qualified under the 9406
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 9407
this section or division (A)(2) of section 4141.291 of the Revised 9408
Code, then benefits that may become payable to such claimant, 9409
which are chargeable to the account of the employer from whom the 9410
individual was separated under such conditions, shall be charged 9411
to the mutualized account provided in section 4141.25 of the 9412
Revised Code, provided that no charge shall be made to the 9413
mutualized account for benefits chargeable to a reimbursing 9414
employer, except as provided in division (D)(2) of section 4141.24 9415
of the Revised Code. In the case of a reimbursing employer, the 9416
director shall refund or credit to the account of the reimbursing 9417
employer any over-paid benefits that are recovered under division 9418
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 9419
other states, the United States, or Canada that are subject to 9420
agreements and arrangements that are established pursuant to 9421
section 4141.43 of the Revised Code shall be credited or 9422
reimbursed according to the agreements and arrangements to which 9423

the chargeable amounts are subject. 9424

(I)(1) Benefits based on service in employment as provided in 9425
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 9426
shall be payable in the same amount, on the same terms, and 9427
subject to the same conditions as benefits payable on the basis of 9428
other service subject to this chapter; except that after December 9429
31, 1977: 9430

(a) Benefits based on service in an instructional, research, 9431
or principal administrative capacity in an institution of higher 9432
education, as defined in division (Y) of section 4141.01 of the 9433
Revised Code; or for an educational institution as defined in 9434
division (CC) of section 4141.01 of the Revised Code, shall not be 9435
paid to any individual for any week of unemployment that begins 9436
during the period between two successive academic years or terms, 9437
or during a similar period between two regular but not successive 9438
terms or during a period of paid sabbatical leave provided for in 9439
the individual's contract, if the individual performs such 9440
services in the first of those academic years or terms and has a 9441
contract or a reasonable assurance that the individual will 9442
perform services in any such capacity for any such institution in 9443
the second of those academic years or terms. 9444

(b) Benefits based on service for an educational institution 9445
or an institution of higher education in other than an 9446
instructional, research, or principal administrative capacity, 9447
shall not be paid to any individual for any week of unemployment 9448
which begins during the period between two successive academic 9449
years or terms of the employing educational institution or 9450
institution of higher education, provided the individual performed 9451
those services for the educational institution or institution of 9452
higher education during the first such academic year or term and, 9453
there is a reasonable assurance that such individual will perform 9454
those services for any educational institution or institution of 9455

higher education in the second of such academic years or terms. 9456

If compensation is denied to any individual for any week 9457
under division (I)(1)(b) of this section and the individual was 9458
not offered an opportunity to perform those services for an 9459
institution of higher education or for an educational institution 9460
for the second of such academic years or terms, the individual is 9461
entitled to a retroactive payment of compensation for each week 9462
for which the individual timely filed a claim for compensation and 9463
for which compensation was denied solely by reason of division 9464
(I)(1)(b) of this section. An application for retroactive benefits 9465
shall be timely filed if received by the director or the 9466
director's deputy within or prior to the end of the fourth full 9467
calendar week after the end of the period for which benefits were 9468
denied because of reasonable assurance of employment. The 9469
provision for the payment of retroactive benefits under division 9470
(I)(1)(b) of this section is applicable to weeks of unemployment 9471
beginning on and after November 18, 1983. The provisions under 9472
division (I)(1)(b) of this section shall be retroactive to 9473
September 5, 1982, only if, as a condition for full tax credit 9474
against the tax imposed by the "Federal Unemployment Tax Act," 53 9475
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 9476
secretary of labor determines that retroactivity is required by 9477
federal law. 9478

(c) With respect to weeks of unemployment beginning after 9479
December 31, 1977, benefits shall be denied to any individual for 9480
any week which commences during an established and customary 9481
vacation period or holiday recess, if the individual performs any 9482
services described in divisions (I)(1)(a) and (b) of this section 9483
in the period immediately before the vacation period or holiday 9484
recess, and there is a reasonable assurance that the individual 9485
will perform any such services in the period immediately following 9486
the vacation period or holiday recess. 9487

(d) With respect to any services described in division 9488
(I)(1)(a), (b), or (c) of this section, benefits payable on the 9489
basis of services in any such capacity shall be denied as 9490
specified in division (I)(1)(a), (b), or (c) of this section to 9491
any individual who performs such services in an educational 9492
institution or institution of higher education while in the employ 9493
of an educational service agency. For this purpose, the term 9494
"educational service agency" means a governmental agency or 9495
governmental entity that is established and operated exclusively 9496
for the purpose of providing services to one or more educational 9497
institutions or one or more institutions of higher education. 9498

(e) Any individual employed by a ~~public school district~~ or a 9499
county board of developmental disabilities shall be notified by 9500
the thirtieth day of April each year if the individual is not to 9501
be reemployed the following academic year. 9502

(f) Any individual employed by a school district shall be 9503
notified by the first day of June each year if the individual is 9504
not to be reemployed the following academic year. 9505

(2) No disqualification will be imposed, between academic 9506
years or terms or during a vacation period or holiday recess under 9507
this division, unless the director or the director's deputy has 9508
received a statement in writing from the educational institution 9509
or institution of higher education that the claimant has a 9510
contract for, or a reasonable assurance of, reemployment for the 9511
ensuing academic year or term. 9512

(3) If an individual has employment with an educational 9513
institution or an institution of higher education and employment 9514
with a noneducational employer, during the base period of the 9515
individual's benefit year, then the individual may become eligible 9516
for benefits during the between-term, or vacation or holiday 9517
recess, disqualification period, based on employment performed for 9518
the noneducational employer, provided that the employment is 9519

sufficient to qualify the individual for benefit rights separately 9520
from the benefit rights based on school employment. The weekly 9521
benefit amount and maximum benefits payable during a 9522
disqualification period shall be computed based solely on the 9523
nonschool employment. 9524

(J) Benefits shall not be paid on the basis of employment 9525
performed by an alien, unless the alien had been lawfully admitted 9526
to the United States for permanent residence at the time the 9527
services were performed, was lawfully present for purposes of 9528
performing the services, or was otherwise permanently residing in 9529
the United States under color of law at the time the services were 9530
performed, under section 212(d)(5) of the "Immigration and 9531
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 9532

(1) Any data or information required of individuals applying 9533
for benefits to determine whether benefits are not payable to them 9534
because of their alien status shall be uniformly required from all 9535
applicants for benefits. 9536

(2) In the case of an individual whose application for 9537
benefits would otherwise be approved, no determination that 9538
benefits to the individual are not payable because of the 9539
individual's alien status shall be made except upon a 9540
preponderance of the evidence that the individual had not, in 9541
fact, been lawfully admitted to the United States. 9542

(K) The director shall establish and utilize a system of 9543
profiling all new claimants under this chapter that: 9544

(1) Identifies which claimants will be likely to exhaust 9545
regular compensation and will need job search assistance services 9546
to make a successful transition to new employment; 9547

(2) Refers claimants identified pursuant to division (K)(1) 9548
of this section to reemployment services, such as job search 9549
assistance services, available under any state or federal law; 9550

(3) Collects follow-up information relating to the services 9551
received by such claimants and the employment outcomes for such 9552
claimant's subsequent to receiving such services and utilizes such 9553
information in making identifications pursuant to division (K)(1) 9554
of this section; and 9555

(4) Meets such other requirements as the United States 9556
secretary of labor determines are appropriate. 9557

Sec. 4141.292. (A) As used in this section, "learn to earn 9558
program" means any program established by the department of job 9559
and family services that offers a structured, supervised training 9560
opportunity to an eligible unemployment compensation claimant with 9561
a designated worksite training provider. 9562

(B) Participation in a learn to earn program is voluntary. 9563

(C) If a learn to earn program participant is otherwise 9564
eligible for unemployment compensation benefits, the participant 9565
shall continue to receive unemployment compensation benefits 9566
pursuant to this chapter during participation in the program. 9567

(D) A participant in a learn to earn program shall be 9568
registered at an employment office or other registration place 9569
maintained or designated by the director of job and family 9570
services according to the procedure set forth in division (A)(3) 9571
of section 4141.29 of the Revised Code. 9572

(E) A learn to earn program participant may participate in a 9573
learn to earn program for a period not to exceed twenty-four hours 9574
a week for a maximum of six weeks. 9575

Sec. 4301.20. This chapter and Chapter 4303. of the Revised 9576
Code do not prevent the following: 9577

(A) The storage of intoxicating liquor in bonded warehouses, 9578
established in accordance with the acts of congress and under the 9579

regulation of the United States, located in this state, or the 9580
transportation of intoxicating liquor to or from bonded warehouses 9581
of the United States wherever located; 9582

(B) A bona fide resident of this state who is the owner of a 9583
warehouse receipt from obtaining or transporting to the resident's 9584
residence for the resident's own consumption and not for resale 9585
spirituous liquor stored in a government bonded warehouse in this 9586
state or in another state prior to December 1933, subject to such 9587
terms as are prescribed by the division of liquor control; 9588

(C) The manufacture of cider from fruit for the purpose of 9589
making vinegar, and nonintoxicating cider and fruit juices for use 9590
and sale; 9591

(D) A licensed physician or dentist from administering or 9592
dispensing intoxicating liquor or alcohol to a patient in good 9593
faith in the actual course of the practice of the physician's or 9594
dentist's profession; 9595

(E) The sale of alcohol to physicians, dentists, druggists, 9596
veterinary surgeons, manufacturers, hospitals, infirmaries, or 9597
medical or educational institutions using the alcohol for 9598
medicinal, mechanical, chemical, or scientific purposes; 9599

(F) The sale, gift, or keeping for sale by druggists and 9600
others of any of the medicinal preparations manufactured in 9601
accordance with the formulas prescribed by the United States 9602
Pharmacopoeia and National Formulary, patent or proprietary 9603
preparations, and other bona fide medicinal and technical 9604
preparations, which contain no more alcohol than is necessary to 9605
hold the medicinal agents in solution and to preserve the same, 9606
which are manufactured and sold as medicine and not as beverages, 9607
are unfit for use for beverage purposes, and the sale of which 9608
does not require the payment of a United States liquor dealer's 9609
tax; 9610

(G) The manufacture and sale of tinctures or of toilet, 9611
medicinal, and antiseptic preparations and solutions not intended 9612
for internal human use nor to be sold as beverages, and which are 9613
unfit for beverage purposes, if upon the outside of each bottle, 9614
box, or package of which there is printed in the English language, 9615
conspicuously and legibly, the quantity by volume of alcohol in 9616
the preparation or solution; 9617

(H) The manufacture and keeping for sale of the food products 9618
known as flavoring extracts when manufactured and sold for 9619
cooking, culinary, or flavoring purposes, and which are unfit for 9620
use for beverage purposes; 9621

(I) The lawful sale of wood alcohol or of ethyl alcohol for 9622
external use when combined with other substances as to make it 9623
unfit for internal use; 9624

(J) The manufacture, sale, and transport of ethanol or ethyl 9625
alcohol for use as fuel. As used in this division, "ethanol" has 9626
the same meaning as in section 5733.46 of the Revised Code. 9627

(K) The purchase and importation into this state or the 9628
purchase at wholesale from A or B permit holders in this state of 9629
beer and intoxicating liquor for use in manufacturing processes of 9630
nonbeverage food products under terms prescribed by the division, 9631
provided that the terms prescribed by the division shall not 9632
increase the cost of the beer or intoxicating liquor to any 9633
person, firm, or corporation purchasing and importing it into this 9634
state or purchasing it from an A or B permit holder for that use; 9635

(L) Any resident of this state or any member of the armed 9636
forces of the United States, who has attained the age of 9637
twenty-one years, from bringing into this state, for personal use 9638
and not for resale, not more than one liter of spirituous liquor, 9639
four and one-half liters of wine, or two hundred eighty-eight 9640
ounces of beer in any thirty-day period, and the same is free of 9641

any tax consent fee when the resident or member of the armed 9642
forces physically possesses and accompanies the spirituous liquor, 9643
wine, or beer on returning from a foreign country, another state, 9644
or an insular possession of the United States; 9645

(M) Persons, at least twenty-one years of age, who collect 9646
ceramic commemorative bottles containing spirituous liquor that 9647
have unbroken federal tax stamps on them from selling or trading 9648
the bottles to other collectors. The bottles shall originally have 9649
been purchased at retail from the division, legally imported under 9650
division (L) of this section, or legally imported pursuant to a 9651
supplier registration issued by the division. The sales shall be 9652
for the purpose of exchanging a ceramic commemorative bottle 9653
between private collectors and shall not be for the purpose of 9654
selling the spirituous liquor for personal consumption. The sale 9655
or exchange authorized by this division shall not occur on the 9656
premises of any permit holder, shall not be made in connection 9657
with the business of any permit holder, and shall not be made in 9658
connection with any mercantile business. 9659

(N) The sale of beer or intoxicating liquor without a liquor 9660
permit at a private residence, not more than five times per 9661
calendar year at a residence address, at an event that has the 9662
following characteristics: 9663

(1) The event is for a charitable, benevolent, or political 9664
purpose, but shall not include any event the proceeds of which are 9665
for the profit or gain of any individual; 9666

(2) The event has in attendance not more than fifty people; 9667

(3) The event shall be for a period not to exceed twelve 9668
hours; 9669

(4) The sale of beer and intoxicating liquor at the event 9670
shall not take place between two-thirty a.m. and five-thirty a.m.; 9671

(5) No person under twenty-one years of age shall purchase or 9672

consume beer or intoxicating liquor at the event and no beer or 9673
intoxicating liquor shall be sold to any person under twenty-one 9674
years of age at the event; and 9675

(6) No person at the event shall sell or furnish beer or 9676
intoxicating liquor to an intoxicated person. 9677

(O) The possession or consumption of beer or intoxicating 9678
liquor by a person who is under twenty-one years of age and who is 9679
a student at an accredited college or university, provided that 9680
both of the following apply: 9681

(1) The person is required to taste and expectorate the beer 9682
or intoxicating liquor for a culinary, food service, or 9683
hospitality course. 9684

(2) The person is under the direct supervision of the 9685
instructor of the culinary, food service, or hospitality course. 9686

Sec. 5104.01. As used in this chapter: 9687

(A) "Administrator" means the person responsible for the 9688
daily operation of a center or type A home. The administrator and 9689
the owner may be the same person. 9690

(B) "Approved child day camp" means a child day camp approved 9691
pursuant to section 5104.22 of the Revised Code. 9692

(C) "Authorized provider" means a person authorized by a 9693
county director of job and family services to operate a certified 9694
type B family day-care home. 9695

(D) "Border state child care provider" means a child care 9696
provider that is located in a state bordering Ohio and that is 9697
licensed, certified, or otherwise approved by that state to 9698
provide child care. 9699

(E) "Career pathways model" means an alternative pathway to 9700
meeting the requirements ~~for~~ to be a child_care staff member or 9701

administrator that ~~uses one~~ does both of the following: 9702

(1) Uses a framework approved by the director of job and 9703
family services to integrate the pathways of document 9704
education, training, experience, and specialized credentials, and 9705
certifications, ~~and that allows;~~ 9706

(2) Allows the child-care staff member or administrator to 9707
achieve a designation as an early childhood professional level 9708
one, two, three, four, five, or six. 9709

(F) "Caretaker parent" means the father or mother of a child 9710
whose presence in the home is needed as the caretaker of the 9711
child, a person who has legal custody of a child and whose 9712
presence in the home is needed as the caretaker of the child, a 9713
guardian of a child whose presence in the home is needed as the 9714
caretaker of the child, and any other person who stands in loco 9715
parentis with respect to the child and whose presence in the home 9716
is needed as the caretaker of the child. 9717

(G) "Certified type B family day-care home" and "certified 9718
type B home" mean a type B family day-care home that is certified 9719
by the director of the county department of job and family 9720
services pursuant to section 5104.11 of the Revised Code to 9721
receive public funds for providing child care pursuant to this 9722
chapter and any rules adopted under it. 9723

(H) "Chartered nonpublic school" means a school that meets 9724
standards for nonpublic schools prescribed by the state board of 9725
education for nonpublic schools pursuant to section 3301.07 of the 9726
Revised Code. 9727

(I) "Child" includes an infant, toddler, ~~preschool~~ 9728
preschool-age child, or ~~school~~ school-age child. 9729

(J) "Child care block grant act" means the "Child Care and 9730
Development Block Grant Act of 1990," established in section 5082 9731
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 9732

1388-236 (1990), 42 U.S.C. 9858, as amended. 9733

(K) "Child day camp" means a program in which only ~~school~~ 9734
school-age children attend or participate, that operates for no 9735
more than seven hours per day, that operates only during one or 9736
more public school district's regular vacation periods or for no 9737
more than fifteen weeks during the summer, and that operates 9738
outdoor activities for each child who attends or participates in 9739
the program for a minimum of fifty per cent of each day that 9740
children attend or participate in the program, except for any day 9741
when hazardous weather conditions prevent the program from 9742
operating outdoor activities for a minimum of fifty per cent of 9743
that day. For purposes of this division, the maximum seven hours 9744
of operation time does not include transportation time from a 9745
child's home to a child day camp and from a child day camp to a 9746
child's home. 9747

(L) "Child care" means administering to the needs of infants, 9748
toddlers, ~~preschool~~ preschool-age children, and ~~school~~ school-age 9749
children outside of school hours by persons other than their 9750
parents or guardians, custodians, or relatives by blood, marriage, 9751
or adoption for any part of the twenty-four-hour day in a place or 9752
residence other than a child's own home. 9753

(M) "Child day-care center" and "center" mean any place in 9754
which child care or publicly funded child care is provided for 9755
thirteen or more children at one time or any place that is not the 9756
permanent residence of the licensee or administrator in which 9757
child care or publicly funded child care is provided for seven to 9758
twelve children at one time. In counting children for the purposes 9759
of this division, any children under six years of age who are 9760
related to a licensee, administrator, or employee and who are on 9761
the premises of the center shall be counted. "Child day-care 9762
center" and "center" do not include any of the following: 9763

(1) A place located in and operated by a hospital, as defined 9764

in section 3727.01 of the Revised Code, in which the needs of 9765
children are administered to, if all the children whose needs are 9766
being administered to are monitored under the on-site supervision 9767
of a physician licensed under Chapter 4731. of the Revised Code or 9768
a registered nurse licensed under Chapter 4723. of the Revised 9769
Code, and the services are provided only for children who, in the 9770
opinion of the child's parent, guardian, or custodian, are 9771
exhibiting symptoms of a communicable disease or other illness or 9772
are injured; 9773

(2) A child day camp; 9774

(3) A place that provides child care, but not publicly funded 9775
child care, if all of the following apply: 9776

(a) An organized religious body provides the child care; 9777

(b) A parent, custodian, or guardian of at least one child 9778
receiving child care is on the premises and readily accessible at 9779
all times; 9780

(c) The child care is not provided for more than thirty days 9781
a year; 9782

(d) The child care is provided only for ~~preschool~~ 9783
preschool-age and ~~school~~ school-age children. 9784

(N) "Child care resource and referral service organization" 9785
means a community-based nonprofit organization that provides child 9786
care resource and referral services but not child care. 9787

(O) "Child care resource and referral services" means all of 9788
the following services: 9789

(1) Maintenance of a uniform data base of all child care 9790
providers in the community that are in compliance with this 9791
chapter, including current occupancy and vacancy data; 9792

(2) Provision of individualized consumer education to 9793
families seeking child care; 9794

(3) Provision of timely referrals of available child care providers to families seeking child care;	9795
	9796
(4) Recruitment of child care providers;	9797
(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;	9798
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	9801
(6) Collection and analysis of data on the supply of and demand for child care in the community;	9802
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(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	9804
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(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	9807
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(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	9810
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(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;	9812
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(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.	9816
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(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.	9820
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(Q) "Drop-in child day-care center," "drop-in center,"	9825
"drop-in type A family day-care home," and "drop-in type A home"	9826
mean a center or type A home that provides child care or publicly	9827
funded child care for children on a temporary, irregular basis.	9828
(R) "Employee" means a person who either:	9829
(1) Receives compensation for duties performed in a child	9830
day-care center or type A family day-care home;	9831
(2) Is assigned specific working hours or duties in a child	9832
day-care center or type A family day-care home.	9833
(S) "Employer" means a person, firm, institution,	9834
organization, or agency that operates a child day-care center or	9835
type A family day-care home subject to licensure under this	9836
chapter.	9837
(T) "Federal poverty line" means the official poverty	9838
guideline as revised annually in accordance with section 673(2) of	9839
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42	9840
U.S.C. 9902, as amended, for a family size equal to the size of	9841
the family of the person whose income is being determined.	9842
(U) "Head start program" means a comprehensive child	9843
development program that receives funds distributed under the	9844
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as	9845
amended, and is licensed as a child day-care center.	9846
(V) "Income" means gross income, as defined in section	9847
5107.10 of the Revised Code, less any amounts required by federal	9848
statutes or regulations to be disregarded.	9849
(W) "Indicator checklist" means an inspection tool, used in	9850
conjunction with an instrument-based program monitoring	9851
information system, that contains selected licensing requirements	9852
that are statistically reliable indicators or predictors of a	9853
child day-care center or type A family day-care home's compliance	9854

with licensing requirements. 9855

(X) "Infant" means a child who is less than eighteen months 9856
of age. 9857

(Y) "In-home aide" means a person who does not reside with 9858
the child but provides care in the child's home and is certified 9859
by a county director of job and family services pursuant to 9860
section 5104.12 of the Revised Code to provide publicly funded 9861
child care to a child in a child's own home pursuant to this 9862
chapter and any rules adopted under it. 9863

(Z) "Instrument-based program monitoring information system" 9864
means a method to assess compliance with licensing requirements 9865
for child day-care centers and type A family day-care homes in 9866
which each licensing requirement is assigned a weight indicative 9867
of the relative importance of the requirement to the health, 9868
growth, and safety of the children that is used to develop an 9869
indicator checklist. 9870

(AA) "License capacity" means the maximum number in each age 9871
category of children who may be cared for in a child day-care 9872
center or type A family day-care home at one time as determined by 9873
the director of job and family services considering building 9874
occupancy limits established by the department of commerce, amount 9875
of available indoor floor space and outdoor play space, and amount 9876
of available play equipment, materials, and supplies. For the 9877
purposes of a provisional license issued under this chapter, the 9878
director shall also consider the number of available child-care 9879
staff members when determining "license capacity" for the 9880
provisional license. 9881

(BB) "Licensed child care program" means any of the 9882
following: 9883

(1) A child day-care center licensed by the department of job 9884
and family services pursuant to this chapter; 9885

<u>(2) A type A family day-care home licensed by the department of job and family services pursuant to this chapter;</u>	9886
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<u>(3) A type B family day-care home certified by a county department of job and family services pursuant to this chapter;</u>	9888
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<u>(4) A licensed preschool program or licensed school child program.</u>	9890
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<u>(CC)</u> "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.	9892
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(CC) <u>(DD)</u> "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.	9897
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(DD) <u>(EE)</u> "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.	9901
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(EE) <u>(FF)</u> "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.	9903
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(FF) <u>(GG)</u> "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	9905
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operation. 9917

~~(GG)~~(HH) "Part-time child day-care center," "part-time 9918
center," "part-time type A family day-care home," and "part-time 9919
type A home" mean a center or type A home that provides child care 9920
or publicly funded child care for no more than four hours a day 9921
for any child. 9922

~~(HH)~~(II) "Place of worship" means a building where activities 9923
of an organized religious group are conducted and includes the 9924
grounds and any other buildings on the grounds used for such 9925
activities. 9926

~~(II)~~(JJ) "~~Preschool~~ Preschool-age child" means a child who is 9927
three years old or older but is not a ~~school~~ school-age child. 9928

~~(JJ)~~(KK) "Protective child care" means publicly funded child 9929
care for the direct care and protection of a child to whom either 9930
of the following applies: 9931

(1) A case plan prepared and maintained for the child 9932
pursuant to section 2151.412 of the Revised Code indicates a need 9933
for protective care and the child resides with a parent, 9934
stepparent, guardian, or another person who stands in loco 9935
parentis as defined in rules adopted under section 5104.38 of the 9936
Revised Code; 9937

(2) The child and the child's caretaker either temporarily 9938
reside in a facility providing emergency shelter for homeless 9939
families or are determined by the county department of job and 9940
family services to be homeless, and are otherwise ineligible for 9941
publicly funded child care. 9942

~~(KK)~~(LL) "Publicly funded child care" means administering to 9943
the needs of infants, toddlers, ~~preschool~~ preschool-age children, 9944
and ~~school~~ school-age children under age thirteen during any part 9945
of the twenty-four-hour day by persons other than their caretaker 9946
parents for remuneration wholly or in part with federal or state 9947

funds, including funds available under the child care block grant 9948
act, Title IV-A, and Title XX, distributed by the department of 9949
job and family services. 9950

~~(LL)~~(MM) "Religious activities" means any of the following: 9951
worship or other religious services; religious instruction; Sunday 9952
school classes or other religious classes conducted during or 9953
prior to worship or other religious services; youth or adult 9954
fellowship activities; choir or other musical group practices or 9955
programs; meals; festivals; or meetings conducted by an organized 9956
religious group. 9957

~~(MM)~~(NN) "~~School~~ School-age child" means a child who is 9958
enrolled in or is eligible to be enrolled in a grade of 9959
kindergarten or above but is less than fifteen years old. 9960

~~(NN)~~(OO) "~~School child day care center,~~" "~~school~~ School-age 9961
child care center," "~~school child type A family day care home,~~" 9962
and "~~school~~ school-age child type A ~~family~~ home" mean a center or 9963
type A home that provides child care for ~~school~~ school-age 9964
children only and that does either or both of the following: 9965

(1) Operates only during that part of the day that 9966
immediately precedes or follows the public school day of the 9967
school district in which the center or type A home is located; 9968

(2) Operates only when the public schools in the school 9969
district in which the center or type A home is located are not 9970
open for instruction with pupils in attendance. 9971

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or 9972
certification rule violation that leads to a great risk of harm 9973
to, or death of, a child, and is observable, not inferable. 9974

~~(PP)~~(OO) "State median income" means the state median income 9975
calculated by the department of development pursuant to division 9976
(A)(1)(g) of section 5709.61 of the Revised Code. 9977

~~(QQ)~~(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 9978
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~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 9980
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~~(SS)~~(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age. 9982
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~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp. 9984
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~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp. 9995
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Sec. 5104.011. (A) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of child day-care centers, including, but not limited to, parent cooperative centers, part-time centers, drop-in centers, and ~~school~~ school-age child care centers, which 10004
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rules shall reflect the various forms of child care and the needs 10009
of children receiving child care or publicly funded child care and 10010
shall include specific rules for ~~school~~ school-age child care 10011
centers that are developed in consultation with the department of 10012
education. The rules shall not require an existing school facility 10013
that is in compliance with applicable building codes to undergo an 10014
additional building code inspection or to have structural 10015
modifications. The rules shall include the following: 10016

(1) Submission of a site plan and descriptive plan of 10017
operation to demonstrate how the center proposes to meet the 10018
requirements of this chapter and rules adopted pursuant to this 10019
chapter for the initial license application; 10020

(2) Standards for ensuring that the physical surroundings of 10021
the center are safe and sanitary including, but not limited to, 10022
the physical environment, the physical plant, and the equipment of 10023
the center; 10024

(3) Standards for the supervision, care, and discipline of 10025
children receiving child care or publicly funded child care in the 10026
center; 10027

(4) Standards for a program of activities, and for play 10028
equipment, materials, and supplies, to enhance the development of 10029
each child; however, any educational curricula, philosophies, and 10030
methodologies that are developmentally appropriate and that 10031
enhance the social, emotional, intellectual, and physical 10032
development of each child shall be permissible. As used in this 10033
division, "program" does not include instruction in religious or 10034
moral doctrines, beliefs, or values that is conducted at child 10035
day-care centers owned and operated by churches and does include 10036
methods of disciplining children at child day-care centers. 10037

(5) Admissions policies and procedures, health care policies 10038
and procedures, including, but not limited to, procedures for the 10039

isolation of children with communicable diseases, first aid and	10040
emergency procedures, procedures for discipline and supervision of	10041
children, standards for the provision of nutritious meals and	10042
snacks, and procedures for screening children and employees, that	10043
may include any necessary physical examinations and immunizations;	10044
(6) Methods for encouraging parental participation in the	10045
center and methods for ensuring that the rights of children,	10046
parents, and employees are protected and that responsibilities of	10047
parents and employees are met;	10048
(7) Procedures for ensuring the safety and adequate	10049
supervision of children traveling off the premises of the center	10050
while under the care of a center employee;	10051
(8) Procedures for record keeping, organization, and	10052
administration;	10053
(9) Procedures for issuing, denying, and revoking a license	10054
that are not otherwise provided for in Chapter 119. of the Revised	10055
Code;	10056
(10) Inspection procedures;	10057
(11) Procedures and standards for setting initial license	10058
application fees;	10059
(12) Procedures for receiving, recording, and responding to	10060
complaints about centers;	10061
(13) Procedures for enforcing section 5104.04 of the Revised	10062
Code;	10063
(14) A standard requiring the inclusion, on and after July 1,	10064
1987, of a current department of job and family services toll-free	10065
telephone number on each center provisional license or license	10066
which any person may use to report a suspected violation by the	10067
center of this chapter or rules adopted pursuant to this chapter;	10068
(15) Requirements for the training of administrators and	10069

child-care staff members in first aid, in prevention, recognition, 10070
and management of communicable diseases, and in child abuse 10071
recognition and prevention. Training requirements for child 10072
day-care centers adopted under this division shall be consistent 10073
with divisions (B)(6) and (C)(1) of this section. 10074

(16) Standards providing for the special needs of children 10075
who are handicapped or who require treatment for health conditions 10076
while the child is receiving child care or publicly funded child 10077
care in the center; 10078

(17) A procedure for reporting of injuries of children that 10079
occur at the center; 10080

(18) Any other procedures and standards necessary to carry 10081
out this chapter. 10082

(B)(1) The child day-care center shall have, for each child 10083
for whom the center is licensed, at least thirty-five square feet 10084
of usable indoor floor space wall-to-wall regularly available for 10085
the child care operation exclusive of any parts of the structure 10086
in which the care of children is prohibited by law or by rules 10087
adopted by the board of building standards. The minimum of 10088
thirty-five square feet of usable indoor floor space shall not 10089
include hallways, kitchens, storage areas, or any other areas that 10090
are not available for the care of children, as determined by the 10091
director, in meeting the space requirement of this division, and 10092
bathrooms shall be counted in determining square footage only if 10093
they are used exclusively by children enrolled in the center, 10094
except that the exclusion of hallways, kitchens, storage areas, 10095
bathrooms not used exclusively by children enrolled in the center, 10096
and any other areas not available for the care of children from 10097
the minimum of thirty-five square feet of usable indoor floor 10098
space shall not apply to: 10099

(a) Centers licensed prior to or on September 1, 1986, that 10100

continue under licensure after that date; 10101

(b) Centers licensed prior to or on September 1, 1986, that 10102
are issued a new license after that date solely due to a change of 10103
ownership of the center. 10104

(2) The child day-care center shall have on the site a safe 10105
outdoor play space which is enclosed by a fence or otherwise 10106
protected from traffic or other hazards. The play space shall 10107
contain not less than sixty square feet per child using such space 10108
at any one time, and shall provide an opportunity for supervised 10109
outdoor play each day in suitable weather. The director may exempt 10110
a center from the requirement of this division, if an outdoor play 10111
space is not available and if all of the following are met: 10112

(a) The center provides an indoor recreation area that has 10113
not less than sixty square feet per child using the space at any 10114
one time, that has a minimum of one thousand four hundred forty 10115
square feet of space, and that is separate from the indoor space 10116
required under division (B)(1) of this section. 10117

(b) The director has determined that there is regularly 10118
available and scheduled for use a conveniently accessible and safe 10119
park, playground, or similar outdoor play area for play or 10120
recreation. 10121

(c) The children are closely supervised during play and while 10122
traveling to and from the area. 10123

The director also shall exempt from the requirement of this 10124
division a child day-care center that was licensed prior to 10125
September 1, 1986, if the center received approval from the 10126
director prior to September 1, 1986, to use a park, playground, or 10127
similar area, not connected with the center, for play or 10128
recreation in lieu of the outdoor space requirements of this 10129
section and if the children are closely supervised both during 10130
play and while traveling to and from the area and except if the 10131

director determines upon investigation and inspection pursuant to 10132
 section 5104.04 of the Revised Code and rules adopted pursuant to 10133
 that section that the park, playground, or similar area, as well 10134
 as access to and from the area, is unsafe for the children. 10135

(3) The child day-care center shall have at least two 10136
 responsible adults available on the premises at all times when 10137
 seven or more children are in the center. The center shall 10138
 organize the children in the center in small groups, shall provide 10139
 child-care staff to give continuity of care and supervision to the 10140
 children on a day-by-day basis, and shall ensure that no child is 10141
 left alone or unsupervised. Except as otherwise provided in 10142
 division (E) of this section, the maximum number of children per 10143
 child-care staff member and maximum group size, by age category of 10144
 children, are as follows: 10145

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(a) Infants:			10150
(i) Less than twelve			10151
months old	5:1, or		10152
	12:2 if two		10153
	child-care		10154
	staff members		10155
	are in the room	12	10156
(ii) At least twelve			10157
months old, but			10158
less than eighteen			10159
months old	6:1	12	10160
(b) Toddlers:			10161
(i) At least eighteen			10162
months old, but			10163

less than thirty			10164
months old	7:1	14	10165
(ii) At least thirty months			10166
old, but less than			10167
three years old	8:1	16	10168
(c) Preschool <u>Preschool-age</u>			10169
children:			10170
(i) Three years old	12:1	24	10171
(ii) Four years old and			10172
five years old who			10173
are not school			10174
children	14:1	28	10175
(d) School <u>School-age</u>			10176
children:			
(i) A child who is			10177
enrolled in or is			10178
eligible to be			10179
enrolled in a grade			10180
of kindergarten			10181
or above, but			10182
is less than			10183
eleven years old	18:1	36	10184
(ii) Eleven through fourteen			10185
years old	20:1	40	10186
Except as otherwise provided in division (E) of this section,			10187
the maximum number of children per child-care staff member and			10188
maximum group size requirements of the younger age group shall			10189
apply when age groups are combined.			10190
(4)(a) The child day care center administrator shall show the			10191
director both of the following:			10192
(i) Evidence of at least high school graduation or			10193
certification of high school equivalency by the state board of			10194

~~education or the appropriate agency of another state;~~ 10195

~~(ii) Evidence of having completed at least two years of 10196
training in an accredited college, university, or technical 10197
college, including courses in child development or early childhood 10198
education, at least two years of experience in supervising and 10199
giving daily care to children attending an organized group 10200
program, or the equivalent based on a designation as an "early 10201
childhood professional level three" under the career pathways 10202
model of the quality rating program established under section 10203
5104.30 of the Revised Code. 10204~~

~~(b) In addition to the requirements of division (B)(4)(a) of 10205
this section and except as provided in division (B)(4)(c) of this 10206
section, any administrator employed or designated as such prior to 10207
the effective date of this section, as amended, shall show 10208
evidence of at least one of the following within six years after 10209
the date of employment or designation: 10210~~

~~(i) Two years of experience working as a child care staff 10211
member in a center and at least four courses in child development 10212
or early childhood education from an accredited college, 10213
university, or technical college, except that a person who has two 10214
years of experience working as a child care staff member in a 10215
particular center and who has been promoted to or designated as 10216
administrator of that center shall have one year from the time the 10217
person was promoted to or designated as administrator to complete 10218
the required four courses; 10219~~

~~(ii) Two years of training, including at least four courses 10220
in child development or early childhood education from an 10221
accredited college, university, or technical college; 10222~~

~~(iii) A child development associate credential issued by the 10223
national child development associate credentialing commission; 10224~~

~~(iv) An associate or higher degree in child development or 10225~~

~~early childhood education from an accredited college, technical
college, or university, or a license designated for teaching in an
associate teaching position in a preschool setting issued by the
state board of education.~~

~~(c) For the purposes of division (B)(4)(b) of this section,
any administrator employed or designated as such prior to the
effective date of this section, as amended, may also show evidence
of an administrator's credential as approved by the department of
job and family services in lieu of, or in addition to, the
evidence required under division (B)(4)(b) of this section. The
evidence of an administrator's credential must be shown to the
director not later than one year after the date of employment or
designation.~~

~~(d) In addition to the requirements of division (B)(4)(a) of
this section, any administrator employed or designated as such on
or after the effective date of this section, as amended, shall
show evidence of at least one of the following not later than one
year after the date of employment or designation:~~

~~(i) Two years of experience working as a child care staff
member in a center and at least four courses in child development
or early childhood education from an accredited college,
university, or technical college, except that a person who has two
years of experience working as a child care staff member in a
particular center and who has been promoted to or designated as
administrator of that center shall have one year from the time the
person was promoted to or designated as administrator to complete
the required four courses;~~

~~(ii) Two years of training, including at least four courses
in child development or early childhood education from an
accredited college, university, or technical college;~~

~~(iii) A child development associate credential issued by the~~

~~national child development associate credentialing commission;~~ 10257

~~(iv) An associate or higher degree in child development or 10258
early childhood education from an accredited college, technical 10259
college, or university, or a license designated for teaching in an 10260
associate teaching position in a preschool setting issued by the 10261
state board of education;~~ 10262

~~(v) An administrator's credential as approved by the 10263
department of job and family services.~~ 10264

~~(5) All child care staff members of a child day care center 10265
shall be at least eighteen years of age, and shall furnish the 10266
director evidence of at least high school graduation or 10267
certification of high school equivalency by the state board of 10268
education or the appropriate agency of another state or evidence 10269
of completion of a training program approved by the department of 10270
job and family services or state board of education, except as 10271
follows:~~ 10272

~~(a) A child care staff member may be less than eighteen years 10273
of age if the staff member is either of the following:~~ 10274

~~(i) A graduate of a two year vocational child care training 10275
program approved by the state board of education;~~ 10276

~~(ii) A student enrolled in the second year of a vocational 10277
child care training program approved by the state board of 10278
education which leads to high school graduation, provided that the 10279
student performs the student's duties in the child day care center 10280
under the continuous supervision of an experienced child care 10281
staff member, receives periodic supervision from the vocational 10282
child care training program teacher coordinator in the student's 10283
high school, and meets all other requirements of this chapter and 10284
rules adopted pursuant to this chapter.~~ 10285

~~(b) A child care staff member shall be exempt from the 10286
educational requirements of this division if the staff member:~~ 10287

~~(i) Prior to January 1, 1972, was employed or designated by a child day care center and has been continuously employed since either by the same child day care center employer or at the same child day care center;~~

~~(ii) Is a student enrolled in the second year of a vocational child care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day care center under the continuous supervision of an experienced child care staff member, receives periodic supervision from the vocational child care training program teacher coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter;~~

~~(iii) Is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code or has graduated from a nonchartered, nonpublic school in Ohio.~~

~~(6) Every child care staff member of a child day care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty five hours of training has been completed, unless the staff member furnishes one of the following to the director:~~

~~(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;~~

~~(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;~~

~~(c) Evidence of a child development associate credential;~~

~~(d) Evidence of a preprimary credential from the American 10319
Montessori society or the association Montessori internationale. 10320
For the purposes of division (B)(6) of this section, "hour" means 10321
sixty minutes. 10322~~

(C)(1) Each child day-care center shall have on the center 10323
premises and readily available at all times at least one 10324
child-care staff member who has completed a course in first aid, 10325
one staff member who has completed a course in prevention, 10326
recognition, and management of communicable diseases which is 10327
approved by the state department of health, and a staff member who 10328
has completed a course in child abuse recognition and prevention 10329
training which is approved by the department of job and family 10330
services. 10331

(2) The administrator of each child day-care center shall 10332
maintain enrollment, health, and attendance records for all 10333
children attending the center and health and employment records 10334
for all center employees. The records shall be confidential, 10335
except that they shall be disclosed by the administrator to the 10336
director upon request for the purpose of administering and 10337
enforcing this chapter and rules adopted pursuant to this chapter. 10338
Neither the center nor the licensee, administrator, or employees 10339
of the center shall be civilly or criminally liable in damages or 10340
otherwise for records disclosed to the director by the 10341
administrator pursuant to this division. It shall be a defense to 10342
any civil or criminal charge based upon records disclosed by the 10343
administrator to the director that the records were disclosed 10344
pursuant to this division. 10345

(3)(a) Any parent who is the residential parent and legal 10346
custodian of a child enrolled in a child day-care center and any 10347
custodian or guardian of such a child shall be permitted unlimited 10348
access to the center during its hours of operation for the 10349
purposes of contacting their children, evaluating the care 10350

provided by the center, evaluating the premises of the center, or 10351
for other purposes approved by the director. A parent of a child 10352
enrolled in a child day-care center who is not the child's 10353
residential parent shall be permitted unlimited access to the 10354
center during its hours of operation for those purposes under the 10355
same terms and conditions under which the residential parent of 10356
that child is permitted access to the center for those purposes. 10357
However, the access of the parent who is not the residential 10358
parent is subject to any agreement between the parents and, to the 10359
extent described in division (C)(3)(b) of this section, is subject 10360
to any terms and conditions limiting the right of access of the 10361
parent who is not the residential parent, as described in division 10362
(I) of section 3109.051 of the Revised Code, that are contained in 10363
a parenting time order or decree issued under that section, 10364
section 3109.12 of the Revised Code, or any other provision of the 10365
Revised Code. 10366

(b) If a parent who is the residential parent of a child has 10367
presented the administrator or the administrator's designee with a 10368
copy of a parenting time order that limits the terms and 10369
conditions under which the parent who is not the residential 10370
parent is to have access to the center, as described in division 10371
(I) of section 3109.051 of the Revised Code, the parent who is not 10372
the residential parent shall be provided access to the center only 10373
to the extent authorized in the order. If the residential parent 10374
has presented such an order, the parent who is not the residential 10375
parent shall be permitted access to the center only in accordance 10376
with the most recent order that has been presented to the 10377
administrator or the administrator's designee by the residential 10378
parent or the parent who is not the residential parent. 10379

(c) Upon entering the premises pursuant to division (C)(3)(a) 10380
or (b) of this section, the parent who is the residential parent 10381
and legal custodian, the parent who is not the residential parent, 10382

or the custodian or guardian shall notify the administrator or the 10383
administrator's designee of the parent's, custodian's, or 10384
guardian's presence. 10385

(D) The director of job and family services, in addition to 10386
the rules adopted under division (A) of this section, shall adopt 10387
rules establishing minimum requirements for child day-care 10388
centers. The rules shall include, but not be limited to, the 10389
requirements set forth in divisions (B) and (C) of this section 10390
and sections 5104.031, 5104.032, and 5104.033 of the Revised Code. 10391
Except as provided in section 5104.07 of the Revised Code, the 10392
rules shall not change the square footage requirements of division 10393
(B)(1) or (2) of this section; the maximum number of children per 10394
child-care staff member and maximum group size requirements of 10395
division (B)(3) of this section; the educational and experience 10396
requirements of ~~division (B)(4) of this section~~ 5104.031 of the 10397
Revised Code; the age, educational, and experience requirements of 10398
~~division (B)(5) of this section~~ 5104.032 of the Revised Code; the 10399
number and type of inservice training hours required under 10400
~~division (B)(6) of this section~~ 5104.033 of the Revised Code; 10401
however, the rules shall provide procedures for determining 10402
compliance with those requirements. 10403

(E)(1) When age groups are combined, the maximum number of 10404
children per child-care staff member shall be determined by the 10405
age of the youngest child in the group, except that when no more 10406
than one child thirty months of age or older receives services in 10407
a group in which all the other children are in the next older age 10408
group, the maximum number of children per child-care staff member 10409
and maximum group size requirements of the older age group 10410
established under division (B)(3) of this section shall apply. 10411

(2) The maximum number of toddlers or ~~preschool~~ preschool-age 10412
children per child-care staff member in a room where children are 10413
napping shall be twice the maximum number of children per 10414

child-care staff member established under division (B)(3) of this section if all the following criteria are met:

(a) At least one child-care staff member is present in the room.

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

(d) The maximum number established under division (E)(2) of this section is in effect for no more than two hours during a twenty-four-hour day.

(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A homes, drop-in type A homes, and ~~school~~ school-age child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the equipment of the type A home;

(3) Standards for the supervision, care, and discipline of

children receiving child care or publicly funded child care in the	10445
type A home;	10446
(4) Standards for a program of activities, and for play	10447
equipment, materials, and supplies, to enhance the development of	10448
each child; however, any educational curricula, philosophies, and	10449
methodologies that are developmentally appropriate and that	10450
enhance the social, emotional, intellectual, and physical	10451
development of each child shall be permissible;	10452
(5) Admissions policies and procedures, health care policies	10453
and procedures, including, but not limited to, procedures for the	10454
isolation of children with communicable diseases, first aid and	10455
emergency procedures, procedures for discipline and supervision of	10456
children, standards for the provision of nutritious meals and	10457
snacks, and procedures for screening children and employees,	10458
including, but not limited to, any necessary physical examinations	10459
and immunizations;	10460
(6) Methods for encouraging parental participation in the	10461
type A home and methods for ensuring that the rights of children,	10462
parents, and employees are protected and that the responsibilities	10463
of parents and employees are met;	10464
(7) Procedures for ensuring the safety and adequate	10465
supervision of children traveling off the premises of the type A	10466
home while under the care of a type A home employee;	10467
(8) Procedures for record keeping, organization, and	10468
administration;	10469
(9) Procedures for issuing, denying, and revoking a license	10470
that are not otherwise provided for in Chapter 119. of the Revised	10471
Code;	10472
(10) Inspection procedures;	10473
(11) Procedures and standards for setting initial license	10474

application fees;	10475
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	10476 10477
(13) Procedures for enforcing section 5104.04 of the Revised Code;	10478 10479
(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;	10480 10481 10482 10483 10484 10485
(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;	10486 10487 10488 10489
(16) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	10490 10491 10492 10493
(17) Standards for the maximum number of children per child-care staff member;	10494 10495
(18) Requirements for the amount of usable indoor floor space for each child;	10496 10497
(19) Requirements for safe outdoor play space;	10498
(20) Qualifications and training requirements for administrators and for child-care staff members;	10499 10500
(21) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	10501 10502 10503
(22) Standards for the preparation and distribution of a	10504

roster of parents, custodians, and guardians;	10505
(23) Any other procedures and standards necessary to carry out this chapter.	10506 10507
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	10508 10509 10510
(1) The rules shall include all of the following:	10511
(a) Procedures, standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:	10512 10513 10514
(i) Persons who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;	10515 10516 10517 10518 10519
(ii) Persons who provide child care for eligible children all of whom are the children of the same caretaker parent;	10520 10521
(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;	10522 10523 10524
(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.	10525 10526 10527
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	10528 10529 10530 10531 10532 10533 10534

otherwise provided in division (G)(1) of this section, section 10535
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 10536
section 5104.11 of the Revised Code, prior to the expiration of 10537
the provisional limited certificate, a county department of job 10538
and family services shall inspect the home and shall grant limited 10539
certification to the provider if the provider meets the 10540
requirements of this division. Limited certificates remain valid 10541
for two years unless earlier revoked. Except as otherwise provided 10542
in division (G)(1) of this section, providers operating under 10543
limited certification shall be inspected annually. 10544

If a provider is a person described in division (G)(1)(a)(i) 10545
of this section or a person described in division (G)(1)(a)(ii) of 10546
this section who is a friend of the caretaker parent, the provider 10547
and the caretaker parent may verify in writing to the county 10548
department of job and family services that minimum health and 10549
safety requirements are being met in the home. Except as otherwise 10550
provided in section 5104.013 or 5104.09 or in division (A)(2) of 10551
section 5104.11 of the Revised Code, if such verification is 10552
provided, the county shall waive any inspection required by this 10553
chapter and grant limited certification to the provider. 10554

(2) The rules shall provide for safeguarding the health, 10555
safety, and welfare of children receiving child care or publicly 10556
funded child care in a certified type B home and shall include the 10557
following: 10558

(a) Standards for ensuring that the type B home and the 10559
physical surroundings of the type B home are safe and sanitary, 10560
including, but not limited to, physical environment, physical 10561
plant, and equipment; 10562

(b) Standards for the supervision, care, and discipline of 10563
children receiving child care or publicly funded child care in the 10564
home; 10565

(c) Standards for a program of activities, and for play 10566
equipment, materials, and supplies to enhance the development of 10567
each child; however, any educational curricula, philosophies, and 10568
methodologies that are developmentally appropriate and that 10569
enhance the social, emotional, intellectual, and physical 10570
development of each child shall be permissible; 10571

(d) Admission policies and procedures, health care, first aid 10572
and emergency procedures, procedures for the care of sick 10573
children, procedures for discipline and supervision of children, 10574
nutritional standards, and procedures for screening children and 10575
authorized providers, including, but not limited to, any necessary 10576
physical examinations and immunizations; 10577

(e) Methods of encouraging parental participation and 10578
ensuring that the rights of children, parents, and authorized 10579
providers are protected and the responsibilities of parents and 10580
authorized providers are met; 10581

(f) Standards for the safe transport of children when under 10582
the care of authorized providers; 10583

(g) Procedures for issuing, renewing, denying, refusing to 10584
renew, or revoking certificates; 10585

(h) Procedures for the inspection of type B homes that 10586
require, at a minimum, that each type B home be inspected prior to 10587
certification to ensure that the home is safe and sanitary; 10588

(i) Procedures for record keeping and evaluation; 10589

(j) Procedures for receiving, recording, and responding to 10590
complaints; 10591

(k) Standards providing for the special needs of children who 10592
are handicapped or who receive treatment for health conditions 10593
while the child is receiving child care or publicly funded child 10594
care in the type B home; 10595

(l) Requirements for the amount of usable indoor floor space for each child;	10596 10597
(m) Requirements for safe outdoor play space;	10598
(n) Qualification and training requirements for authorized providers;	10599 10600
(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;	10601 10602 10603
(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;	10604 10605 10606
(q) Any other procedures and standards necessary to carry out this chapter.	10607 10608
(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:	10609 10610 10611 10612 10613 10614 10615 10616 10617 10618 10619 10620 10621 10622 10623
(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	10624 10625 10626

plant, and equipment;	10627
(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;	10628
(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;	10629
(4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including, but not limited to, any necessary physical examinations and immunizations;	10630
(5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;	10631
(6) Standards for the safe transport of children when under the care of in-home aides;	10632
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	10633
(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	10634
(9) Procedures for record keeping and evaluation;	10635
(10) Procedures for receiving, recording, and responding to complaints;	10636
(11) Qualifications and training requirements for in-home aides;	10637
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(12) Standards providing for the special needs of children 10657
who are handicapped or who receive treatment for health conditions 10658
while the child is receiving publicly funded child care in the 10659
child's own home; 10660

(13) Any other procedures and standards necessary to carry 10661
out this chapter. 10662

(I) To the extent that any rules adopted for the purposes of 10663
this section require a health care professional to perform a 10664
physical examination, the rules shall include as a health care 10665
professional a physician assistant, a clinical nurse specialist, a 10666
certified nurse practitioner, or a certified nurse-midwife. 10667

(J)(1) The director of job and family services shall do all 10668
of the following: 10669

(a) Provide or make available in either paper or electronic 10670
form to each licensee notice of proposed rules governing the 10671
licensure of child day-care centers and type A homes; 10672

(b) Give public notice of hearings regarding the rules to 10673
each licensee at least thirty days prior to the date of the public 10674
hearing, in accordance with section 119.03 of the Revised Code; 10675

(c) At least thirty days before the effective date of a rule, 10676
provide, in either paper or electronic form, a copy of the adopted 10677
rule to each licensee. 10678

(2) The director shall do all of the following: 10679

(a) Send to each county director of job and family services a 10680
notice of proposed rules governing the certification of type B 10681
family homes and in-home aides that includes an internet web site 10682
address where the proposed rules can be viewed; 10683

(b) Give public notice of hearings regarding the proposed 10684
rules not less than thirty days in advance; 10685

(c) Provide to each county director of job and family 10686

services an electronic copy of each adopted rule at least 10687
forty-five days prior to the rule's effective date. 10688

(3) The county director of job and family services shall 10689
provide or make available in either paper or electronic form to 10690
each authorized provider and in-home aide copies of proposed rules 10691
and shall give public notice of hearings regarding the rules to 10692
each authorized provider and in-home aide at least thirty days 10693
prior to the date of the public hearing, in accordance with 10694
section 119.03 of the Revised Code. At least thirty days before 10695
the effective date of a rule, the county director of job and 10696
family services shall provide, in either paper or electronic form, 10697
copies of the adopted rule to each authorized provider and in-home 10698
aide. 10699

(4) Additional copies of proposed and adopted rules shall be 10700
made available by the director of job and family services to the 10701
public on request at no charge. 10702

(5) The director of job and family services may adopt rules 10703
pursuant to Chapter 119. of the Revised Code for imposing 10704
sanctions on persons and entities that are licensed or certified 10705
under this chapter. Sanctions may be imposed only for an action or 10706
omission that constitutes a serious risk noncompliance. The 10707
sanctions imposed shall be based on the scope and severity of the 10708
violations. 10709

The director shall make a dispute resolution process 10710
available for the implementation of sanctions. The process may 10711
include an opportunity for appeal pursuant to Chapter 119. of the 10712
Revised Code. 10713

(6) The director of job and family services shall adopt rules 10714
pursuant to Chapter 119. of the Revised Code that establish 10715
standards for the training of individuals whom any county 10716
department of job and family services employs, with whom any 10717

county department of job and family services contracts, or with 10718
whom the director of job and family services contracts, to inspect 10719
or investigate type B family day-care homes pursuant to section 10720
5104.11 of the Revised Code. The department shall provide training 10721
in accordance with those standards for individuals in the 10722
categories described in this division. 10723

(K) The director of job and family services shall review all 10724
rules adopted pursuant to this chapter at least once every seven 10725
years. 10726

(L) Notwithstanding any provision of the Revised Code, the 10727
director of job and family services shall not regulate in any way 10728
under this chapter or rules adopted pursuant to this chapter, 10729
instruction in religious or moral doctrines, beliefs, or values. 10730

Sec. 5104.02. (A) The director of job and family services is 10731
responsible for the licensing of child day-care centers and type A 10732
family day-care homes. Each entity operating a head start program 10733
shall meet the criteria for, and be licensed as, a child day-care 10734
center. The director is responsible for the enforcement of this 10735
chapter and of rules promulgated pursuant to this chapter. 10736

No person, firm, organization, institution, or agency shall 10737
operate, establish, manage, conduct, or maintain a child day-care 10738
center or type A family day-care home without a license issued 10739
under section 5104.03 of the Revised Code. The current license 10740
shall be posted in a conspicuous place in the center or type A 10741
home that is accessible to parents, custodians, or guardians and 10742
employees of the center or type A home at all times when the 10743
center or type A home is in operation. 10744

(B) A person, firm, institution, organization, or agency 10745
operating any of the following programs is exempt from the 10746
requirements of this chapter: 10747

(1) A program of child care that operates for two or less consecutive weeks;	10748 10749
(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;	10750 10751 10752 10753
(3) Religious activities which do not provide child care;	10754
(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;	10755 10756 10757 10758 10759 10760
(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;	10761 10762 10763 10764 10765 10766 10767
(6)(a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.	10768 10769 10770 10771 10772 10773
Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child care and are regulated or operated and regulated by the department. Annually, each state department shall submit to	10774 10775 10776 10777 10778

the director a report for each such program it regulates or 10779
operates and regulates that includes the following information: 10780

(i) The site location of the program; 10781

(ii) The maximum number of infants, toddlers, ~~preschool~~ 10782
preschool-age children, or ~~school~~ school-age children served by 10783
the program at one time; 10784

(iii) The number of adults providing child care for the 10785
number of infants, toddlers, ~~preschool~~ preschool-age children, or 10786
~~school~~ school-age children; 10787

(iv) Any changes in the rules made subsequent to the time 10788
when the rules were initially submitted to the director. 10789

The director shall maintain a record of the child care 10790
information submitted by other state departments and shall provide 10791
this information upon request to the general assembly or the 10792
public. 10793

(b) Child care programs conducted by boards of education or 10794
by chartered nonpublic schools that are conducted in school 10795
buildings and that provide child care to ~~school~~ school-age 10796
children only shall be exempt from meeting or exceeding rules 10797
promulgated pursuant to this chapter. 10798

(7) Any preschool program or school child program, except a 10799
head start program, that is subject to licensure by the department 10800
of education under sections 3301.52 to 3301.59 of the Revised 10801
Code. 10802

(8) Any program providing child care that meets all of the 10803
following requirements and, on October 20, 1987, was being 10804
operated by a nonpublic school that holds a charter issued by the 10805
state board of education for kindergarten only: 10806

(a) The nonpublic school has given the notice to the state 10807
board and the director of job and family services required by 10808

Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 10809
10810

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 10811
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(c) The program is conducted in a school building; 10814

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code. 10815
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(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply: 10818
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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 10821
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(b) The program provides informal child care and at least two of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 10824
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(c) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code. 10827
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(d) The community-based center operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 10831
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Sec. 5104.031. (A) A child day-care center administrator shall show the director of job and family services both of the following: 10834
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(1) Evidence of at least high school graduation or 10837

<u>certification of high school equivalency by the state board of</u>	10838
<u>education or the appropriate agency of another state;</u>	10839
<u>(2) Evidence of having at least one of the following:</u>	10840
<u>(a) An associate, bachelor's, master's, doctoral, or other</u>	10841
<u>postgraduate degree in child development or early childhood</u>	10842
<u>education, or in a related field approved by the director, from an</u>	10843
<u>accredited college, university, or technical college;</u>	10844
<u>(b) A license designated as appropriate for teaching in an</u>	10845
<u>associate teaching position in a preschool setting issued by the</u>	10846
<u>state board of education pursuant to section 3319.22 of the</u>	10847
<u>Revised Code;</u>	10848
<u>(c) Designation under the career pathways model as an early</u>	10849
<u>childhood professional level three;</u>	10850
<u>(d) Two years of experience working as a child-care staff</u>	10851
<u>member in a licensed child care program, designation under the</u>	10852
<u>career pathways model as an early childhood professional level</u>	10853
<u>one, and, not later than one year after being named as</u>	10854
<u>administrator, designation under the career pathways model as an</u>	10855
<u>early childhood professional level two;</u>	10856
<u>(e) Two years of experience working as a child-care staff</u>	10857
<u>member in a licensed child care program and, except as provided in</u>	10858
<u>division (B) of this section, at least four courses in child</u>	10859
<u>development or early childhood education from an accredited</u>	10860
<u>college, university, or technical college;</u>	10861
<u>(f) Two years of experience working as a child-care staff</u>	10862
<u>member in a licensed child care program and a child development</u>	10863
<u>associate credential issued by the council for professional</u>	10864
<u>recognition;</u>	10865
<u>(g) Two years of training, including at least four courses in</u>	10866
<u>child development or early childhood education from an accredited</u>	10867

college, university, or technical college; 10868

(h) An infant and toddler or early childhood credential from 10869
a program accredited by the Montessori accreditation council for 10870
teacher education. 10871

(B) A person who has two years of experience working as a 10872
child-care staff member in a child day-care center and is promoted 10873
to or designated as administrator of that center shall have one 10874
year from the date of the promotion or designation to complete the 10875
courses required by division (A)(1)(e) of this section. 10876

Sec. 5104.032. (A) All child-care staff members of a child 10877
day-care center shall be at least eighteen years of age, and shall 10878
furnish the director of job and family services evidence of at 10879
least high school graduation or certification of high school 10880
equivalency by the state board of education or the appropriate 10881
agency of another state or evidence of completion of a training 10882
program approved by the department of job and family services or 10883
state board of education, except as follows: 10884

(B) A child-care staff member may be less than eighteen years 10885
of age if the staff member is either of the following: 10886

(1) A graduate of a two-year vocational child-care training 10887
program approved by the state board of education; 10888

(2) A student enrolled in the second year of a vocational 10889
child-care training program approved by the state board of 10890
education which leads to high school graduation, provided that the 10891
student performs the student's duties in the child day-care center 10892
under the continuous supervision of an experienced child-care 10893
staff member, receives periodic supervision from the vocational 10894
child-care training program teacher-coordinator in the student's 10895
high school, and meets all other requirements of this chapter and 10896
rules adopted pursuant to this chapter. 10897

(C) A child-care staff member shall be exempt from the educational requirements of division (A) of this section if the staff member: 10898
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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; 10901
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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; 10905
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(3) Is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code or has graduated from a nonchartered, nonpublic school in Ohio. 10914
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Sec. 5104.033. (A) Except as provided in division (B) of this section, each child-care staff member of a child day-care center annually shall complete fifteen hours of inservice training that includes the following subjects until the staff member has completed a total of forty-five hours of training: 10918
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(1) Child development or early childhood education; 10923

(2) Child abuse recognition and prevention; 10924

(3) First aid; 10925

(4) Prevention, recognition, and management of communicable diseases. 10926
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(B) A child-care staff member is exempt from the inservice training requirements established by division (A) of this section if the staff member furnishes one of the following to the director of job and family services: 10928
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(1) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college; 10932
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(2) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education; 10935
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(3) Evidence of a child development associate credential; 10938

(4) Evidence of an infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education. 10939
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(C) For purposes of this section, each hour of inservice training shall consist of sixty minutes of training. 10942
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Sec. 5104.21. (A) The department of job and family services shall register child day camps and enforce this section and section 5104.22 of the Revised Code and the rules adopted pursuant to those sections. No person, firm, organization, institution, or agency shall operate a child day camp without annually registering with the department. 10944
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(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the provisions of this section and section 5104.22 of the Revised Code: 10950
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(1) A child day camp that operates for two or less consecutive weeks and for no more than a total of two weeks during each calendar year; 10954
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(2) Supervised training, instruction, or activities of 10957

children that is conducted on an organized or periodic basis no 10958
more than one day a week and for no more than six hours' duration 10959
and that is conducted in specific areas, including, but not 10960
limited to, art; drama; dance; music; gymnastics, swimming, or 10961
another athletic skill or sport; computers; or an educational 10962
subject; 10963

(3) Programs in which the department determines that at least 10964
one parent, custodian, or guardian of each child attending or 10965
participating in the child day camp is on the child day camp 10966
activity site and is readily accessible at all times, except that 10967
a child day camp on the premises of a parent's, custodian's, or 10968
guardian's place of employment shall be registered in accordance 10969
with division (A) of this section; 10970

(4) Child day camps funded and regulated or operated and 10971
regulated by any state department, other than the department of 10972
job and family services, when the department of job and family 10973
services has determined that the rules governing the child day 10974
camp are equivalent to or exceed the rules adopted pursuant to 10975
this section and section 5104.22 of the Revised Code. 10976

(C) A person, firm, organization, institution, or agency 10977
operating a child day camp that is exempt under division (B) of 10978
this section from registering under division (A) of this section 10979
may elect to register itself under division (A) of this section. 10980
All requirements of this section and the rules adopted pursuant to 10981
this section shall apply to any exempt child day camp that so 10982
elects to register. 10983

(D) The director of job and family services shall adopt 10984
pursuant to Chapter 119. of the Revised Code rules prescribing the 10985
registration form and establishing the procedure for the child day 10986
camps to register. The form shall not be longer than one 10987
typewritten page and shall state both of the following: 10988

(1) That the child day camp administrator or the administrator's representative agrees to provide the parents of each ~~school~~ school-age child who attends or participates in that child day camp with the telephone number of the county department of health and the public children services agency of the county in which the child day camp is located;

(2) That the child day camp administrator or the administrator's representative agrees to permit a public children services agency or the county department of health to review or inspect the child day camp if a complaint is made to that department or any other state department or public children services agency against that child day camp.

(E) The department may charge a fee to register a child day camp. The fee for each child day camp shall be twenty-five dollars. No organization that operates, or owner of, child day camps shall pay a fee that exceeds two hundred fifty dollars for all of its child day camps.

(F) If a child day camp that is required to register under this section fails to register with the department in accordance with this section or the rules adopted pursuant to it or if a child day camp that files a registration form under this section knowingly provides false or misleading information on the registration form, the department shall require the child day camp to register or register correctly and to pay a registration fee that equals three times the registration fee as set forth in division (E) of this section.

(G) A child day camp administrator or the administrator's representative shall provide the parents of each ~~school~~ school-age child who attends or participates in that child day camp with the telephone numbers of the county department of health and the county public children services agency of the county in which the child day camp is located and a statement that the parents may use

these telephone numbers to contact or otherwise contact the 11021
departments or agency to make a complaint regarding the child day 11022
camp. 11023

Sec. 5104.30. (A) The department of job and family services 11024
is hereby designated as the state agency responsible for 11025
administration and coordination of federal and state funding for 11026
publicly funded child care in this state. Publicly funded child 11027
care shall be provided to the following: 11028

(1) Recipients of transitional child care as provided under 11029
section 5104.34 of the Revised Code; 11030

(2) Participants in the Ohio works first program established 11031
under Chapter 5107. of the Revised Code; 11032

(3) Individuals who would be participating in the Ohio works 11033
first program if not for a sanction under section 5107.16 of the 11034
Revised Code and who continue to participate in a work activity, 11035
developmental activity, or alternative work activity pursuant to 11036
an assignment under section 5107.42 of the Revised Code; 11037

(4) A family receiving publicly funded child care on October 11038
1, 1997, until the family's income reaches one hundred fifty per 11039
cent of the federal poverty line; 11040

(5) Subject to available funds, other individuals determined 11041
eligible in accordance with rules adopted under section 5104.38 of 11042
the Revised Code. 11043

The department shall apply to the United States department of 11044
health and human services for authority to operate a coordinated 11045
program for publicly funded child care, if the director of job and 11046
family services determines that the application is necessary. For 11047
purposes of this section, the department of job and family 11048
services may enter into agreements with other state agencies that 11049
are involved in regulation or funding of child care. The 11050

department shall consider the special needs of migrant workers 11051
when it administers and coordinates publicly funded child care and 11052
shall develop appropriate procedures for accommodating the needs 11053
of migrant workers for publicly funded child care. 11054

(B) The department of job and family services shall 11055
distribute state and federal funds for publicly funded child care, 11056
including appropriations of state funds for publicly funded child 11057
care and appropriations of federal funds available under the child 11058
care block grant act, Title IV-A, and Title XX. The department may 11059
use any state funds appropriated for publicly funded child care as 11060
the state share required to match any federal funds appropriated 11061
for publicly funded child care. 11062

(C) In the use of federal funds available under the child 11063
care block grant act, all of the following apply: 11064

(1) The department may use the federal funds to hire staff to 11065
prepare any rules required under this chapter and to administer 11066
and coordinate federal and state funding for publicly funded child 11067
care. 11068

(2) Not more than five per cent of the aggregate amount of 11069
the federal funds received for a fiscal year may be expended for 11070
administrative costs. 11071

(3) The department shall allocate and use at least four per 11072
cent of the federal funds for the following: 11073

(a) Activities designed to provide comprehensive consumer 11074
education to parents and the public; 11075

(b) Activities that increase parental choice; 11076

(c) Activities, including child care resource and referral 11077
services, designed to improve the quality, and increase the 11078
supply, of child care; 11079

(d) Establishing a ~~voluntary child day care center~~ 11080

~~quality rating program~~ tiered quality rating and improvement 11081
system in which participation in the program may allow a child 11082
day-care ~~center~~ providers to be eligible for grants, technical 11083
assistance, training, or other assistance and become eligible for 11084
unrestricted monetary awards for maintaining a quality rating. 11085

(4) The department shall ensure that the federal funds will 11086
be used only to supplement, and will not be used to supplant, 11087
federal, state, and local funds available on the effective date of 11088
the child care block grant act for publicly funded child care and 11089
related programs. If authorized by rules adopted by the department 11090
pursuant to section 5104.42 of the Revised Code, county 11091
departments of job and family services may purchase child care 11092
from funds obtained through any other means. 11093

(D) The department shall encourage the development of 11094
suitable child care throughout the state, especially in areas with 11095
high concentrations of recipients of public assistance and 11096
families with low incomes. The department shall encourage the 11097
development of suitable child care designed to accommodate the 11098
special needs of migrant workers. On request, the department, 11099
through its employees or contracts with state or community child 11100
care resource and referral service organizations, shall provide 11101
consultation to groups and individuals interested in developing 11102
child care. The department of job and family services may enter 11103
into interagency agreements with the department of education, the 11104
board of regents, the department of development, and other state 11105
agencies and entities whenever the cooperative efforts of the 11106
other state agencies and entities are necessary for the department 11107
of job and family services to fulfill its duties and 11108
responsibilities under this chapter. 11109

The department shall develop and maintain a registry of 11110
persons providing child care. The director shall adopt rules 11111
pursuant to Chapter 119. of the Revised Code establishing 11112

procedures and requirements for the registry's administration. 11113

(E)(1) The director shall adopt rules in accordance with 11114
Chapter 119. of the Revised Code establishing both of the 11115
following: 11116

(a) Reimbursement ceilings for providers of publicly funded 11117
child care not later than the first day of July in each 11118
odd-numbered year; 11119

(b) A procedure for reimbursing and paying providers of 11120
publicly funded child care. 11121

(2) In establishing reimbursement ceilings under division 11122
(E)(1)(a) of this section, the director shall do all of the 11123
following: 11124

(a) Use the information obtained under division (B)(3) of 11125
section 5104.04 of the Revised Code; 11126

(b) Establish an enhanced reimbursement ceiling for providers 11127
who provide child care for caretaker parents who work 11128
nontraditional hours; 11129

(c) For a type B family day-care home provider that has 11130
received limited certification pursuant to rules adopted under 11131
division (G)(1) of section 5104.011 of the Revised Code, establish 11132
a reimbursement ceiling that is the following: 11133

(i) If the provider is a person described in division 11134
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 11135
per cent of the reimbursement ceiling that applies to a type B 11136
family day-care home certified by the same county department of 11137
job and family services pursuant to section 5104.11 of the Revised 11138
Code; 11139

(ii) If the provider is a person described in division 11140
(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per 11141
cent of the reimbursement ceiling that applies to a type B family 11142

day-care home certified by the same county department pursuant to 11143
section 5104.11 of the Revised Code. 11144

(d) With regard to the ~~voluntary child day care center~~ 11145
~~quality rating program~~ tiered quality rating and improvement 11146
system established pursuant to division (C)(3)(d) of this section, 11147
do both of the following: 11148

(i) Establish enhanced reimbursement ceilings for child 11149
day-care ~~centers~~ providers that participate in the ~~program~~ system 11150
and maintain quality ratings under the ~~program~~ system; 11151

(ii) ~~Weigh~~ In the case of child day-care providers that have 11152
been given access to the system by the department, weigh any 11153
reduction in reimbursement ceilings more heavily against ~~child~~ 11154
~~day-care centers~~ those providers that do not participate in the 11155
~~program~~ system or do not maintain quality ratings under the 11156
~~program~~ system. 11157

(3) In establishing reimbursement ceilings under division 11158
(E)(1)(a) of this section, the director may establish different 11159
reimbursement ceilings based on any of the following: 11160

(a) Geographic location of the provider; 11161

(b) Type of care provided; 11162

(c) Age of the child served; 11163

(d) Special needs of the child served; 11164

(e) Whether the expanded hours of service are provided; 11165

(f) Whether weekend service is provided; 11166

(g) Whether the provider has exceeded the minimum 11167
requirements of state statutes and rules governing child care; 11168

(h) Any other factors the director considers appropriate. 11169

(F) The director shall adopt rules in accordance with Chapter 11170
119. of the Revised Code to implement the ~~voluntary child day care~~ 11171

~~center quality rating program~~ tiered quality rating and 11172
improvement system described in division (C)(3)(d) of this 11173
section. 11174

Sec. 5104.31. (A) Publicly funded child care may be provided 11175
only by the following: 11176

(1) A child day-care center or type A family day-care home, 11177
including a parent cooperative child day-care center or parent 11178
cooperative type A family day-care home, licensed by the 11179
department of job and family services pursuant to section 5104.03 11180
of the Revised Code; 11181

(2) A type B family day-care home certified by the county 11182
department of job and family services pursuant to section 5104.11 11183
of the Revised Code; 11184

(3) A type B family day-care home that has received a limited 11185
certification pursuant to rules adopted under division (G)(1) of 11186
section 5104.011 of the Revised Code; 11187

(4) An in-home aide who has been certified by the county 11188
department of job and family services pursuant to section 5104.12 11189
of the Revised Code; 11190

(5) A child day camp approved pursuant to section 5104.22 of 11191
the Revised Code; 11192

(6) A licensed preschool program; 11193

(7) A licensed school child program; 11194

(8) A border state child care provider, except that a border 11195
state child care provider may provide publicly funded child care 11196
only to an individual who resides in an Ohio county that borders 11197
the state in which the provider is located. 11198

(B) Publicly funded child day-care may be provided in a 11199
child's own home only by an in-home aide. 11200

(C) Beginning July 1, 2020, publicly funded child care may be 11201
provided only by a provider that is rated through the tiered 11202
quality rating and improvement system established pursuant to 11203
section 5104.30 of the Revised Code. 11204

Sec. 5104.34. (A)(1) Each county department of job and family 11205
services shall implement procedures for making determinations of 11206
eligibility for publicly funded child care. Under those 11207
procedures, the eligibility determination for each applicant shall 11208
be made no later than thirty calendar days from the date the 11209
county department receives a completed application for publicly 11210
funded child care. Each applicant shall be notified promptly of 11211
the results of the eligibility determination. An applicant 11212
aggrieved by a decision or delay in making an eligibility 11213
determination may appeal the decision or delay to the department 11214
of job and family services in accordance with section 5101.35 of 11215
the Revised Code. The due process rights of applicants shall be 11216
protected. 11217

To the extent permitted by federal law, the county department 11218
may make all determinations of eligibility for publicly funded 11219
child care, may contract with child care providers or child care 11220
resource and referral service organizations for the providers or 11221
resource and referral service organizations to make all or any 11222
part of the determinations, and may contract with child care 11223
providers or child care resource and referral service 11224
organizations for the providers or resource and referral service 11225
organizations to collect specified information for use by the 11226
county department in making determinations. If a county department 11227
contracts with a child care provider or a child care resource and 11228
referral service organization for eligibility determinations or 11229
for the collection of information, the contract shall require the 11230
provider or resource and referral service organization to make 11231
each eligibility determination no later than thirty calendar days 11232

from the date the provider or resource and referral organization 11233
receives a completed application that is the basis of the 11234
determination and to collect and transmit all necessary 11235
information to the county department within a period of time that 11236
enables the county department to make each eligibility 11237
determination no later than thirty days after the filing of the 11238
application that is the basis of the determination. 11239

The county department may station employees of the department 11240
in various locations throughout the county to collect information 11241
relevant to applications for publicly funded child care and to 11242
make eligibility determinations. The county department, child care 11243
provider, and child care resource and referral service 11244
organization shall make each determination of eligibility for 11245
publicly funded child care no later than thirty days after the 11246
filing of the application that is the basis of the determination, 11247
shall make each determination in accordance with any relevant 11248
rules adopted pursuant to section 5104.38 of the Revised Code, and 11249
shall notify promptly each applicant for publicly funded child 11250
care of the results of the determination of the applicant's 11251
eligibility. 11252

The director of job and family services shall adopt rules in 11253
accordance with Chapter 119. of the Revised Code for monitoring 11254
the eligibility determination process. In accordance with those 11255
rules, the state department shall monitor eligibility 11256
determinations made by county departments of job and family 11257
services and shall direct any entity that is not in compliance 11258
with this division or any rule adopted under this division to 11259
implement corrective action specified by the department. 11260

(2) All eligibility determinations for publicly funded child 11261
care shall be made in accordance with rules adopted pursuant to 11262
division (A) of section 5104.38 of the Revised Code and, if a 11263
county department of job and family services specifies, pursuant 11264

to rules adopted under division (B) of that section, a maximum 11265
amount of income a family may have to be eligible for publicly 11266
funded child care, the income maximum specified by the county 11267
department. Publicly funded child care may be provided only to 11268
eligible infants, toddlers, ~~preschool~~ preschool-age children, and 11269
~~school~~ school-age children under age thirteen. For an applicant to 11270
be eligible for publicly funded child care, the caretaker parent 11271
must be employed or participating in a program of education or 11272
training for an amount of time reasonably related to the time that 11273
the parent's children are receiving publicly funded child care. 11274
This restriction does not apply to families whose children are 11275
eligible for protective child care. 11276

Subject to available funds, a county department of job and 11277
family services shall allow a family to receive publicly funded 11278
child care unless the family's income exceeds the maximum income 11279
eligibility limit. Initial and continued eligibility for publicly 11280
funded child care is subject to available funds unless the family 11281
is receiving child care pursuant to division (A)(1), (2), (3), or 11282
(4) of section 5104.30 of the Revised Code. If the county 11283
department must limit eligibility due to lack of available funds, 11284
it shall give first priority for publicly funded child care to an 11285
assistance group whose income is not more than the maximum income 11286
eligibility limit that received transitional child care in the 11287
previous month but is no longer eligible because the twelve-month 11288
period has expired. Such an assistance group shall continue to 11289
receive priority for publicly funded child care until its income 11290
exceeds the maximum income eligibility limit. 11291

(3) An assistance group that ceases to participate in the 11292
Ohio works first program established under Chapter 5107. of the 11293
Revised Code is eligible for transitional child care at any time 11294
during the immediately following twelve-month period that both of 11295
the following apply: 11296

(a) The assistance group requires child care due to employment; 11297
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(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line. 11299
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An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care. 11301
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(B) To the extent permitted by federal law, a county department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. Each county department shall make protective child care services available to children without regard to the income or assets of the caretaker parent of the child. 11304
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(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs. 11312
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(D) If a county department of job and family services determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the county department may establish a waiting list. A county department may establish separate waiting lists within the waiting list based on income. When resources become available to provide publicly funded child care to families on the waiting list, a county department that establishes a waiting list shall assess the needs of the next family scheduled to receive publicly funded child care. If the assessment demonstrates that the family continues to need and is eligible for publicly funded child care, 11317
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the county department shall offer it to the family. If the county 11328
department determines that the family is no longer eligible or no 11329
longer needs publicly funded child care, the county department 11330
shall remove the family from the waiting list. 11331

(E) A caretaker parent shall not receive full-time publicly 11332
funded child care from more than one child care provider per child 11333
during any period. 11334

(F) As used in this section, "maximum income eligibility 11335
limit" means the amount of income specified in rules adopted under 11336
division (A) of section 5104.38 of the Revised Code or, if a 11337
county department of job and family services specifies a higher 11338
amount pursuant to rules adopted under division (B) of that 11339
section, the amount the county department specifies. 11340

Sec. 5104.38. In addition to any other rules adopted under 11341
this chapter, the director of job and family services shall adopt 11342
rules in accordance with Chapter 119. of the Revised Code 11343
governing financial and administrative requirements for publicly 11344
funded child care and establishing all of the following: 11345

(A) Procedures and criteria to be used in making 11346
determinations of eligibility for publicly funded child care that 11347
give priority to children of families with lower incomes and 11348
procedures and criteria for eligibility for publicly funded 11349
protective child care. The rules shall specify the maximum amount 11350
of income a family may have for initial and continued eligibility. 11351
The maximum amount shall not exceed two hundred per cent of the 11352
federal poverty line. The rules may specify exceptions to the 11353
eligibility requirements in the case of a family that previously 11354
received publicly funded child care and is seeking to have the 11355
child care reinstated after the family's eligibility was 11356
terminated. 11357

(B) Procedures under which a county department of job and 11358

family services may, if the department, under division (A) of this 11359
section, specifies a maximum amount of income a family may have 11360
for eligibility for publicly funded child care that is less than 11361
the maximum amount specified in that division, specify a maximum 11362
amount of income a family residing in the county the county 11363
department serves may have for initial and continued eligibility 11364
for publicly funded child care that is higher than the amount 11365
specified by the department but does not exceed the maximum amount 11366
specified in division (A) of this section; 11367

(C) A schedule of fees requiring all eligible caretaker 11368
parents to pay a fee for publicly funded child care according to 11369
income and family size, which shall be uniform for all types of 11370
publicly funded child care, except as authorized by rule, and, to 11371
the extent permitted by federal law, shall permit the use of state 11372
and federal funds to pay the customary deposits and other advance 11373
payments that a provider charges all children who receive child 11374
care from that provider. The schedule of fees may not provide for 11375
a caretaker parent to pay a fee that exceeds ten per cent of the 11376
parent's family income. 11377

(D) A formula for determining the amount of state and federal 11378
funds appropriated for publicly funded child care that may be 11379
allocated to a county department to use for administrative 11380
purposes; 11381

(E) Procedures to be followed by the department and county 11382
departments in recruiting individuals and groups to become 11383
providers of child care; 11384

(F) Procedures to be followed in establishing state or local 11385
programs designed to assist individuals who are eligible for 11386
publicly funded child care in identifying the resources available 11387
to them and to refer the individuals to appropriate sources to 11388
obtain child care; 11389

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	11390 11391
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	11392 11393
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	11394 11395
(J) A definition of "person who stands in loco parentis" for the purposes of division (JJ) (KK)(1) of section 5104.01 of the Revised Code;	11396 11397 11398
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	11399 11400 11401 11402 11403
(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	11404 11405 11406 11407 11408
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;	11409 11410 11411 11412 11413 11414 11415 11416
(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.	11417 11418
<u>Sec. 5123.022.</u> It is hereby declared to be the policy of this	11419

state that employment services for individuals with developmental 11420
disabilities be directed at placement whenever possible of each 11421
individual in a position in the community in which the individual 11422
is integrated with the employer's other workers who are not 11423
developmentally disabled. The departments of developmental 11424
disabilities, education, job and family services, and mental 11425
health; the rehabilitation services commission; and each other 11426
state agency that provides employment services to individuals with 11427
developmental disabilities shall implement this policy and ensure 11428
that it is followed whenever employment services are provided to 11429
individuals with developmental disabilities. 11430

The department of developmental disabilities shall coordinate 11431
the actions taken by state agencies to comply with the state's 11432
policy. Agencies shall collaborate within their divisions and with 11433
each other to ensure that state programs, policies, procedures, 11434
and funding support competitive and integrated employment of 11435
individuals with developmental disabilities. State agencies shall 11436
share information with the department, and the department shall 11437
track progress toward full implementation of the policy. The 11438
department, in coordination with any task force established by the 11439
governor, shall compile data and annually submit to the governor a 11440
report on implementation of the policy. 11441

The department and state agencies may adopt rules to 11442
implement the policy. 11443

The policy articulated in this section is intended to promote 11444
the right of each individual with a developmental disability to 11445
informed choice; however, nothing in this section requires any 11446
employer to give preference in hiring to an individual because the 11447
individual has a disability. 11448

Sec. 5709.83. (A) Except as otherwise provided in division 11449

(B) or (C) of this section, prior to taking formal action to adopt 11450
or enter into any instrument granting a tax exemption under 11451
section 725.02, 1728.06, 5709.40, 5709.41, 5709.62, 5709.63, 11452
5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised 11453
Code or formally approving an agreement under section 3735.671 of 11454
the Revised Code, or prior to forwarding an application for a tax 11455
exemption for residential property under section 3735.67 of the 11456
Revised Code to the county auditor, the legislative authority of 11457
the political subdivision or housing officer shall notify the 11458
board of education of each city, local, exempted village, or joint 11459
vocational school district in which the proposed tax-exempted 11460
property is located. The notice shall include a copy of the 11461
instrument or application. The notice shall be delivered not later 11462
than fourteen days prior to the day the legislative authority 11463
takes formal action to adopt or enter into the instrument, or not 11464
later than fourteen days prior to the day the housing officer 11465
forwards the application to the county auditor. If the board of 11466
education comments on the instrument or application to the 11467
legislative authority or housing officer, the legislative 11468
authority or housing officer shall consider the comments. If the 11469
board of education of the city, local, exempted village, or joint 11470
vocational school district so requests, the legislative authority 11471
or the housing officer shall meet in person with a representative 11472
designated by the board of education to discuss the terms of the 11473
instrument or application. 11474

(B) The notice otherwise required to be provided to boards of 11475
education under division (A) of this section is not required if 11476
the board has adopted a resolution waiving its right to receive 11477
such notices, and that resolution remains in effect. If a board of 11478
education adopts such a resolution, the board shall cause a copy 11479
of the resolution to be certified to the legislative authority. If 11480
the board of education rescinds such a resolution, it shall 11481
certify notice of the rescission to the legislative authority. A 11482

board of education may adopt such a resolution with respect to any 11483
one or more counties, townships, or municipal corporations 11484
situated in whole or in part within the school district. 11485

(C) If a legislative authority is required to provide notice 11486
to a city, local, or exempted village school district of its 11487
intent to grant such an exemption as required by section 5709.40, 11488
5709.41, 5709.73, or 5709.78 of the Revised Code, the legislative 11489
authority, before adopting a resolution or ordinance under that 11490
section, shall notify the board of education of each joint 11491
vocational school district in which the property to be exempted is 11492
located using the same time requirements for the notice that 11493
applies to notices to city, local, and exempted village school 11494
districts. The notice shall be delivered not later than forty five 11495
days before the day the legislative authority adopts a resolution 11496
or ordinance under any of those sections. The content of the 11497
notice and procedures for responding to the notice are the same as 11498
required in division (A) of this section. 11499

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 11500
the Revised Code: 11501

(1) "School district," "joint vocational school district," 11502
"local taxing unit," "recognized valuation," "fixed-rate levy," 11503
and "fixed-sum levy" have the same meanings as used in section 11504
5727.84 of the Revised Code. 11505

(2) "State education aid" for a school district means the 11506
following: 11507

(a) For fiscal years prior to fiscal year 2010, the sum of 11508
state aid amounts computed for the district under the following 11509
provisions, as they existed for the applicable fiscal year: 11510
division (A) of section 3317.022 of the Revised Code, including 11511
the amounts calculated under sections 3317.029 and 3317.0217 of 11512
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 11513

section 3317.022; divisions (B), (C), and (D) of section 3317.023; 11514
divisions (L) and (N) of section 3317.024; section 3317.0216; and 11515
any unit payments for gifted student services paid under sections 11516
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 11517
for fiscal years 2008 and 2009, the amount computed for the 11518
district under Section 269.20.80 of H.B. 119 of the 127th general 11519
assembly and as that section subsequently may be amended shall be 11520
substituted for the amount computed under division (D) of section 11521
3317.022 of the Revised Code, and the amount computed under 11522
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 11523
that section subsequently may be amended shall be included. 11524

(b) For fiscal years 2010 and 2011, the sum of the amounts 11525
computed under former sections 3306.052, 3306.12, 3306.13, 11526
3306.19, 3306.191, and 3306.192 of the Revised Code; 11527

(c) For fiscal years 2012 and 2013, the ~~amount~~ sum of the 11528
amounts paid in accordance with the section under Sections 11529
267.30.50, 267.30.53, and 267.30.56 of H.B. 153 of the 129th 11530
general assembly ~~entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND~~ 11531
~~LOCAL SCHOOL DISTRICTS."~~ 11532

(3) "State education aid" for a joint vocational school 11533
district means the following: 11534

(a) For fiscal years prior to fiscal year 2010, the sum of 11535
the state aid computed for the district under division (N) of 11536
section 3317.024 and section 3317.16 of the Revised Code, except 11537
that, for fiscal years 2008 and 2009, the amount computed under 11538
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 11539
that section subsequently may be amended shall be included. 11540

(b) For fiscal years 2010 and 2011, the amount paid in 11541
accordance with ~~the section~~ Section 265.30.50 of H.B. 1 of the 11542
128th general assembly ~~entitled "FUNDING FOR JOINT VOCATIONAL~~ 11543
~~SCHOOL DISTRICTS."~~ 11544

(c) For fiscal years 2012 and 2013, the amount paid in 11545
accordance with ~~the section~~ Section 267.30.60 of H.B. 153 of the 11546
129th general assembly ~~entitled "FUNDING FOR JOINT VOCATIONAL~~ 11547
~~SCHOOL DISTRICTS."~~ 11548

(4) "State education aid offset" means the amount determined 11549
for each school district or joint vocational school district under 11550
division (A)(1) of section 5751.21 of the Revised Code. 11551

(5) "Machinery and equipment property tax value loss" means 11552
the amount determined under division (C)(1) of this section. 11553

(6) "Inventory property tax value loss" means the amount 11554
determined under division (C)(2) of this section. 11555

(7) "Furniture and fixtures property tax value loss" means 11556
the amount determined under division (C)(3) of this section. 11557

(8) "Machinery and equipment fixed-rate levy loss" means the 11558
amount determined under division (D)(1) of this section. 11559

(9) "Inventory fixed-rate levy loss" means the amount 11560
determined under division (D)(2) of this section. 11561

(10) "Furniture and fixtures fixed-rate levy loss" means the 11562
amount determined under division (D)(3) of this section. 11563

(11) "Total fixed-rate levy loss" means the sum of the 11564
machinery and equipment fixed-rate levy loss, the inventory 11565
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 11566
loss, and the telephone company fixed-rate levy loss. 11567

(12) "Fixed-sum levy loss" means the amount determined under 11568
division (E) of this section. 11569

(13) "Machinery and equipment" means personal property 11570
subject to the assessment rate specified in division (F) of 11571
section 5711.22 of the Revised Code. 11572

(14) "Inventory" means personal property subject to the 11573
assessment rate specified in division (E) of section 5711.22 of 11574

the Revised Code. 11575

(15) "Furniture and fixtures" means personal property subject 11576
to the assessment rate specified in division (G) of section 11577
5711.22 of the Revised Code. 11578

(16) "Qualifying levies" are levies in effect for tax year 11579
2004 or applicable to tax year 2005 or approved at an election 11580
conducted before September 1, 2005. For the purpose of determining 11581
the rate of a qualifying levy authorized by section 5705.212 or 11582
5705.213 of the Revised Code, the rate shall be the rate that 11583
would be in effect for tax year 2010. 11584

(17) "Telephone property" means tangible personal property of 11585
a telephone, telegraph, or interexchange telecommunications 11586
company subject to an assessment rate specified in section 11587
5727.111 of the Revised Code in tax year 2004. 11588

(18) "Telephone property tax value loss" means the amount 11589
determined under division (C)(4) of this section. 11590

(19) "Telephone property fixed-rate levy loss" means the 11591
amount determined under division (D)(4) of this section. 11592

(20) "Taxes charged and payable" means taxes charged and 11593
payable after the reduction required by section 319.301 of the 11594
Revised Code but before the reductions required by sections 11595
319.302 and 323.152 of the Revised Code. 11596

(21) "Median estate tax collections" means, in the case of a 11597
municipal corporation to which revenue from the taxes levied in 11598
Chapter 5731. of the Revised Code was distributed in each of 11599
calendar years 2006, 2007, 2008, and 2009, the median of those 11600
distributions. In the case of a municipal corporation to which no 11601
distributions were made in one or more of those years, "median 11602
estate tax collections" means zero. 11603

(22) "Total resources," in the case of a school district, 11604

means the sum of the amounts in divisions (A)(22)(a) to (h) of 11605
this section less any reduction required under division (A)(32) of 11606
this section. 11607

(a) The state education aid for fiscal year 2010; 11608

(b) The sum of the payments received by the school district 11609
in fiscal year 2010 for current expense levy losses pursuant to 11610
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 11611
section 5751.21 of the Revised Code, excluding the portion of such 11612
payments attributable to levies for joint vocational school 11613
district purposes; 11614

(c) The sum of fixed-sum levy loss payments received by the 11615
school district in fiscal year 2010 pursuant to division (E)(1) of 11616
section 5727.85 and division (E)(1) of section 5751.21 of the 11617
Revised Code for fixed-sum levies imposed for a purpose other than 11618
paying debt charges; 11619

(d) Fifty per cent of the school district's taxes charged and 11620
payable against all property on the tax list of real and public 11621
utility property for current expense purposes for tax year 2008, 11622
including taxes charged and payable from emergency levies imposed 11623
under section 5709.194 of the Revised Code and excluding taxes 11624
levied for joint vocational school district purposes; 11625

(e) Fifty per cent of the school district's taxes charged and 11626
payable against all property on the tax list of real and public 11627
utility property for current expenses for tax year 2009, including 11628
taxes charged and payable from emergency levies and excluding 11629
taxes levied for joint vocational school district purposes; 11630

(f) The school district's taxes charged and payable against 11631
all property on the general tax list of personal property for 11632
current expenses for tax year 2009, including taxes charged and 11633
payable from emergency levies; 11634

(g) The amount certified for fiscal year 2010 under division 11635

(A)(2) of section 3317.08 of the Revised Code;	11636
(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.	11637 11638
(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.	11639 11640 11641 11642
(a) The state education aid for fiscal year 2010;	11643
(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	11644 11645 11646 11647
(c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008;	11648 11649 11650 11651
(d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;	11652 11653 11654 11655
(e) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2008;	11656 11657 11658 11659 11660
(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;	11661 11662 11663 11664 11665

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and ~~division~~ divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction

required under division (A)(32) of this section. 11697

(a) The sum of the payments received by the county for 11698
children's services related functions in calendar year 2010 under 11699
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 11700
section 5751.22 of the Revised Code as they existed at that time; 11701

(b) With respect to taxes levied by the county for children's 11702
services related purposes, the taxes charged and payable for such 11703
purposes against all property on the tax list of real and public 11704
utility property for tax year 2009. 11705

(27) "Total resources," in the case of county public health 11706
related functions, means the sum of the amounts in divisions 11707
(A)(27)(a) and (b) of this section less any reduction required 11708
under division (A)(32) of this section. 11709

(a) The sum of the payments received by the county for public 11710
health related functions in calendar year 2010 under division 11711
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 11712
5751.22 of the Revised Code as they existed at that time; 11713

(b) With respect to taxes levied by the county for public 11714
health related purposes, the taxes charged and payable for such 11715
purposes against all property on the tax list of real and public 11716
utility property for tax year 2009. 11717

(28) "Total resources," in the case of all county functions 11718
not included in divisions (A)(24) to (27) of this section, means 11719
the sum of the amounts in divisions (A)(28)(a) to (d) of this 11720
section less any reduction required under division (A)(32) of this 11721
section. 11722

(a) The sum of the payments received by the county for all 11723
other purposes in calendar year 2010 under division (A)(1) of 11724
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 11725
the Revised Code as they existed at that time; 11726

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code.

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) to (g) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) The sum of the amounts distributed to the municipal

corporation in calendar year 2010 pursuant to section 5747.50 of 11758
the Revised Code; 11759

(d) With respect to taxes levied by the municipal 11760
corporation, the taxes charged and payable against all property on 11761
the tax list of real and public utility property for current 11762
expenses, defined in division (A)(33) of this section, for tax 11763
year 2009; 11764

(e) The amount of admissions tax collected by the municipal 11765
corporation in calendar year 2008, or if such information has not 11766
yet been reported to the tax commissioner, in the most recent year 11767
before 2008 for which the municipal corporation has reported data 11768
to the commissioner; 11769

(f) The amount of income taxes collected by the municipal 11770
corporation in calendar year 2008, or if such information has not 11771
yet been reported to the tax commissioner, in the most recent year 11772
before 2008 for which the municipal corporation has reported data 11773
to the commissioner; 11774

(g) The municipal corporation's median estate tax 11775
collections. 11776

(30) "Total resources," in the case of a township, means the 11777
sum of the amounts in divisions (A)(30)(a) to (c) of this section 11778
less any reduction required under division (A)(32) of this 11779
section. 11780

(a) The sum of the payments received by the township in 11781
calendar year 2010 pursuant to division (A)(1) of section 5727.86 11782
of the Revised Code and divisions (A)(1) and (2) of section 11783
5751.22 of the Revised Code as they existed at that time, 11784
excluding payments received for debt purposes; 11785

(b) The township's percentage share of county undivided local 11786
government fund allocations as certified to the tax commissioner 11787
for calendar year 2010 by the county auditor under division (J) of 11788

section 5747.51 of the Revised Code or division (F) of section 11789
5747.53 of the Revised Code multiplied by the total amount 11790
actually distributed in calendar year 2010 from the county 11791
undivided local government fund; 11792

(c) With respect to taxes levied by the township, the taxes 11793
charged and payable against all property on the tax list of real 11794
and public utility property for tax year 2009 excluding taxes 11795
charged and payable for the purpose of paying debt charges. 11796

(31) "Total resources," in the case of a local taxing unit 11797
that is not a county, municipal corporation, or township, means 11798
the sum of the amounts in divisions (A)(31)(a) to (e) of this 11799
section less any reduction required under division (A)(32) of this 11800
section. 11801

(a) The sum of the payments received by the local taxing unit 11802
in calendar year 2010 pursuant to division (A)(1) of section 11803
5727.86 of the Revised Code and divisions (A)(1) and (2) of 11804
section 5751.22 of the Revised Code as they existed at that time; 11805

(b) The local taxing unit's percentage share of county 11806
undivided local government fund allocations as certified to the 11807
tax commissioner for calendar year 2010 by the county auditor 11808
under division (J) of section 5747.51 of the Revised Code or 11809
division (F) of section 5747.53 of the Revised Code multiplied by 11810
the total amount actually distributed in calendar year 2010 from 11811
the county undivided local government fund; 11812

(c) With respect to taxes levied by the local taxing unit, 11813
the taxes charged and payable against all property on the tax list 11814
of real and public utility property for tax year 2009 excluding 11815
taxes charged and payable for the purpose of paying debt charges; 11816

(d) The amount received from the tax commissioner during 11817
calendar year 2010 for sales or use taxes authorized under 11818
sections 5739.023 and 5741.022 of the Revised Code; 11819

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2010 as calculated by the board of regents and reported to the state controlling board.

(32) If a fixed-rate levy that is a qualifying levy is not imposed in any year after tax year 2010, "total resources" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is imposed shall be reduced by the amount of payments attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85, division (A)(1) of section 5727.85, divisions (C)(8) and (9) of section 5751.21, or division (A)(1) of section 5751.22 of the Revised Code.

(33) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or any levy containing the words "sewage" or "sewer"; park improvement; parkland acquisition; storm drain; street or any levy name containing the word "street"; lighting, or any levy name containing the word "lighting"; and water.

(34) "Current expense TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the payments received by the school district in fiscal year 2011 pursuant to divisions (C)(10) and (11) of section 5751.21 of the Revised Code to the extent paid for current expense levies. In the case of a municipal corporation, "current expense TPP allocation" means the sum of the payments received by the municipal corporation in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code to the extent paid for municipal current expense property tax levies as defined in division (A)(33) of this section. If a fixed-rate levy that is a qualifying levy is not imposed in any year after tax year 2010, "current expense TPP allocation" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is imposed shall be reduced by the amount of payments attributable to the fixed-rate levy loss of that levy as would be computed under divisions (C)(10) and (11) of section 5751.21 or division (A)(1) of section 5751.22 of the Revised Code.

(35) "TPP allocation" means the sum of payments received by a local taxing unit in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not imposed in any year after tax year 2010, "TPP allocation" used to compute payments to be made under division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is imposed shall be reduced by the amount of payment attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of that section.

(36) "Total TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the

amounts received in fiscal year 2011 pursuant to divisions (C)(10) 11884
and (11) and (D) of section 5751.21 of the Revised Code. In the 11885
case of a local taxing unit, "total TPP allocation" means the sum 11886
of payments received by the unit in calendar year 2010 pursuant to 11887
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 11888
Code. If a fixed-rate levy that is a qualifying levy is not 11889
imposed in any year after tax year 2010, "total TPP allocation" 11890
used to compute payments to be made under division (C)(12) of 11891
section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of 11892
the Revised Code in the tax years following the last year the levy 11893
is imposed shall be reduced by the amount of payments attributable 11894
to the fixed-rate levy less of that levy as would be computed 11895
under divisions (C)(10) and (11) of section 5751.21 or division 11896
(A)(1) of section 5751.22 of the Revised Code. 11897

(37) "Non-current expense TPP allocation" means the 11898
difference of total TPP allocation minus the sum of current 11899
expense TPP allocation and the portion of total TPP allocation 11900
constituting reimbursement for debt levies, pursuant to division 11901
(D) of section 5751.21 of the Revised Code in the case of a school 11902
district or joint vocational school district and pursuant to 11903
division (A)(3) of section 5751.22 of the Revised Code in the case 11904
of a municipal corporation. 11905

(38) "Threshold per cent" means, in the case of a school 11906
district or joint vocational school district, two per cent for 11907
fiscal year 2012 and four per cent for fiscal years 2013 and 11908
thereafter. In the case of a local taxing unit, "threshold per 11909
cent" means two per cent for tax year 2011, four per cent for tax 11910
year 2012, and six per cent for tax years 2013 and thereafter. 11911

(B) The commercial activities tax receipts fund is hereby 11912
created in the state treasury and shall consist of money arising 11913
from the tax imposed under this chapter. Eighty-five 11914
one-hundredths of one per cent of the money credited to that fund 11915

shall be credited to the tax reform system implementation fund, 11916
 which is hereby created in the state treasury, and shall be used 11917
 to defray the costs incurred by the department of taxation in 11918
 administering the tax imposed by this chapter and in implementing 11919
 tax reform measures. The remainder in the commercial activities 11920
 tax receipts fund shall be credited for each fiscal year in the 11921
 following percentages to the general revenue fund, to the school 11922
 district tangible property tax replacement fund, which is hereby 11923
 created in the state treasury for the purpose of making the 11924
 payments described in section 5751.21 of the Revised Code, and to 11925
 the local government tangible property tax replacement fund, which 11926
 is hereby created in the state treasury for the purpose of making 11927
 the payments described in section 5751.22 of the Revised Code, in 11928
 the following percentages: 11929

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	11931
2007	0%	70.0%	30.0%	11932
2008	0%	70.0%	30.0%	11933
2009	0%	70.0%	30.0%	11934
2010	0%	70.0%	30.0%	11935
2011	0%	70.0%	30.0%	11936
2012	25.0%	52.5%	22.5%	11937
2013 and thereafter	50.0%	35.0%	15.0%	11938

(C) Not later than September 15, 2005, the tax commissioner 11939
 shall determine for each school district, joint vocational school 11940
 district, and local taxing unit its machinery and equipment, 11941
 inventory property, furniture and fixtures property, and telephone 11942
 property tax value losses, which are the applicable amounts 11943
 described in divisions (C)(1), (2), (3), and (4) of this section, 11944

except as provided in division (C)(5) of this section:	11945
(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:	11946
(a) For tax year 2006, thirty-three and eight-tenths per cent;	11949
(b) For tax year 2007, sixty-one and three-tenths per cent;	11951
(c) For tax year 2008, eighty-three per cent;	11952
(d) For tax year 2009 and thereafter, one hundred per cent.	11953
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	11954
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	11957
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	11960
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	11962
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	11965
(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:	11968
(a) For tax year 2006, twenty-five per cent;	11971
(b) For tax year 2007, fifty per cent;	11972
(c) For tax year 2008, seventy-five per cent;	11973

(d) For tax year 2009 and thereafter, one hundred per cent.	11974
The taxable value of property reported by taxpayers used in	11975
divisions (C)(1), (2), and (3) of this section shall be such	11976
values as determined to be final by the tax commissioner as of	11977
August 31, 2005. Such determinations shall be final except for any	11978
correction of a clerical error that was made prior to August 31,	11979
2005, by the tax commissioner.	11980
(4) Telephone property tax value loss is the taxable value of	11981
telephone property as taxpayers would have reported that property	11982
for tax year 2004 if the assessment rate for all telephone	11983
property for that year were twenty-five per cent, multiplied by:	11984
(a) For tax year 2006, zero per cent;	11985
(b) For tax year 2007, zero per cent;	11986
(c) For tax year 2008, zero per cent;	11987
(d) For tax year 2009, sixty per cent;	11988
(e) For tax year 2010, eighty per cent;	11989
(f) For tax year 2011 and thereafter, one hundred per cent.	11990
(5) Division (C)(5) of this section applies to any school	11991
district, joint vocational school district, or local taxing unit	11992
in a county in which is located a facility currently or formerly	11993
devoted to the enrichment or commercialization of uranium or	11994
uranium products, and for which the total taxable value of	11995
property listed on the general tax list of personal property for	11996
any tax year from tax year 2001 to tax year 2004 was fifty per	11997
cent or less of the taxable value of such property listed on the	11998
general tax list of personal property for the next preceding tax	11999
year.	12000
In computing the fixed-rate levy losses under divisions	12001
(D)(1), (2), and (3) of this section for any school district,	12002
joint vocational school district, or local taxing unit to which	12003

division (C)(5) of this section applies, the taxable value of such 12004
property as listed on the general tax list of personal property 12005
for tax year 2000 shall be substituted for the taxable value of 12006
such property as reported by taxpayers for tax year 2004, in the 12007
taxing district containing the uranium facility, if the taxable 12008
value listed for tax year 2000 is greater than the taxable value 12009
reported by taxpayers for tax year 2004. For the purpose of making 12010
the computations under divisions (D)(1), (2), and (3) of this 12011
section, the tax year 2000 valuation is to be allocated to 12012
machinery and equipment, inventory, and furniture and fixtures 12013
property in the same proportions as the tax year 2004 values. For 12014
the purpose of the calculations in division (A) of section 5751.21 12015
of the Revised Code, the tax year 2004 taxable values shall be 12016
used. 12017

To facilitate the calculations required under division (C) of 12018
this section, the county auditor, upon request from the tax 12019
commissioner, shall provide by August 1, 2005, the values of 12020
machinery and equipment, inventory, and furniture and fixtures for 12021
all single-county personal property taxpayers for tax year 2004. 12022

(D) Not later than September 15, 2005, the tax commissioner 12023
shall determine for each tax year from 2006 through 2009 for each 12024
school district, joint vocational school district, and local 12025
taxing unit its machinery and equipment, inventory, and furniture 12026
and fixtures fixed-rate levy losses, and for each tax year from 12027
2006 through 2011 its telephone property fixed-rate levy loss. 12028
Except as provided in division (F) of this section, such losses 12029
are the applicable amounts described in divisions (D)(1), (2), 12030
(3), and (4) of this section: 12031

(1) The machinery and equipment fixed-rate levy loss is the 12032
machinery and equipment property tax value loss multiplied by the 12033
sum of the tax rates of fixed-rate qualifying levies. 12034

(2) The inventory fixed-rate loss is the inventory property 12035

tax value loss multiplied by the sum of the tax rates of 12036
fixed-rate qualifying levies. 12037

(3) The furniture and fixtures fixed-rate levy loss is the 12038
furniture and fixture property tax value loss multiplied by the 12039
sum of the tax rates of fixed-rate qualifying levies. 12040

(4) The telephone property fixed-rate levy loss is the 12041
telephone property tax value loss multiplied by the sum of the tax 12042
rates of fixed-rate qualifying levies. 12043

(E) Not later than September 15, 2005, the tax commissioner 12044
shall determine for each school district, joint vocational school 12045
district, and local taxing unit its fixed-sum levy loss. The 12046
fixed-sum levy loss is the amount obtained by subtracting the 12047
amount described in division (E)(2) of this section from the 12048
amount described in division (E)(1) of this section: 12049

(1) The sum of the machinery and equipment property tax value 12050
loss, the inventory property tax value loss, and the furniture and 12051
fixtures property tax value loss, and, for 2008 through 2010, the 12052
telephone property tax value loss of the district or unit 12053
multiplied by the sum of the fixed-sum tax rates of qualifying 12054
levies. For 2006 through 2010, this computation shall include all 12055
qualifying levies remaining in effect for the current tax year and 12056
any school district levies imposed under section 5705.194 or 12057
5705.213 of the Revised Code that are qualifying levies not 12058
remaining in effect for the current year. For 2011 through 2017 in 12059
the case of school district levies imposed under section 5705.194 12060
or 5705.213 of the Revised Code and for all years after 2010 in 12061
the case of other fixed-sum levies, this computation shall include 12062
only qualifying levies remaining in effect for the current year. 12063
For purposes of this computation, a qualifying school district 12064
levy imposed under section 5705.194 or 5705.213 of the Revised 12065
Code remains in effect in a year after 2010 only if, for that 12066
year, the board of education levies a school district levy imposed 12067

under section 5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006.

(2) The total taxable value in tax year 2004 less the sum of the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses in each school district, joint vocational school district, and local taxing unit multiplied by one-half of one mill per dollar.

(3) For the calculations in divisions (E)(1) and (2) of this section, the tax value losses are those that would be calculated for tax year 2009 under divisions (C)(1), (2), and (3) of this section and for tax year 2011 under division (C)(4) of this section.

(4) To facilitate the calculation under divisions (D) and (E) of this section, not later than September 1, 2005, any school district, joint vocational school district, or local taxing unit that has a qualifying levy that was approved at an election conducted during 2005 before September 1, 2005, shall certify to the tax commissioner a copy of the county auditor's certificate of estimated property tax millage for such levy as required under division (B) of section 5705.03 of the Revised Code, which is the rate that shall be used in the calculations under such divisions.

If the amount determined under division (E) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the reimbursement to be paid pursuant to division (E) of section 5751.21 or division (A)(3) of section 5751.22 of the Revised Code, and the one-half of one mill that is subtracted under division (E)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint

vocational school district, or local taxing unit. 12100

(F) If a school district levies a tax under section 5705.219 12101
of the Revised Code, the fixed-rate levy loss for qualifying 12102
levies, to the extent repealed under that section, shall equal the 12103
sum of the following amounts in lieu of the amounts computed for 12104
such levies under division (D) of this section: 12105

(1) The sum of the rates of qualifying levies to the extent 12106
so repealed multiplied by the sum of the machinery and equipment, 12107
inventory, and furniture and fixtures tax value losses for 2009 as 12108
determined under that division; 12109

(2) The sum of the rates of qualifying levies to the extent 12110
so repealed multiplied by the telephone property tax value loss 12111
for 2011 as determined under that division. 12112

The fixed-rate levy losses for qualifying levies to the 12113
extent not repealed under section 5705.219 of the Revised Code 12114
shall be as determined under division (D) of this section. The 12115
revised fixed-rate levy losses determined under this division and 12116
division (D) of this section first apply in the year following the 12117
first year the district levies the tax under section 5705.219 of 12118
the Revised Code. 12119

(G) Not later than October 1, 2005, the tax commissioner 12120
shall certify to the department of education for every school 12121
district and joint vocational school district the machinery and 12122
equipment, inventory, furniture and fixtures, and telephone 12123
property tax value losses determined under division (C) of this 12124
section, the machinery and equipment, inventory, furniture and 12125
fixtures, and telephone fixed-rate levy losses determined under 12126
division (D) of this section, and the fixed-sum levy losses 12127
calculated under division (E) of this section. The calculations 12128
under divisions (D) and (E) of this section shall separately 12129
display the levy loss for each levy eligible for reimbursement. 12130

(H) Not later than October 1, 2005, the tax commissioner 12131
shall certify the amount of the fixed-sum levy losses to the 12132
county auditor of each county in which a school district, joint 12133
vocational school district, or local taxing unit with a fixed-sum 12134
levy loss reimbursement has territory. 12135

(I) Not later than the twenty-eighth day of February each 12136
year beginning in 2011 and ending in 2014, the tax commissioner 12137
shall certify to the department of education for each school 12138
district first levying a tax under section 5705.219 of the Revised 12139
Code in the preceding year the revised fixed-rate levy losses 12140
determined under divisions (D) and (F) of this section. 12141

Sec. 6301.01. As used in this chapter: 12142

(A) "Local area" means any of the following: 12143

(1) A municipal corporation that is authorized to administer 12144
and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 12145
29 U.S.C.A. 2801, as amended, under this chapter and is not 12146
joining in partnership with any other political subdivisions in 12147
order to do so; 12148

(2) A single county; 12149

(3) A consortium of any of the following political 12150
subdivisions: 12151

(a) A group of two or more counties in the state; 12152

(b) One or more counties and one municipal corporation in the 12153
state; 12154

(c) One or more counties with or without one municipal 12155
corporation in the state and one or more counties with or without 12156
one municipal corporation in another state, on the condition that 12157
those in another state share a labor market area with those in the 12158
state. 12159

"Local area" does not mean a region for purposes of 12160
determinations concerning administrative incentives. 12161

(B) "Municipal corporation" means a municipal corporation 12162
that is eligible for automatic or temporary designation as a local 12163
workforce investment area pursuant to section 116(a)(2) or (3) of 12164
the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 12165
2831(a)(2) or (3), but that does not request that the governor 12166
grant such automatic or temporary designation, and that instead 12167
elects to administer and enforce workforce development activities 12168
pursuant to this chapter. 12169

(C) "County" means a county that is eligible to be designated 12170
as a local workforce investment area pursuant to the "Workforce 12171
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 12172
amended, but that does not request such designation, and instead 12173
elects to administer and enforce workforce development activities 12174
pursuant to this chapter. 12175

(D) "Workforce development agency" means the entity given 12176
responsibility for workforce development activities that is 12177
designated by the board of county commissioners in accordance with 12178
section 330.04 of the Revised Code, the chief elected official of 12179
a municipal corporation in accordance with section 763.05 of the 12180
Revised Code, or the chief elected officials of a local area 12181
defined in division (A)(3) of this section. 12182

(E) "Workforce development activity" means a program, grant, 12183
or other function, the primary goal of which is to do one or more 12184
of the following: 12185

- (1) Help individuals maximize their employment opportunities; 12186
- (2) Help employers gain access to skilled workers; 12187
- (3) Help employers retain skilled workers; 12188
- (4) Help develop or enhance the skills of incumbent workers; 12189

(5) Improve the quality of the state's workforce;	12190
(6) Enhance the productivity and competitiveness of the state's economy.	12191 12192
(F) "Chief elected officials," when used in reference to a local area, means the board of county commissioners of the county or of each county in the local area or, if the county has adopted a charter under Section 3 of Article X, Ohio Constitution, the chief governing body of that county, and the chief elected official of the municipal corporation, if the local area includes a municipal corporation, except that when the local area is the type defined in division (A)(1) of this section, "chief elected officials" means the chief elected official of the municipal corporation.	12193 12194 12195 12196 12197 12198 12199 12200 12201 12202
<u>(G) "State board" means the state workforce policy board established by section 6301.04 of the Revised Code.</u>	12203 12204
<u>(H) "Local board" means a local workforce policy board created pursuant to section 6301.06 of the Revised Code.</u>	12205 12206
Sec. 6301.02. The director of job and family services shall administer the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as amended, and the funds received pursuant to those acts. In administering those acts and funds received pursuant to those acts, the director shall establish and administer <u>assist the state workforce policy board in establishing and administering</u> a workforce development system that is designed to provide leadership, support, and oversight to locally designed workforce development and family services systems and that provides the maximum amount of flexibility and authority to counties and municipal corporations, as permitted under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended. The director shall conduct investigations and	12207 12208 12209 12210 12211 12212 12213 12214 12215 12216 12217 12218 12219 12220

hold hearings as necessary for the administration of this chapter. 12221

To the extent permitted by state and federal law, the 12222
director may adopt rules pursuant to Chapter 119. of the Revised 12223
Code to establish any program or pilot program for the purposes of 12224
providing workforce development activities or family services to 12225
individuals who do not meet eligibility criteria for those 12226
activities or services under applicable federal law. Prior to the 12227
initiation of any program of that nature, the director of budget 12228
and management shall certify to the governor that sufficient funds 12229
are available to administer a program of that nature. The state 12230
board shall have final approval of any such program. 12231

Unless otherwise prohibited by state or federal law, every 12232
state agency, board, or commission shall provide to the state 12233
board and the director all information and assistance requested by 12234
the state board and the director in furtherance of workforce 12235
development activities. 12236

Sec. 6301.03. (A) In administering the "Workforce Investment 12237
Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 12238
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 12239
amended, the funds received pursuant to those acts, and the 12240
workforce development system, the director of job and family 12241
services may, at the direction of the state board, make 12242
allocations and payment of funds for the local administration of 12243
the workforce development activities established under this 12244
chapter. ~~Pursuant to the "Workforce Investment Act of 1998," 112~~ 12245
~~Stat. 936, 29 U.S.C.A. 2801, as amended, the governor shall~~ 12246
~~reserve not more than fifteen per cent of the amounts allocated to~~ 12247
~~the state under Title I of that act for adults, dislocated~~ 12248
~~workers, and youth for statewide activities, and not more than~~ 12249
~~twenty five per cent of funds allocated for dislocated workers~~ 12250
~~under Title I of that act for statewide rapid response activities.~~ 12251

(B) The director shall allocate to local areas all funds 12252
required to be allocated to local areas pursuant to the "Workforce 12253
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 12254
amended. The director shall make allocations only with funds 12255
available. Local areas, as defined by either section 101 of the 12256
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 12257
2801, as amended, or section 6301.01 of the Revised Code, and 12258
subrecipients of a local area shall establish a workforce 12259
development fund and the entity receiving funds shall deposit all 12260
funds received under this section into the workforce development 12261
fund. All expenditures for activities funded under this section 12262
shall be made from the workforce development fund, including 12263
reimbursements to a county public assistance fund for expenditures 12264
made for activities funded under this section. 12265

(C) The use of funds, reporting requirements, and other 12266
administrative and operational requirements governing the use of 12267
funds received by the director pursuant to this section shall be 12268
governed by internal management rules adopted by ~~the director~~ and 12269
approved by the state board pursuant to section 111.15 of the 12270
Revised Code. 12271

(D) To the extent permitted by state or federal law, the 12272
state board, director, local areas, counties, and municipal 12273
corporations authorized to administer workforce development 12274
activities may assess a fee for specialized services requested by 12275
an employer. The director shall adopt rules pursuant to Chapter 12276
119. of the Revised Code governing the nature and amount of those 12277
types of fees. 12278

Sec. 6301.04. The governor shall establish a state workforce 12279
policy board and appoint members to the board, who serve at the 12280
governor's pleasure, to perform duties under the "Workforce 12281
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 12282

amended, as authorized by the governor. The board is not subject 12283
to sections 101.82 to 101.87 of the Revised Code. ~~The director of~~ 12284
~~job and family services may~~ All state agencies engaged in 12285
workforce development activities shall assist the board in the 12286
performance of its duties. 12287

(A)(1) The governor shall designate nine members of the board 12288
to be voting members. All other members shall be ex officio, 12289
nonvoting members. 12290

(2) The governor shall choose the voting members in a way 12291
that a majority of the voting board members represent business 12292
interests. 12293

(B) The board shall have the power and authority to do all of 12294
the following: 12295

(1) Provide oversight and policy direction to ensure that the 12296
state workforce development activities are aligned and serving the 12297
needs of the state's employers, incumbent workers, and job 12298
seekers; 12299

(2) Adopt rules necessary to administer state workforce 12300
development activities; 12301

(3) Adopt rules necessary for the auditing and monitoring of 12302
subrecipients of the workforce development system grant funds; 12303

(4) Designate local workforce investment areas in accordance 12304
with 29 U.S.C. 2831; 12305

(5) Develop a unified budget for all state and federal 12306
workforce funds; 12307

(6) Establish a statewide employment and data collection 12308
system; 12309

(7) Develop statewide performance measures for workforce 12310
development and investment; 12311

<u>(8) Develop a state workforce development plan;</u>	12312
<u>(9) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;</u>	12313 12314 12315
<u>(10) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor.</u>	12316 12317
Sec. 6301.07. (A) <u>For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience.</u>	12318 12319 12320 12321
(B) <u>Every local workforce policy board, under the direction and approval of the state workforce policy board and with the agreement of the chief elected officials of the local area, and after holding public hearings that allow public comment and testimony, shall prepare a workforce development plan. The plan shall accomplish all of the following:</u>	12322 12323 12324 12325 12326 12327
(1) <u>Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills and performance character necessary to obtain and succeed in those opportunities;</u>	12328 12329 12330 12331
(2) <u>Identify the local area's workforce development needs for youth, dislocated workers, adults, displaced homemakers, incumbent workers, and any other group of workers identified by the local workforce policy board;</u>	12332 12333 12334 12335
(3) <u>Determine the distribution of workforce development resources and funding to be distributed for each workforce development activity to meet the identified needs, utilizing the funds allocated pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;</u>	12336 12337 12338 12339 12340
(4) <u>Give priority to youth receiving independent living</u>	12341

services pursuant to sections 2151.81 to 2151.84 of the Revised Code when determining distribution of workforce development resources and workforce development activity funding;

(5) Review the minimum curriculum required by the state workforce policy board for certifying training providers and identify any additional curriculum requirements to include in contracts between the training providers and the chief elected officials of the local area;

(6) Establish performance standards for service providers that reflect local workforce development needs;

(7) Describe any other information the chief elected officials of the local area require.

~~(B)~~(C) A local workforce policy board may provide policy guidance and recommendations to the chief elected officials of a local area for any workforce development activities.

~~(C)~~(D) Nothing in this section prohibits the chief elected officials of a local area from assigning, through a partnership agreement, any duties in addition to the duties under this section to a local workforce policy board, except that a local workforce policy board cannot contract with itself for the direct provision of services in its local area. A local workforce policy board may consult with the chief elected officials of its local area and make recommendations regarding the workforce development activities provided in its local area at any time.

Sec. 6301.08. Every local area shall participate in a one-stop system for workforce development activities. Each board of county commissioners and the chief elected official of a municipal corporation shall ensure that at least one ~~physical location~~ delivery method is available in the local area, either through a physical location, or by electronic means approved by

the state board, for the provision of workforce development 12372
activities. 12373

A one-stop system may be operated by a private entity or a 12374
public agency, including a workforce development agency, any 12375
existing facility or organization that is established to 12376
administer workforce development activities in the local area, and 12377
a county family services agency. 12378

A one-stop system shall include representatives of all the 12379
partners required under the "Workforce Investment Act of 1998," 12380
112 Stat. 936, 29 U.S.C.A. 2801, as amended. ~~Additionally, at~~ 12381
~~least one representative from a county department of job and~~ 12382
~~family services shall staff a one-stop system to represent all of~~ 12383
~~the county family services agencies within the local area.~~ 12384

Sec. 6301.10. Beginning January 1, ~~2001~~ 2013, and each 12385
calendar ~~quarter~~ year thereafter, the ~~director of job and family~~ 12386
~~services~~ state board, with the assistance of all state agencies 12387
engaged in workforce development activities, shall prepare a 12388
report concerning the state of Ohio's workforce. The ~~director~~ 12389
state board shall distribute the report to the president and 12390
minority leader of the senate, the speaker and minority leader of 12391
the house of representatives, ~~the state workforce policy board,~~ 12392
the governor's office of Appalachian Ohio, the commission on 12393
Hispanic-Latino affairs, and the commission on African-American 12394
males. 12395

Section 101.02. That existing sections 124.38, 3301.04, 12396
3301.079, 3301.0712, 3301.0714, 3301.0715, 3301.0723, 3301.52, 12397
3301.53, 3301.58, 3301.90, 3301.922, 3302.03, 3302.032, 3302.042, 12398
3302.12, 3302.20, 3302.21, 3302.25, 3310.01, 3310.02, 3310.03, 12399
3310.04, 3310.06, 3310.07, 3310.08, 3310.10, 3310.11, 3310.13, 12400
3310.14, 3310.15, 3310.17, 3313.37, 3313.41, 3313.411, 3313.608, 12401

3313.609, 3313.6013, 3313.674, 3313.813, 3313.816, 3313.842, 12402
3313.843, 3313.845, 3313.978, 3314.012, 3314.015, 3314.016, 12403
3314.02, 3314.03, 3314.05, 3314.08, 3314.17, 3314.18, 3317.01, 12404
3317.03, 3317.11, 3318.034, 3318.36, 3318.37, 3318.371, 3318.70, 12405
3319.02, 3319.06, 3319.11, 3319.111, 3319.112, 3319.58, 3321.01, 12406
3323.011, 3323.052, 3326.03, 3326.04, 3326.10, 3326.11, 3326.17, 12407
3326.21, 3328.15, 3328.24, 3333.0411, 4139.01, 4139.03, 4139.04, 12408
4139.05, 4141.01, 4141.29, 4301.20, 5104.01, 5104.011, 5104.02, 12409
5104.21, 5104.30, 5104.31, 5104.34, 5104.38, 5709.83, 5751.20, 12410
6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 6301.10 12411
of the Revised Code are hereby repealed. 12412

Section 105.01. That sections 3319.19 and 3324.08 of the 12413
Revised Code are hereby repealed. 12414

Section 120.01. That sections 109.57, 2151.011, 2919.227, 12415
2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 12416
3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 12417
5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 5104.022, 12418
5104.03, 5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 12419
5104.08, 5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 12420
5104.36, 5104.38, 5107.60, and 5153.175 be amended, sections 12421
5104.011 (5104.015), 5104.015 (5104.25), 5104.031 (5104.035), 12422
5104.032 (5104.036), and 5104.033 (5104.037) be amended for the 12423
purpose of adopting new section numbers as indicated in 12424
parentheses, and new sections 5104.032 and 5104.033 and sections 12425
5104.016, 5104.017, 5104.018, 5104.019, 5104.0110, 5104.0111, 12426
5104.0112, 5104.034, 5104.038, 5104.039, and 5104.14 of the 12427
Revised Code be enacted to read as follows: 12428

Sec. 109.57. (A)(1) The superintendent of the bureau of 12429
criminal identification and investigation shall procure from 12430
wherever procurable and file for record photographs, pictures, 12431

descriptions, fingerprints, measurements, and other information 12432
that may be pertinent of all persons who have been convicted of 12433
committing within this state a felony, any crime constituting a 12434
misdemeanor on the first offense and a felony on subsequent 12435
offenses, or any misdemeanor described in division (A)(1)(a), 12436
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 12437
of all children under eighteen years of age who have been 12438
adjudicated delinquent children for committing within this state 12439
an act that would be a felony or an offense of violence if 12440
committed by an adult or who have been convicted of or pleaded 12441
guilty to committing within this state a felony or an offense of 12442
violence, and of all well-known and habitual criminals. The person 12443
in charge of any county, multicounty, municipal, municipal-county, 12444
or multicounty-municipal jail or workhouse, community-based 12445
correctional facility, halfway house, alternative residential 12446
facility, or state correctional institution and the person in 12447
charge of any state institution having custody of a person 12448
suspected of having committed a felony, any crime constituting a 12449
misdemeanor on the first offense and a felony on subsequent 12450
offenses, or any misdemeanor described in division (A)(1)(a), 12451
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 12452
having custody of a child under eighteen years of age with respect 12453
to whom there is probable cause to believe that the child may have 12454
committed an act that would be a felony or an offense of violence 12455
if committed by an adult shall furnish such material to the 12456
superintendent of the bureau. Fingerprints, photographs, or other 12457
descriptive information of a child who is under eighteen years of 12458
age, has not been arrested or otherwise taken into custody for 12459
committing an act that would be a felony or an offense of violence 12460
who is not in any other category of child specified in this 12461
division, if committed by an adult, has not been adjudicated a 12462
delinquent child for committing an act that would be a felony or 12463
an offense of violence if committed by an adult, has not been 12464

convicted of or pleaded guilty to committing a felony or an 12465
offense of violence, and is not a child with respect to whom there 12466
is probable cause to believe that the child may have committed an 12467
act that would be a felony or an offense of violence if committed 12468
by an adult shall not be procured by the superintendent or 12469
furnished by any person in charge of any county, multicounty, 12470
municipal, municipal-county, or multicounty-municipal jail or 12471
workhouse, community-based correctional facility, halfway house, 12472
alternative residential facility, or state correctional 12473
institution, except as authorized in section 2151.313 of the 12474
Revised Code. 12475

(2) Every clerk of a court of record in this state, other 12476
than the supreme court or a court of appeals, shall send to the 12477
superintendent of the bureau a weekly report containing a summary 12478
of each case involving a felony, involving any crime constituting 12479
a misdemeanor on the first offense and a felony on subsequent 12480
offenses, involving a misdemeanor described in division (A)(1)(a), 12481
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 12482
or involving an adjudication in a case in which a child under 12483
eighteen years of age was alleged to be a delinquent child for 12484
committing an act that would be a felony or an offense of violence 12485
if committed by an adult. The clerk of the court of common pleas 12486
shall include in the report and summary the clerk sends under this 12487
division all information described in divisions (A)(2)(a) to (f) 12488
of this section regarding a case before the court of appeals that 12489
is served by that clerk. The summary shall be written on the 12490
standard forms furnished by the superintendent pursuant to 12491
division (B) of this section and shall include the following 12492
information: 12493

(a) The incident tracking number contained on the standard 12494
forms furnished by the superintendent pursuant to division (B) of 12495
this section; 12496

(b) The style and number of the case;	12497
(c) The date of arrest, offense, summons, or arraignment;	12498
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	12499 12500 12501 12502 12503 12504 12505 12506 12507 12508 12509 12510
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	12511 12512
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	12513 12514 12515 12516
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	12517 12518 12519 12520 12521
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on	12522 12523 12524 12525 12526 12527

subsequent offenses, or a misdemeanor described in division 12528
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 12529
Revised Code and of all children under eighteen years of age 12530
arrested or otherwise taken into custody for committing an act 12531
that would be a felony or an offense of violence if committed by 12532
an adult. The superintendent also shall file for record the 12533
fingerprint impressions of all persons confined in a county, 12534
multicounty, municipal, municipal-county, or multicounty-municipal 12535
jail or workhouse, community-based correctional facility, halfway 12536
house, alternative residential facility, or state correctional 12537
institution for the violation of state laws and of all children 12538
under eighteen years of age who are confined in a county, 12539
multicounty, municipal, municipal-county, or multicounty-municipal 12540
jail or workhouse, community-based correctional facility, halfway 12541
house, alternative residential facility, or state correctional 12542
institution or in any facility for delinquent children for 12543
committing an act that would be a felony or an offense of violence 12544
if committed by an adult, and any other information that the 12545
superintendent may receive from law enforcement officials of the 12546
state and its political subdivisions. 12547

(4) The superintendent shall carry out Chapter 2950. of the 12548
Revised Code with respect to the registration of persons who are 12549
convicted of or plead guilty to a sexually oriented offense or a 12550
child-victim oriented offense and with respect to all other duties 12551
imposed on the bureau under that chapter. 12552

(5) The bureau shall perform centralized recordkeeping 12553
functions for criminal history records and services in this state 12554
for purposes of the national crime prevention and privacy compact 12555
set forth in section 109.571 of the Revised Code and is the 12556
criminal history record repository as defined in that section for 12557
purposes of that compact. The superintendent or the 12558
superintendent's designee is the compact officer for purposes of 12559

that compact and shall carry out the responsibilities of the 12560
compact officer specified in that compact. 12561

(B) The superintendent shall prepare and furnish to every 12562
county, multicounty, municipal, municipal-county, or 12563
multicounty-municipal jail or workhouse, community-based 12564
correctional facility, halfway house, alternative residential 12565
facility, or state correctional institution and to every clerk of 12566
a court in this state specified in division (A)(2) of this section 12567
standard forms for reporting the information required under 12568
division (A) of this section. The standard forms that the 12569
superintendent prepares pursuant to this division may be in a 12570
tangible format, in an electronic format, or in both tangible 12571
formats and electronic formats. 12572

(C)(1) The superintendent may operate a center for 12573
electronic, automated, or other data processing for the storage 12574
and retrieval of information, data, and statistics pertaining to 12575
criminals and to children under eighteen years of age who are 12576
adjudicated delinquent children for committing an act that would 12577
be a felony or an offense of violence if committed by an adult, 12578
criminal activity, crime prevention, law enforcement, and criminal 12579
justice, and may establish and operate a statewide communications 12580
network to be known as the Ohio law enforcement gateway to gather 12581
and disseminate information, data, and statistics for the use of 12582
law enforcement agencies and for other uses specified in this 12583
division. The superintendent may gather, store, retrieve, and 12584
disseminate information, data, and statistics that pertain to 12585
children who are under eighteen years of age and that are gathered 12586
pursuant to sections 109.57 to 109.61 of the Revised Code together 12587
with information, data, and statistics that pertain to adults and 12588
that are gathered pursuant to those sections. 12589

(2) The superintendent or the superintendent's designee shall 12590
gather information of the nature described in division (C)(1) of 12591

this section that pertains to the offense and delinquency history 12592
of a person who has been convicted of, pleaded guilty to, or been 12593
adjudicated a delinquent child for committing a sexually oriented 12594
offense or a child-victim oriented offense for inclusion in the 12595
state registry of sex offenders and child-victim offenders 12596
maintained pursuant to division (A)(1) of section 2950.13 of the 12597
Revised Code and in the internet database operated pursuant to 12598
division (A)(13) of that section and for possible inclusion in the 12599
internet database operated pursuant to division (A)(11) of that 12600
section. 12601

(3) In addition to any other authorized use of information, 12602
data, and statistics of the nature described in division (C)(1) of 12603
this section, the superintendent or the superintendent's designee 12604
may provide and exchange the information, data, and statistics 12605
pursuant to the national crime prevention and privacy compact as 12606
described in division (A)(5) of this section. 12607

(4) The attorney general may adopt rules under Chapter 119. 12608
of the Revised Code establishing guidelines for the operation of 12609
and participation in the Ohio law enforcement gateway. The rules 12610
may include criteria for granting and restricting access to 12611
information gathered and disseminated through the Ohio law 12612
enforcement gateway. The attorney general shall permit the state 12613
medical board and board of nursing to access and view, but not 12614
alter, information gathered and disseminated through the Ohio law 12615
enforcement gateway. 12616

The attorney general may appoint a steering committee to 12617
advise the attorney general in the operation of the Ohio law 12618
enforcement gateway that is comprised of persons who are 12619
representatives of the criminal justice agencies in this state 12620
that use the Ohio law enforcement gateway and is chaired by the 12621
superintendent or the superintendent's designee. 12622

(D)(1) The following are not public records under section 12623

149.43 of the Revised Code:	12624
(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;	12625 12626
(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;	12627 12628 12629
(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	12630 12631
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.	12632 12633 12634 12635 12636 12637 12638
(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed in division (A)(1), (3), (4), (5), or (6) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	12639 12640 12641 12642 12643 12644 12645 12646 12647 12648 12649
(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.	12650 12651 12652 12653 12654

(2)(a) In addition to or in conjunction with any request that 12655
is required to be made under section 109.572, 2151.86, 3301.32, 12656
3301.541, division (C) of section 3310.58, or section 3319.39, 12657
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 12658
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 12659
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 12660
Revised Code, the board of education of any school district; the 12661
director of developmental disabilities; any county board of 12662
developmental disabilities; any entity under contract with a 12663
county board of developmental disabilities; the chief 12664
administrator of any chartered nonpublic school; the chief 12665
administrator of a registered private provider that is not also a 12666
chartered nonpublic school; the chief administrator of any home 12667
health agency; the chief administrator of or person operating any 12668
child day-care center, type A family day-care home, or type B 12669
family day-care home licensed ~~or certified~~ under Chapter 5104. of 12670
the Revised Code; ~~the administrator of any type C family day care~~ 12671
~~home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st~~ 12672
~~general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st~~ 12673
~~general assembly;~~ the chief administrator of any head start 12674
agency; the executive director of a public children services 12675
agency; a private company described in section 3314.41, 3319.392, 12676
3326.25, or 3328.20 of the Revised Code; or an employer described 12677
in division (J)(2) of section 3327.10 of the Revised Code may 12678
request that the superintendent of the bureau investigate and 12679
determine, with respect to any individual who has applied for 12680
employment in any position after October 2, 1989, or any 12681
individual wishing to apply for employment with a board of 12682
education may request, with regard to the individual, whether the 12683
bureau has any information gathered under division (A) of this 12684
section that pertains to that individual. On receipt of the 12685
request, the superintendent shall determine whether that 12686
information exists and, upon request of the person, board, or 12687

entity requesting information, also shall request from the federal 12688
bureau of investigation any criminal records it has pertaining to 12689
that individual. The superintendent or the superintendent's 12690
designee also may request criminal history records from other 12691
states or the federal government pursuant to the national crime 12692
prevention and privacy compact set forth in section 109.571 of the 12693
Revised Code. Within thirty days of the date that the 12694
superintendent receives a request, the superintendent shall send 12695
to the board, entity, or person a report of any information that 12696
the superintendent determines exists, including information 12697
contained in records that have been sealed under section 2953.32 12698
of the Revised Code, and, within thirty days of its receipt, shall 12699
send the board, entity, or person a report of any information 12700
received from the federal bureau of investigation, other than 12701
information the dissemination of which is prohibited by federal 12702
law. 12703

(b) When a board of education or a registered private 12704
provider is required to receive information under this section as 12705
a prerequisite to employment of an individual pursuant to division 12706
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 12707
may accept a certified copy of records that were issued by the 12708
bureau of criminal identification and investigation and that are 12709
presented by an individual applying for employment with the 12710
district in lieu of requesting that information itself. In such a 12711
case, the board shall accept the certified copy issued by the 12712
bureau in order to make a photocopy of it for that individual's 12713
employment application documents and shall return the certified 12714
copy to the individual. In a case of that nature, a district or 12715
provider only shall accept a certified copy of records of that 12716
nature within one year after the date of their issuance by the 12717
bureau. 12718

(c) Notwithstanding division (F)(2)(a) of this section, in 12719

the case of a request under section 3319.39, 3319.391, or 3327.10 12720
of the Revised Code only for criminal records maintained by the 12721
federal bureau of investigation, the superintendent shall not 12722
determine whether any information gathered under division (A) of 12723
this section exists on the person for whom the request is made. 12724

(3) The state board of education may request, with respect to 12725
any individual who has applied for employment after October 2, 12726
1989, in any position with the state board or the department of 12727
education, any information that a school district board of 12728
education is authorized to request under division (F)(2) of this 12729
section, and the superintendent of the bureau shall proceed as if 12730
the request has been received from a school district board of 12731
education under division (F)(2) of this section. 12732

(4) When the superintendent of the bureau receives a request 12733
for information under section 3319.291 of the Revised Code, the 12734
superintendent shall proceed as if the request has been received 12735
from a school district board of education and shall comply with 12736
divisions (F)(2)(a) and (c) of this section. 12737

(5) When a recipient of a classroom reading improvement grant 12738
paid under section 3301.86 of the Revised Code requests, with 12739
respect to any individual who applies to participate in providing 12740
any program or service funded in whole or in part by the grant, 12741
the information that a school district board of education is 12742
authorized to request under division (F)(2)(a) of this section, 12743
the superintendent of the bureau shall proceed as if the request 12744
has been received from a school district board of education under 12745
division (F)(2)(a) of this section. 12746

(G) In addition to or in conjunction with any request that is 12747
required to be made under section 3701.881, 3712.09, 3721.121, 12748
5119.693, or 5119.85 of the Revised Code with respect to an 12749
individual who has applied for employment in a position that 12750
involves providing direct care to an older adult or adult 12751

resident, the chief administrator of a home health agency, hospice 12752
care program, home licensed under Chapter 3721. of the Revised 12753
Code, adult day-care program operated pursuant to rules adopted 12754
under section 3721.04 of the Revised Code, adult foster home, or 12755
adult care facility may request that the superintendent of the 12756
bureau investigate and determine, with respect to any individual 12757
who has applied after January 27, 1997, for employment in a 12758
position that does not involve providing direct care to an older 12759
adult or adult resident, whether the bureau has any information 12760
gathered under division (A) of this section that pertains to that 12761
individual. 12762

In addition to or in conjunction with any request that is 12763
required to be made under section 173.27 of the Revised Code with 12764
respect to an individual who has applied for employment in a 12765
position that involves providing ombudsperson services to 12766
residents of long-term care facilities or recipients of 12767
community-based long-term care services, the state long-term care 12768
ombudsperson, ombudsperson's designee, or director of health may 12769
request that the superintendent investigate and determine, with 12770
respect to any individual who has applied for employment in a 12771
position that does not involve providing such ombudsperson 12772
services, whether the bureau has any information gathered under 12773
division (A) of this section that pertains to that applicant. 12774

In addition to or in conjunction with any request that is 12775
required to be made under section 173.394 of the Revised Code with 12776
respect to an individual who has applied for employment in a 12777
position that involves providing direct care to an individual, the 12778
chief administrator of a community-based long-term care agency may 12779
request that the superintendent investigate and determine, with 12780
respect to any individual who has applied for employment in a 12781
position that does not involve providing direct care, whether the 12782
bureau has any information gathered under division (A) of this 12783

section that pertains to that applicant. 12784

On receipt of a request under this division, the 12785
superintendent shall determine whether that information exists 12786
and, on request of the individual requesting information, shall 12787
also request from the federal bureau of investigation any criminal 12788
records it has pertaining to the applicant. The superintendent or 12789
the superintendent's designee also may request criminal history 12790
records from other states or the federal government pursuant to 12791
the national crime prevention and privacy compact set forth in 12792
section 109.571 of the Revised Code. Within thirty days of the 12793
date a request is received, the superintendent shall send to the 12794
requester a report of any information determined to exist, 12795
including information contained in records that have been sealed 12796
under section 2953.32 of the Revised Code, and, within thirty days 12797
of its receipt, shall send the requester a report of any 12798
information received from the federal bureau of investigation, 12799
other than information the dissemination of which is prohibited by 12800
federal law. 12801

(H) Information obtained by a government entity or person 12802
under this section is confidential and shall not be released or 12803
disseminated. 12804

(I) The superintendent may charge a reasonable fee for 12805
providing information or criminal records under division (F)(2) or 12806
(G) of this section. 12807

(J) As used in this section: 12808

(1) "Sexually oriented offense" and "child-victim oriented 12809
offense" have the same meanings as in section 2950.01 of the 12810
Revised Code. 12811

(2) "Registered private provider" means a nonpublic school or 12812
entity registered with the superintendent of public instruction 12813
under section 3310.41 of the Revised Code to participate in the 12814

autism scholarship program or section 3310.58 of the Revised Code 12815
to participate in the Jon Peterson special needs scholarship 12816
program. 12817

Sec. 2151.011. (A) As used in the Revised Code: 12818

(1) "Juvenile court" means whichever of the following is 12819
applicable that has jurisdiction under this chapter and Chapter 12820
2152. of the Revised Code: 12821

(a) The division of the court of common pleas specified in 12822
section 2101.022 or 2301.03 of the Revised Code as having 12823
jurisdiction under this chapter and Chapter 2152. of the Revised 12824
Code or as being the juvenile division or the juvenile division 12825
combined with one or more other divisions; 12826

(b) The juvenile court of Cuyahoga county or Hamilton county 12827
that is separately and independently created by section 2151.08 or 12828
Chapter 2153. of the Revised Code and that has jurisdiction under 12829
this chapter and Chapter 2152. of the Revised Code; 12830

(c) If division (A)(1)(a) or (b) of this section does not 12831
apply, the probate division of the court of common pleas. 12832

(2) "Juvenile judge" means a judge of a court having 12833
jurisdiction under this chapter. 12834

(3) "Private child placing agency" means any association, as 12835
defined in section 5103.02 of the Revised Code, that is certified 12836
under section 5103.03 of the Revised Code to accept temporary, 12837
permanent, or legal custody of children and place the children for 12838
either foster care or adoption. 12839

(4) "Private noncustodial agency" means any person, 12840
organization, association, or society certified by the department 12841
of job and family services that does not accept temporary or 12842
permanent legal custody of children, that is privately operated in 12843
this state, and that does one or more of the following: 12844

(a) Receives and cares for children for two or more consecutive weeks;	12845 12846
(b) Participates in the placement of children in certified foster homes;	12847 12848
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	12849 12850
(B) As used in this chapter:	12851
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	12852 12853 12854 12855 12856 12857
(2) "Adult" means an individual who is eighteen years of age or older.	12858 12859
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	12860 12861 12862 12863
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	12864 12865 12866 12867 12868 12869
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	12870 12871 12872
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any	12873 12874

person who is adjudicated an unruly child prior to attaining 12875
eighteen years of age until the person attains twenty-one years of 12876
age, and, for purposes of that jurisdiction related to that 12877
adjudication, a person who is so adjudicated an unruly child shall 12878
be deemed a "child" until the person attains twenty-one years of 12879
age. 12880

(7) "Child day camp," "child care," "child day-care center," 12881
"part-time child day-care center," "type A family day-care home," 12882
"~~certified~~ licensed type B family day-care home," "type B family 12883
day-care home," "administrator of a child day-care center," 12884
"administrator of a type A family day-care home," and "in-home 12885
aide," ~~and "authorized provider"~~ have the same meanings as in 12886
section 5104.01 of the Revised Code. 12887

(8) "Child care provider" means an individual who is a 12888
child-care staff member or administrator of a child day-care 12889
center, a type A family day-care home, or a type B family day-care 12890
home, or an in-home aide or an individual who is licensed, is 12891
regulated, is approved, operates under the direction of, or 12892
otherwise is certified by the department of job and family 12893
services, department of developmental disabilities, or the early 12894
childhood programs of the department of education. 12895

(9) "Chronic truant" has the same meaning as in section 12896
2152.02 of the Revised Code. 12897

(10) "Commit" means to vest custody as ordered by the court. 12898

(11) "Counseling" includes both of the following: 12899

(a) General counseling services performed by a public 12900
children services agency or shelter for victims of domestic 12901
violence to assist a child, a child's parents, and a child's 12902
siblings in alleviating identified problems that may cause or have 12903
caused the child to be an abused, neglected, or dependent child. 12904

(b) Psychiatric or psychological therapeutic counseling 12905

services provided to correct or alleviate any mental or emotional 12906
illness or disorder and performed by a licensed psychiatrist, 12907
licensed psychologist, or a person licensed under Chapter 4757. of 12908
the Revised Code to engage in social work or professional 12909
counseling. 12910

(12) "Custodian" means a person who has legal custody of a 12911
child or a public children services agency or private child 12912
placing agency that has permanent, temporary, or legal custody of 12913
a child. 12914

(13) "Delinquent child" has the same meaning as in section 12915
2152.02 of the Revised Code. 12916

(14) "Detention" means the temporary care of children pending 12917
court adjudication or disposition, or execution of a court order, 12918
in a public or private facility designed to physically restrict 12919
the movement and activities of children. 12920

(15) "Developmental disability" has the same meaning as in 12921
section 5123.01 of the Revised Code. 12922

(16) "Differential response approach" means an approach that 12923
a public children services agency may use to respond to accepted 12924
reports of child abuse or neglect with either an alternative 12925
response or a traditional response. 12926

(17) "Foster caregiver" has the same meaning as in section 12927
5103.02 of the Revised Code. 12928

(18) "Guardian" means a person, association, or corporation 12929
that is granted authority by a probate court pursuant to Chapter 12930
2111. of the Revised Code to exercise parental rights over a child 12931
to the extent provided in the court's order and subject to the 12932
residual parental rights of the child's parents. 12933

(19) "Habitual truant" means any child of compulsory school 12934
age who is absent without legitimate excuse for absence from the 12935

public school the child is supposed to attend for five or more 12936
consecutive school days, seven or more school days in one school 12937
month, or twelve or more school days in a school year. 12938

(20) "Juvenile traffic offender" has the same meaning as in 12939
section 2152.02 of the Revised Code. 12940

(21) "Legal custody" means a legal status that vests in the 12941
custodian the right to have physical care and control of the child 12942
and to determine where and with whom the child shall live, and the 12943
right and duty to protect, train, and discipline the child and to 12944
provide the child with food, shelter, education, and medical care, 12945
all subject to any residual parental rights, privileges, and 12946
responsibilities. An individual granted legal custody shall 12947
exercise the rights and responsibilities personally unless 12948
otherwise authorized by any section of the Revised Code or by the 12949
court. 12950

(22) A "legitimate excuse for absence from the public school 12951
the child is supposed to attend" includes, but is not limited to, 12952
any of the following: 12953

(a) The fact that the child in question has enrolled in and 12954
is attending another public or nonpublic school in this or another 12955
state; 12956

(b) The fact that the child in question is excused from 12957
attendance at school for any of the reasons specified in section 12958
3321.04 of the Revised Code; 12959

(c) The fact that the child in question has received an age 12960
and schooling certificate in accordance with section 3331.01 of 12961
the Revised Code. 12962

(23) "Mental illness" and "mentally ill person subject to 12963
hospitalization by court order" have the same meanings as in 12964
section 5122.01 of the Revised Code. 12965

(24) "Mental injury" means any behavioral, cognitive,	12966
emotional, or mental disorder in a child caused by an act or	12967
omission that is described in section 2919.22 of the Revised Code	12968
and is committed by the parent or other person responsible for the	12969
child's care.	12970
(25) "Mentally retarded person" has the same meaning as in	12971
section 5123.01 of the Revised Code.	12972
(26) "Nonsecure care, supervision, or training" means care,	12973
supervision, or training of a child in a facility that does not	12974
confine or prevent movement of the child within the facility or	12975
from the facility.	12976
(27) "Of compulsory school age" has the same meaning as in	12977
section 3321.01 of the Revised Code.	12978
(28) "Organization" means any institution, public,	12979
semipublic, or private, and any private association, society, or	12980
agency located or operating in the state, incorporated or	12981
unincorporated, having among its functions the furnishing of	12982
protective services or care for children, or the placement of	12983
children in certified foster homes or elsewhere.	12984
(29) "Out-of-home care" means detention facilities, shelter	12985
facilities, certified children's crisis care facilities, certified	12986
foster homes, placement in a prospective adoptive home prior to	12987
the issuance of a final decree of adoption, organizations,	12988
certified organizations, child day-care centers, type A family	12989
day-care homes, <u>type B family day-care homes</u> , child care provided	12990
by type B family day-care home providers and by in-home aides,	12991
group home providers, group homes, institutions, state	12992
institutions, residential facilities, residential care facilities,	12993
residential camps, day camps, public schools, chartered nonpublic	12994
schools, educational service centers, hospitals, and medical	12995
clinics that are responsible for the care, physical custody, or	12996

control of children.	12997
(30) "Out-of-home care child abuse" means any of the	12998
following when committed by a person responsible for the care of a	12999
child in out-of-home care:	13000
(a) Engaging in sexual activity with a child in the person's	13001
care;	13002
(b) Denial to a child, as a means of punishment, of proper or	13003
necessary subsistence, education, medical care, or other care	13004
necessary for a child's health;	13005
(c) Use of restraint procedures on a child that cause injury	13006
or pain;	13007
(d) Administration of prescription drugs or psychotropic	13008
medication to the child without the written approval and ongoing	13009
supervision of a licensed physician;	13010
(e) Commission of any act, other than by accidental means,	13011
that results in any injury to or death of the child in out-of-home	13012
care or commission of any act by accidental means that results in	13013
an injury to or death of a child in out-of-home care and that is	13014
at variance with the history given of the injury or death.	13015
(31) "Out-of-home care child neglect" means any of the	13016
following when committed by a person responsible for the care of a	13017
child in out-of-home care:	13018
(a) Failure to provide reasonable supervision according to	13019
the standards of care appropriate to the age, mental and physical	13020
condition, or other special needs of the child;	13021
(b) Failure to provide reasonable supervision according to	13022
the standards of care appropriate to the age, mental and physical	13023
condition, or other special needs of the child, that results in	13024
sexual or physical abuse of the child by any person;	13025
(c) Failure to develop a process for all of the following:	13026

(i) Administration of prescription drugs or psychotropic drugs for the child;	13027 13028
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	13029 13030
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	13031 13032 13033
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	13034 13035 13036
(e) Confinement of the child to a locked room without monitoring by staff;	13037 13038
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	13039 13040
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	13041 13042 13043
(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	13044 13045 13046 13047 13048 13049
(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	13050 13051 13052 13053 13054
(34) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions,	13055 13056

departments, or agencies.	13057
(35) "Person responsible for a child's care in out-of-home care" means any of the following:	13058
(a) Any foster caregiver, in-home aide, or provider;	13059
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; certified <u>licensed</u> type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;	13060
(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;	13061
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	13062
(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	13063
(a) A substantial impairment of vision, speech, or hearing;	13064
(b) A congenital orthopedic impairment;	13065
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	13066
(37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child	13067
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of whom the agency has permanent custody.	13087
(38) "Placement in foster care" means the arrangement by a	13088
public children services agency or a private child placing agency	13089
for the out-of-home care of a child of whom the agency has	13090
temporary custody or permanent custody.	13091
(39) "Planned permanent living arrangement" means an order of	13092
a juvenile court pursuant to which both of the following apply:	13093
(a) The court gives legal custody of a child to a public	13094
children services agency or a private child placing agency without	13095
the termination of parental rights.	13096
(b) The order permits the agency to make an appropriate	13097
placement of the child and to enter into a written agreement with	13098
a foster care provider or with another person or agency with whom	13099
the child is placed.	13100
(40) "Practice of social work" and "practice of professional	13101
counseling" have the same meanings as in section 4757.01 of the	13102
Revised Code.	13103
(41) "Sanction, service, or condition" means a sanction,	13104
service, or condition created by court order following an	13105
adjudication that a child is an unruly child that is described in	13106
division (A)(4) of section 2152.19 of the Revised Code.	13107
(42) "Protective supervision" means an order of disposition	13108
pursuant to which the court permits an abused, neglected,	13109
dependent, or unruly child to remain in the custody of the child's	13110
parents, guardian, or custodian and stay in the child's home,	13111
subject to any conditions and limitations upon the child, the	13112
child's parents, guardian, or custodian, or any other person that	13113
the court prescribes, including supervision as directed by the	13114
court for the protection of the child.	13115
(43) "Psychiatrist" has the same meaning as in section	13116

5122.01 of the Revised Code.	13117
(44) "Psychologist" has the same meaning as in section	13118
4732.01 of the Revised Code.	13119
(45) "Residential camp" means a program in which the care,	13120
physical custody, or control of children is accepted overnight for	13121
recreational or recreational and educational purposes.	13122
(46) "Residential care facility" means an institution,	13123
residence, or facility that is licensed by the department of	13124
mental health under section 5119.22 of the Revised Code and that	13125
provides care for a child.	13126
(47) "Residential facility" means a home or facility that is	13127
licensed by the department of developmental disabilities under	13128
section 5123.19 of the Revised Code and in which a child with a	13129
developmental disability resides.	13130
(48) "Residual parental rights, privileges, and	13131
responsibilities" means those rights, privileges, and	13132
responsibilities remaining with the natural parent after the	13133
transfer of legal custody of the child, including, but not	13134
necessarily limited to, the privilege of reasonable visitation,	13135
consent to adoption, the privilege to determine the child's	13136
religious affiliation, and the responsibility for support.	13137
(49) "School day" means the school day established by the	13138
state board of education pursuant to section 3313.48 of the	13139
Revised Code.	13140
(50) "School month" and "school year" have the same meanings	13141
as in section 3313.62 of the Revised Code.	13142
(51) "Secure correctional facility" means a facility under	13143
the direction of the department of youth services that is designed	13144
to physically restrict the movement and activities of children and	13145
used for the placement of children after adjudication and	13146

disposition.	13147
(52) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	13148 13149
(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.	13150 13151 13152
(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.	13153 13154
(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.	13155 13156 13157 13158 13159
(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.	13160 13161 13162 13163 13164 13165
(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.	13166 13167 13168 13169 13170
Sec. 2919.227. (A)(1) No child care center licensee shall accept a child into that center without first providing to the parent, guardian, custodian, or other person responsible for the care of that child the following information, if the parent, guardian, custodian, or other person responsible for the care of the child requests the information:	13171 13172 13173 13174 13175 13176

(a) The types of injuries to children, as reported in 13177
accordance with rules adopted under section ~~5104.011~~ 5104.015 of 13178
the Revised Code, that occurred at the center on or after April 1, 13179
2003, or the date that is two years before the date the 13180
information is requested, whichever date is more recent; 13181

(b) The number of each type of injury to children that 13182
occurred at the center during that period. 13183

(2) If a death described in division (A)(2)(a) or (A)(2)(b) 13184
of this section occurred during the fifteen-year period 13185
immediately preceding the date that the parent, guardian, 13186
custodian, or other person responsible for the care of a child 13187
seeks to enroll that child, no child care center licensee shall 13188
accept that child into that center without first providing to the 13189
parent, guardian, custodian, or other person responsible for the 13190
care of that child a notice that states that the death occurred. 13191

(a) A child died while under the care of the center or while 13192
receiving child care from the owner, provider, or administrator of 13193
the center; 13194

(b) A child died as a result of injuries suffered while under 13195
the care of the center or while receiving child care from the 13196
owner, provider, or administrator of the center. 13197

(3) Each child care center licensee shall keep on file at the 13198
center a copy of the information provided under this division for 13199
at least three years after providing the information. 13200

(B)(1) No child care center licensee shall fail to provide 13201
notice in accordance with division (B)(3) of this section to the 13202
persons and entities specified in division (B)(2) of this section 13203
if a child who is under the care of the center or is receiving 13204
child care from the owner, provider, or administrator of the 13205
center dies while under the care of the center or while receiving 13206
child care from the owner, provider, or administrator or dies as a 13207

result of injuries suffered while under the care of the center or 13208
while receiving child care from the owner, provider, or 13209
administrator. 13210

(2) A child care center licensee shall provide the notice 13211
required under division (B)(1) of this section to all of the 13212
following: 13213

(a) The parent, guardian, custodian, or other person 13214
responsible for the care of each child who, at the time of the 13215
death for which notice is required, is receiving or is enrolled to 13216
receive child care from the center; 13217

(b) The public children services agency of the county in 13218
which the center is located or the child care was given; 13219

(c) A municipal or county peace officer in the county in 13220
which the child resides or in which the center is located or the 13221
child care was given; 13222

(d) The child fatality review board appointed under section 13223
307.621 of the Revised Code that serves the county in which the 13224
center is located or the child care was given. 13225

(3) A child care center licensee shall provide the notice 13226
required by division (B)(1) of this section not later than 13227
forty-eight hours after the child dies. The notice shall state 13228
that the death occurred. 13229

(C) Whoever violates division (A) or (B) of this section is 13230
guilty of failure of a child care center to disclose the death or 13231
serious injury of a child, a misdemeanor of the fourth degree. 13232

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 13233
the Revised Code: 13234

(A) "Application form" means the application form prescribed 13235
pursuant to division (A)(1) of section 109.731 of the Revised Code 13236
and includes a copy of that form. 13237

(B) "Competency certification" and "competency certificate" 13238
mean a document of the type described in division (B)(3) of 13239
section 2923.125 of the Revised Code. 13240

(C) "Detention facility" has the same meaning as in section 13241
2921.01 of the Revised Code. 13242

(D) "Licensee" means a person to whom a license to carry a 13243
concealed handgun has been issued under section 2923.125 of the 13244
Revised Code and, except when the context clearly indicates 13245
otherwise, includes a person to whom a temporary emergency license 13246
to carry a concealed handgun has been issued under section 13247
2923.1213 of the Revised Code. 13248

(E) "License fee" or "license renewal fee" means the fee for 13249
a license to carry a concealed handgun or the fee to renew that 13250
license that is prescribed pursuant to division (C) of section 13251
109.731 of the Revised Code and that is to be paid by an applicant 13252
for a license of that type. 13253

(F) "Peace officer" has the same meaning as in section 13254
2935.01 of the Revised Code. 13255

(G) "State correctional institution" has the same meaning as 13256
in section 2967.01 of the Revised Code. 13257

(H) "Valid license" means a license or temporary emergency 13258
license to carry a concealed handgun that has been issued under 13259
section 2923.125 or 2923.1213 of the Revised Code, that is 13260
currently valid, that is not under a suspension under division 13261
(A)(1) of section 2923.128 or under section 2923.1213 of the 13262
Revised Code, and that has not been revoked under division (B)(1) 13263
of section 2923.128 or under section 2923.1213 of the Revised 13264
Code. 13265

(I) "Civil protection order" means a protection order issued, 13266
or consent agreement approved, under section 2903.214 or 3113.31 13267
of the Revised Code. 13268

(J) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.	13269 13270
(K) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	13271 13272
(L) "Child day-care center," "type A family day-care home" and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	13273 13274 13275
(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.	13276 13277 13278 13279
(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.	13280 13281 13282
(O) <u>(N)</u> "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.	13283 13284
(P) <u>(O)</u> "Motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code.	13285 13286
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	13287 13288 13289 13290 13291 13292 13293 13294 13295 13296 13297 13298

identification when the licensee is in actual possession of a 13299
concealed handgun. The licensee shall give notice of any change in 13300
the licensee's residence address to the sheriff who issued the 13301
license within forty-five days after that change. 13302

If a licensee is the driver or an occupant of a motor vehicle 13303
that is stopped as the result of a traffic stop or a stop for 13304
another law enforcement purpose and if the licensee is 13305
transporting or has a loaded handgun in the motor vehicle at that 13306
time, the licensee shall promptly inform any law enforcement 13307
officer who approaches the vehicle while stopped that the licensee 13308
has been issued a license or temporary emergency license to carry 13309
a concealed handgun and that the licensee currently possesses or 13310
has a loaded handgun; the licensee shall not knowingly disregard 13311
or fail to comply with lawful orders of a law enforcement officer 13312
given while the motor vehicle is stopped, knowingly fail to remain 13313
in the motor vehicle while stopped, or knowingly fail to keep the 13314
licensee's hands in plain sight after any law enforcement officer 13315
begins approaching the licensee while stopped and before the 13316
officer leaves, unless directed otherwise by a law enforcement 13317
officer; and the licensee shall not knowingly remove, attempt to 13318
remove, grasp, or hold the loaded handgun or knowingly have 13319
contact with the loaded handgun by touching it with the licensee's 13320
hands or fingers, in any manner in violation of division (E) of 13321
section 2923.16 of the Revised Code, after any law enforcement 13322
officer begins approaching the licensee while stopped and before 13323
the officer leaves. Additionally, if a licensee is the driver or 13324
an occupant of a commercial motor vehicle that is stopped by an 13325
employee of the motor carrier enforcement unit for the purposes 13326
defined in section 5503.04 of the Revised Code and if the licensee 13327
is transporting or has a loaded handgun in the commercial motor 13328
vehicle at that time, the licensee shall promptly inform the 13329
employee of the unit who approaches the vehicle while stopped that 13330
the licensee has been issued a license or temporary emergency 13331

license to carry a concealed handgun and that the licensee 13332
currently possesses or has a loaded handgun. 13333

If a licensee is stopped for a law enforcement purpose and if 13334
the licensee is carrying a concealed handgun at the time the 13335
officer approaches, the licensee shall promptly inform any law 13336
enforcement officer who approaches the licensee while stopped that 13337
the licensee has been issued a license or temporary emergency 13338
license to carry a concealed handgun and that the licensee 13339
currently is carrying a concealed handgun; the licensee shall not 13340
knowingly disregard or fail to comply with lawful orders of a law 13341
enforcement officer given while the licensee is stopped or 13342
knowingly fail to keep the licensee's hands in plain sight after 13343
any law enforcement officer begins approaching the licensee while 13344
stopped and before the officer leaves, unless directed otherwise 13345
by a law enforcement officer; and the licensee shall not knowingly 13346
remove, attempt to remove, grasp, or hold the loaded handgun or 13347
knowingly have contact with the loaded handgun by touching it with 13348
the licensee's hands or fingers, in any manner in violation of 13349
division (B) of section 2923.12 of the Revised Code, after any law 13350
enforcement officer begins approaching the licensee while stopped 13351
and before the officer leaves. 13352

(B) A valid license issued under section 2923.125 or 13353
2923.1213 of the Revised Code does not authorize the licensee to 13354
carry a concealed handgun in any manner prohibited under division 13355
(B) of section 2923.12 of the Revised Code or in any manner 13356
prohibited under section 2923.16 of the Revised Code. A valid 13357
license does not authorize the licensee to carry a concealed 13358
handgun into any of the following places: 13359

(1) A police station, sheriff's office, or state highway 13360
patrol station, premises controlled by the bureau of criminal 13361
identification and investigation, a state correctional 13362
institution, jail, workhouse, or other detention facility, an 13363

airport passenger terminal, or an institution that is maintained, 13364
operated, managed, and governed pursuant to division (A) of 13365
section 5119.02 of the Revised Code or division (A)(1) of section 13366
5123.03 of the Revised Code; 13367

(2) A school safety zone if the licensee's carrying the 13368
concealed handgun is in violation of section 2923.122 of the 13369
Revised Code; 13370

(3) A courthouse or another building or structure in which a 13371
courtroom is located, in violation of section 2923.123 of the 13372
Revised Code; 13373

(4) Any premises or open air arena for which a D permit has 13374
been issued under Chapter 4303. of the Revised Code if the 13375
licensee's carrying the concealed handgun is in violation of 13376
section 2923.121 of the Revised Code; 13377

(5) Any premises owned or leased by any public or private 13378
college, university, or other institution of higher education, 13379
unless the handgun is in a locked motor vehicle or the licensee is 13380
in the immediate process of placing the handgun in a locked motor 13381
vehicle; 13382

(6) Any church, synagogue, mosque, or other place of worship, 13383
unless the church, synagogue, mosque, or other place of worship 13384
posts or permits otherwise; 13385

(7) A child day-care center, a type A family day-care home, 13386
or a type B family day-care home, ~~or a type C family day-care~~ 13387
~~home~~, except that this division does not prohibit a licensee who 13388
resides in a type A family day-care home, or a type B family 13389
day-care home, ~~or a type C family day-care home~~ from carrying a 13390
concealed handgun at any time in any part of the home that is not 13391
dedicated or used for day-care purposes, or from carrying a 13392
concealed handgun in a part of the home that is dedicated or used 13393
for day-care purposes at any time during which no children, other 13394

than children of that licensee, are in the home; 13395

(8) An aircraft that is in, or intended for operation in, 13396
foreign air transportation, interstate air transportation, 13397
intrastate air transportation, or the transportation of mail by 13398
aircraft; 13399

(9) Any building that is a government facility of this state 13400
or a political subdivision of this state and that is not a 13401
building that is used primarily as a shelter, restroom, parking 13402
facility for motor vehicles, or rest facility and is not a 13403
courthouse or other building or structure in which a courtroom is 13404
located that is subject to division (B)(3) of this section; 13405

(10) A place in which federal law prohibits the carrying of 13406
handguns. 13407

(C)(1) Nothing in this section shall negate or restrict a 13408
rule, policy, or practice of a private employer that is not a 13409
private college, university, or other institution of higher 13410
education concerning or prohibiting the presence of firearms on 13411
the private employer's premises or property, including motor 13412
vehicles owned by the private employer. Nothing in this section 13413
shall require a private employer of that nature to adopt a rule, 13414
policy, or practice concerning or prohibiting the presence of 13415
firearms on the private employer's premises or property, including 13416
motor vehicles owned by the private employer. 13417

(2)(a) A private employer shall be immune from liability in a 13418
civil action for any injury, death, or loss to person or property 13419
that allegedly was caused by or related to a licensee bringing a 13420
handgun onto the premises or property of the private employer, 13421
including motor vehicles owned by the private employer, unless the 13422
private employer acted with malicious purpose. A private employer 13423
is immune from liability in a civil action for any injury, death, 13424
or loss to person or property that allegedly was caused by or 13425

related to the private employer's decision to permit a licensee to 13426
bring, or prohibit a licensee from bringing, a handgun onto the 13427
premises or property of the private employer. As used in this 13428
division, "private employer" includes a private college, 13429
university, or other institution of higher education. 13430

(b) A political subdivision shall be immune from liability in 13431
a civil action, to the extent and in the manner provided in 13432
Chapter 2744. of the Revised Code, for any injury, death, or loss 13433
to person or property that allegedly was caused by or related to a 13434
licensee bringing a handgun onto any premises or property owned, 13435
leased, or otherwise under the control of the political 13436
subdivision. As used in this division, "political subdivision" has 13437
the same meaning as in section 2744.01 of the Revised Code. 13438

(3)(a) Except as provided in division (C)(3)(b) of this 13439
section, the owner or person in control of private land or 13440
premises, and a private person or entity leasing land or premises 13441
owned by the state, the United States, or a political subdivision 13442
of the state or the United States, may post a sign in a 13443
conspicuous location on that land or on those premises prohibiting 13444
persons from carrying firearms or concealed firearms on or onto 13445
that land or those premises. Except as otherwise provided in this 13446
division, a person who knowingly violates a posted prohibition of 13447
that nature is guilty of criminal trespass in violation of 13448
division (A)(4) of section 2911.21 of the Revised Code and is 13449
guilty of a misdemeanor of the fourth degree. If a person 13450
knowingly violates a posted prohibition of that nature and the 13451
posted land or premises primarily was a parking lot or other 13452
parking facility, the person is not guilty of criminal trespass in 13453
violation of division (A)(4) of section 2911.21 of the Revised 13454
Code and instead is subject only to a civil cause of action for 13455
trespass based on the violation. 13456

(b) A landlord may not prohibit or restrict a tenant who is a 13457

licensee and who on or after ~~the effective date of this amendment~~ 13458
September 9, 2008, enters into a rental agreement with the 13459
landlord for the use of residential premises, and the tenant's 13460
guest while the tenant is present, from lawfully carrying or 13461
possessing a handgun on those residential premises. 13462

(c) As used in division (C)(3) of this section: 13463

(i) "Residential premises" has the same meaning as in section 13464
5321.01 of the Revised Code, except "residential premises" does 13465
not include a dwelling unit that is owned or operated by a college 13466
or university. 13467

(ii) "Landlord," "tenant," and "rental agreement" have the 13468
same meanings as in section 5321.01 of the Revised Code. 13469

(D) A person who holds a license to carry a concealed handgun 13470
that was issued pursuant to the law of another state that is 13471
recognized by the attorney general pursuant to a reciprocity 13472
agreement entered into pursuant to section 109.69 of the Revised 13473
Code has the same right to carry a concealed handgun in this state 13474
as a person who was issued a license to carry a concealed handgun 13475
under section 2923.125 of the Revised Code and is subject to the 13476
same restrictions that apply to a person who carries a license 13477
issued under that section. 13478

(E) A peace officer has the same right to carry a concealed 13479
handgun in this state as a person who was issued a license to 13480
carry a concealed handgun under section 2923.125 of the Revised 13481
Code. For purposes of reciprocity with other states, a peace 13482
officer shall be considered to be a licensee in this state. 13483

(F)(1) A qualified retired peace officer who possesses a 13484
retired peace officer identification card issued pursuant to 13485
division (F)(2) of this section and a valid firearms 13486
requalification certification issued pursuant to division (F)(3) 13487
of this section has the same right to carry a concealed handgun in 13488

this state as a person who was issued a license to carry a
concealed handgun under section 2923.125 of the Revised Code and
is subject to the same restrictions that apply to a person who
carries a license issued under that section. For purposes of
reciprocity with other states, a qualified retired peace officer
who possesses a retired peace officer identification card issued
pursuant to division (F)(2) of this section and a valid firearms
requalification certification issued pursuant to division (F)(3)
of this section shall be considered to be a licensee in this
state.

(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 13520
agency, after completing any applicable probationary period of 13521
that service, due to a service-connected disability, as determined 13522
by the agency. 13523

(b) A retired peace officer identification card issued to a 13524
person under division (F)(2)(a) of this section shall identify the 13525
person by name, contain a photograph of the person, identify the 13526
public agency of this state or of the political subdivision of 13527
this state from which the person retired as a peace officer and 13528
that is issuing the identification card, and specify that the 13529
person retired in good standing from service as a peace officer 13530
with the issuing public agency and satisfies the criteria set 13531
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 13532
addition to the required content specified in this division, a 13533
retired peace officer identification card issued to a person under 13534
division (F)(2)(a) of this section may include the firearms 13535
requalification certification described in division (F)(3) of this 13536
section, and if the identification card includes that 13537
certification, the identification card shall serve as the firearms 13538
requalification certification for the retired peace officer. If 13539
the issuing public agency issues credentials to active law 13540
enforcement officers who serve the agency, the agency may comply 13541
with division (F)(2)(a) of this section by issuing the same 13542
credentials to persons who retired from service as a peace officer 13543
with the agency and who satisfy the criteria set forth in 13544
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 13545
credentials so issued to retired peace officers are stamped with 13546
the word "RETIRED." 13547

(c) A public agency of this state or of a political 13548
subdivision of this state may charge persons who retired from 13549
service as a peace officer with the agency a reasonable fee for 13550
issuing to the person a retired peace officer identification card 13551

pursuant to division (F)(2)(a) of this section. 13552

(3) If a person retired from service as a peace officer with 13553
a public agency of this state or of a political subdivision of 13554
this state and the person satisfies the criteria set forth in 13555
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 13556
may provide the retired peace officer with the opportunity to 13557
attend a firearms requalification program that is approved for 13558
purposes of firearms requalification required under section 13559
109.801 of the Revised Code. The retired peace officer may be 13560
required to pay the cost of the course. 13561

If a retired peace officer who satisfies the criteria set 13562
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 13563
firearms requalification program that is approved for purposes of 13564
firearms requalification required under section 109.801 of the 13565
Revised Code, the retired peace officer's successful completion of 13566
the firearms requalification program requalifies the retired peace 13567
officer for purposes of division (F) of this section for five 13568
years from the date on which the program was successfully 13569
completed, and the requalification is valid during that five-year 13570
period. If a retired peace officer who satisfies the criteria set 13571
forth in divisions (F)(2)(a)(i) to (iv) of this section 13572
satisfactorily completes such a firearms requalification program, 13573
the retired peace officer shall be issued a firearms 13574
requalification certification that identifies the retired peace 13575
officer by name, identifies the entity that taught the program, 13576
specifies that the retired peace officer successfully completed 13577
the program, specifies the date on which the course was 13578
successfully completed, and specifies that the requalification is 13579
valid for five years from that date of successful completion. The 13580
firearms requalification certification for a retired peace officer 13581
may be included in the retired peace officer identification card 13582
issued to the retired peace officer under division (F)(2) of this 13583

section.	13584
A retired peace officer who attends a firearms	13585
requalification program that is approved for purposes of firearms	13586
requalification required under section 109.801 of the Revised Code	13587
may be required to pay the cost of the program.	13588
(G) As used in this section:	13589
(1) "Qualified retired peace officer" means a person who	13590
satisfies all of the following:	13591
(a) The person satisfies the criteria set forth in divisions	13592
(F)(2)(a)(i) to (v) of this section.	13593
(b) The person is not under the influence of alcohol or	13594
another intoxicating or hallucinatory drug or substance.	13595
(c) The person is not prohibited by federal law from	13596
receiving firearms.	13597
(2) "Retired peace officer identification card" means an	13598
identification card that is issued pursuant to division (F)(2) of	13599
this section to a person who is a retired peace officer.	13600
(3) "Government facility of this state or a political	13601
subdivision of this state" means any of the following:	13602
(a) A building or part of a building that is owned or leased	13603
by the government of this state or a political subdivision of this	13604
state and where employees of the government of this state or the	13605
political subdivision regularly are present for the purpose of	13606
performing their official duties as employees of the state or	13607
political subdivision;	13608
(b) The office of a deputy registrar serving pursuant to	13609
Chapter 4503. of the Revised Code that is used to perform deputy	13610
registrar functions.	13611
Sec. 2923.1212. (A) The following persons, boards, and	13612

entities, or designees, shall post in the following locations a 13613
sign that contains a statement in substantially the following 13614
form: "Unless otherwise authorized by law, pursuant to the Ohio 13615
Revised Code, no person shall knowingly possess, have under the 13616
person's control, convey, or attempt to convey a deadly weapon or 13617
dangerous ordnance onto these premises.": 13618

(1) The director of public safety or the person or board 13619
charged with the erection, maintenance, or repair of police 13620
stations, municipal jails, and the municipal courthouse and 13621
courtrooms in a conspicuous location at all police stations, 13622
municipal jails, and municipal courthouses and courtrooms; 13623

(2) The sheriff or sheriff's designee who has charge of the 13624
sheriff's office in a conspicuous location in that office; 13625

(3) The superintendent of the state highway patrol or the 13626
superintendent's designee in a conspicuous location at all state 13627
highway patrol stations; 13628

(4) Each sheriff, chief of police, or person in charge of 13629
every county, multicounty, municipal, municipal-county, or 13630
multicounty-municipal jail or workhouse, community-based 13631
correctional facility, halfway house, alternative residential 13632
facility, or other local or state correctional institution or 13633
detention facility within the state, or that person's designee, in 13634
a conspicuous location at that facility under that person's 13635
charge; 13636

(5) The board of trustees of a regional airport authority, 13637
chief administrative officer of an airport facility, or other 13638
person in charge of an airport facility in a conspicuous location 13639
at each airport facility under that person's control; 13640

(6) The officer or officer's designee who has charge of a 13641
courthouse or the building or structure in which a courtroom is 13642

located in a conspicuous location in that building or structure; 13643

(7) The superintendent of the bureau of criminal 13644
identification and investigation or the superintendent's designee 13645
in a conspicuous location in all premises controlled by that 13646
bureau; 13647

(8) The owner, administrator, or operator of a child day-care 13648
center, a type A family day-care home, or a type B family day-care 13649
~~home, or a type C family day care home;~~ 13650

(9) The officer of this state or of a political subdivision 13651
of this state, or the officer's designee, who has charge of a 13652
building that is a government facility of this state or the 13653
political subdivision of this state, as defined in section 13654
2923.126 of the Revised Code, and that is not a building that is 13655
used primarily as a shelter, restroom, parking facility for motor 13656
vehicles, or rest facility and is not a courthouse or other 13657
building or structure in which a courtroom is located that is 13658
subject to division (B)(3) of that section. 13659

(B) The following boards, bodies, and persons, or designees, 13660
shall post in the following locations a sign that contains a 13661
statement in substantially the following form: "Unless otherwise 13662
authorized by law, pursuant to Ohio Revised Code section 2923.122, 13663
no person shall knowingly possess, have under the person's 13664
control, convey, or attempt to convey a deadly weapon or dangerous 13665
ordnance into a school safety zone.": 13666

(1) A board of education of a city, local, exempted village, 13667
or joint vocational school district or that board's designee in a 13668
conspicuous location in each building and on each parcel of real 13669
property owned or controlled by the board; 13670

(2) A governing body of a school for which the state board of 13671
education prescribes minimum standards under section 3301.07 of 13672
the Revised Code or that body's designee in a conspicuous location 13673

in each building and on each parcel of real property owned or 13674
controlled by the school; 13675

(3) The principal or chief administrative officer of a 13676
nonpublic school in a conspicuous location on property owned or 13677
controlled by that nonpublic school. 13678

Sec. 2950.11. (A) Regardless of when the sexually oriented 13679
offense or child-victim oriented offense was committed, if a 13680
person is convicted of, pleads guilty to, has been convicted of, 13681
or has pleaded guilty to a sexually oriented offense or a 13682
child-victim oriented offense or a person is or has been 13683
adjudicated a delinquent child for committing a sexually oriented 13684
offense or a child-victim oriented offense and is classified a 13685
juvenile offender registrant or is an out-of-state juvenile 13686
offender registrant based on that adjudication, and if the 13687
offender or delinquent child is in any category specified in 13688
division (F)(1)(a), (b), or (c) of this section, the sheriff with 13689
whom the offender or delinquent child has most recently registered 13690
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 13691
and the sheriff to whom the offender or delinquent child most 13692
recently sent a notice of intent to reside under section 2950.04 13693
or 2950.041 of the Revised Code, within the period of time 13694
specified in division (C) of this section, shall provide a written 13695
notice containing the information set forth in division (B) of 13696
this section to all of the persons described in divisions (A)(1) 13697
to (10) of this section. If the sheriff has sent a notice to the 13698
persons described in those divisions as a result of receiving a 13699
notice of intent to reside and if the offender or delinquent child 13700
registers a residence address that is the same residence address 13701
described in the notice of intent to reside, the sheriff is not 13702
required to send an additional notice when the offender or 13703
delinquent child registers. The sheriff shall provide the notice 13704
to all of the following persons: 13705

(1)(a) Any occupant of each residential unit that is located 13706
within one thousand feet of the offender's or delinquent child's 13707
residential premises, that is located within the county served by 13708
the sheriff, and that is not located in a multi-unit building. 13709
Division (D)(3) of this section applies regarding notices required 13710
under this division. 13711

(b) If the offender or delinquent child resides in a 13712
multi-unit building, any occupant of each residential unit that is 13713
located in that multi-unit building and that shares a common 13714
hallway with the offender or delinquent child. For purposes of 13715
this division, an occupant's unit shares a common hallway with the 13716
offender or delinquent child if the entrance door into the 13717
occupant's unit is located on the same floor and opens into the 13718
same hallway as the entrance door to the unit the offender or 13719
delinquent child occupies. Division (D)(3) of this section applies 13720
regarding notices required under this division. 13721

(c) The building manager, or the person the building owner or 13722
condominium unit owners association authorizes to exercise 13723
management and control, of each multi-unit building that is 13724
located within one thousand feet of the offender's or delinquent 13725
child's residential premises, including a multi-unit building in 13726
which the offender or delinquent child resides, and that is 13727
located within the county served by the sheriff. In addition to 13728
notifying the building manager or the person authorized to 13729
exercise management and control in the multi-unit building under 13730
this division, the sheriff shall post a copy of the notice 13731
prominently in each common entryway in the building and any other 13732
location in the building the sheriff determines appropriate. The 13733
manager or person exercising management and control of the 13734
building shall permit the sheriff to post copies of the notice 13735
under this division as the sheriff determines appropriate. In lieu 13736
of posting copies of the notice as described in this division, a 13737

sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3)(a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or

of each other school located within the specified geographical 13769
notification area and within the county served by the sheriff and 13770
that is not operated by a board of education described in division 13771
(A)(3) of this section; 13772

(b) Regardless of the location of the school, the appointing 13773
or hiring officer of a chartered nonpublic school that the 13774
delinquent child attends. 13775

(5) The director, head teacher, elementary principal, or site 13776
administrator of each preschool program governed by Chapter 3301. 13777
of the Revised Code that is located within the specified 13778
geographical notification area and within the county served by the 13779
sheriff; 13780

(6) The administrator of each child day-care center or type A 13781
family day-care home that is located within the specified 13782
geographical notification area and within the county served by the 13783
sheriff, ~~and the provider of each certified holder of a license to~~ 13784
operate a type B family day-care home that is located within the 13785
specified geographical notification area and within the county 13786
served by the sheriff. As used in this division, "child day-care 13787
center," "type A family day-care home," and "~~certified~~ type B 13788
family day-care home" have the same meanings as in section 5104.01 13789
of the Revised Code. 13790

(7) The president or other chief administrative officer of 13791
each institution of higher education, as defined in section 13792
2907.03 of the Revised Code, that is located within the specified 13793
geographical notification area and within the county served by the 13794
sheriff, and the chief law enforcement officer of the state 13795
university law enforcement agency or campus police department 13796
established under section 3345.04 or 1713.50 of the Revised Code, 13797
if any, that serves that institution; 13798

(8) The sheriff of each county that includes any portion of 13799

the specified geographical notification area; 13800

(9) If the offender or delinquent child resides within the 13801
county served by the sheriff, the chief of police, marshal, or 13802
other chief law enforcement officer of the municipal corporation 13803
in which the offender or delinquent child resides or, if the 13804
offender or delinquent child resides in an unincorporated area, 13805
the constable or chief of the police department or police district 13806
police force of the township in which the offender or delinquent 13807
child resides; 13808

(10) Volunteer organizations in which contact with minors or 13809
other vulnerable individuals might occur or any organization, 13810
company, or individual who requests notification as provided in 13811
division (J) of this section. 13812

(B) The notice required under division (A) of this section 13813
shall include all of the following information regarding the 13814
subject offender or delinquent child: 13815

(1) The offender's or delinquent child's name; 13816

(2) The address or addresses of the offender's or public 13817
registry-qualified juvenile offender registrant's residence, 13818
school, institution of higher education, or place of employment, 13819
as applicable, or the residence address or addresses of a 13820
delinquent child who is not a public registry-qualified juvenile 13821
offender registrant; 13822

(3) The sexually oriented offense or child-victim oriented 13823
offense of which the offender was convicted, to which the offender 13824
pleaded guilty, or for which the child was adjudicated a 13825
delinquent child; 13826

(4) A statement that identifies the category specified in 13827
division (F)(1)(a), (b), or (c) of this section that includes the 13828
offender or delinquent child and that subjects the offender or 13829
delinquent child to this section; 13830

(5) The offender's or delinquent child's photograph. 13831

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section

as soon as practicable, but not later than seven days after the 13863
offender or delinquent child registers with the sheriff or, if the 13864
sheriff is required by division (C) of this section to provide the 13865
notices, no later than five days after the sheriff is provided the 13866
notice described in division (A)(8) of this section. 13867

(2) If an offender or delinquent child in relation to whom 13868
division (A) of this section applies verifies the offender's or 13869
delinquent child's current residence, school, institution of 13870
higher education, or place of employment address, as applicable, 13871
with a sheriff pursuant to section 2950.06 of the Revised Code, 13872
the sheriff may provide a written notice containing the 13873
information set forth in division (B) of this section to the 13874
persons identified in divisions (A)(1) to (10) of this section. If 13875
a sheriff provides a notice pursuant to this division to the 13876
sheriff of one or more other counties in accordance with division 13877
(A)(8) of this section, the sheriff of each of the other counties 13878
who is provided the notice under division (A)(8) of this section 13879
may provide, but is not required to provide, a written notice 13880
containing the information set forth in division (B) of this 13881
section to the persons identified in divisions (A)(1) to (7) and 13882
(A)(9) and (10) of this section. 13883

(3) A sheriff may provide notice under division (A)(1)(a) or 13884
(b) of this section, and may provide notice under division 13885
(A)(1)(c) of this section to a building manager or person 13886
authorized to exercise management and control of a building, by 13887
mail, by personal contact, or by leaving the notice at or under 13888
the entry door to a residential unit. For purposes of divisions 13889
(A)(1)(a) and (b) of this section, and the portion of division 13890
(A)(1)(c) of this section relating to the provision of notice to 13891
occupants of a multi-unit building by mail or personal contact, 13892
the provision of one written notice per unit is deemed as 13893
providing notice to all occupants of that unit. 13894

(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, the duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a ~~public registry qualified~~ public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to ~~the effective date of this amendment~~ January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ January 1, 2008, and a juvenile

court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after ~~the effective date of this amendment~~ January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent 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;	13958
(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;	13959 13960 13961
(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;	13962 13963 13964
(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;	13965 13966 13967 13968 13969 13970 13971 13972 13973
(g) Any mental illness or mental disability of the offender or delinquent child;	13974 13975
(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;	13976 13977 13978 13979 13980
(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;	13981 13982 13983 13984
(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	13985 13986 13987 13988

~~of this amendment~~ January 1, 2008; 13989

(k) Any additional behavioral characteristics that contribute 13990
to the offender's or delinquent child's conduct. 13991

(G)(1) The department of job and family services shall 13992
compile, maintain, and update in January and July of each year, a 13993
list of all agencies, centers, or homes of a type described in 13994
division (A)(2) or (6) of this section that contains the name of 13995
each agency, center, or home of that type, the county in which it 13996
is located, its address and telephone number, and the name of an 13997
administrative officer or employee of the agency, center, or home. 13998

(2) The department of education shall compile, maintain, and 13999
update in January and July of each year, a list of all boards of 14000
education, schools, or programs of a type described in division 14001
(A)(3), (4), or (5) of this section that contains the name of each 14002
board of education, school, or program of that type, the county in 14003
which it is located, its address and telephone number, the name of 14004
the superintendent of the board or of an administrative officer or 14005
employee of the school or program, and, in relation to a board of 14006
education, the county or counties in which each of its schools is 14007
located and the address of each such school. 14008

(3) The Ohio board of regents shall compile, maintain, and 14009
update in January and July of each year, a list of all 14010
institutions of a type described in division (A)(7) of this 14011
section that contains the name of each such institution, the 14012
county in which it is located, its address and telephone number, 14013
and the name of its president or other chief administrative 14014
officer. 14015

(4) A sheriff required by division (A) or (C) of this 14016
section, or authorized by division (D)(2) of this section, to 14017
provide notices regarding an offender or delinquent child, or a 14018
designee of a sheriff of that type, may request the department of 14019

job and family services, department of education, or Ohio board of 14020
regents, by telephone, in person, or by mail, to provide the 14021
sheriff or designee with the names, addresses, and telephone 14022
numbers of the appropriate persons and entities to whom the 14023
notices described in divisions (A)(2) to (7) of this section are 14024
to be provided. Upon receipt of a request, the department or board 14025
shall provide the requesting sheriff or designee with the names, 14026
addresses, and telephone numbers of the appropriate persons and 14027
entities to whom those notices are to be provided. 14028

(H)(1) Upon the motion of the offender or the prosecuting 14029
attorney of the county in which the offender was convicted of or 14030
pleaded guilty to the sexually oriented offense or child-victim 14031
oriented offense for which the offender is subject to community 14032
notification under this section, or upon the motion of the 14033
sentencing judge or that judge's successor in office, the judge 14034
may schedule a hearing to determine whether the interests of 14035
justice would be served by suspending the community notification 14036
requirement under this section in relation to the offender. The 14037
judge may dismiss the motion without a hearing but may not issue 14038
an order suspending the community notification requirement without 14039
a hearing. At the hearing, all parties are entitled to be heard, 14040
and the judge shall consider all of the factors set forth in 14041
division (K) of this section. If, at the conclusion of the 14042
hearing, the judge finds that the offender has proven by clear and 14043
convincing evidence that the offender is unlikely to commit in the 14044
future a sexually oriented offense or a child-victim oriented 14045
offense and if the judge finds that suspending the community 14046
notification requirement is in the interests of justice, the judge 14047
may suspend the application of this section in relation to the 14048
offender. The order shall contain both of these findings. 14049

The judge promptly shall serve a copy of the order upon the 14050
sheriff with whom the offender most recently registered under 14051

section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 14052
the bureau of criminal identification and investigation. 14053

An order suspending the community notification requirement 14054
does not suspend or otherwise alter an offender's duties to comply 14055
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 14056
Revised Code and does not suspend the victim notification 14057
requirement under section 2950.10 of the Revised Code. 14058

(2) A prosecuting attorney, a sentencing judge or that 14059
judge's successor in office, and an offender who is subject to the 14060
community notification requirement under this section may 14061
initially make a motion under division (H)(1) of this section upon 14062
the expiration of twenty years after the offender's duty to comply 14063
with division (A)(2), (3), or (4) of section 2950.04, division 14064
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 14065
2950.06 of the Revised Code begins in relation to the offense for 14066
which the offender is subject to community notification. After the 14067
initial making of a motion under division (H)(1) of this section, 14068
thereafter, the prosecutor, judge, and offender may make a 14069
subsequent motion under that division upon the expiration of five 14070
years after the judge has entered an order denying the initial 14071
motion or the most recent motion made under that division. 14072

(3) The offender and the prosecuting attorney have the right 14073
to appeal an order approving or denying a motion made under 14074
division (H)(1) of this section. 14075

(4) Divisions (H)(1) to (3) of this section do not apply to 14076
any of the following types of offender: 14077

(a) A person who is convicted of or pleads guilty to a 14078
violent sex offense or designated homicide, assault, or kidnapping 14079
offense and who, in relation to that offense, is adjudicated a 14080
sexually violent predator; 14081

(b) A person who is convicted of or pleads guilty to a 14082

sexually oriented offense that is a violation of division 14083
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 14084
after January 2, 2007, and either who is sentenced under section 14085
2971.03 of the Revised Code or upon whom a sentence of life 14086
without parole is imposed under division (B) of section 2907.02 of 14087
the Revised Code; 14088

(c) A person who is convicted of or pleads guilty to a 14089
sexually oriented offense that is attempted rape committed on or 14090
after January 2, 2007, and who also is convicted of or pleads 14091
guilty to a specification of the type described in section 14092
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 14093

(d) A person who is convicted of or pleads guilty to an 14094
offense described in division (B)(3)(a), (b), (c), or (d) of 14095
section 2971.03 of the Revised Code and who is sentenced for that 14096
offense pursuant to that division; 14097

(e) An offender who is in a category specified in division 14098
(F)(1)(a), (b), or (c) of this section and who, subsequent to 14099
being subjected to community notification, has pleaded guilty to 14100
or been convicted of a sexually oriented offense or child-victim 14101
oriented offense. 14102

(I) If a person is convicted of, pleads guilty to, has been 14103
convicted of, or has pleaded guilty to a sexually oriented offense 14104
or a child-victim oriented offense or a person is or has been 14105
adjudicated a delinquent child for committing a sexually oriented 14106
offense or a child-victim oriented offense and is classified a 14107
juvenile offender registrant or is an out-of-state juvenile 14108
offender registrant based on that adjudication, and if the 14109
offender or delinquent child is not in any category specified in 14110
division (F)(1)(a), (b), or (c) of this section, the sheriff with 14111
whom the offender or delinquent child has most recently registered 14112
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 14113
and the sheriff to whom the offender or delinquent child most 14114

recently sent a notice of intent to reside under section 2950.04 14115
or 2950.041 of the Revised Code, within the period of time 14116
specified in division (D) of this section, shall provide a written 14117
notice containing the information set forth in division (B) of 14118
this section to the executive director of the public children 14119
services agency that has jurisdiction within the specified 14120
geographical notification area and that is located within the 14121
county served by the sheriff. 14122

(J) Each sheriff shall allow a volunteer organization or 14123
other organization, company, or individual who wishes to receive 14124
the notice described in division (A)(10) of this section regarding 14125
a specific offender or delinquent child or notice regarding all 14126
offenders and delinquent children who are located in the specified 14127
geographical notification area to notify the sheriff by electronic 14128
mail or through the sheriff's web site of this election. The 14129
sheriff shall promptly inform the bureau of criminal 14130
identification and investigation of these requests in accordance 14131
with the forwarding procedures adopted by the attorney general 14132
pursuant to section 2950.13 of the Revised Code. 14133

(K) In making a determination under division (H)(1) of this 14134
section as to whether to suspend the community notification 14135
requirement under this section for an offender, the judge shall 14136
consider all relevant factors, including, but not limited to, all 14137
of the following: 14138

(1) The offender's age; 14139

(2) The offender's prior criminal or delinquency record 14140
regarding all offenses, including, but not limited to, all 14141
sexually oriented offenses or child-victim oriented offenses; 14142

(3) The age of the victim of the sexually oriented offense or 14143
child-victim oriented offense the offender committed; 14144

(4) Whether the sexually oriented offense or child-victim 14145

oriented offense the offender committed involved multiple victims;	14146
(5) Whether the offender used drugs or alcohol to impair the	14147
victim of the sexually oriented offense or child-victim oriented	14148
<u>offense</u> the offender committed or to prevent the victim from	14149
resisting;	14150
(6) If the offender previously has been convicted of, pleaded	14151
guilty to, or been adjudicated a delinquent child for committing	14152
an act that if committed by an adult would be a criminal offense,	14153
whether the offender completed any sentence or dispositional order	14154
imposed for the prior offense or act and, if the prior offense or	14155
act was a sexually oriented offense or a child-victim oriented	14156
offense, whether the offender or delinquent child participated in	14157
available programs for sex offenders or child-victim offenders;	14158
(7) Any mental illness or mental disability of the offender;	14159
(8) The nature of the offender's sexual conduct, sexual	14160
contact, or interaction in a sexual context with the victim of the	14161
sexually oriented offense the offender committed or the nature of	14162
the offender's interaction in a sexual context with the victim of	14163
the child-victim oriented offense the offender committed,	14164
whichever is applicable, and whether the sexual conduct, sexual	14165
contact, or interaction in a sexual context was part of a	14166
demonstrated pattern of abuse;	14167
(9) Whether the offender, during the commission of the	14168
sexually oriented offense or child-victim oriented offense the	14169
offender committed, displayed cruelty or made one or more threats	14170
of cruelty;	14171
(10) Any additional behavioral characteristics that	14172
contribute to the offender's conduct.	14173
(L) As used in this section, "specified geographical	14174
notification area" means the geographic area or areas within which	14175
the attorney general, by rule adopted under section 2950.13 of the	14176

Revised Code, requires the notice described in division (B) of 14177
this section to be given to the persons identified in divisions 14178
(A)(2) to (8) of this section. 14179

Sec. 2950.13. (A) The attorney general shall do all of the 14180
following: 14181

(1) No later than July 1, 1997, establish and maintain a 14182
state registry of sex offenders and child-victim offenders that is 14183
housed at the bureau of criminal identification and investigation 14184
and that contains all of the registration, change of residence, 14185
school, institution of higher education, or place of employment 14186
address, and verification information the bureau receives pursuant 14187
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 14188
Code regarding each person who is convicted of, pleads guilty to, 14189
has been convicted of, or has pleaded guilty to a sexually 14190
oriented offense or a child-victim oriented offense and each 14191
person who is or has been adjudicated a delinquent child for 14192
committing a sexually oriented offense or a child-victim oriented 14193
offense and is classified a juvenile offender registrant or is an 14194
out-of-state juvenile offender registrant based on that 14195
adjudication, all of the information the bureau receives pursuant 14196
to section 2950.14 of the Revised Code, and any notice of an order 14197
terminating or modifying an offender's or delinquent child's duty 14198
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 14199
the Revised Code the bureau receives pursuant to section 2152.84, 14200
2152.85, or 2950.15 of the Revised Code. For a person who was 14201
convicted of or pleaded guilty to the sexually oriented offense or 14202
child-victim related offense, the registry also shall indicate 14203
whether the person was convicted of or pleaded guilty to the 14204
offense in a criminal prosecution or in a serious youthful 14205
offender case. The registry shall not be open to inspection by the 14206
public or by any person other than a person identified in division 14207
(A) of section 2950.08 of the Revised Code. In addition to the 14208

information and material previously identified in this division, 14209
the registry shall include all of the following regarding each 14210
person who is listed in the registry: 14211

(a) A citation for, and the name of, all sexually oriented 14212
offenses or child-victim oriented offenses of which the person was 14213
convicted, to which the person pleaded guilty, or for which the 14214
person was adjudicated a delinquent child and that resulted in a 14215
registration duty, and the date on which those offenses were 14216
committed; 14217

(b) The text of the sexually oriented offenses or 14218
child-victim oriented offenses identified in division (A)(1)(a) of 14219
this section as those offenses existed at the time the person was 14220
convicted of, pleaded guilty to, or was adjudicated a delinquent 14221
child for committing those offenses, or a link to a database that 14222
sets forth the text of those offenses; 14223

(c) A statement as to whether the person is a tier I sex 14224
offender/child-victim offender, a tier II sex 14225
offender/child-victim offender, or a tier III sex 14226
offender/child-victim offender for the sexually oriented offenses 14227
or child-victim oriented offenses identified in division (A)(1)(a) 14228
of this section; 14229

(d) The community supervision status of the person, 14230
including, but not limited to, whether the person is serving a 14231
community control sanction and the nature of any such sanction, 14232
whether the person is under supervised release and the nature of 14233
the release, or regarding a juvenile, whether the juvenile is 14234
under any type of release authorized under Chapter 2152. or 5139. 14235
of the Revised Code and the nature of any such release; 14236

(e) The offense and delinquency history of the person, as 14237
determined from information gathered or provided under sections 14238
109.57 and 2950.14 of the Revised Code; 14239

(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware;	14240 14241 14242 14243 14244 14245 14246
(g) Fingerprints and palmprints of the person;	14247
(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;	14248 14249
(i) Whether the person has any outstanding arrest warrants;	14250
(j) Whether the person is in compliance with the person's duties under this chapter.	14251 14252
(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;	14253 14254 14255 14256
(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a request that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of section 2950.10 of the Revised Code;	14257 14258 14259 14260 14261 14262 14263 14264 14265 14266 14267 14268 14269 14270

(4) In consultation with local law enforcement	14271
representatives and through the bureau of criminal identification	14272
and investigation, prescribe the forms to be used by judges and	14273
officials pursuant to section 2950.03 or 2950.032 of the Revised	14274
Code to advise offenders and delinquent children of their duties	14275
of filing a notice of intent to reside, registration, notification	14276
of a change of residence, school, institution of higher education,	14277
or place of employment address and registration of the new	14278
school, institution of higher education, or place of employment	14279
address, as applicable, and address verification under sections	14280
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and	14281
prescribe the forms to be used by sheriffs relative to those	14282
duties of filing a notice of intent to reside, registration,	14283
change of residence, school, institution of higher education, or	14284
place of employment address notification, and address	14285
verification;	14286
(5) Make copies of the forms prescribed under division (A)(4)	14287
of this section available to judges, officials, and sheriffs;	14288
(6) Through the bureau of criminal identification and	14289
investigation, provide the notifications, the information and	14290
materials, and the documents that the bureau is required to	14291
provide to appropriate law enforcement officials and to the	14292
federal bureau of investigation pursuant to sections 2950.04,	14293
2950.041, 2950.05, and 2950.06 of the Revised Code;	14294
(7) Through the bureau of criminal identification and	14295
investigation, maintain the verification forms returned under the	14296
address verification mechanism set forth in section 2950.06 of the	14297
Revised Code;	14298
(8) In consultation with representatives of the officials,	14299
judges, and sheriffs, adopt procedures for officials, judges, and	14300
sheriffs to use to forward information, photographs, and	14301
fingerprints to the bureau of criminal identification and	14302

investigation pursuant to the requirements of sections 2950.03, 14303
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 14304
Code; 14305

(9) In consultation with the director of education, the 14306
director of job and family services, and the director of 14307
rehabilitation and correction, adopt rules that contain guidelines 14308
to be followed by boards of education of a school district, 14309
chartered nonpublic schools or other schools not operated by a 14310
board of education, preschool programs, child day-care centers, 14311
type A family day-care homes, ~~certified~~ licensed type B family 14312
day-care homes, and institutions of higher education regarding the 14313
proper use and administration of information received pursuant to 14314
section 2950.11 of the Revised Code relative to an offender or 14315
delinquent child who has committed a sexually oriented offense or 14316
a child-victim oriented offense and is in a category specified in 14317
division (F)(1) of that section; 14318

(10) In consultation with local law enforcement 14319
representatives and no later than July 1, 1997, adopt rules that 14320
designate a geographic area or areas within which the notice 14321
described in division (B) of section 2950.11 of the Revised Code 14322
must be given to the persons identified in divisions (A)(2) to (8) 14323
and (A)(10) of that section; 14324

(11) Through the bureau of criminal identification and 14325
investigation, not later than January 1, 2004, establish and 14326
operate on the internet a sex offender and child-victim offender 14327
database that contains information for every offender who has 14328
committed a sexually oriented offense or a child-victim oriented 14329
offense and registers in any county in this state pursuant to 14330
section 2950.04 or 2950.041 of the Revised Code and for every 14331
delinquent child who has committed a sexually oriented offense, is 14332
a public registry-qualified juvenile offender registrant, and 14333
registers in any county in this state pursuant to either such 14334

section. The bureau shall not include on the database the identity 14335
of any offender's or public registry-qualified juvenile offender 14336
registrant's victim, any offender's or public registry-qualified 14337
juvenile offender registrant's social security number, the name of 14338
any school or institution of higher education attended by any 14339
offender or public registry-qualified juvenile offender 14340
registrant, the name of the place of employment of any offender or 14341
public registry-qualified juvenile offender registrant, any 14342
tracking or identification number described in division (A)(1)(f) 14343
of this section, or any information described in division (C)(7) 14344
of section 2950.04 or 2950.041 of the Revised Code. The bureau 14345
shall provide on the database, for each offender and each public 14346
registry-qualified juvenile offender registrant, at least the 14347
information specified in divisions (A)(11)(a) to (h) of this 14348
section. Otherwise, the bureau shall determine the information to 14349
be provided on the database for each offender and public 14350
registry-qualified juvenile offender registrant and shall obtain 14351
that information from the information contained in the state 14352
registry of sex offenders and child-victim offenders described in 14353
division (A)(1) of this section, which information, while in the 14354
possession of the sheriff who provided it, is a public record open 14355
for inspection as described in section 2950.081 of the Revised 14356
Code. The database is a public record open for inspection under 14357
section 149.43 of the Revised Code, and it shall be searchable by 14358
offender or public registry-qualified juvenile offender registrant 14359
name, by county, by zip code, and by school district. The database 14360
shall provide a link to the web site of each sheriff who has 14361
established and operates on the internet a sex offender and 14362
child-victim offender database that contains information for 14363
offenders and public registry-qualified juvenile offender 14364
registrants who register in that county pursuant to section 14365
2950.04 or 2950.041 of the Revised Code, with the link being a 14366
direct link to the sex offender and child-victim offender database 14367

for the sheriff. The bureau shall provide on the database, for 14368
each offender and public registry-qualified juvenile offender 14369
registrant, at least the following information: 14370

(a) The information described in divisions (A)(1)(a), (b), 14371
(c), and (d) of this section relative to the offender or public 14372
registry-qualified juvenile offender registrant; 14373

(b) The address of the offender's or public 14374
registry-qualified juvenile offender registrant's school, 14375
institution of higher education, or place of employment provided 14376
in a registration form; 14377

(c) The information described in division (C)(6) of section 14378
2950.04 or 2950.041 of the Revised Code; 14379

(d) A chart describing which sexually oriented offenses and 14380
child-victim oriented offenses are included in the definitions of 14381
tier I sex offender/child-victim offender, tier II sex 14382
offender/child-victim offender, and tier III sex 14383
offender/child-victim offender; 14384

(e) Fingerprints and ~~palm prints~~ palmprints of the offender 14385
or public registry-qualified juvenile offender registrant and a 14386
DNA specimen from the offender or public registry-qualified 14387
juvenile offender registrant; 14388

(f) The information set forth in division (B) of section 14389
2950.11 of the Revised Code; 14390

(g) Any outstanding arrest warrants for the offender or 14391
public registry-qualified juvenile offender registrant; 14392

(h) The offender's or public registry-qualified juvenile 14393
offender registrant's compliance status with duties under this 14394
chapter. 14395

(12) Develop software to be used by sheriffs in establishing 14396
on the internet a sex offender and child-victim offender database 14397

for the public dissemination of some or all of the information and 14398
materials described in division (A) of section 2950.081 of the 14399
Revised Code that are public records under that division, that are 14400
not prohibited from inclusion by division (B) of that section, and 14401
that pertain to offenders and public registry-qualified juvenile 14402
offender registrants who register in the sheriff's county pursuant 14403
to section 2950.04 or 2950.041 of the Revised Code and for the 14404
public dissemination of information the sheriff receives pursuant 14405
to section 2950.14 of the Revised Code and, upon the request of 14406
any sheriff, provide technical guidance to the requesting sheriff 14407
in establishing on the internet such a database; 14408

(13) Through the bureau of criminal identification and 14409
investigation, not later than January 1, 2004, establish and 14410
operate on the internet a database that enables local law 14411
enforcement representatives to remotely search by electronic means 14412
the state registry of sex offenders and child-victim offenders 14413
described in division (A)(1) of this section and any information 14414
and materials the bureau receives pursuant to sections 2950.04, 14415
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 14416
database shall enable local law enforcement representatives to 14417
obtain detailed information regarding each offender and delinquent 14418
child who is included in the registry, including, but not limited 14419
to the offender's or delinquent child's name, aliases, residence 14420
address, name and address of any place of employment, school, 14421
institution of higher education, if applicable, license plate 14422
number of each vehicle identified in division (C)(5) of section 14423
2950.04 or 2950.041 of the Revised Code to the extent applicable, 14424
victim preference if available, date of most recent release from 14425
confinement if applicable, fingerprints, and palmprints, all of 14426
the information and material described in ~~division~~ divisions 14427
(A)(1)(a) to (h) of this section regarding the offender or 14428
delinquent child, and other identification parameters the bureau 14429
considers appropriate. The database is not a public record open 14430

for inspection under section 149.43 of the Revised Code and shall 14431
be available only to law enforcement representatives as described 14432
in this division. Information obtained by local law enforcement 14433
representatives through use of this database is not open to 14434
inspection by the public or by any person other than a person 14435
identified in division (A) of section 2950.08 of the Revised Code. 14436

(14) Through the bureau of criminal identification and 14437
investigation, maintain a list of requests for notice about a 14438
specified offender or delinquent child or specified geographical 14439
notification area made pursuant to division (J) of section 2950.11 14440
of the Revised Code and, when an offender or delinquent child 14441
changes residence to another county, forward any requests for 14442
information about that specific offender or delinquent child to 14443
the appropriate sheriff; 14444

(15) Through the bureau of criminal identification and 14445
investigation, establish and operate a system for the immediate 14446
notification by electronic means of the appropriate officials in 14447
other states specified in this division each time an offender or 14448
delinquent child registers a residence, school, institution of 14449
higher education, or place of employment address under section 14450
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 14451
notice of a change of address or registers a new address under 14452
division (A) or (B) of section 2950.05 of the Revised Code. The 14453
immediate notification by electronic means shall be provided to 14454
the appropriate officials in each state in which the offender or 14455
delinquent child is required to register a residence, school, 14456
institution of higher education, or place of employment address. 14457
The notification shall contain the offender's or delinquent 14458
child's name and all of the information the bureau receives from 14459
the sheriff with whom the offender or delinquent child registered 14460
the address or provided the notice of change of address or 14461
registered the new address. 14462

(B) The attorney general in consultation with local law enforcement representatives, may adopt rules that establish one or more categories of neighbors of an offender or delinquent child who, in addition to the occupants of residential premises and other persons specified in division (A)(1) of section 2950.11 of the Revised Code, must be given the notice described in division (B) of that section.

(C) No person, other than a local law enforcement representative, shall knowingly do any of the following:

(1) Gain or attempt to gain access to the database established and operated by the attorney general, through the bureau of criminal identification and investigation, pursuant to division (A)(13) of this section.

(2) Permit any person to inspect any information obtained through use of the database described in division (C)(1) of this section, other than as permitted under that division.

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.

Sec. 3109.051. (A) If a divorce, dissolution, legal separation, or annulment proceeding involves a child and if the court has not issued a shared parenting decree, the court shall consider any mediation report filed pursuant to section 3109.052 of the Revised Code and, in accordance with division (C) of this section, shall make a just and reasonable order or decree permitting each parent who is not the residential parent to have parenting time with the child at the time and under the conditions that the court directs, unless the court determines that it would

not be in the best interest of the child to permit that parent to 14494
have parenting time with the child and includes in the journal its 14495
findings of fact and conclusions of law. Whenever possible, the 14496
order or decree permitting the parenting time shall ensure the 14497
opportunity for both parents to have frequent and continuing 14498
contact with the child, unless frequent and continuing contact by 14499
either parent with the child would not be in the best interest of 14500
the child. The court shall include in its final decree a specific 14501
schedule of parenting time for that parent. Except as provided in 14502
division (E)(6) of section 3113.31 of the Revised Code, if the 14503
court, pursuant to this section, grants parenting time to a parent 14504
or companionship or visitation rights to any other person with 14505
respect to any child, it shall not require the public children 14506
services agency to provide supervision of or other services 14507
related to that parent's exercise of parenting time or that 14508
person's exercise of companionship or visitation rights with 14509
respect to the child. This section does not limit the power of a 14510
juvenile court pursuant to Chapter 2151. of the Revised Code to 14511
issue orders with respect to children who are alleged to be 14512
abused, neglected, or dependent children or to make dispositions 14513
of children who are adjudicated abused, neglected, or dependent 14514
children or of a common pleas court to issue orders pursuant to 14515
section 3113.31 of the Revised Code. 14516

(B)(1) In a divorce, dissolution of marriage, legal 14517
separation, annulment, or child support proceeding that involves a 14518
child, the court may grant reasonable companionship or visitation 14519
rights to any grandparent, any person related to the child by 14520
consanguinity or affinity, or any other person other than a 14521
parent, if all of the following apply: 14522

(a) The grandparent, relative, or other person files a motion 14523
with the court seeking companionship or visitation rights. 14524

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child. 14525
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(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child. 14527
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(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case. 14530
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(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or visitation schedule, determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or under section 3109.11 or 3109.12 of the Revised Code, and resolving any issues related to the making of any determination with respect to parenting time or 14536
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visitation rights or the establishment of any specific parenting 14557
time or visitation schedule, the court, in its discretion, may 14558
interview in chambers any or all involved children regarding their 14559
wishes and concerns. If the court interviews any child concerning 14560
the child's wishes and concerns regarding those parenting time or 14561
visitation matters, the interview shall be conducted in chambers, 14562
and no person other than the child, the child's attorney, the 14563
judge, any necessary court personnel, and, in the judge's 14564
discretion, the attorney of each parent shall be permitted to be 14565
present in the chambers during the interview. No person shall 14566
obtain or attempt to obtain from a child a written or recorded 14567
statement or affidavit setting forth the wishes and concerns of 14568
the child regarding those parenting time or visitation matters. A 14569
court, in considering the factors listed in division (D) of this 14570
section for purposes of determining whether to grant any parenting 14571
time or visitation rights, establishing a parenting time or 14572
visitation schedule, determining other parenting time matters 14573
under this section or section 3109.12 of the Revised Code or 14574
visitation matters under this section or under section 3109.11 or 14575
3109.12 of the Revised Code, or resolving any issues related to 14576
the making of any determination with respect to parenting time or 14577
visitation rights or the establishment of any specific parenting 14578
time or visitation schedule, shall not accept or consider a 14579
written or recorded statement or affidavit that purports to set 14580
forth the child's wishes or concerns regarding those parenting 14581
time or visitation matters. 14582

(D) In determining whether to grant parenting time to a 14583
parent pursuant to this section or section 3109.12 of the Revised 14584
Code or companionship or visitation rights to a grandparent, 14585
relative, or other person pursuant to this section or section 14586
3109.11 or 3109.12 of the Revised Code, in establishing a specific 14587
parenting time or visitation schedule, and in determining other 14588
parenting time matters under this section or section 3109.12 of 14589

the Revised Code or visitation matters under this section or 14590
section 3109.11 or 3109.12 of the Revised Code, the court shall 14591
consider all of the following factors: 14592

(1) The prior interaction and interrelationships of the child 14593
with the child's parents, siblings, and other persons related by 14594
consanguinity or affinity, and with the person who requested 14595
companionship or visitation if that person is not a parent, 14596
sibling, or relative of the child; 14597

(2) The geographical location of the residence of each parent 14598
and the distance between those residences, and if the person is 14599
not a parent, the geographical location of that person's residence 14600
and the distance between that person's residence and the child's 14601
residence; 14602

(3) The child's and parents' available time, including, but 14603
not limited to, each parent's employment schedule, the child's 14604
school schedule, and the child's and the parents' holiday and 14605
vacation schedule; 14606

(4) The age of the child; 14607

(5) The child's adjustment to home, school, and community; 14608

(6) If the court has interviewed the child in chambers, 14609
pursuant to division (C) of this section, regarding the wishes and 14610
concerns of the child as to parenting time by the parent who is 14611
not the residential parent or companionship or visitation by the 14612
grandparent, relative, or other person who requested companionship 14613
or visitation, as to a specific parenting time or visitation 14614
schedule, or as to other parenting time or visitation matters, the 14615
wishes and concerns of the child, as expressed to the court; 14616

(7) The health and safety of the child; 14617

(8) The amount of time that will be available for the child 14618
to spend with siblings; 14619

(9) The mental and physical health of all parties;	14620
(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;	14621 14622 14623 14624 14625
(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;	14626 14627 14628 14629 14630 14631 14632 14633 14634 14635
(12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent previously has been convicted of an 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 current proceeding	14636 14637 14638 14639 14640 14641 14642 14643 14644 14645 14646 14647 14648 14649 14650 14651

and caused physical harm to the victim in the commission of the 14652
offense; and whether there is reason to believe that the person 14653
has acted in a manner resulting in a child being an abused child 14654
or a neglected child; 14655

(13) Whether the residential parent or one of the parents 14656
subject to a shared parenting decree has continuously and 14657
willfully denied the other parent's right to parenting time in 14658
accordance with an order of the court; 14659

(14) Whether either parent has established a residence or is 14660
planning to establish a residence outside this state; 14661

(15) In relation to requested companionship or visitation by 14662
a person other than a parent, the wishes and concerns of the 14663
child's parents, as expressed by them to the court; 14664

(16) Any other factor in the best interest of the child. 14665

(E) The remarriage of a residential parent of a child does 14666
not affect the authority of a court under this section to grant 14667
parenting time rights with respect to the child to the parent who 14668
is not the residential parent or to grant reasonable companionship 14669
or visitation rights with respect to the child to any grandparent, 14670
any person related by consanguinity or affinity, or any other 14671
person. 14672

(F)(1) If the court, pursuant to division (A) of this 14673
section, denies parenting time to a parent who is not the 14674
residential parent or denies a motion for reasonable companionship 14675
or visitation rights filed under division (B) of this section and 14676
the parent or movant files a written request for findings of fact 14677
and conclusions of law, the court shall state in writing its 14678
findings of fact and conclusions of law in accordance with Civil 14679
Rule 52. 14680

(2) On or before July 1, 1991, each court of common pleas, by 14681
rule, shall adopt standard parenting time guidelines. A court 14682

shall have discretion to deviate from its standard parenting time 14683
guidelines based upon factors set forth in division (D) of this 14684
section. 14685

(G)(1) If the residential parent intends to move to a 14686
residence other than the residence specified in the parenting time 14687
order or decree of the court, the parent shall file a notice of 14688
intent to relocate with the court that issued the order or decree. 14689
Except as provided in divisions (G)(2), (3), and (4) of this 14690
section, the court shall send a copy of the notice to the parent 14691
who is not the residential parent. Upon receipt of the notice, the 14692
court, on its own motion or the motion of the parent who is not 14693
the residential parent, may schedule a hearing with notice to both 14694
parents to determine whether it is in the best interest of the 14695
child to revise the parenting time schedule for the child. 14696

(2) When a court grants parenting time rights to a parent who 14697
is not the residential parent, the court shall determine whether 14698
that parent has been convicted of or pleaded guilty to a violation 14699
of section 2919.25 of the Revised Code involving a victim who at 14700
the time of the commission of the offense was a member of the 14701
family or household that is the subject of the proceeding, has 14702
been convicted of or pleaded guilty to any other offense involving 14703
a victim who at the time of the commission of the offense was a 14704
member of the family or household that is the subject of the 14705
proceeding and caused physical harm to the victim in the 14706
commission of the offense, or has been determined to be the 14707
perpetrator of the abusive act that is the basis of an 14708
adjudication that a child is an abused child. If the court 14709
determines that that parent has not been so convicted and has not 14710
been determined to be the perpetrator of an abusive act that is 14711
the basis of a child abuse adjudication, the court shall issue an 14712
order stating that a copy of any notice of relocation that is 14713
filed with the court pursuant to division (G)(1) of this section 14714

will be sent to the parent who is given the parenting time rights 14715
in accordance with division (G)(1) of this section. 14716

If the court determines that the parent who is granted the 14717
parenting time rights has been convicted of or pleaded guilty to a 14718
violation of section 2919.25 of the Revised Code involving a 14719
victim who at the time of the commission of the offense was a 14720
member of the family or household that is the subject of the 14721
proceeding, has been convicted of or pleaded guilty to any other 14722
offense involving a victim who at the time of the commission of 14723
the offense was a member of the family or household that is the 14724
subject of the proceeding and caused physical harm to the victim 14725
in the commission of the offense, or has been determined to be the 14726
perpetrator of the abusive act that is the basis of an 14727
adjudication that a child is an abused child, it shall issue an 14728
order stating that that parent will not be given a copy of any 14729
notice of relocation that is filed with the court pursuant to 14730
division (G)(1) of this section unless the court determines that 14731
it is in the best interest of the children to give that parent a 14732
copy of the notice of relocation, issues an order stating that 14733
that parent will be given a copy of any notice of relocation filed 14734
pursuant to division (G)(1) of this section, and issues specific 14735
written findings of fact in support of its determination. 14736

(3) If a court, prior to April 11, 1991, issued an order 14737
granting parenting time rights to a parent who is not the 14738
residential parent and did not require the residential parent in 14739
that order to give the parent who is granted the parenting time 14740
rights notice of any change of address and if the residential 14741
parent files a notice of relocation pursuant to division (G)(1) of 14742
this section, the court shall determine if the parent who is 14743
granted the parenting time rights has been convicted of or pleaded 14744
guilty to a violation of section 2919.25 of the Revised Code 14745
involving a victim who at the time of the commission of the 14746

offense was a member of the family or household that is the 14747
subject of the proceeding, has been convicted of or pleaded guilty 14748
to any other offense involving a victim who at the time of the 14749
commission of the offense was a member of the family or household 14750
that is the subject of the proceeding and caused physical harm to 14751
the victim in the commission of the offense, or has been 14752
determined to be the perpetrator of the abusive act that is the 14753
basis of an adjudication that a child is an abused child. If the 14754
court determines that the parent who is granted the parenting time 14755
rights has not been so convicted and has not been determined to be 14756
the perpetrator of an abusive act that is the basis of a child 14757
abuse adjudication, the court shall issue an order stating that a 14758
copy of any notice of relocation that is filed with the court 14759
pursuant to division (G)(1) of this section will be sent to the 14760
parent who is granted parenting time rights in accordance with 14761
division (G)(1) of this section. 14762

If the court determines that the parent who is granted the 14763
parenting time rights has been convicted of or pleaded guilty to a 14764
violation of section 2919.25 of the Revised Code involving a 14765
victim who at the time of the commission of the offense was a 14766
member of the family or household that is the subject of the 14767
proceeding, has been convicted of or pleaded guilty to any other 14768
offense involving a victim who at the time of the commission of 14769
the offense was a member of the family or household that is the 14770
subject of the proceeding and caused physical harm to the victim 14771
in the commission of the offense, or has been determined to be the 14772
perpetrator of the abusive act that is the basis of an 14773
adjudication that a child is an abused child, it shall issue an 14774
order stating that that parent will not be given a copy of any 14775
notice of relocation that is filed with the court pursuant to 14776
division (G)(1) of this section unless the court determines that 14777
it is in the best interest of the children to give that parent a 14778
copy of the notice of relocation, issues an order stating that 14779

that parent will be given a copy of any notice of relocation filed 14780
pursuant to division (G)(1) of this section, and issues specific 14781
written findings of fact in support of its determination. 14782

(4) If a parent who is granted parenting time rights pursuant 14783
to this section or any other section of the Revised Code is 14784
authorized by an order issued pursuant to this section or any 14785
other court order to receive a copy of any notice of relocation 14786
that is filed pursuant to division (G)(1) of this section or 14787
pursuant to court order, if the residential parent intends to move 14788
to a residence other than the residence address specified in the 14789
parenting time order, and if the residential parent does not want 14790
the parent who is granted the parenting time rights to receive a 14791
copy of the relocation notice because the parent with parenting 14792
time rights has been convicted of or pleaded guilty to a violation 14793
of section 2919.25 of the Revised Code involving a victim who at 14794
the time of the commission of the offense was a member of the 14795
family or household that is the subject of the proceeding, has 14796
been convicted of or pleaded guilty to any other offense involving 14797
a victim who at the time of the commission of the offense was a 14798
member of the family or household that is the subject of the 14799
proceeding and caused physical harm to the victim in the 14800
commission of the offense, or has been determined to be the 14801
perpetrator of the abusive act that is the basis of an 14802
adjudication that a child is an abused child, the residential 14803
parent may file a motion with the court requesting that the parent 14804
who is granted the parenting time rights not receive a copy of any 14805
notice of relocation. Upon the filing of the motion, the court 14806
shall schedule a hearing on the motion and give both parents 14807
notice of the date, time, and location of the hearing. If the 14808
court determines that the parent who is granted the parenting time 14809
rights has been so convicted or has been determined to be the 14810
perpetrator of an abusive act that is the basis of a child abuse 14811
adjudication, the court shall issue an order stating that the 14812

parent who is granted the parenting time rights will not be given 14813
a copy of any notice of relocation that is filed with the court 14814
pursuant to division (G)(1) of this section or that the 14815
residential parent is no longer required to give that parent a 14816
copy of any notice of relocation unless the court determines that 14817
it is in the best interest of the children to give that parent a 14818
copy of the notice of relocation, issues an order stating that 14819
that parent will be given a copy of any notice of relocation filed 14820
pursuant to division (G)(1) of this section, and issues specific 14821
written findings of fact in support of its determination. If it 14822
does not so find, it shall dismiss the motion. 14823

(H)(1) Subject to section 3125.16 and division (F) of section 14824
3319.321 of the Revised Code, a parent of a child who is not the 14825
residential parent of the child is entitled to access, under the 14826
same terms and conditions under which access is provided to the 14827
residential parent, to any record that is related to the child and 14828
to which the residential parent of the child legally is provided 14829
access, unless the court determines that it would not be in the 14830
best interest of the child for the parent who is not the 14831
residential parent to have access to the records under those same 14832
terms and conditions. If the court determines that the parent of a 14833
child who is not the residential parent should not have access to 14834
records related to the child under the same terms and conditions 14835
as provided for the residential parent, the court shall specify 14836
the terms and conditions under which the parent who is not the 14837
residential parent is to have access to those records, shall enter 14838
its written findings of facts and opinion in the journal, and 14839
shall issue an order containing the terms and conditions to both 14840
the residential parent and the parent of the child who is not the 14841
residential parent. The court shall include in every order issued 14842
pursuant to this division notice that any keeper of a record who 14843
knowingly fails to comply with the order or division (H) of this 14844
section is in contempt of court. 14845

(2) Subject to section 3125.16 and division (F) of section 14846
3319.321 of the Revised Code, subsequent to the issuance of an 14847
order under division (H)(1) of this section, the keeper of any 14848
record that is related to a particular child and to which the 14849
residential parent legally is provided access shall permit the 14850
parent of the child who is not the residential parent to have 14851
access to the record under the same terms and conditions under 14852
which access is provided to the residential parent, unless the 14853
residential parent has presented the keeper of the record with a 14854
copy of an order issued under division (H)(1) of this section that 14855
limits the terms and conditions under which the parent who is not 14856
the residential parent is to have access to records pertaining to 14857
the child and the order pertains to the record in question. If the 14858
residential parent presents the keeper of the record with a copy 14859
of that type of order, the keeper of the record shall permit the 14860
parent who is not the residential parent to have access to the 14861
record only in accordance with the most recent order that has been 14862
issued pursuant to division (H)(1) of this section and presented 14863
to the keeper by the residential parent or the parent who is not 14864
the residential parent. Any keeper of any record who knowingly 14865
fails to comply with division (H) of this section or with any 14866
order issued pursuant to division (H)(1) of this section is in 14867
contempt of court. 14868

(3) The prosecuting attorney of any county may file a 14869
complaint with the court of common pleas of that county requesting 14870
the court to issue a protective order preventing the disclosure 14871
pursuant to division (H)(1) or (2) of this section of any 14872
confidential law enforcement investigatory record. The court shall 14873
schedule a hearing on the motion and give notice of the date, 14874
time, and location of the hearing to all parties. 14875

(I) A court that issues a parenting time order or decree 14876
pursuant to this section or section 3109.12 of the Revised Code 14877

shall determine whether the parent granted the right of parenting 14878
time is to be permitted access, in accordance with section 14879
~~5104.011~~ 5104.039 of the Revised Code, to any child day-care 14880
center that is, or that in the future may be, attended by the 14881
children with whom the right of parenting time is granted. Unless 14882
the court determines that the parent who is not the residential 14883
parent should not have access to the center to the same extent 14884
that the residential parent is granted access to the center, the 14885
parent who is not the residential parent and who is granted 14886
parenting time rights is entitled to access to the center to the 14887
same extent that the residential parent is granted access to the 14888
center. If the court determines that the parent who is not the 14889
residential parent should not have access to the center to the 14890
same extent that the residential parent is granted such access 14891
under ~~division (C)~~ of section ~~5104.011~~ 5104.039 of the Revised 14892
Code, the court shall specify the terms and conditions under which 14893
the parent who is not the residential parent is to have access to 14894
the center, provided that the access shall not be greater than the 14895
access that is provided to the residential parent under ~~division~~ 14896
~~(C)~~ of section ~~5104.011~~ 5104.039 of the Revised Code, the court 14897
shall enter its written findings of fact and opinions in the 14898
journal, and the court shall include the terms and conditions of 14899
access in the parenting time order or decree. 14900

(J)(1) Subject to division (F) of section 3319.321 of the 14901
Revised Code, when a court issues an order or decree allocating 14902
parental rights and responsibilities for the care of a child, the 14903
parent of the child who is not the residential parent of the child 14904
is entitled to access, under the same terms and conditions under 14905
which access is provided to the residential parent, to any student 14906
activity that is related to the child and to which the residential 14907
parent of the child legally is provided access, unless the court 14908
determines that it would not be in the best interest of the child 14909
to grant the parent who is not the residential parent access to 14910

the student activities under those same terms and conditions. If 14911
the court determines that the parent of the child who is not the 14912
residential parent should not have access to any student activity 14913
that is related to the child under the same terms and conditions 14914
as provided for the residential parent, the court shall specify 14915
the terms and conditions under which the parent who is not the 14916
residential parent is to have access to those student activities, 14917
shall enter its written findings of facts and opinion in the 14918
journal, and shall issue an order containing the terms and 14919
conditions to both the residential parent and the parent of the 14920
child who is not the residential parent. The court shall include 14921
in every order issued pursuant to this division notice that any 14922
school official or employee who knowingly fails to comply with the 14923
order or division (J) of this section is in contempt of court. 14924

(2) Subject to division (F) of section 3319.321 of the 14925
Revised Code, subsequent to the issuance of an order under 14926
division (J)(1) of this section, all school officials and 14927
employees shall permit the parent of the child who is not the 14928
residential parent to have access to any student activity under 14929
the same terms and conditions under which access is provided to 14930
the residential parent of the child, unless the residential parent 14931
has presented the school official or employee, the board of 14932
education of the school, or the governing body of the chartered 14933
nonpublic school with a copy of an order issued under division 14934
(J)(1) of this section that limits the terms and conditions under 14935
which the parent who is not the residential parent is to have 14936
access to student activities related to the child and the order 14937
pertains to the student activity in question. If the residential 14938
parent presents the school official or employee, the board of 14939
education of the school, or the governing body of the chartered 14940
nonpublic school with a copy of that type of order, the school 14941
official or employee shall permit the parent who is not the 14942
residential parent to have access to the student activity only in 14943

accordance with the most recent order that has been issued 14944
pursuant to division (J)(1) of this section and presented to the 14945
school official or employee, the board of education of the school, 14946
or the governing body of the chartered nonpublic school by the 14947
residential parent or the parent who is not the residential 14948
parent. Any school official or employee who knowingly fails to 14949
comply with division (J) of this section or with any order issued 14950
pursuant to division (J)(1) of this section is in contempt of 14951
court. 14952

(K) If any person is found in contempt of court for failing 14953
to comply with or interfering with any order or decree granting 14954
parenting time rights issued pursuant to this section or section 14955
3109.12 of the Revised Code or companionship or visitation rights 14956
issued pursuant to this section, section 3109.11 or 3109.12 of the 14957
Revised Code, or any other provision of the Revised Code, the 14958
court that makes the finding, in addition to any other penalty or 14959
remedy imposed, shall assess all court costs arising out of the 14960
contempt proceeding against the person and require the person to 14961
pay any reasonable attorney's fees of any adverse party, as 14962
determined by the court, that arose in relation to the act of 14963
contempt, and may award reasonable compensatory parenting time or 14964
visitation to the person whose right of parenting time or 14965
visitation was affected by the failure or interference if such 14966
compensatory parenting time or visitation is in the best interest 14967
of the child. Any compensatory parenting time or visitation 14968
awarded under this division shall be included in an order issued 14969
by the court and, to the extent possible, shall be governed by the 14970
same terms and conditions as was the parenting time or visitation 14971
that was affected by the failure or interference. 14972

(L) Any parent who requests reasonable parenting time rights 14973
with respect to a child under this section or section 3109.12 of 14974
the Revised Code or any person who requests reasonable 14975

companionship or visitation rights with respect to a child under 14976
this section, section 3109.11 or 3109.12 of the Revised Code, or 14977
any other provision of the Revised Code may file a motion with the 14978
court requesting that it waive all or any part of the costs that 14979
may accrue in the proceedings. If the court determines that the 14980
movant is indigent and that the waiver is in the best interest of 14981
the child, the court, in its discretion, may waive payment of all 14982
or any part of the costs of those proceedings. 14983

(M)(1) A parent who receives an order for active military 14984
service in the uniformed services and who is subject to a 14985
parenting time order may apply to the court for any of the 14986
following temporary orders for the period extending from the date 14987
of the parent's departure to the date of return: 14988

(a) An order delegating all or part of the parent's parenting 14989
time with the child to a relative or to another person who has a 14990
close and substantial relationship with the child if the 14991
delegation is in the child's best interest; 14992

(b) An order that the other parent make the child reasonably 14993
available for parenting time with the parent when the parent is on 14994
leave from active military service; 14995

(c) An order that the other parent facilitate contact, 14996
including telephone and electronic contact, between the parent and 14997
child while the parent is on active military service. 14998

(2)(a) Upon receipt of an order for active military service, 14999
a parent who is subject to a parenting time order and seeks an 15000
order under division (M)(1) of this section shall notify the other 15001
parent who is subject to the parenting time order and apply to the 15002
court as soon as reasonably possible after receipt of the order 15003
for active military service. The application shall include the 15004
date on which the active military service begins. 15005

(b) The court shall schedule a hearing upon receipt of an 15006

application under division (M) of this section and hold the hearing not later than thirty days after its receipt, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case. No hearing shall be required if both parents agree to the terms of the requested temporary order and the court determines that the order is in the child's best interest.

(c) In determining whether a delegation under division (M)(1)(a) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in division (D) of this section.

(d) An order delegating all or part of the parent's parenting time pursuant to division (M)(1)(a) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order.

(3) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio.

(N) The juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court.

(O) As used in this section:

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.

(2) "Active military service" and "uniformed services" have

the same meanings as in section 3109.04 of the Revised Code. 15038

(3) "Confidential law enforcement investigatory record" has 15039
the same meaning as in section 149.43 of the Revised Code. 15040

(4) "Parenting time order" means an order establishing the 15041
amount of time that a child spends with the parent who is not the 15042
residential parent or the amount of time that the child is to be 15043
physically located with a parent under a shared parenting order. 15044

(5) "Record" means any record, document, file, or other 15045
material that contains information directly related to a child, 15046
including, but not limited to, any of the following: 15047

(a) Records maintained by public and nonpublic schools; 15048

(b) Records maintained by facilities that provide child care, 15049
as defined in section 5104.01 of the Revised Code, publicly funded 15050
child care, as defined in section 5104.01 of the Revised Code, or 15051
pre-school services operated by or under the supervision of a 15052
school district board of education or a nonpublic school; 15053

(c) Records maintained by hospitals, other facilities, or 15054
persons providing medical or surgical care or treatment for the 15055
child; 15056

(d) Records maintained by agencies, departments, 15057
instrumentalities, or other entities of the state or any political 15058
subdivision of the state, other than a child support enforcement 15059
agency. Access to records maintained by a child support 15060
enforcement agency is governed by section 3125.16 of the Revised 15061
Code. 15062

Sec. 3701.63. (A) As used in this section and section 3701.64 15063
of the Revised Code: 15064

(1) "Child day-care center," "type A family day-care home," 15065
and "~~certified~~ licensed type B family day-care home" have the same 15066
meanings as in section 5104.01 of the Revised Code. 15067

(2) "Child care facility" means a child day-care center, a type A family day-care home, or a ~~certified~~ licensed type B family day-care home.

(3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code.

(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.

(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;	15098
(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.	15099 15100 15101
(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.	15102 15103 15104 15105
Sec. 3737.22. (A) The fire marshal shall do all of the following:	15106 15107
(1) Adopt the state fire code under sections 3737.82 to 3737.86 of the Revised Code;	15108 15109
(2) Enforce the state fire code;	15110
(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;	15111 15112
(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;	15113 15114 15115 15116
(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	15117 15118 15119 15120 15121
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	15122 15123
(7) Engage in public education and informational activities which will inform the public of fire safety information;	15124 15125
(8) Operate a fire training academy and forensic laboratory;	15126

(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	15127 15128 15129
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	15130 15131
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	15132 15133 15134 15135 15136
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	15137 15138
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	15139 15140 15141 15142 15143 15144
(14) Administer and enforce Chapter 3743. of the Revised Code;	15145 15146
(15) Develop a uniform standard for the reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed.	15147 15148 15149 15150
(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce,	15151 15152 15153 15154 15155 15156 15157

shall temporarily assume the duties of the fire marshal when the 15158
fire marshal is absent or temporarily unable to carry out the 15159
duties of the office. When there is a vacancy in the office of 15160
fire marshal, the chief deputy, with the approval of the director 15161
of commerce, shall temporarily assume the duties of the fire 15162
marshal until a new fire marshal is appointed under section 15163
3737.21 of the Revised Code. 15164

All employees, other than the fire marshal; the chief deputy 15165
fire marshal; the superintendent of the Ohio fire academy; the 15166
grants administrator; the fiscal officer; the executive secretary 15167
to the fire marshal; legal counsel; the pyrotechnics 15168
administrator, the chief of the forensic laboratory; the person 15169
appointed by the fire marshal to serve as administrator over 15170
functions concerning testing, license examinations, and the 15171
issuance of permits and certificates; and the chiefs of the 15172
bureaus of fire prevention, of fire and explosion investigation, 15173
of code enforcement, and of underground storage tanks shall be in 15174
the classified civil service. The fire marshal shall authorize the 15175
chief deputy and other employees under the fire marshal's 15176
supervision to exercise powers granted to the fire marshal by law 15177
as may be necessary to carry out the duties of the fire marshal's 15178
office. 15179

(C) The fire marshal shall create, in and as a part of the 15180
office of fire marshal, a fire and explosion investigation bureau 15181
consisting of a chief of the bureau and additional assistant fire 15182
marshals as the fire marshal determines necessary for the 15183
efficient administration of the bureau. The chief shall be 15184
experienced in the investigation of the cause, origin, and 15185
circumstances of fires, and in administration, including the 15186
supervision of subordinates. The chief, among other duties 15187
delegated to the chief by the fire marshal, shall be responsible, 15188
under the direction of the fire marshal, for the investigation of 15189

the cause, origin, and circumstances of fires and explosions in 15190
the state, and for assistance in the prosecution of persons 15191
believed to be guilty of arson or a similar crime. 15192

(D)(1) The fire marshal shall create, as part of the office 15193
of fire marshal, a bureau of code enforcement consisting of a 15194
chief of the bureau and additional assistant fire marshals as the 15195
fire marshal determines necessary for the efficient administration 15196
of the bureau. The chief shall be qualified, by education or 15197
experience, in fire inspection, fire code development, fire code 15198
enforcement, or any other similar field determined by the fire 15199
marshal, and in administration, including the supervision of 15200
subordinates. The chief is responsible, under the direction of the 15201
fire marshal, for fire inspection, fire code development, fire 15202
code enforcement, and any other duties delegated to the chief by 15203
the fire marshal. 15204

(2) The fire marshal, the chief deputy fire marshal, the 15205
chief of the bureau of code enforcement, or any assistant fire 15206
marshal under the direction of the fire marshal, the chief deputy 15207
fire marshal, or the chief of the bureau of code enforcement may 15208
cause to be conducted the inspection of all buildings, structures, 15209
and other places, the condition of which may be dangerous from a 15210
fire safety standpoint to life or property, or to property 15211
adjacent to the buildings, structures, or other places. 15212

(E) The fire marshal shall create, as a part of the office of 15213
fire marshal, a bureau of fire prevention consisting of a chief of 15214
the bureau and additional assistant fire marshals as the fire 15215
marshal determines necessary for the efficient administration of 15216
the bureau. The chief shall be qualified, by education or 15217
experience, to promote programs for rural and urban fire 15218
prevention and protection. The chief, among other duties delegated 15219
to the chief by the fire marshal, is responsible, under the 15220
direction of the fire marshal, for the promotion of rural and 15221

urban fire prevention and protection through public information 15222
and education programs. 15223

(F) The fire marshal shall cooperate with the director of job 15224
and family services when the director adopts rules under section 15225
5104.052 of the Revised Code regarding fire prevention and fire 15226
safety in ~~certified~~ licensed type B family day-care homes, as 15227
defined in section 5104.01 of the Revised Code, recommend 15228
procedures for inspecting type B homes to determine whether they 15229
are in compliance with those rules, and provide training and 15230
technical assistance to the director and county directors of job 15231
and family services on the procedures for determining compliance 15232
with those rules. 15233

(G) The fire marshal, upon request of a provider of child 15234
care in a type B home that is not ~~certified~~ licensed by the ~~county~~ 15235
director of job and family services, as a precondition of approval 15236
by the state board of education under section 3313.813 of the 15237
Revised Code for receipt of United States department of 15238
agriculture child and adult care food program funds established 15239
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 15240
U.S.C. 1751, as amended, shall inspect the type B home to 15241
determine compliance with rules adopted under section 5104.052 of 15242
the Revised Code regarding fire prevention and fire safety in 15243
~~certified~~ licensed type B homes. In municipal corporations and in 15244
townships where there is a certified fire safety inspector, the 15245
inspections shall be made by that inspector under the supervision 15246
of the fire marshal, according to rules adopted under section 15247
5104.052 of the Revised Code. In townships outside municipal 15248
corporations where there is no certified fire safety inspector, 15249
inspections shall be made by the fire marshal. 15250

Sec. 3742.01. As used in this chapter: 15251

(A) "Board of health" means the board of health of a city or 15252

general health district or the authority having the duties of a 15253
board of health under section 3709.05 of the Revised Code. 15254

(B) "Child care facility" means each area of any of the 15255
following in which child care, as defined in section 5104.01 of 15256
the Revised Code, is provided to children under six years of age: 15257

(1) A child day-care center, type A family day-care home, or 15258
type B family day-care home as defined in section 5104.01 of the 15259
Revised Code; 15260

~~(2) A type C family day care home authorized to provide child 15261
care by Sub. H.B. 62 of the 121st general assembly, as amended by 15262
Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 15263
of the 123rd general assembly; 15264~~

~~(3) A preschool program or school child program as defined in 15265
section 3301.52 of the Revised Code. 15266~~

(C) "Clearance examination" means an examination to determine 15267
whether the lead hazards in a residential unit, child care 15268
facility, or school have been sufficiently controlled. A clearance 15269
examination includes a visual assessment, collection, and analysis 15270
of environmental samples. 15271

(D) "Clearance technician" means a person, other than a 15272
licensed lead inspector or licensed lead risk assessor, who 15273
performs a clearance examination. 15274

(E) "Clinical laboratory" means a facility for the 15275
biological, microbiological, serological, chemical, 15276
immuno-hematological, hematological, biophysical, cytological, 15277
pathological, or other examination of substances derived from the 15278
human body for the purpose of providing information for the 15279
diagnosis, prevention, or treatment of any disease, or in the 15280
assessment or impairment of the health of human beings. "Clinical 15281
laboratory" does not include a facility that only collects or 15282
prepares specimens, or serves as a mailing service, and does not 15283

perform testing. 15284

(F) "Encapsulation" means the coating and sealing of surfaces 15285
with durable surface coating specifically formulated to be 15286
elastic, able to withstand sharp and blunt impacts, long-lasting, 15287
and resilient, while also resistant to cracking, peeling, algae, 15288
fungus, and ultraviolet light, so as to prevent any part of 15289
lead-containing paint from becoming part of house dust or 15290
otherwise accessible to children. 15291

(G) "Enclosure" means the resurfacing or covering of surfaces 15292
with durable materials such as wallboard or paneling, and the 15293
sealing or caulking of edges and joints, so as to prevent or 15294
control chalking, flaking, peeling, scaling, or loose 15295
lead-containing substances from becoming part of house dust or 15296
otherwise accessible to children. 15297

(H) "Environmental lead analytical laboratory" means a 15298
facility that analyzes air, dust, soil, water, paint, film, or 15299
other substances, other than substances derived from the human 15300
body, for the presence and concentration of lead. 15301

(I) "HEPA" means the designation given to a product, device, 15302
or system that has been equipped with a high-efficiency 15303
particulate air filter, which is a filter capable of removing 15304
particles of 0.3 microns or larger from air at 99.97 per cent or 15305
greater efficiency. 15306

(J) "Interim controls" means a set of measures designed to 15307
reduce temporarily human exposure or likely human exposure to lead 15308
hazards. Interim controls include specialized cleaning, repairs, 15309
painting, temporary containment, ongoing lead hazard maintenance 15310
activities, and the establishment and operation of management and 15311
resident education programs. 15312

(K)(1) "Lead abatement" means a measure or set of measures 15313
designed for the single purpose of permanently eliminating lead 15314

hazards. "Lead abatement" includes all of the following:	15315
(a) Removal of lead-based paint and lead-contaminated dust;	15316
(b) Permanent enclosure or encapsulation of lead-based paint;	15317
(c) Replacement of surfaces or fixtures painted with lead-based paint;	15318 15319
(d) Removal or permanent covering of lead-contaminated soil;	15320
(e) Preparation, cleanup, and disposal activities associated with lead abatement.	15321 15322
(2) "Lead abatement" does not include any of the following:	15323
(a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;	15324 15325
(b) Implementation of interim controls;	15326
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	15327 15328
(i) It is a freestanding single-family home used as the property owner's private residence.	15329 15330
(ii) No child under six years of age who has lead poisoning resides in the unit.	15331 15332
(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.	15333 15334 15335 15336 15337
(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.	15338 15339 15340
(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.	15341 15342 15343

(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.

(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.

(Q) "Lead-contaminated dust" means dust that contains an area or mass concentration of 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.

(R) "Lead-contaminated soil" means soil that contains 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.

(S) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the public health council in rules adopted under section 3742.50 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(T) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the public health council in rules adopted by the council under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(U) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead

inspection, or prepares a report explaining the results of a lead inspection. 15375
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(V) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.50 of the Revised Code. 15377
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(W) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate. 15380
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(X) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections and risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report. 15389
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(Y) "Lead-safe renovation" means the supervision or performance of services for the general improvement of all or part of an existing structure, including a residential unit, child care facility, or school, when the services are supervised or performed by a lead-safe renovator. 15396
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(Z) "Lead-safe renovator" means a person who has successfully completed a training program in lead-safe renovation approved under section 3742.47 of the Revised Code. 15401
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(AA) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential 15404
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unit, child care facility, or school. 15406

(BB) "Permanent" means an expected design life of at least 15407
twenty years. 15408

(CC) "Replacement" means an activity that entails removing 15409
components such as windows, doors, and trim that have lead hazards 15410
on their surfaces and installing components free of lead hazards. 15411

(DD) "Residential unit" means a dwelling or any part of a 15412
building being used as an individual's private residence. 15413

(EE) "School" means a public or nonpublic school in which 15414
children under six years of age receive education. 15415

Sec. 3797.06. (A) As used in this section, "specified 15416
geographical notification area" means the geographic area or areas 15417
within which the attorney general requires by rule adopted under 15418
section 3797.08 of the Revised Code the notice described in 15419
division (B) of this section to be given to the persons identified 15420
in divisions (A)(1) to (9) of this section. If a court enters a 15421
declaratory judgment against a registrant under section 2721.21 of 15422
the Revised Code, the sheriff with whom the registrant has most 15423
recently registered under section 3797.02 or 3797.03 of the 15424
Revised Code and the sheriff to whom the registrant most recently 15425
sent a notice of intent to reside under section 3797.03 of the 15426
Revised Code shall provide within the period of time specified in 15427
division (C) of this section a written notice containing the 15428
information set forth in division (B) of this section to all of 15429
the persons described in divisions (A)(1) to (9) of this section. 15430
If the sheriff has sent a notice to the persons described in those 15431
divisions as a result of receiving a notice of intent to reside 15432
and if the registrant registers a residence address that is the 15433
same residence address described in the notice of intent to 15434
reside, the sheriff is not required to send an additional notice 15435
when the registrant registers. The sheriff shall provide the 15436

notice to all of the following persons: 15437

(1)(a) Any occupant of each residential unit that is located 15438
within one thousand feet of the registrant's residential premises, 15439
that is located within the county served by the sheriff, and that 15440
is not located in a multi-unit building. Division (D)(3) of this 15441
section applies regarding notices required under this division. 15442

(b) If the registrant resides in a multi-unit building, any 15443
occupant of each residential unit that is located in that 15444
multi-unit building and that shares a common hallway with the 15445
registrant. For purposes of this division, an occupant's unit 15446
shares a common hallway with the registrant if the entrance door 15447
into the occupant's unit is located on the same floor and opens 15448
into the same hallway as the entrance door to the unit the 15449
registrant occupies. Division (D)(3) of this section applies 15450
regarding notices required under this division. 15451

(c) The building manager, or the person the building owner or 15452
condominium unit owners association authorizes to exercise 15453
management and control, of each multi-unit building that is 15454
located within one thousand feet of the registrant's residential 15455
premises, including a multi-unit building in which the registrant 15456
resides, and that is located within the county served by the 15457
sheriff. In addition to notifying the building manager or the 15458
person authorized to exercise management and control in the 15459
multi-unit building under this division, the sheriff shall post a 15460
copy of the notice prominently in each common entryway in the 15461
building and any other location in the building the sheriff 15462
determines appropriate. The manager or person exercising 15463
management and control of the building shall permit the sheriff to 15464
post copies of the notice under this division as the sheriff 15465
determines appropriate. In lieu of posting copies of the notice as 15466
described in this division, a sheriff may provide notice to all 15467

occupants of the multi-unit building by mail or personal contact. 15468
If the sheriff so notifies all the occupants, the sheriff is not 15469
required to post copies of the notice in the common entryways to 15470
the building. Division (D)(3) of this section applies regarding 15471
notices required under this division. 15472

(d) All additional persons who are within any category of 15473
neighbors of the registrant that the attorney general by rule 15474
adopted under section 3797.08 of the Revised Code requires to be 15475
provided the notice and who reside within the county served by the 15476
sheriff. 15477

(2) The executive director of the public children services 15478
agency that has jurisdiction within the specified geographical 15479
notification area and that is located within the county served by 15480
the sheriff; 15481

(3) The superintendent of each board of education of a school 15482
district that has schools within the specified geographical 15483
notification area and that is located within the county served by 15484
the sheriff; 15485

(4) The appointing or hiring officer of each nonpublic school 15486
located within the specified geographical notification area and 15487
within the county served by the sheriff or of each other school 15488
located within the specified geographical notification area and 15489
within the county served by the sheriff and that is not operated 15490
by a board of education described in division (A)(3) of this 15491
section; 15492

(5) The director, head teacher, elementary principal, or site 15493
administrator of each preschool program governed by Chapter 3301. 15494
of the Revised Code that is located within the specified 15495
geographical notification area and within the county served by the 15496
sheriff; 15497

(6) The administrator of each child day-care center or type A 15498

family day-care home that is located within the specified 15499
geographical notification area and within the county served by the 15500
sheriff, and ~~the provider of each certified~~ holder of a license to 15501
operate a type B family day-care home that is located within the 15502
specified geographical notification area and within the county 15503
served by the sheriff. As used in this division, "child day-care 15504
center," "type A family day-care home," and "~~certified~~ type B 15505
family day-care home" have the same meanings as in section 5104.01 15506
of the Revised Code. 15507

(7) The president or other chief administrative officer of 15508
each institution of higher education, as defined in section 15509
2907.03 of the Revised Code, that is located within the specified 15510
geographical notification area and within the county served by the 15511
sheriff and the chief law enforcement officer of any state 15512
university law enforcement agency or campus police department 15513
established under section 3345.04 or 1713.50 of the Revised Code 15514
that serves that institution; 15515

(8) The sheriff of each county that includes any portion of 15516
the specified geographical notification area; 15517

(9) If the registrant resides within the county served by the 15518
sheriff, the chief of police, marshal, or other chief law 15519
enforcement officer of the municipal corporation in which the 15520
registrant resides or, if the registrant resides in an 15521
unincorporated area, the constable or chief of the police 15522
department or police district police force of the township in 15523
which the registrant resides. 15524

(B) The notice required under division (A) of this section 15525
shall include the registrant's name, residence or employment 15526
address, as applicable, and a statement that the registrant has 15527
been found liable for childhood sexual abuse in a civil action and 15528
is listed on the civil registry established by the attorney 15529
general pursuant to section 3797.08 of the Revised Code. 15530

(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 divisions (A)(1) to (7) and (A)(9) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding a registrant shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but not later than five days after the registrant sends the notice of intent to reside to the sheriff, and again not later than five days after the registrant registers with the sheriff or, if the sheriff is required by division (C) to provide the notices, not later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding a registrant shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) of this section as soon as practicable, but not later than seven days after the registrant registers with the sheriff, or, if the sheriff is required by division (C) to provide the notices, not later than five days after the sheriff is

provided the notice described in division (A)(8) of this section. 15563

(2) If a registrant in relation to whom division (A) of this 15564
section applies verifies the registrant's current residence 15565
address with a sheriff pursuant to section 3797.04 of the Revised 15566
Code, the sheriff may provide a written notice containing the 15567
information set forth in division (B) of this section to the 15568
persons identified in divisions (A)(1) to (9) of this section. If 15569
a sheriff provides a notice pursuant to this division to the 15570
sheriff of one or more other counties in accordance with division 15571
(A)(8) of this section, the sheriff of each of the other counties 15572
who is provided the notice under division (A)(8) of this section 15573
may provide, but is not required to provide, a written notice 15574
containing the information set forth in division (B) of this 15575
section to the persons identified in divisions (A)(1) to (7) and 15576
(A)(9) of this section. 15577

(3) A sheriff may provide notice under division (A)(1)(a) or 15578
(b) of this section, and may provide notice under division 15579
(A)(1)(c) of this section to a building manager or person 15580
authorized to exercise management and control of a building, by 15581
mail, by personal contact, or by leaving the notice at or under 15582
the entry door to a residential unit. For purposes of divisions 15583
(A)(1)(a) and (b) of this section and of the portion of division 15584
(A)(1)(c) of this section relating to the provision of notice to 15585
occupants of a multi-unit building by mail or personal contact, 15586
the provision of one written notice per unit is deemed providing 15587
notice to all occupants of that unit. 15588

(E) All information that a sheriff possesses regarding a 15589
registrant that is described in division (B) of this section and 15590
that must be provided in a notice required under division (A) or 15591
(C) of this section or that may be provided in a notice authorized 15592
under division (D)(2) of this section is a public record that is 15593
open to inspection under section 149.43 of the Revised Code. 15594

(F) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding a registrant may request the department of job and family services, department of education, or Ohio board of regents, by telephone, in registrant, or by mail, to provide the sheriff 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 with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(G)(1) Upon the motion of the registrant or the judge that entered a declaratory judgment pursuant to section 2721.21 of the Revised Code or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the registrant. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard. If, at the conclusion of the hearing, the judge finds that the registrant has proven by clear and convincing evidence that the registrant is unlikely to commit childhood sexual abuse in the future and that suspending the community notification requirement is in the interests of justice, the judge may issue an order suspending the application of this section in relation to the registrant. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the registrant most recently registered a residence address and the sheriff with whom the registrant most recently registered an employment address under section 3797.02 of

the Revised Code.	15627
An order suspending the community notification requirement	15628
does not suspend or otherwise alter a registrant's duties to	15629
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised	15630
Code.	15631
(2) A registrant has the right to appeal an order denying a	15632
motion made under division (G)(1) of this section.	15633
Sec. 4511.81. (A) When any child who is in either or both of	15634
the following categories is being transported in a motor vehicle,	15635
other than a taxicab or public safety vehicle as defined in	15636
section 4511.01 of the Revised Code, that is required by the	15637
United States department of transportation to be equipped with	15638
seat belts at the time of manufacture or assembly, the operator of	15639
the motor vehicle shall have the child properly secured in	15640
accordance with the manufacturer's instructions in a child	15641
restraint system that meets federal motor vehicle safety	15642
standards:	15643
(1) A child who is less than four years of age;	15644
(2) A child who weighs less than forty pounds.	15645
(B) When any child who is in either or both of the following	15646
categories is being transported in a motor vehicle, other than a	15647
taxicab, that is owned, leased, or otherwise under the control of	15648
a nursery school or day-care center, the operator of the motor	15649
vehicle shall have the child properly secured in accordance with	15650
the manufacturer's instructions in a child restraint system that	15651
meets federal motor vehicle safety standards:	15652
(1) A child who is less than four years of age;	15653
(2) A child who weighs less than forty pounds.	15654
(C) When any child who is less than eight years of age and	15655
less than four feet nine inches in height, who is not required by	15656

division (A) or (B) of this section to be secured in a child 15657
restraint system, is being transported in a motor vehicle, other 15658
than a taxicab or public safety vehicle as defined in section 15659
4511.01 of the Revised Code or a vehicle that is regulated under 15660
section ~~5104.011~~ 5104.015 of the Revised Code, that is required by 15661
the United States department of transportation to be equipped with 15662
seat belts at the time of manufacture or assembly, the operator of 15663
the motor vehicle shall have the child properly secured in 15664
accordance with the manufacturer's instructions on a booster seat 15665
that meets federal motor vehicle safety standards. 15666

(D) When any child who is at least eight years of age but not 15667
older than fifteen years of age, and who is not otherwise required 15668
by division (A), (B), or (C) of this section to be secured in a 15669
child restraint system or booster seat, is being transported in a 15670
motor vehicle, other than a taxicab or public safety vehicle as 15671
defined in section 4511.01 of the Revised Code, that is required 15672
by the United States department of transportation to be equipped 15673
with seat belts at the time of manufacture or assembly, the 15674
operator of the motor vehicle shall have the child properly 15675
restrained either in accordance with the manufacturer's 15676
instructions in a child restraint system that meets federal motor 15677
vehicle safety standards or in an occupant restraining device as 15678
defined in section 4513.263 of the Revised Code. 15679

(E) Notwithstanding any provision of law to the contrary, no 15680
law enforcement officer shall cause an operator of a motor vehicle 15681
being operated on any street or highway to stop the motor vehicle 15682
for the sole purpose of determining whether a violation of 15683
division (C) or (D) of this section has been or is being committed 15684
or for the sole purpose of issuing a ticket, citation, or summons 15685
for a violation of division (C) or (D) of this section or causing 15686
the arrest of or commencing a prosecution of a person for a 15687
violation of division (C) or (D) of this section, and absent 15688

another violation of law, a law enforcement officer's view of the 15689
interior or visual inspection of a motor vehicle being operated on 15690
any street or highway may not be used for the purpose of 15691
determining whether a violation of division (C) or (D) of this 15692
section has been or is being committed. 15693

(F) The director of public safety shall adopt such rules as 15694
are necessary to carry out this section. 15695

(G) The failure of an operator of a motor vehicle to secure a 15696
child in a child restraint system, a booster seat, or an occupant 15697
restraining device as required by this section is not negligence 15698
imputable to the child, is not admissible as evidence in any civil 15699
action involving the rights of the child against any other person 15700
allegedly liable for injuries to the child, is not to be used as a 15701
basis for a criminal prosecution of the operator of the motor 15702
vehicle other than a prosecution for a violation of this section, 15703
and is not admissible as evidence in any criminal action involving 15704
the operator of the motor vehicle other than a prosecution for a 15705
violation of this section. 15706

(H) This section does not apply when an emergency exists that 15707
threatens the life of any person operating or occupying a motor 15708
vehicle that is being used to transport a child who otherwise 15709
would be required to be restrained under this section. This 15710
section does not apply to a person operating a motor vehicle who 15711
has an affidavit signed by a physician licensed to practice in 15712
this state under Chapter 4731. of the Revised Code or a 15713
chiropractor licensed to practice in this state under Chapter 15714
4734. of the Revised Code that states that the child who otherwise 15715
would be required to be restrained under this section has a 15716
physical impairment that makes use of a child restraint system, 15717
booster seat, or an occupant restraining device impossible or 15718
impractical, provided that the person operating the vehicle has 15719
safely and appropriately restrained the child in accordance with 15720

any recommendations of the physician or chiropractor as noted on 15721
the affidavit. 15722

(I) There is hereby created in the state treasury the child 15723
highway safety fund, consisting of fines imposed pursuant to 15724
division (K)(1) of this section for violations of divisions (A), 15725
(B), (C), and (D) of this section. The money in the fund shall be 15726
used by the department of health only to defray the cost of 15727
designating hospitals as pediatric trauma centers under section 15728
3727.081 of the Revised Code and to establish and administer a 15729
child highway safety program. The purpose of the program shall be 15730
to educate the public about child restraint systems and booster 15731
seats and the importance of their proper use. The program also 15732
shall include a process for providing child restraint systems and 15733
booster seats to persons who meet the eligibility criteria 15734
established by the department, and a toll-free telephone number 15735
the public may utilize to obtain information about child restraint 15736
systems and booster seats, and their proper use. 15737

(J) The director of health, in accordance with Chapter 119. 15738
of the Revised Code, shall adopt any rules necessary to carry out 15739
this section, including rules establishing the criteria a person 15740
must meet in order to receive a child restraint system or booster 15741
seat under the department's child highway safety program; provided 15742
that rules relating to the verification of pediatric trauma 15743
centers shall not be adopted under this section. 15744

(K) Nothing in this section shall be construed to require any 15745
person to carry with the person the birth certificate of a child 15746
to prove the age of the child, but the production of a valid birth 15747
certificate for a child showing that the child was not of an age 15748
to which this section applies is a defense against any ticket, 15749
citation, or summons issued for violating this section. 15750

(L)(1) Whoever violates division (A), (B), (C), or (D) of 15751
this section shall be punished as follows, provided that the 15752

failure of an operator of a motor vehicle to secure more than one 15753
child in a child restraint system, booster seat, or occupant 15754
restraining device as required by this section that occurred at 15755
the same time, on the same day, and at the same location is deemed 15756
to be a single violation of this section: 15757

(a) Except as otherwise provided in division (L)(1)(b) of 15758
this section, the offender is guilty of a minor misdemeanor and 15759
shall be fined not less than twenty-five dollars nor more than 15760
seventy-five dollars. 15761

(b) If the offender previously has been convicted of or 15762
pleaded guilty to a violation of division (A), (B), (C), or (D) of 15763
this section or of a municipal ordinance that is substantially 15764
similar to any of those divisions, the offender is guilty of a 15765
misdemeanor of the fourth degree. 15766

(2) All fines imposed pursuant to division (L)(1) of this 15767
section shall be forwarded to the treasurer of state for deposit 15768
in the child highway safety fund created by division (I) of this 15769
section. 15770

Sec. 5101.29. When contained in a record held by the 15771
department of job and family services or a county agency, the 15772
following are not public records for purposes of section 149.43 of 15773
the Revised Code: 15774

(A) Names and other identifying information regarding 15775
children enrolled in or attending a child day-care center or home 15776
subject to licensure, ~~certification~~, or registration under Chapter 15777
5104. of the Revised Code; 15778

(B) Names and other identifying information regarding 15779
children placed with an institution or association certified under 15780
section 5103.03 of the Revised Code; 15781

(C) Names and other identifying information regarding a 15782

person who makes an oral or written complaint regarding an 15783
institution, association, child day-care center, or home subject 15784
to licensure, ~~certification~~, or registration to the department or 15785
other state or county entity responsible for enforcing Chapter 15786
5103. or 5104. of the Revised Code; 15787

(D)(1) Except as otherwise provided in division (D)(2) of 15788
this section, names, documentation, and other identifying 15789
information regarding a foster caregiver or a prospective foster 15790
caregiver, including the foster caregiver application for 15791
certification under section 5103.03 of the Revised Code and the 15792
home study conducted pursuant to section 5103.0324 of the Revised 15793
Code. 15794

(2) Notwithstanding division (D)(1) of this section, the 15795
following are public records for the purposes of section 149.43 of 15796
the Revised Code, when contained in a record held by the 15797
department of job and family services, a county agency, or other 15798
governmental entity: 15799

(a) All of the following information regarding a currently 15800
certified foster caregiver who has had a foster care certificate 15801
revoked pursuant to Chapter 5103. of the Revised Code or, after 15802
receiving a current or current renewed certificate has been 15803
convicted of, pleaded guilty to, or indicted or otherwise charged 15804
with any offense described in division (C)(1) of section 2151.86 15805
of the Revised Code: 15806

(i) The foster caregiver's name, date of birth, and county of 15807
residence; 15808

(ii) The date of the foster caregiver's certification; 15809

(iii) The date of each placement of a foster child into the 15810
foster caregiver's home; 15811

(iv) If applicable, the date of the removal of a foster child 15812
from the foster caregiver's home and the reason for the foster 15813

child's removal unless release of such information would be 15814
detrimental to the foster child or other children residing in the 15815
foster caregiver's home; 15816

(v) If applicable, the date of the foster care certificate 15817
revocation and all documents related to the revocation unless 15818
otherwise not a public record pursuant to section 149.43 of the 15819
Revised Code. 15820

(b) Nonidentifying foster care statistics including, but not 15821
limited to, the number of foster caregivers and foster care 15822
certificate revocations. 15823

Sec. 5103.03. (A) The director of job and family services 15824
shall adopt rules as necessary for the adequate and competent 15825
management of institutions or associations. The director shall 15826
ensure that foster care home study rules adopted under this 15827
section align any home study content, time period, and process 15828
with any home study content, time period, and process required by 15829
rules adopted under section 3107.033 of the Revised Code. 15830

(B)(1) Except for facilities under the control of the 15831
department of youth services, places of detention for children 15832
established and maintained pursuant to sections 2152.41 to 2152.44 15833
of the Revised Code, and child day-care centers subject to Chapter 15834
5104. of the Revised Code, the department of job and family 15835
services every two years shall pass upon the fitness of every 15836
institution and association that receives, or desires to receive 15837
and care for children, or places children in private homes. 15838

(2) When the department of job and family services is 15839
satisfied as to the care given such children, and that the 15840
requirements of the statutes and rules covering the management of 15841
such institutions and associations are being complied with, it 15842
shall issue to the institution or association a certificate to 15843
that effect. A certificate is valid for two years, unless sooner 15844

revoked by the department. When determining whether an institution 15845
or association meets a particular requirement for certification, 15846
the department may consider the institution or association to have 15847
met the requirement if the institution or association shows to the 15848
department's satisfaction that it has met a comparable requirement 15849
to be accredited by a nationally recognized accreditation 15850
organization. 15851

(3) The department may issue a temporary certificate valid 15852
for less than one year authorizing an institution or association 15853
to operate until minimum requirements have been met. 15854

(4) An institution or association that knowingly makes a 15855
false statement that is included as a part of certification under 15856
this section is guilty of the offense of falsification under 15857
section 2921.13 of the Revised Code and the department shall not 15858
certify that institution or association. 15859

(5) The department shall not issue a certificate to a 15860
prospective foster home or prospective specialized foster home 15861
pursuant to this section if the prospective foster home or 15862
prospective specialized foster home operates as a type A family 15863
day-care home pursuant to Chapter 5104. of the Revised Code. The 15864
department shall not issue a certificate to a prospective 15865
specialized foster home if the prospective specialized foster home 15866
operates a type B family day-care home pursuant to Chapter 5104. 15867
of the Revised Code. 15868

(C) The department may revoke a certificate if it finds that 15869
the institution or association is in violation of law or rule. No 15870
juvenile court shall commit a child to an association or 15871
institution that is required to be certified under this section if 15872
its certificate has been revoked or, if after revocation, the date 15873
of reissue is less than fifteen months prior to the proposed 15874
commitment. 15875

(D) Every two years, on a date specified by the department, 15876
each institution or association desiring certification or 15877
recertification shall submit to the department a report showing 15878
its condition, management, competency to care adequately for the 15879
children who have been or may be committed to it or to whom it 15880
provides care or services, the system of visitation it employs for 15881
children placed in private homes, and other information the 15882
department requires+. 15883

(E) The department shall, not less than once each year, send 15884
a list of certified institutions and associations to each juvenile 15885
court and certified association or institution. 15886

(F) No person shall receive children or receive or solicit 15887
money on behalf of such an institution or association not so 15888
certified or whose certificate has been revoked. 15889

(G)(1) The director may delegate by rule any duties imposed 15890
on it by this section to inspect and approve family foster homes 15891
and specialized foster homes to public children services agencies, 15892
private child placing agencies, or private noncustodial agencies. 15893

(2) The director shall adopt rules that require a foster 15894
caregiver or other individual certified to operate a foster home 15895
under this section to notify the recommending agency that the 15896
foster caregiver or other individual is ~~certified~~ licensed to 15897
operate a type B family day-care home under Chapter 5104. of the 15898
Revised Code. 15899

(H) If the director of job and family services determines 15900
that an institution or association that cares for children is 15901
operating without a certificate, the director may petition the 15902
court of common pleas in the county in which the institution or 15903
association is located for an order enjoining its operation. The 15904
court shall grant injunctive relief upon a showing that the 15905
institution or association is operating without a certificate. 15906

(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 association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center ~~or~~, type A home, or type B home. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

~~(C) "Authorized provider" means a person authorized by a county director of job and family services to operate a certified type B family day care home.~~

~~(D)~~ "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.

~~(E)~~(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of job and

family services to document formal education, training, 15937
experience, and specialized credentials and certifications; 15938

(2) Allows the child-care staff member or administrator to 15939
achieve a designation as an early childhood professional level 15940
one, two, three, four, five, or six. 15941

~~(F)~~(E) "Caretaker parent" means the father or mother of a 15942
child whose presence in the home is needed as the caretaker of the 15943
child, a person who has legal custody of a child and whose 15944
presence in the home is needed as the caretaker of the child, a 15945
guardian of a child whose presence in the home is needed as the 15946
caretaker of the child, and any other person who stands in loco 15947
parentis with respect to the child and whose presence in the home 15948
is needed as the caretaker of the child. 15949

~~(G)~~ "Certified type B family day care home" and "certified 15950
type B home" mean a type B family day care home that is certified 15951
by the director of the county department of job and family 15952
services pursuant to section 5104.11 of the Revised Code to 15953
receive public funds for providing child care pursuant to this 15954
chapter and any rules adopted under it. 15955

~~(H)~~(F) "Chartered nonpublic school" means a school that meets 15956
standards for nonpublic schools prescribed by the state board of 15957
education for nonpublic schools pursuant to section 3301.07 of the 15958
Revised Code. 15959

~~(I)~~(G) "Child" includes an infant, toddler, preschool-age 15960
child, or school-age child. 15961

~~(J)~~(H) "Child care block grant act" means the "Child Care and 15962
Development Block Grant Act of 1990," established in section 5082 15963
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 15964
1388-236 (1990), 42 U.S.C. 9858, as amended. 15965

~~(K)~~(I) "Child day camp" means a program in which only 15966
school-age children attend or participate, that operates for no 15967

more than seven hours per day, that operates only during one or 15968
more public school district's regular vacation periods or for no 15969
more than fifteen weeks during the summer, and that operates 15970
outdoor activities for each child who attends or participates in 15971
the program for a minimum of fifty per cent of each day that 15972
children attend or participate in the program, except for any day 15973
when hazardous weather conditions prevent the program from 15974
operating outdoor activities for a minimum of fifty per cent of 15975
that day. For purposes of this division, the maximum seven hours 15976
of operation time does not include transportation time from a 15977
child's home to a child day camp and from a child day camp to a 15978
child's home. 15979

~~(I)~~(J) "Child care" means administering to the needs of 15980
infants, toddlers, preschool-age children, and school-age children 15981
outside of school hours by persons other than their parents or 15982
guardians, custodians, or relatives by blood, marriage, or 15983
adoption for any part of the twenty-four-hour day in a place or 15984
residence other than a child's own home. 15985

~~(M)~~(K) "Child day-care center" and "center" mean any place in 15986
which child care or publicly funded child care is provided for 15987
thirteen or more children at one time or any place that is not the 15988
permanent residence of the licensee or administrator in which 15989
child care or publicly funded child care is provided for seven to 15990
twelve children at one time. In counting children for the purposes 15991
of this division, any children under six years of age who are 15992
related to a licensee, administrator, or employee and who are on 15993
the premises of the center shall be counted. "Child day-care 15994
center" and "center" do not include any of the following: 15995

(1) A place located in and operated by a hospital, as defined 15996
in section 3727.01 of the Revised Code, in which the needs of 15997
children are administered to, if all the children whose needs are 15998
being administered to are monitored under the on-site supervision 15999

of a physician licensed under Chapter 4731. of the Revised Code or 16000
a registered nurse licensed under Chapter 4723. of the Revised 16001
Code, and the services are provided only for children who, in the 16002
opinion of the child's parent, guardian, or custodian, are 16003
exhibiting symptoms of a communicable disease or other illness or 16004
are injured; 16005

(2) A child day camp; 16006

(3) A place that provides child care, but not publicly funded 16007
child care, if all of the following apply: 16008

(a) An organized religious body provides the child care; 16009

(b) A parent, custodian, or guardian of at least one child 16010
receiving child care is on the premises and readily accessible at 16011
all times; 16012

(c) The child care is not provided for more than thirty days 16013
a year; 16014

(d) The child care is provided only for preschool-age and 16015
school-age children. 16016

~~(N)~~(L) "Child care resource and referral service 16017
organization" means a community-based nonprofit organization that 16018
provides child care resource and referral services but not child 16019
care. 16020

~~(O)~~(M) "Child care resource and referral services" means all 16021
of the following services: 16022

(1) Maintenance of a uniform data base of all child care 16023
providers in the community that are in compliance with this 16024
chapter, including current occupancy and vacancy data; 16025

(2) Provision of individualized consumer education to 16026
families seeking child care; 16027

(3) Provision of timely referrals of available child care 16028
providers to families seeking child care; 16029

(4) Recruitment of child care providers;	16030
(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;	16031 16032 16033 16034
(6) Collection and analysis of data on the supply of and demand for child care in the community;	16035 16036
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	16037 16038 16039
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	16040 16041 16042
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	16043 16044
(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;	16045 16046 16047 16048
(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.	16049 16050 16051 16052
(P) <u>(N)</u> "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.	16053 16054 16055 16056 16057
(Q) <u>(O)</u> "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home"	16058 16059

mean a center or type A home that provides child care or publicly 16060
funded child care for children on a temporary, irregular basis. 16061

~~(R)~~(P) "Employee" means a person who either: 16062

(1) Receives compensation for duties performed in a child 16063
day-care center or type A family day-care home; 16064

(2) Is assigned specific working hours or duties in a child 16065
day-care center or type A family day-care home. 16066

~~(S)~~(O) "Employer" means a person, firm, institution, 16067
organization, or agency that operates a child day-care center or 16068
type A family day-care home subject to licensure under this 16069
chapter. 16070

~~(T)~~(R) "Federal poverty line" means the official poverty 16071
guideline as revised annually in accordance with section 673(2) of 16072
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 16073
U.S.C. 9902, as amended, for a family size equal to the size of 16074
the family of the person whose income is being determined. 16075

~~(U)~~(S) "Head start program" means a comprehensive child 16076
development program that receives funds distributed under the 16077
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 16078
amended, and is licensed as a child day-care center. 16079

~~(V)~~(T) "Income" means gross income, as defined in section 16080
5107.10 of the Revised Code, less any amounts required by federal 16081
statutes or regulations to be disregarded. 16082

~~(W)~~(U) "Indicator checklist" means an inspection tool, used 16083
in conjunction with an instrument-based program monitoring 16084
information system, that contains selected licensing requirements 16085
that are statistically reliable indicators or predictors of a 16086
child day-care ~~center or~~ center's type A family day-care home's, 16087
or licensed type B family day-care home's compliance with 16088
licensing requirements. 16089

~~(X)~~(V) "Infant" means a child who is less than eighteen months of age. 16090
16091

~~(Y)~~(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it. 16092
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~~(Z)~~(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers ~~and~~, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist. 16098
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~~(AA)~~(Y) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. For the purposes of a provisional license issued under this chapter, the director shall also consider the number of available child-care staff members when determining "license capacity" for the provisional license. 16106
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~~(BB)~~(Z) "Licensed child care program" means any of the following: 16117
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(1) A child day-care center licensed by the department of job and family services pursuant to this chapter; 16119
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(2) A type A family day-care home or type B family day-care 16121
home licensed by the department of job and family services 16122
pursuant to this chapter; 16123

(3) ~~A type B family day-care home certified by a county~~ 16124
~~department of job and family services pursuant to this chapter;~~ 16125

~~(4)~~ A licensed preschool program or licensed school child 16126
program. 16127

~~(CC)~~(AA) "Licensed preschool program" or "licensed school 16128
child program" means a preschool program or school child program, 16129
as defined in section 3301.52 of the Revised Code, that is 16130
licensed by the department of education pursuant to sections 16131
3301.52 to 3301.59 of the Revised Code. 16132

~~(DD)~~(BB) "Licensed type B family day-care home" and "licensed 16133
type B home" mean a type B family day-care home for which there is 16134
a valid license issued by the director of job and family services 16135
pursuant to section 5104.03 of the Revised Code. 16136

(CC) "Licensee" means the owner of a child day-care center 16137
~~or~~ type A family day-care home, or type B family day-care home 16138
that is licensed pursuant to this chapter and who is responsible 16139
for ensuring its compliance with this chapter and rules adopted 16140
pursuant to this chapter. 16141

~~(EE)~~(DD) "Operate a child day camp" means to operate, 16142
establish, manage, conduct, or maintain a child day camp. 16143

~~(FF)~~(EE) "Owner" includes a person, as defined in section 16144
1.59 of the Revised Code, or government entity. 16145

~~(GG)~~(FF) "Parent cooperative child day-care center," "parent 16146
cooperative center," "parent cooperative type A family day-care 16147
home," and "parent cooperative type A home" mean a corporation or 16148
association organized for providing educational services to the 16149
children of members of the corporation or association, without 16150

gain to the corporation or association as an entity, in which the 16151
services of the corporation or association are provided only to 16152
children of the members of the corporation or association, 16153
ownership and control of the corporation or association rests 16154
solely with the members of the corporation or association, and at 16155
least one parent-member of the corporation or association is on 16156
the premises of the center or type A home during its hours of 16157
operation. 16158

~~(HH)~~(GG) "Part-time child day-care center," "part-time 16159
center," "part-time type A family day-care home," and "part-time 16160
type A home" mean a center or type A home that provides child care 16161
or publicly funded child care for no more than four hours a day 16162
for any child. 16163

~~(II)~~(HH) "Place of worship" means a building where activities 16164
of an organized religious group are conducted and includes the 16165
grounds and any other buildings on the grounds used for such 16166
activities. 16167

~~(JJ)~~(II) "Preschool-age child" means a child who is three 16168
years old or older but is not a school-age child. 16169

~~(KK)~~(JJ) "Protective child care" means publicly funded child 16170
care for the direct care and protection of a child to whom either 16171
of the following applies: 16172

(1) A case plan prepared and maintained for the child 16173
pursuant to section 2151.412 of the Revised Code indicates a need 16174
for protective care and the child resides with a parent, 16175
stepparent, guardian, or another person who stands in loco 16176
parentis as defined in rules adopted under section 5104.38 of the 16177
Revised Code; 16178

(2) The child and the child's caretaker either temporarily 16179
reside in a facility providing emergency shelter for homeless 16180
families or are determined by the county department of job and 16181

family services to be homeless, and are otherwise ineligible for 16182
publicly funded child care. 16183

~~(LL)~~(KK) "Publicly funded child care" means administering to 16184
the needs of infants, toddlers, preschool-age children, and 16185
school-age children under age thirteen during any part of the 16186
twenty-four-hour day by persons other than their caretaker parents 16187
for remuneration wholly or in part with federal or state funds, 16188
including funds available under the child care block grant act, 16189
Title IV-A, and Title XX, distributed by the department of job and 16190
family services. 16191

~~(MM)~~(LL) "Religious activities" means any of the following: 16192
worship or other religious services; religious instruction; Sunday 16193
school classes or other religious classes conducted during or 16194
prior to worship or other religious services; youth or adult 16195
fellowship activities; choir or other musical group practices or 16196
programs; meals; festivals; or meetings conducted by an organized 16197
religious group. 16198

~~(NN)~~(MM) "School-age child" means a child who is enrolled in 16199
or is eligible to be enrolled in a grade of kindergarten or above 16200
but is less than fifteen years old. 16201

~~(OO)~~(NN) "School-age child care center" and "school-age child 16202
type A home" mean a center or type A home that provides child care 16203
for school-age children only and that does either or both of the 16204
following: 16205

(1) Operates only during that part of the day that 16206
immediately precedes or follows the public school day of the 16207
school district in which the center or type A home is located; 16208

(2) Operates only when the public schools in the school 16209
district in which the center or type A home is located are not 16210
open for instruction with pupils in attendance. 16211

~~(PP)~~(OO) "Serious risk noncompliance" means a licensure or 16212

certification rule violation that leads to a great risk of harm 16213
to, or death of, a child, and is observable, not inferable. 16214

~~(QQ)~~(PP) "State median income" means the state median income 16215
calculated by the department of development pursuant to division 16216
(A)(1)(g) of section 5709.61 of the Revised Code. 16217

~~(RR)~~(OO) "Title IV-A" means Title IV-A of the "Social 16218
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 16219

~~(SS)~~(RR) "Title XX" means Title XX of the "Social Security 16220
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 16221

~~(TT)~~(SS) "Toddler" means a child who is at least eighteen 16222
months of age but less than three years of age. 16223

~~(UU)~~(TT) "Type A family day-care home" and "type A home" mean 16224
a permanent residence of the administrator in which child care or 16225
publicly funded child care is provided for seven to twelve 16226
children at one time or a permanent residence of the administrator 16227
in which child care is provided for four to twelve children at one 16228
time if four or more children at one time are under two years of 16229
age. In counting children for the purposes of this division, any 16230
children under six years of age who are related to a licensee, 16231
administrator, or employee and who are on the premises of the type 16232
A home shall be counted. "Type A family day-care home" and "type A 16233
home" do not include any child day camp. 16234

~~(VV)~~(UU) "Type B family day-care home" and "type B home" mean 16235
a permanent residence of the provider in which child care is 16236
provided for one to six children at one time and in which no more 16237
than three children are under two years of age at one time. In 16238
counting children for the purposes of this division, any children 16239
under six years of age who are related to the provider and who are 16240
on the premises of the type B home shall be counted. "Type B 16241
family day-care home" and "type B home" do not include any child 16242
day camp. 16243

Sec. 5104.012. (A)(1) At the times specified in this 16244
division, the administrator of a child day-care center or a type A 16245
family day-care home shall request the superintendent of the 16246
bureau of criminal identification and investigation to conduct a 16247
criminal records check with respect to any applicant who has 16248
applied to the center or type A home for employment as a person 16249
responsible for the care, custody, or control of a child. 16250

The administrator shall request a criminal records check 16251
pursuant to this division at the time of the applicant's initial 16252
application for employment and every four years thereafter. When 16253
the administrator requests pursuant to this division a criminal 16254
records check for an applicant at the time of the applicant's 16255
initial application for employment, the administrator shall 16256
request that the superintendent obtain information from the 16257
federal bureau of investigation as a part of the criminal records 16258
check for the applicant, including fingerprint-based checks of 16259
national crime information databases as described in 42 U.S.C. 16260
671, for the person subject to the criminal records check. In all 16261
other cases in which the administrator requests a criminal records 16262
check for an applicant pursuant to this division, the 16263
administrator may request that the superintendent include 16264
information from the federal bureau of investigation in the 16265
criminal records check, including fingerprint-based checks of 16266
national crime information databases as described in 42 U.S.C. 16267
671. 16268

(2) A person required by division (A)(1) of this section to 16269
request a criminal records check shall provide to each applicant a 16270
copy of the form prescribed pursuant to division (C)(1) of section 16271
109.572 of the Revised Code, provide to each applicant a standard 16272
impression sheet to obtain fingerprint impressions prescribed 16273
pursuant to division (C)(2) of section 109.572 of the Revised 16274
Code, obtain the completed form and impression sheet from each 16275

applicant, and forward the completed form and impression sheet to 16276
the superintendent of the bureau of criminal identification and 16277
investigation at the time the person requests a criminal records 16278
check pursuant to division (A)(1) of this section. On and after 16279
August 14, 2008, the administrator of a child day-care center or a 16280
type A family day-care home shall review the results of the 16281
criminal records check before the applicant has sole 16282
responsibility for the care, custody, or control of any child. 16283

(3) An applicant who receives pursuant to division (A)(2) of 16284
this section a copy of the form prescribed pursuant to division 16285
(C)(1) of section 109.572 of the Revised Code and a copy of an 16286
impression sheet prescribed pursuant to division (C)(2) of that 16287
section and who is requested to complete the form and provide a 16288
set of fingerprint impressions shall complete the form or provide 16289
all the information necessary to complete the form and shall 16290
provide the impression sheet with the impressions of the 16291
applicant's fingerprints. If an applicant, upon request, fails to 16292
provide the information necessary to complete the form or fails to 16293
provide impressions of the applicant's fingerprints, the center or 16294
type A home shall not employ that applicant for any position for 16295
which a criminal records check is required by division (A)(1) of 16296
this section. 16297

(B)(1) Except as provided in rules adopted under division (E) 16298
of this section, no child day-care center or type A family 16299
day-care home shall employ or contract with another entity for the 16300
services of a person as a person responsible for the care, 16301
custody, or control of a child if the person previously has been 16302
convicted of or pleaded guilty to any of the violations described 16303
in division (A)(9) of section 109.572 of the Revised Code. 16304

(2) A child day-care center or type A family day-care home 16305
may employ an applicant conditionally until the criminal records 16306
check required by this section is completed and the center or home 16307

receives the results of the criminal records check. If the results 16308
of the criminal records check indicate that, pursuant to division 16309
(B)(1) of this section, the applicant does not qualify for 16310
employment, the center or home shall release the applicant from 16311
employment. 16312

(C)(1) Each child day-care center and type A family day-care 16313
home shall pay to the bureau of criminal identification and 16314
investigation the fee prescribed pursuant to division (C)(3) of 16315
section 109.572 of the Revised Code for each criminal records 16316
check conducted in accordance with that section upon the request 16317
pursuant to division (A)(1) of this section of the administrator 16318
or provider of the center or home. 16319

(2) A child day-care center and type A family day-care home 16320
may charge an applicant a fee for the costs it incurs in obtaining 16321
a criminal records check under this section. A fee charged under 16322
this division shall not exceed the amount of fees the center or 16323
home pays under division (C)(1) of this section. If a fee is 16324
charged under this division, the center or home shall notify the 16325
applicant at the time of the applicant's initial application for 16326
employment of the amount of the fee and that, unless the fee is 16327
paid, the center or type A home will not consider the applicant 16328
for employment. 16329

(D) The report of any criminal records check conducted by the 16330
bureau of criminal identification and investigation in accordance 16331
with section 109.572 of the Revised Code and pursuant to a request 16332
under division (A)(1) of this section is not a public record for 16333
the purposes of section 149.43 of the Revised Code and shall not 16334
be made available to any person other than the applicant who is 16335
the subject of the criminal records check or the applicant's 16336
representative; the center or type A home requesting the criminal 16337
records check or its representative; the department of job and 16338
family services or a county department of job and family services; 16339

and any court, hearing officer, or other necessary individual 16340
involved in a case dealing with the denial of employment to the 16341
applicant. 16342

(E) The director of job and family services shall adopt rules 16343
pursuant to Chapter 119. of the Revised Code to implement this 16344
section, including rules specifying circumstances under which a 16345
center or home may hire a person who has been convicted of an 16346
offense listed in division (B)(1) of this section but who meets 16347
standards in regard to rehabilitation set by the department. 16348

(F) Any person required by division (A)(1) of this section to 16349
request a criminal records check shall inform each person, at the 16350
time of the person's initial application for employment, that the 16351
person is required to provide a set of impressions of the person's 16352
fingerprints and that a criminal records check is required to be 16353
conducted and satisfactorily completed in accordance with section 16354
109.572 of the Revised Code if the person comes under final 16355
consideration for appointment or employment as a precondition to 16356
employment for that position. 16357

(G) As used in this section: 16358

(1) "Applicant" means a person who is under final 16359
consideration for appointment to or employment in a position with 16360
a child day-care center or a type A family day-care home as a 16361
person responsible for the care, custody, or control of a child+ 16362
~~an in-home aide certified pursuant to section 5104.12 of the~~ 16363
~~Revised Code;~~ or any person who would serve in any position with a 16364
child day-care center or a type A family day-care home as a person 16365
responsible for the care, custody, or control of a child pursuant 16366
to a contract with another entity. 16367

(2) "Criminal records check" has the same meaning as in 16368
section 109.572 of the Revised Code. 16369

Sec. 5104.013. (A)(1) At the times specified in division 16370
(A)(3) of this section, the director of job and family services, 16371
as part of the process of licensure of child day-care centers ~~and,~~ 16372
type A family day-care homes, and licensed type B family day-care 16373
homes shall request the superintendent of the bureau of criminal 16374
identification and investigation to conduct a criminal records 16375
check with respect to the following persons: 16376

(a) Any owner, licensee, or administrator of a child day-care 16377
center; 16378

(b) Any owner, licensee, or administrator of a type A family 16379
day-care home and any person eighteen years of age or older who 16380
resides in a type A family day-care home; ~~i~~ 16381

~~(2) At the times specified in division (A)(3) of this 16382
section, the director of a county department of job and family 16383
services, as part of the process of certification of type B family 16384
day care homes, shall request the superintendent of the bureau of 16385
criminal identification and investigation to conduct a criminal 16386
records check with respect to any authorized provider (c) Any 16387
administrator of a certified licensed type B family day-care home 16388
and any person eighteen years of age or older who resides in a 16389
certified licensed type B family day-care home. 16390~~

(2) At the time specified in division (A)(3) of this section, 16391
the director of a county department of job and family services, as 16392
part of the process of certification of in-home aides, shall 16393
request the superintendent of the bureau of criminal 16394
identification and investigation to conduct a criminal records 16395
check with respect to any in-home aide. 16396

(3) The director of job and family services shall request a 16397
criminal records check pursuant to division (A)(1) of this section 16398
at the time of the initial application for licensure and every 16399
four years thereafter. The director of a county department of job 16400

and family services shall request a criminal records check 16401
pursuant to division (A)(2) of this section at the time of the 16402
initial application for certification and every four years 16403
thereafter ~~at the time of a certification renewal~~. When the 16404
director of job and family services or the director of a county 16405
department of job and family services requests pursuant to 16406
division (A)(1) or (2) of this section a criminal records check 16407
for a person at the time of the person's initial application for 16408
licensure or certification, the director shall request that the 16409
superintendent of the bureau of criminal identification and 16410
investigation obtain information from the federal bureau of 16411
investigation as a part of the criminal records check for the 16412
person, including fingerprint-based checks of national crime 16413
information databases as described in 42 U.S.C. 671 for the person 16414
subject to the criminal records check. In all other cases in which 16415
the director of job and family services or the director of a 16416
county department of job and family services requests a criminal 16417
records check for an applicant pursuant to division (A)(1) or (2) 16418
of this section, the director may request that the superintendent 16419
include information from the federal bureau of investigation in 16420
the criminal records check, including fingerprint-based checks of 16421
national crime information databases as described in 42 U.S.C. 16422
671. 16423

(4) The director of job and family services shall review the 16424
results of a criminal records check subsequent to a request made 16425
pursuant to divisions (A)(1) and (3) of this section prior to 16426
approval of a license. The director of a county department of job 16427
and family services shall review the results of a criminal records 16428
check subsequent to a request made pursuant to divisions (A)(2) 16429
and (3) of this section prior to approval of certification. 16430

(B) The director of job and family services or the director 16431
of a county department of job and family services shall provide to 16432

each person for whom a criminal records check is required under 16433
this section a copy of the form prescribed pursuant to division 16434
(C)(1) of section 109.572 of the Revised Code and a standard 16435
impression sheet to obtain fingerprint impressions prescribed 16436
pursuant to division (C)(2) of that section, obtain the completed 16437
form and impression sheet from that person, and forward the 16438
completed form and impression sheet to the superintendent of the 16439
bureau of criminal identification and investigation. 16440

(C) A person who receives pursuant to division (B) of this 16441
section a copy of the form and standard impression sheet described 16442
in that division and who is requested to complete the form and 16443
provide a set of fingerprint impressions shall complete the form 16444
or provide all the information necessary to complete the form and 16445
shall provide the impression sheet with the impressions of the 16446
person's fingerprints. If the person, upon request, fails to 16447
provide the information necessary to complete the form or fails to 16448
provide impressions of the person's fingerprints, the director may 16449
consider the failure as a reason to deny licensure or 16450
certification. 16451

(D) Except as provided in rules adopted under division (G) of 16452
this section, the director of job and family services shall not 16453
grant a license to a child day-care center ~~or~~, type A family 16454
day-care home ~~and a county director of job and family services~~ 16455
~~shall not certify a~~, or type B family day-care home and a county 16456
director of job and family services shall not certify an in-home 16457
aide if a person for whom a criminal records check was required in 16458
connection with the center or home previously has been convicted 16459
of or pleaded guilty to any of the violations described in 16460
division (A)(9) of section 109.572 of the Revised Code. 16461

(E) Each child day-care center, type A family day-care home, 16462
and type B family day-care home shall pay to the bureau of 16463
criminal identification and investigation the fee prescribed 16464

pursuant to division (C)(3) of section 109.572 of the Revised Code 16465
for each criminal records check conducted in accordance with that 16466
section upon a request made pursuant to division (A) of this 16467
section. 16468

(F) The report of any criminal records check conducted by the 16469
bureau of criminal identification and investigation in accordance 16470
with section 109.572 of the Revised Code and pursuant to a request 16471
made under division (A) of this section is not a public record for 16472
the purposes of section 149.43 of the Revised Code and shall not 16473
be made available to any person other than the person who is the 16474
subject of the criminal records check or the person's 16475
representative, the director of job and family services, the 16476
director of a county department of job and family services, the 16477
center, type A home, or type B home involved, and any court, 16478
hearing officer, or other necessary individual involved in a case 16479
dealing with a denial of licensure or certification related to the 16480
criminal records check. 16481

(G) The director of job and family services shall adopt rules 16482
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 16483
implement this section, including rules specifying exceptions to 16484
the prohibition in division (D) of this section for persons who 16485
have been convicted of an offense listed in that division but who 16486
meet standards in regard to rehabilitation set by the ~~department~~ 16487
director. 16488

(H) As used in this section, "criminal records check" has the 16489
same meaning as in section 109.572 of the Revised Code. 16490

Sec. ~~5104.011~~ 5104.015. ~~(A)~~ The director of job and family 16491
services shall adopt rules ~~pursuant to~~ in accordance with Chapter 16492
119. of the Revised Code governing the operation of child day-care 16493
centers, including, ~~but not limited to,~~ parent cooperative 16494
centers, part-time centers, drop-in centers, and school-age child 16495

care centers, ~~which.~~ The rules shall reflect the various forms of 16496
child care and the needs of children receiving child care or 16497
publicly funded child care and shall include specific rules for 16498
school-age child care centers that are developed in consultation 16499
with the department of education. The rules shall not require an 16500
existing school facility that is in compliance with applicable 16501
building codes to undergo an additional building code inspection 16502
or to have structural modifications. The rules shall include the 16503
following: 16504

~~(1)~~(A) Submission of a site plan and descriptive plan of 16505
operation to demonstrate how the center proposes to meet the 16506
requirements of this chapter and rules adopted pursuant to this 16507
chapter for the initial license application; 16508

~~(2)~~(B) Standards for ensuring that the physical surroundings 16509
of the center are safe and sanitary including, ~~but not limited to,~~ 16510
the physical environment, the physical plant, and the equipment of 16511
the center; 16512

~~(3)~~(C) Standards for the supervision, care, and discipline of 16513
children receiving child care or publicly funded child care in the 16514
center; 16515

~~(4)~~(D) Standards for a program of activities, and for play 16516
equipment, materials, and supplies, to enhance the development of 16517
each child; however, any educational curricula, philosophies, and 16518
methodologies that are developmentally appropriate and that 16519
enhance the social, emotional, intellectual, and physical 16520
development of each child shall be permissible. As used in this 16521
division, "program" does not include instruction in religious or 16522
moral doctrines, beliefs, or values that is conducted at child 16523
day-care centers owned and operated by churches and does include 16524
methods of disciplining children at child day-care centers. 16525

~~(5)~~(E) Admissions policies and procedures, health care 16526

policies and procedures, including, ~~but not limited to,~~ procedures 16527
for the isolation of children with communicable diseases, first 16528
aid and emergency procedures, procedures for discipline and 16529
supervision of children, standards for the provision of nutritious 16530
meals and snacks, and procedures for screening children and 16531
employees, that may include any necessary physical examinations 16532
and immunizations; 16533

~~(6)~~(F) Methods for encouraging parental participation in the 16534
center and methods for ensuring that the rights of children, 16535
parents, and employees are protected and that responsibilities of 16536
parents and employees are met; 16537

~~(7)~~(G) Procedures for ensuring the safety and adequate 16538
supervision of children traveling off the premises of the center 16539
while under the care of a center employee; 16540

~~(8)~~(H) Procedures for record keeping, organization, and 16541
administration; 16542

~~(9)~~(I) Procedures for issuing, denying, and revoking a 16543
license that are not otherwise provided for in Chapter 119. of the 16544
Revised Code; 16545

~~(10)~~(J) Inspection procedures; 16546

~~(11)~~(K) Procedures and standards for setting initial license 16547
application fees; 16548

~~(12)~~(L) Procedures for receiving, recording, and responding 16549
to complaints about centers; 16550

~~(13)~~(M) Procedures for enforcing section 5104.04 of the 16551
Revised Code; 16552

~~(14)~~(N) A standard requiring the inclusion, ~~on and after July~~ 16553
~~1, 1987,~~ of a current department of job and family services 16554
toll-free telephone number on each center provisional license or 16555
license which any person may use to report a suspected violation 16556

by the center of this chapter or rules adopted pursuant to this 16557
chapter; 16558

~~(15)~~(O) Requirements for the training of administrators and 16559
child-care staff members in first aid, in prevention, recognition, 16560
and management of communicable diseases, and in child abuse 16561
recognition and prevention. Training requirements for child 16562
day-care centers adopted under this division shall be consistent 16563
with ~~divisions (B)(6) and (C)(1) of this section~~ sections 5104.034 16564
and 5104.037 of the Revised Code. 16565

~~(16)~~(P) Standards providing for the special needs of children 16566
who are handicapped or who require treatment for health conditions 16567
while the child is receiving child care or publicly funded child 16568
care in the center; 16569

~~(17)~~(Q) A procedure for reporting of injuries of children 16570
that occur at the center; 16571

~~(18)~~(R) Standards for licensing child day-care centers for 16572
children with short-term illnesses and other temporary medical 16573
conditions; 16574

(S) Any other procedures and standards necessary to carry out 16575
the provisions of this chapter regarding child day-care centers. 16576

~~(B)(1) The child day care center shall have, for each child~~ 16577
~~for whom the center is licensed, at least thirty five square feet~~ 16578
~~of usable indoor floor space wall to wall regularly available for~~ 16579
~~the child care operation exclusive of any parts of the structure~~ 16580
~~in which the care of children is prohibited by law or by rules~~ 16581
~~adopted by the board of building standards. The minimum of~~ 16582
~~thirty five square feet of usable indoor floor space shall not~~ 16583
~~include hallways, kitchens, storage areas, or any other areas that~~ 16584
~~are not available for the care of children, as determined by the~~ 16585
~~director, in meeting the space requirement of this division, and~~ 16586
~~bathrooms shall be counted in determining square footage only if~~ 16587

~~they are used exclusively by children enrolled in the center, 16588
except that the exclusion of hallways, kitchens, storage areas, 16589
bathrooms not used exclusively by children enrolled in the center, 16590
and any other areas not available for the care of children from 16591
the minimum of thirty five square feet of usable indoor floor 16592
space shall not apply to: 16593~~

~~(a) Centers licensed prior to or on September 1, 1986, that 16594
continue under licensure after that date; 16595~~

~~(b) Centers licensed prior to or on September 1, 1986, that 16596
are issued a new license after that date solely due to a change of 16597
ownership of the center. 16598~~

~~(2) The child day care center shall have on the site a safe 16599
outdoor play space which is enclosed by a fence or otherwise 16600
protected from traffic or other hazards. The play space shall 16601
contain not less than sixty square feet per child using such space 16602
at any one time, and shall provide an opportunity for supervised 16603
outdoor play each day in suitable weather. The director may exempt 16604
a center from the requirement of this division, if an outdoor play 16605
space is not available and if all of the following are met: 16606~~

~~(a) The center provides an indoor recreation area that has 16607
not less than sixty square feet per child using the space at any 16608
one time, that has a minimum of one thousand four hundred forty 16609
square feet of space, and that is separate from the indoor space 16610
required under division (B)(1) of this section. 16611~~

~~(b) The director has determined that there is regularly 16612
available and scheduled for use a conveniently accessible and safe 16613
park, playground, or similar outdoor play area for play or 16614
recreation. 16615~~

~~(c) The children are closely supervised during play and while 16616
traveling to and from the area. 16617~~

~~The director also shall exempt from the requirement of this 16618~~

~~division a child day care center that was licensed prior to 16619
September 1, 1986, if the center received approval from the 16620
director prior to September 1, 1986, to use a park, playground, or 16621
similar area, not connected with the center, for play or 16622
recreation in lieu of the outdoor space requirements of this 16623
section and if the children are closely supervised both during 16624
play and while traveling to and from the area and except if the 16625
director determines upon investigation and inspection pursuant to 16626
section 5104.04 of the Revised Code and rules adopted pursuant to 16627
that section that the park, playground, or similar area, as well 16628
as access to and from the area, is unsafe for the children. 16629~~

~~(3) The child day care center shall have at least two 16630
responsible adults available on the premises at all times when 16631
seven or more children are in the center. The center shall 16632
organize the children in the center in small groups, shall provide 16633
child care staff to give continuity of care and supervision to the 16634
children on a day by day basis, and shall ensure that no child is 16635
left alone or unsupervised. Except as otherwise provided in 16636
division (E) of this section, the maximum number of children per 16637
child care staff member and maximum group size, by age category of 16638
children, are as follows: 16639~~

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child Care	Group	
of Children	Staff Member	Size	
(a) Infants:			16644
(i) Less than twelve			16645
months old	5:1, or		16646
	12:2 if two		16647
	child care		16648
	staff members		16649
	are in the room	12	16650

(ii) At least twelve			16651
months old, but			16652
less than eighteen			16653
months old	6:1	12	16654
(b) Toddlers:			16655
(i) At least eighteen			16656
months old, but			16657
less than thirty			16658
months old	7:1	14	16659
(ii) At least thirty months			16660
old, but less than			16661
three years old	8:1	16	16662
(c) Preschool			16663
children:			16664
(i) Three years old	12:1	24	16665
(ii) Four years old and			16666
five years old who			16667
are not school			16668
children	14:1	28	16669
(d) School children:			16670
(i) A child who is			16671
enrolled in or is			16672
eligible to be			16673
enrolled in a grade			16674
of kindergarten			16675
or above, but			16676
is less than			16677
eleven years old	18:1	36	16678
(ii) Eleven through fourteen			16679
years old	20:1	40	16680
Except as otherwise provided in division (E) of this section,			16681
the maximum number of children per child care staff member and			16682
maximum group size requirements of the younger age group shall			16683

~~apply when age groups are combined.~~ 16684

~~(C)(1) Each child day care center shall have on the center premises and readily available at all times at least one child care staff member who has completed a course in first aid, one staff member who has completed a course in prevention, recognition, and management of communicable diseases which is approved by the state department of health, and a staff member who has completed a course in child abuse recognition and prevention training which is approved by the department of job and family services.~~ 16685
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~~(2) The administrator of each child day care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.~~ 16694
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~~(3)(a) Any parent who is the residential parent and legal custodian of a child enrolled in a child day care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child day care center who is not the child's~~ 16708
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~~residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (C)(3)(b) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section, section 3109.12 of the Revised Code, or any other provision of the Revised Code.~~

~~(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.~~

~~(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.~~

~~(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section and sections 5104.031, 5104.032, and 5104.033 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division (B)(1) or (2) of this section; the maximum number of children per child care staff member and maximum group size requirements of division (B)(3) of this section; the educational and experience requirements of section 5104.031 of the Revised Code; the age, educational, and experience requirements of section 5104.032 of the Revised Code; the number and type of inservice training hours required under section 5104.033 of the Revised Code; however, the rules shall provide procedures for determining compliance with those requirements.~~

~~(E)(1) When age groups are combined, the maximum number of children per child care staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in a group in which all the other children are in the next older age group, the maximum number of children per child care staff member and maximum group size requirements of the older age group established under division (B)(3) of this section shall apply.~~

~~(2) The maximum number of toddlers or preschool children per child care staff member in a room where children are napping shall be twice the maximum number of children per child care staff member established under division (B)(3) of this section if all the following criteria are met:~~

~~(a) At least one child care staff member is present in the room.~~

~~(b) Sufficient child care staff members are on the child day care center premises to meet the maximum number of children per child care staff member requirements established under division (B)(3) of this section.~~ 16780
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~~(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.~~ 16784
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~~(d) The maximum number established under division (E)(2) of this section is in effect for no more than two hours during a twenty four hour day.~~ 16786
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~~(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day care homes, including, but not limited to, parent cooperative type A homes, part time type A homes, drop in type A homes, and school child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:~~ 16789
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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;~~ 16797
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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;~~ 16801
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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;~~ 16805
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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~~ 16808
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~~methodologies that are developmentally appropriate and that 16811
enhance the social, emotional, intellectual, and physical 16812
development of each child shall be permissible; 16813~~

~~(5) Admissions policies and procedures, health care policies 16814
and procedures, including, but not limited to, procedures for the 16815
isolation of children with communicable diseases, first aid and 16816
emergency procedures, procedures for discipline and supervision of 16817
children, standards for the provision of nutritious meals and 16818
snacks, and procedures for screening children and employees, 16819
including, but not limited to, any necessary physical examinations 16820
and immunizations; 16821~~

~~(6) Methods for encouraging parental participation in the 16822
type A home and methods for ensuring that the rights of children, 16823
parents, and employees are protected and that the responsibilities 16824
of parents and employees are met; 16825~~

~~(7) Procedures for ensuring the safety and adequate 16826
supervision of children traveling off the premises of the type A 16827
home while under the care of a type A home employee; 16828~~

~~(8) Procedures for record keeping, organization, and 16829
administration; 16830~~

~~(9) Procedures for issuing, denying, and revoking a license 16831
that are not otherwise provided for in Chapter 119. of the Revised 16832
Code; 16833~~

~~(10) Inspection procedures; 16834~~

~~(11) Procedures and standards for setting initial license 16835
application fees; 16836~~

~~(12) Procedures for receiving, recording, and responding to 16837
complaints about type A homes; 16838~~

~~(13) Procedures for enforcing section 5104.04 of the Revised 16839
Code; 16840~~

~~(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;~~

~~(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;~~

~~(16) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;~~

~~(17) Standards for the maximum number of children per child care staff member;~~

~~(18) Requirements for the amount of usable indoor floor space for each child;~~

~~(19) Requirements for safe outdoor play space;~~

~~(20) Qualifications and training requirements for administrators and for child care staff members;~~

~~(21) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;~~

~~(22) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;~~

~~(23) Any other procedures and standards necessary to carry out this chapter.~~

~~(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the~~

~~certification of type B family day care homes. 16871~~

~~(1) The rules shall include all of the following: 16872~~

~~(a) Procedures, standards, and other necessary provisions for 16873~~
~~granting limited certification to type B family day care homes 16874~~
~~that are operated by the following adult providers: 16875~~

~~(i) Persons who provide child care for eligible children who 16876~~
~~are great grandchildren, grandchildren, nieces, nephews, or 16877~~
~~siblings of the provider or for eligible children whose caretaker 16878~~
~~parent is a grandchild, child, niece, nephew, or sibling of the 16879~~
~~provider; 16880~~

~~(ii) Persons who provide child care for eligible children all 16881~~
~~of whom are the children of the same caretaker parent; 16882~~

~~(b) Procedures for the director to ensure, that type B homes 16883~~
~~that receive a limited certification provide child care to 16884~~
~~children in a safe and sanitary manner; 16885~~

~~(c) Requirements for the type B home to notify parents with 16886~~
~~children in the type B home that the type B home is also certified 16887~~
~~as a foster home under section 5103.03 of the Revised Code. 16888~~

~~With regard to providers who apply for limited certification, 16889~~
~~a provider shall be granted a provisional limited certification on 16890~~
~~signing a declaration under oath attesting that the provider meets 16891~~
~~the standards for limited certification. Such provisional limited 16892~~
~~certifications shall remain in effect for no more than sixty 16893~~
~~calendar days and shall entitle the provider to offer publicly 16894~~
~~funded child care during the provisional period. Except as 16895~~
~~otherwise provided in division (C)(1) of this section, section 16896~~
~~5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 16897~~
~~section 5104.11 of the Revised Code, prior to the expiration of 16898~~
~~the provisional limited certificate, a county department of job 16899~~
~~and family services shall inspect the home and shall grant limited 16900~~
~~certification to the provider if the provider meets the 16901~~

~~requirements of this division. Limited certificates remain valid 16902
for two years unless earlier revoked. Except as otherwise provided 16903
in division (G)(1) of this section, providers operating under 16904
limited certification shall be inspected annually. 16905~~

~~If a provider is a person described in division (G)(1)(a)(i) 16906
of this section or a person described in division (G)(1)(a)(ii) of 16907
this section who is a friend of the caretaker parent, the provider 16908
and the caretaker parent may verify in writing to the county 16909
department of job and family services that minimum health and 16910
safety requirements are being met in the home. Except as otherwise 16911
provided in section 5104.013 or 5104.09 or in division (A)(2) of 16912
section 5104.11 of the Revised Code, if such verification is 16913
provided, the county shall waive any inspection required by this 16914
chapter and grant limited certification to the provider. 16915~~

~~(2) The rules shall provide for safeguarding the health, 16916
safety, and welfare of children receiving child care or publicly 16917
funded child care in a certified type B home and shall include the 16918
following: 16919~~

~~(a) Standards for ensuring that the type B home and the 16920
physical surroundings of the type B home are safe and sanitary, 16921
including, but not limited to, physical environment, physical 16922
plant, and equipment; 16923~~

~~(b) Standards for the supervision, care, and discipline of 16924
children receiving child care or publicly funded child care in the 16925
home; 16926~~

~~(c) Standards for a program of activities, and for play 16927
equipment, materials, and supplies to enhance the development of 16928
each child; however, any educational curricula, philosophies, and 16929
methodologies that are developmentally appropriate and that 16930
enhance the social, emotional, intellectual, and physical 16931
development of each child shall be permissible; 16932~~

(d) Admission policies and procedures, health care, first aid	16933
and emergency procedures, procedures for the care of sick	16934
children, procedures for discipline and supervision of children,	16935
nutritional standards, and procedures for screening children and	16936
authorized providers, including, but not limited to, any necessary	16937
physical examinations and immunizations;	16938
(e) Methods of encouraging parental participation and	16939
ensuring that the rights of children, parents, and authorized	16940
providers are protected and the responsibilities of parents and	16941
authorized providers are met;	16942
(f) Standards for the safe transport of children when under	16943
the care of authorized providers;	16944
(g) Procedures for issuing, renewing, denying, refusing to	16945
renew, or revoking certificates;	16946
(h) Procedures for the inspection of type B homes that	16947
require, at a minimum, that each type B home be inspected prior to	16948
certification to ensure that the home is safe and sanitary;	16949
(i) Procedures for record keeping and evaluation;	16950
(j) Procedures for receiving, recording, and responding to	16951
complaints;	16952
(k) Standards providing for the special needs of children who	16953
are handicapped or who receive treatment for health conditions	16954
while the child is receiving child care or publicly funded child	16955
care in the type B home;	16956
(l) Requirements for the amount of usable indoor floor space	16957
for each child;	16958
(m) Requirements for safe outdoor play space;	16959
(n) Qualification and training requirements for authorized	16960
providers;	16961
(o) Procedures for granting a parent who is the residential	16962

~~parent and legal custodian, or a custodian or guardian access to
the type B home during its hours of operation;~~ 16963
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~~(p) Requirements for the type B home to notify parents with
children in the type B home that the type B home is also certified
as a foster home under section 5103.03 of the Revised Code;~~ 16965
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~~(q) Any other procedures and standards necessary to carry out
this chapter.~~ 16968
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~~(H) The director shall adopt rules pursuant to Chapter 119.
of the Revised Code governing the certification of in home aides.
The rules shall include procedures, standards, and other necessary
provisions for granting limited certification to in home aides who
provide child care for eligible children who are
great grandchildren, grandchildren, nieces, nephews, or siblings
of the in home aide or for eligible children whose caretaker
parent is a grandchild, child, niece, nephew, or sibling of the
in home aide. The rules shall require, and shall include
procedures for the director to ensure, that in home aides that
receive a limited certification provide child care to children in
a safe and sanitary manner. The rules shall provide for
safeguarding the health, safety, and welfare of children receiving
publicly funded child care in their own home and shall include the
following:~~ 16970
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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;~~ 16985
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~~(2) Standards for the supervision, care, and discipline of
children receiving publicly funded child care in their own home;~~ 16989
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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~~ 16991
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methodologies that are developmentally appropriate and that	16994
enhance the social, emotional, intellectual, and physical	16995
development of each child shall be permissible;	16996
(4) Health care, first aid, and emergency procedures,	16997
procedures for the care of sick children, procedures for	16998
discipline and supervision of children, nutritional standards, and	16999
procedures for screening children and in-home aides, including,	17000
but not limited to, any necessary physical examinations and	17001
immunizations;	17002
(5) Methods of encouraging parental participation and	17003
ensuring that the rights of children, parents, and in-home aides	17004
are protected and the responsibilities of parents and in-home	17005
aides are met;	17006
(6) Standards for the safe transport of children when under	17007
the care of in-home aides;	17008
(7) Procedures for issuing, renewing, denying, refusing to	17009
renew, or revoking certificates;	17010
(8) Procedures for inspection of homes of children receiving	17011
publicly funded child care in their own homes;	17012
(9) Procedures for record keeping and evaluation;	17013
(10) Procedures for receiving, recording, and responding to	17014
complaints;	17015
(11) Qualifications and training requirements for in-home	17016
aides;	17017
(12) Standards providing for the special needs of children	17018
who are handicapped or who receive treatment for health conditions	17019
while the child is receiving publicly funded child care in the	17020
child's own home;	17021
(13) Any other procedures and standards necessary to carry	17022
out this chapter.	17023

~~(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.~~

~~(J)(1) The director of job and family services shall do all of the following:~~

~~(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;~~

~~(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;~~

~~(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.~~

~~(2) The director shall do all of the following:~~

~~(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;~~

~~(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance;~~

~~(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.~~

~~(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 17054
prior to the date of the public hearing, in accordance with 17055
section 119.03 of the Revised Code. At least thirty days before 17056
the effective date of a rule, the county director of job and 17057
family services shall provide, in either paper or electronic form, 17058
copies of the adopted rule to each authorized provider and in home 17059
aide. 17060~~

~~(4) Additional copies of proposed and adopted rules shall be 17061
made available by the director of job and family services to the 17062
public on request at no charge. 17063~~

~~(5) The director of job and family services may adopt rules 17064
pursuant to Chapter 119. of the Revised Code for imposing 17065
sanctions on persons and entities that are licensed or certified 17066
under this chapter. Sanctions may be imposed only for an action or 17067
omission that constitutes a serious risk noncompliance. The 17068
sanctions imposed shall be based on the scope and severity of the 17069
violations. 17070~~

~~The director shall make a dispute resolution process 17071
available for the implementation of sanctions. The process may 17072
include an opportunity for appeal pursuant to Chapter 119. of the 17073
Revised Code. 17074~~

~~(6) The director of job and family services shall adopt rules 17075
pursuant to Chapter 119. of the Revised Code that establish 17076
standards for the training of individuals whom any county 17077
department of job and family services employs, with whom any 17078
county department of job and family services contracts, or with 17079
whom the director of job and family services contracts, to inspect 17080
or investigate type B family day care homes pursuant to section 17081
5104.11 of the Revised Code. The department shall provide training 17082
in accordance with those standards for individuals in the 17083
categories described in this division. 17084~~

~~(K) The director of job and family services shall review all rules adopted pursuant to this chapter at least once every seven years.~~

~~(L) Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values.~~

Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.037 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code; the maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code; the educational and experience requirements of section 5104.035 of the Revised Code; the age, educational, and experience requirements of section 5104.036 of the Revised Code; the number and type of inservice training hours required under section 5104.037 of the Revised Code; however, the rules shall provide procedures for determining compliance with those requirements.

Sec. 5104.017. 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 parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school-age child type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

<u>(A) Submission of a site plan and descriptive plan of</u>	17115
<u>operation to demonstrate how the type A home proposes to meet the</u>	17116
<u>requirements of this chapter and rules adopted pursuant to this</u>	17117
<u>chapter for the initial license application;</u>	17118
<u>(B) Standards for ensuring that the physical surroundings of</u>	17119
<u>the type A home are safe and sanitary, including the physical</u>	17120
<u>environment, the physical plant, and the equipment of the type A</u>	17121
<u>home;</u>	17122
<u>(C) Standards for the supervision, care, and discipline of</u>	17123
<u>children receiving child care or publicly funded child care in the</u>	17124
<u>type A home;</u>	17125
<u>(D) Standards for a program of activities, and for play</u>	17126
<u>equipment, materials, and supplies, to enhance the development of</u>	17127
<u>each child; however, any educational curricula, philosophies, and</u>	17128
<u>methodologies that are developmentally appropriate and that</u>	17129
<u>enhance the social, emotional, intellectual, and physical</u>	17130
<u>development of each child shall be permissible;</u>	17131
<u>(E) Admissions policies and procedures, health care policies</u>	17132
<u>and procedures, including procedures for the isolation of children</u>	17133
<u>with communicable diseases, first aid and emergency procedures,</u>	17134
<u>procedures for discipline and supervision of children, standards</u>	17135
<u>for the provision of nutritious meals and snacks, and procedures</u>	17136
<u>for screening children and employees, including any necessary</u>	17137
<u>physical examinations and immunizations;</u>	17138
<u>(F) Methods for encouraging parental participation in the</u>	17139
<u>type A home and methods for ensuring that the rights of children,</u>	17140
<u>parents, and employees are protected and that the responsibilities</u>	17141
<u>of parents and employees are met;</u>	17142
<u>(G) Procedures for ensuring the safety and adequate</u>	17143
<u>supervision of children traveling off the premises of the type A</u>	17144
<u>home while under the care of a type A home employee;</u>	17145

<u>(H) Procedures for record keeping, organization, and administration;</u>	17146
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<u>(I) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;</u>	17148
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<u>(J) Inspection procedures;</u>	17151
<u>(K) Procedures and standards for setting initial license application fees;</u>	17152
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<u>(L) Procedures for receiving, recording, and responding to complaints about type A homes;</u>	17154
	17155
<u>(M) Procedures for enforcing section 5104.04 of the Revised Code;</u>	17156
	17157
<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>	17158
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<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>	17163
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<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>	17167
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<u>(Q) Standards for the maximum number of children per child-care staff member;</u>	17171
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<u>(R) Requirements for the amount of usable indoor floor space for each child;</u>	17173
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<u>(S) Requirements for safe outdoor play space;</u>	17175

<u>(T) Qualifications and training requirements for administrators and for child-care staff members;</u>	17176
<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>	17177
<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>	17178
<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>	17179
<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>	17180
<u>(V) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</u>	17181
<u>(V) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</u>	17182
<u>(W) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.</u>	17183
<u>(W) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.</u>	17184
<u>Sec. 5104.018. 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>	17185
<u>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>	17186
<u>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>	17187
<u>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>	17188
<u>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>	17189
<u>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>	17190
<u>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>	17191
<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>	17192
<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>	17193
<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>	17194
<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>	17195
<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>	17196
<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>	17197
<u>(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;</u>	17198
<u>(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;</u>	17199
<u>(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;</u>	17200
<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</u>	17201
<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</u>	17202
<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</u>	17203
<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</u>	17204
<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</u>	17205

<u>development of each child shall be permissible;</u>	17206
<u>(E) Admission policies and procedures, health care, first aid</u>	17207
<u>and emergency procedures, procedures for the care of sick</u>	17208
<u>children, procedures for discipline and supervision of children,</u>	17209
<u>nutritional standards, and procedures for screening children and</u>	17210
<u>administrators, including any necessary physical examinations and</u>	17211
<u>immunizations;</u>	17212
<u>(F) Methods of encouraging parental participation and</u>	17213
<u>ensuring that the rights of children, parents, and administrators</u>	17214
<u>are protected and the responsibilities of parents and</u>	17215
<u>administrators are met;</u>	17216
<u>(G) Standards for the safe transport of children when under</u>	17217
<u>the care of administrators;</u>	17218
<u>(H) Procedures for issuing, denying, or revoking licenses;</u>	17219
<u>(I) Procedures for the inspection of type B homes that</u>	17220
<u>require, at a minimum, that each type B home be inspected prior to</u>	17221
<u>licensure to ensure that the home is safe and sanitary;</u>	17222
<u>(J) Procedures for record keeping and evaluation;</u>	17223
<u>(K) Procedures for receiving, recording, and responding to</u>	17224
<u>complaints;</u>	17225
<u>(L) Standards providing for the special needs of children who</u>	17226
<u>are handicapped or who receive treatment for health conditions</u>	17227
<u>while the child is receiving child care or publicly funded child</u>	17228
<u>care in the type B home;</u>	17229
<u>(M) Requirements for the amount of usable indoor floor space</u>	17230
<u>for each child;</u>	17231
<u>(N) Requirements for safe outdoor play space;</u>	17232
<u>(O) Qualification and training requirements for</u>	17233
<u>administrators;</u>	17234

(P) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation; 17235
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(Q) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code; 17238
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(R) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes. 17241
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Sec. 5104.019. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following: 17244
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(A) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including physical environment, physical plant, and equipment; 17250
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(B) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home; 17253
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(C) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible; 17255
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(D) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including any 17261
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<u>necessary physical examinations and immunizations;</u>	17265
<u>(E) Methods of encouraging parental participation and</u>	17266
<u>ensuring that the rights of children, parents, and in-home aides</u>	17267
<u>are protected and the responsibilities of parents and in-home</u>	17268
<u>aides are met;</u>	17269
<u>(F) Standards for the safe transport of children when under</u>	17270
<u>the care of in-home aides;</u>	17271
<u>(G) Procedures for issuing, renewing, denying, refusing to</u>	17272
<u>renew, or revoking certificates;</u>	17273
<u>(H) Procedures for inspection of homes of children receiving</u>	17274
<u>publicly funded child care in their own homes;</u>	17275
<u>(I) Procedures for record keeping and evaluation;</u>	17276
<u>(J) Procedures for receiving, recording, and responding to</u>	17277
<u>complaints;</u>	17278
<u>(K) Qualifications and training requirements for in-home</u>	17279
<u>aides;</u>	17280
<u>(L) Standards providing for the special needs of children who</u>	17281
<u>are handicapped or who receive treatment for health conditions</u>	17282
<u>while the child is receiving publicly funded child care in the</u>	17283
<u>child's own home;</u>	17284
<u>(M) Any other procedures and standards necessary to carry out</u>	17285
<u>the provisions of this chapter regarding certification of in-home</u>	17286
<u>aides.</u>	17287
<u>Sec. 5104.0110.</u> <u>To the extent that any rules adopted for the</u>	17288
<u>purposes of this chapter require a health care professional to</u>	17289
<u>perform a physical examination, the rules shall include as a</u>	17290
<u>health care professional a physician assistant, a clinical nurse</u>	17291
<u>specialist, a certified nurse practitioner, or a certified</u>	17292
<u>nurse-midwife.</u>	17293

<u>Sec. 5104.0111. (A) The director of job and family services</u>	17294
<u>shall do all of the following:</u>	17295
<u>(1) Provide or make available in either paper or electronic</u>	17296
<u>form to each licensee notice of proposed rules governing the</u>	17297
<u>licensure of child day-care centers, type A homes, and type B</u>	17298
<u>homes;</u>	17299
<u>(2) Give public notice of hearings regarding the proposed</u>	17300
<u>rules at least thirty days prior to the date of the public</u>	17301
<u>hearing, in accordance with section 119.03 of the Revised Code;</u>	17302
<u>(3) At least thirty days before the effective date of a rule,</u>	17303
<u>provide, in either paper or electronic form, a copy of the adopted</u>	17304
<u>rule to each licensee;</u>	17305
<u>(4) Send to each county director of job and family services a</u>	17306
<u>notice of proposed rules governing the certification of in-home</u>	17307
<u>aides that includes an internet web site address where the</u>	17308
<u>proposed rules can be viewed;</u>	17309
<u>(5) Provide to each county director of job and family</u>	17310
<u>services an electronic copy of each adopted rule at least</u>	17311
<u>forty-five days prior to the rule's effective date;</u>	17312
<u>(6) Review all rules adopted pursuant to this chapter at</u>	17313
<u>least once every seven years.</u>	17314
<u>(B) The county director of job and family services shall</u>	17315
<u>provide or make available in either paper or electronic form to</u>	17316
<u>each in-home aide copies of proposed rules and shall give public</u>	17317
<u>notice of hearings regarding the rules to each in-home aide at</u>	17318
<u>least thirty days prior to the date of the public hearing, in</u>	17319
<u>accordance with section 119.03 of the Revised Code. At least</u>	17320
<u>thirty days before the effective date of a rule, the county</u>	17321
<u>director of job and family services shall provide, in either paper</u>	17322
<u>or electronic form, copies of the adopted rule to each in-home</u>	17323

aide. 17324

(C) Additional copies of proposed and adopted rules shall be made available by the director of job and family services to the public on request at no charge. 17325
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(D) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code for imposing sanctions on persons and entities that are licensed or certified under this chapter. Sanctions may be imposed only for an action or omission that constitutes a serious risk noncompliance. The sanctions imposed shall be based on the scope and severity of the violations. 17328
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The director shall make a dispute resolution process available for the implementation of sanctions. The process may include an opportunity for appeal pursuant to Chapter 119. of the Revised Code. 17335
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(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards for the training of individuals who inspect or investigate type B family day-care homes pursuant to section 5104.03 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this division. 17339
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Sec. 5104.0112. Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values. 17346
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Sec. 5104.022. ~~The department~~ In no case shall the director of job and family services ~~shall not~~ issue a license to operate a prospective type A family day-care home if ~~that prospective family~~ 17351
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~~day-care~~ the type A home is certified ~~to be~~ as a foster home or 17354
specialized foster home pursuant to Chapter 5103. of the Revised 17355
Code. ~~A county department of job and family services~~ In no case 17356
~~shall not certify~~ the director issue a license to operate a 17357
~~prospective~~ type B family day-care home if ~~that prospective family~~ 17358
~~day-care~~ the type B home is certified ~~to be~~ as a specialized 17359
foster home pursuant to Chapter 5103. of the Revised Code. 17360

Sec. 5104.03. (A) Any person, firm, organization, 17361
institution, or agency ~~desiring~~ seeking to establish a child 17362
day-care center ~~or~~, type A family day-care home, or licensed type 17363
B family day-care home shall apply for a license to the director 17364
of job and family services on such form as the director 17365
prescribes. The director shall provide at no charge to each 17366
applicant for licensure a copy of the child care license 17367
requirements in this chapter and a copy of the rules adopted 17368
pursuant to this chapter. The copies may be provided in paper or 17369
electronic form. 17370

Fees shall be set by the director pursuant to ~~section~~ 17371
~~5104.011~~ sections 5104.015, 5104.017, and 5104.018 of the Revised 17372
Code and shall be paid at the time of application for a license to 17373
operate a center ~~or~~, type A home, or type B home. Fees collected 17374
under this section shall be paid into the state treasury to the 17375
credit of the general revenue fund. 17376

(B)(1) Upon filing of the application for a license, the 17377
director shall investigate and inspect the center ~~or~~, type A home, 17378
or type B home to determine the license capacity for each age 17379
category of children of the center ~~or~~, type A home, or type B home 17380
and to determine whether the center ~~or~~, type A home, or type B 17381
home complies with this chapter and rules adopted pursuant to this 17382
chapter. When, after investigation and inspection, the director is 17383
satisfied that this chapter and rules adopted pursuant to it are 17384

complied with, subject to division ~~(G)~~(H) of this section, a 17385
~~provisional~~ license shall be issued as soon as practicable in such 17386
form and manner as prescribed by the director. The license shall 17387
be designated as provisional license and shall be valid for twelve 17388
months from the date of issuance unless revoked. 17389

(2) The director may contract with a government entity or a 17390
private nonprofit entity for the entity to inspect and license 17391
type B family day-care homes pursuant to this section. The 17392
department, government entity, or nonprofit entity shall conduct 17393
the inspection prior to the issuance of a license for the type B 17394
home and, as part of that inspection, ensure that the type B home 17395
is safe and sanitary. 17396

(C)(1) On receipt of an application for licensure as a type B 17397
family day-care home to provide publicly funded child care, the 17398
department shall search the uniform statewide automated child 17399
welfare information system for information concerning any abuse or 17400
neglect report made pursuant to section 2151.421 of the Revised 17401
Code of which the applicant, any other adult residing in the 17402
applicant's home, or a person designated by the applicant to be an 17403
emergency or substitute caregiver for the applicant is the 17404
subject. 17405

(2) The department shall consider any information it 17406
discovers pursuant to division (C)(1) of this section or that is 17407
provided by a public children services agency pursuant to section 17408
5153.175 of the Revised Code. If the department determines that 17409
the information, when viewed within the totality of the 17410
circumstances, reasonably leads to the conclusion that the 17411
applicant may directly or indirectly endanger the health, safety, 17412
or welfare of children, the department shall deny the application 17413
for licensure or revoke the license of a type B family day-care 17414
home. 17415

(D) The director shall investigate and inspect the center ~~or,~~ 17416

type A home, or type B home at least once during operation under 17417
the a license designated as provisional license. If after the 17418
investigation and inspection the director determines that the 17419
requirements of this chapter and rules adopted pursuant to this 17420
chapter are met, subject to division ~~(G)~~(H) of this section, the 17421
director shall issue a new license to the center or home. 17422

~~(D)~~ (E) Each license ~~or provisional license~~ shall state 17423
the name of the licensee, the name of the administrator, the 17424
address of the center ~~or~~, type A home, or licensed type B home, 17425
and the license capacity for each age category of children. The 17426
license ~~or provisional license~~ shall include thereon, in 17427
accordance with ~~section 5104.011~~ sections 5104.015, 5104.017, and 17428
5104.018 of the Revised Code, the toll-free telephone number to be 17429
used by persons suspecting that the center ~~or~~, type A home, or 17430
licensed type B home has violated a provision of this chapter or 17431
rules adopted pursuant to this chapter. A license ~~or provisional~~ 17432
~~license~~ is valid only for the licensee, administrator, address, 17433
and license capacity for each age category of children designated 17434
on the license. The license capacity specified on the license ~~or~~ 17435
~~provisional license~~ is the maximum number of children in each age 17436
category that may be cared for in the center ~~or~~, type A home, or 17437
licensed type B home at one time. 17438

The center or type A home licensee shall notify the director 17439
when the administrator of the center or home changes. The director 17440
shall amend the current license ~~or provisional license~~ to reflect 17441
a change in an administrator, if the administrator meets the 17442
requirements of ~~Chapter 5104. of the Revised Code~~ this chapter and 17443
rules adopted pursuant to ~~Chapter 5104. of the Revised Code~~ this 17444
chapter, or a change in license capacity for any age category of 17445
children as determined by the director of job and family services. 17446

~~(E)~~(F) If the director revokes the license of a center ~~or~~, a 17447
type A home, or a type B home, the director shall not issue 17448

another license to the owner of the center ~~or~~, type A home, or 17449
type B home until five years have elapsed from the date the 17450
license is revoked. 17451

If the director denies an application for a license, the 17452
director shall not accept another application from the applicant 17453
until five years have elapsed from the date the application is 17454
denied. 17455

~~(F)~~(G) If during the application for licensure process the 17456
director determines that the license of the owner has been 17457
revoked, the investigation of the center ~~or~~, type A home, or type 17458
B home shall cease. This action does not constitute denial of the 17459
application and may not be appealed under division ~~(G)~~(H) of this 17460
section. 17461

~~(G)~~(H) All actions of the director with respect to licensing 17462
centers ~~or~~, type A homes, or type B homes, refusal to license, and 17463
revocation of a license shall be in accordance with Chapter 119. 17464
of the Revised Code. Any applicant who is denied a license or any 17465
owner whose license is revoked may appeal in accordance with 17466
section 119.12 of the Revised Code. 17467

~~(H)~~(I) In no case shall the director issue a license ~~or~~ 17468
~~provisional license~~ under this section for a ~~type A home or~~ 17469
center, type A home, or type B home if the director, based on 17470
documentation provided by the appropriate county department of job 17471
and family services, determines that the applicant ~~previously~~ had 17472
been certified as a type B family day-care home when such 17473
certifications were issued by county departments prior to the 17474
effective date of this amendment, that the county department 17475
revoked that certification, that the revocation was based on the 17476
applicant's refusal or inability to comply with the criteria for 17477
certification, and that the refusal or inability resulted in a 17478
risk to the health or safety of children. 17479

(J)(1) Except as provided in division (J)(2) of this section, 17480
an administrator of a type B family day-care home that receives a 17481
license pursuant to this section to provide publicly funded child 17482
care is an independent contractor and is not an employee of the 17483
department of job and family services. 17484

(2) For purposes of Chapter 4141. of the Revised Code, 17485
determinations concerning the employment of an administrator of a 17486
type B family day-care home that receives a license pursuant to 17487
this section shall be determined under Chapter 4141. of the 17488
Revised Code. 17489

Sec. 5104.032. (A) The child day-care center shall have, for 17490
each child for whom the center is licensed, at least thirty-five 17491
square feet of usable indoor floor space wall-to-wall regularly 17492
available for the child care operation exclusive of any parts of 17493
the structure in which the care of children is prohibited by law 17494
or by rules adopted by the board of building standards. The 17495
minimum of thirty-five square feet of usable indoor floor space 17496
shall not include hallways, kitchens, storage areas, or any other 17497
areas that are not available for the care of children, as 17498
determined by the director, in meeting the space requirement of 17499
this division, and bathrooms shall be counted in determining 17500
square footage only if they are used exclusively by children 17501
enrolled in the center, except that the exclusion of hallways, 17502
kitchens, storage areas, bathrooms not used exclusively by 17503
children enrolled in the center, and any other areas not available 17504
for the care of children from the minimum of thirty-five square 17505
feet of usable indoor floor space shall not apply to: 17506

(1) Centers licensed prior to or on September 1, 1986, that 17507
continue under licensure after that date; 17508

(2) Centers licensed prior to or on September 1, 1986, that 17509
are issued a new license after that date solely due to a change of 17510

ownership of the center. 17511

(B) The child day-care center shall have on the site a safe 17512
outdoor play space which is enclosed by a fence or otherwise 17513
protected from traffic or other hazards. The play space shall 17514
contain not less than sixty square feet per child using such space 17515
at any one time, and shall provide an opportunity for supervised 17516
outdoor play each day in suitable weather. The director may exempt 17517
a center from the requirement of this division, if an outdoor play 17518
space is not available and if all of the following are met: 17519

(1) The center provides an indoor recreation area that has 17520
not less than sixty square feet per child using the space at any 17521
one time, that has a minimum of one thousand four hundred forty 17522
square feet of space, and that is separate from the indoor space 17523
required under division (A) of this section. 17524

(2) The director has determined that there is regularly 17525
available and scheduled for use a conveniently accessible and safe 17526
park, playground, or similar outdoor play area for play or 17527
recreation. 17528

(3) The children are closely supervised during play and while 17529
traveling to and from the area. 17530

The director also shall exempt from the requirement of this 17531
division a child day-care center that was licensed prior to 17532
September 1, 1986, if the center received approval from the 17533
director prior to September 1, 1986, to use a park, playground, or 17534
similar area, not connected with the center, for play or 17535
recreation in lieu of the outdoor space requirements of this 17536
section and if the children are closely supervised both during 17537
play and while traveling to and from the area and except if the 17538
director determines upon investigation and inspection pursuant to 17539
section 5104.04 of the Revised Code and rules adopted pursuant to 17540
that section that the park, playground, or similar area, as well 17541

as access to and from the area, is unsafe for the children. 17542

Sec. 5104.033. A child day-care center shall have at least 17543
two responsible adults available on the premises at all times when 17544
seven or more children are in the center. The center shall 17545
organize the children in the center in small groups, shall provide 17546
child-care staff to give continuity of care and supervision to the 17547
children on a day-by-day basis, and shall ensure that no child is 17548
left alone or unsupervised. Except as otherwise provided in 17549
division (B) of this section, the maximum number of children per 17550
child-care staff member and maximum group size, by age category of 17551
children, are as follows: 17552

	<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>			17557
<u>(i) Less than twelve</u>			17558
<u>months old</u>	<u>5:1, or</u>		17559
	<u>12:2 if two</u>		17560
	<u>child-care</u>		17561
	<u>staff members</u>		17562
	<u>are in the room</u>	<u>12</u>	17563
<u>(ii) At least twelve</u>			17564
<u>months old, but</u>			17565
<u>less than eighteen</u>			17566
<u>months old</u>	<u>6:1</u>	<u>12</u>	17567
<u>(b) Toddlers:</u>			17568
<u>(i) At least eighteen</u>			17569
<u>months old, but</u>			17570
<u>less than thirty</u>			17571
<u>months old</u>	<u>7:1</u>	<u>14</u>	17572
<u>(ii) At least thirty months</u>			17573

<u>old, but less than</u>			17574
<u>three years old</u>	<u>8:1</u>	<u>16</u>	17575
<u>(c) Preschool-age</u>			17576
<u>children:</u>			17577
<u>(i) Three years old</u>	<u>12:1</u>	<u>24</u>	17578
<u>(ii) Four years old and</u>			17579
<u>five years old who</u>			17580
<u>are not school</u>			17581
<u>children</u>	<u>14:1</u>	<u>28</u>	17582
<u>(d) School-age children:</u>			17583
<u>(i) A child who is</u>			17584
<u>enrolled in or is</u>			17585
<u>eligible to be</u>			17586
<u>enrolled in a grade</u>			17587
<u>of kindergarten</u>			17588
<u>or above, but</u>			17589
<u>is less than</u>			17590
<u>eleven years old</u>	<u>18:1</u>	<u>36</u>	17591
<u>(ii) Eleven through fourteen</u>			17592
<u>years old</u>	<u>20:1</u>	<u>40</u>	17593
<u>Except as otherwise provided in division (B) of this section,</u>			17594
<u>the maximum number of children per child-care staff member and</u>			17595
<u>maximum group size requirements of the younger age group shall</u>			17596
<u>apply when age groups are combined.</u>			17597
<u>(B)(1) When age groups are combined, the maximum number of</u>			17598
<u>children per child-care staff member shall be determined by the</u>			17599
<u>age of the youngest child in the group, except that when no more</u>			17600
<u>than one child thirty months of age or older receives services in</u>			17601
<u>a group in which all the other children are in the next older age</u>			17602
<u>group, the maximum number of children per child-care staff member</u>			17603
<u>and maximum group size requirements of the older age group</u>			17604
<u>established under division (A) of this section shall apply.</u>			17605

(2) The maximum number of toddlers or preschool-age children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (A) of this section if all the following criteria are met: 17606
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(a) At least one child-care staff member is present in the room. 17611
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(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (A) of this section. 17613
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(c) Naptime preparations are complete and all napping children are resting or sleeping on cots. 17617
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(d) The maximum number established under division (B)(2) of this section is in effect for no more than two hours during a twenty-four-hour day. 17619
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Sec. 5104.034. Each child day-care center shall have on the center premises and readily available at all times at least one child-care staff member who has completed a course in first aid, one staff member who has completed a course in prevention, recognition, and management of communicable diseases which is approved by the state department of health, and a staff member who has completed a course in child abuse recognition and prevention training which is approved by the department of job and family services. 17622
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Sec. 5104.031 **5104.035.** (A) A child day-care center administrator shall show the director of job and family services both of the following: 17631
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(1) Evidence of at least high school graduation or certification of high school equivalency by the state board of 17634
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education or the appropriate agency of another state;	17636
(2) Evidence of having at least one of the following:	17637
(a) An associate, bachelor's, master's, doctoral, or other postgraduate degree in child development or early childhood education, or in a related field approved by the director, from an accredited college, university, or technical college;	17638 17639 17640 17641
(b) A license designated as appropriate for teaching in an associate teaching position in a preschool setting issued by the state board of education pursuant to section 3319.22 of the Revised Code;	17642 17643 17644 17645
(c) Designation under the career pathways model as an early childhood professional level three;	17646 17647
(d) Two years of experience working as a child-care staff member in a licensed child care program, designation under the career pathways model as an early childhood professional level one, and, not later than one year after being named as administrator, designation under the career pathways model as an early childhood professional level two;	17648 17649 17650 17651 17652 17653
(e) Two years of experience working as a child-care staff member in a licensed child care program and, except as provided in division (B) of this section, at least four courses in child development or early childhood education from an accredited college, university, or technical college;	17654 17655 17656 17657 17658
(f) Two years of experience working as a child-care staff member in a licensed child care program and a child development associate credential issued by the council for professional recognition;	17659 17660 17661 17662
(g) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;	17663 17664 17665

(h) An infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education.

(B) A person who has two years of experience working as a child-care staff member in a child day-care center and is promoted to or designated as administrator of that center shall have one year from the date of the promotion or designation to complete the courses required by division (A)(1)(e) of this section.

Sec. ~~5104.032~~ 5104.036. (A) All child-care staff members of a child day-care center shall be at least eighteen years of age, and shall furnish the director of job and family services evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of job and family services or state board of education, except as follows:

(B) A child-care staff member may be less than eighteen years of age if the staff member is either of the following:

(1) A graduate of a two-year vocational child-care training program approved by the state board of education;

(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.

(C) A child-care staff member shall be exempt from the

educational requirements of division (A) of this section if the 17696
staff member: 17697

(1) Prior to January 1, 1972, was employed or designated by a 17698
child day-care center and has been continuously employed since 17699
either by the same child day-care center employer or at the same 17700
child day-care center; 17701

(2) Is a student enrolled in the second year of a vocational 17702
child-care training program approved by the state board of 17703
education which leads to high school graduation, provided that the 17704
student performs the student's duties in the child day-care center 17705
under the continuous supervision of an experienced child-care 17706
staff member, receives periodic supervision from the vocational 17707
child-care training program teacher-coordinator in the student's 17708
high school, and meets all other requirements of this chapter and 17709
rules adopted pursuant to this chapter; 17710

(3) Is receiving or has completed the final year of 17711
instruction at home as authorized under section 3321.04 of the 17712
Revised Code or has graduated from a nonchartered, nonpublic 17713
school in Ohio. 17714

Sec. ~~5104.033~~ 5104.037. (A) Except as provided in division 17715
(B) of this section, each child-care staff member of a child 17716
day-care center annually shall complete fifteen hours of inservice 17717
training that includes the following subjects until the staff 17718
member has completed a total of forty-five hours of training: 17719

(1) Child development or early childhood education; 17720

(2) Child abuse recognition and prevention; 17721

(3) First aid; 17722

(4) Prevention, recognition, and management of communicable 17723
diseases. 17724

(B) A child-care staff member is exempt from the inservice 17725

training requirements established by division (A) of this section 17726
if the staff member furnishes one of the following to the director 17727
of job and family services: 17728

(1) Evidence of an associate or higher degree in child 17729
development or early childhood education from an accredited 17730
college, university, or technical college; 17731

(2) A license designated for teaching in an associate 17732
teaching position in a preschool setting issued by the state board 17733
of education; 17734

(3) Evidence of a child development associate credential; 17735

(4) Evidence of an infant and toddler or early childhood 17736
credential from a program accredited by the Montessori 17737
accreditation council for teacher education. 17738

(C) For purposes of this section, each hour of inservice 17739
training shall consist of sixty minutes of training. 17740

Sec. 5104.038. The administrator of each child day-care 17741
center shall maintain enrollment, health, and attendance records 17742
for all children attending the center and health and employment 17743
records for all center employees. The records shall be 17744
confidential, except that they shall be disclosed by the 17745
administrator to the director upon request for the purpose of 17746
administering and enforcing this chapter and rules adopted 17747
pursuant to this chapter. Neither the center nor the licensee, 17748
administrator, or employees of the center shall be civilly or 17749
criminally liable in damages or otherwise for records disclosed to 17750
the director by the administrator pursuant to this division. It 17751
shall be a defense to any civil or criminal charge based upon 17752
records disclosed by the administrator to the director that the 17753
records were disclosed pursuant to this division. 17754

Sec. 5104.039. (A) Any parent who is the residential parent 17755

and legal custodian of a child enrolled in a child day-care center 17756
and any custodian or guardian of such a child shall be permitted 17757
unlimited access to the center during its hours of operation for 17758
the purposes of contacting their children, evaluating the care 17759
provided by the center, evaluating the premises of the center, or 17760
for other purposes approved by the director. A parent of a child 17761
enrolled in a child day-care center who is not the child's 17762
residential parent shall be permitted unlimited access to the 17763
center during its hours of operation for those purposes under the 17764
same terms and conditions under which the residential parent of 17765
that child is permitted access to the center for those purposes. 17766
However, the access of the parent who is not the residential 17767
parent is subject to any agreement between the parents and, to the 17768
extent described in division (B) of this section, is subject to 17769
any terms and conditions limiting the right of access of the 17770
parent who is not the residential parent, as described in division 17771
(I) of section 3109.051 of the Revised Code, that are contained in 17772
a parenting time order or decree issued under that section, 17773
section 3109.12 of the Revised Code, or any other provision of the 17774
Revised Code. 17775

(B) If a parent who is the residential parent of a child has 17776
presented the administrator or the administrator's designee with a 17777
copy of a parenting time order that limits the terms and 17778
conditions under which the parent who is not the residential 17779
parent is to have access to the center, as described in division 17780
(I) of section 3109.051 of the Revised Code, the parent who is not 17781
the residential parent shall be provided access to the center only 17782
to the extent authorized in the order. If the residential parent 17783
has presented such an order, the parent who is not the residential 17784
parent shall be permitted access to the center only in accordance 17785
with the most recent order that has been presented to the 17786
administrator or the administrator's designee by the residential 17787

parent or the parent who is not the residential parent. 17788

(C) Upon entering the premises pursuant to division (A) or 17789
(B) of this section, the parent who is the residential parent and 17790
legal custodian, the parent who is not the residential parent, or 17791
the custodian or guardian shall notify the administrator or the 17792
administrator's designee of the parent's, custodian's, or 17793
guardian's presence. 17794

Sec. 5104.04. (A) The department of job and family services 17795
shall establish procedures to be followed in investigating, 17796
inspecting, and licensing child day-care centers ~~and~~, type A 17797
family day-care homes, and licensed type B family day-care homes. 17798

(B)(1)(a) The department shall, at least once during every 17799
twelve-month period of operation of a center ~~or~~, type A home, or 17800
licensed type B home, inspect the center ~~or~~, type A home, or 17801
licensed type B home. The department shall inspect a part-time 17802
center or part-time type A home at least once during every 17803
twelve-month period of operation. The department shall provide a 17804
written inspection report to the licensee within a reasonable time 17805
after each inspection. The licensee shall display ~~all written~~ 17806
~~reports of inspections conducted during the current licensing~~ 17807
~~period~~ its most recent inspection report in a conspicuous place in 17808
the center ~~or~~, type A home, or licensed type B home. 17809

Inspections may be unannounced. No person, firm, 17810
organization, institution, or agency shall interfere with the 17811
inspection of a center ~~or~~, type A home, or licensed type B home by 17812
any state or local official engaged in performing duties required 17813
of the state or local official by this chapter or rules adopted 17814
pursuant to this chapter, including inspecting the center ~~or~~, type 17815
A home, or licensed type B home, reviewing records, or 17816
interviewing licensees, employees, children, or parents. 17817

(b) Upon receipt of any complaint that a center ~~or~~, type A 17818

home or licensed type B home is out of compliance with the 17819
requirements of this chapter or rules adopted pursuant to this 17820
chapter, the department shall investigate the center or home, and 17821
both of the following apply: 17822

(i) If the complaint alleges that a child suffered physical 17823
harm while receiving child care at the center or home or that the 17824
noncompliance alleged in the complaint involved, resulted in, or 17825
poses a substantial risk of physical harm to a child receiving 17826
child care at the center or home, the department shall inspect the 17827
center or home. 17828

(ii) If division (B)(1)(b)(i) of this section does not apply 17829
regarding the complaint, the department may inspect the center or 17830
home. 17831

(c) Division (B)(1)(b) of this section does not limit, 17832
restrict, or negate any duty of the department to inspect a center 17833
~~or~~ type A home, or licensed type B home that otherwise is imposed 17834
under this section, or any authority of the department to inspect 17835
a center ~~or~~ type A home, or licensed type B home that otherwise 17836
is granted under this section when the department believes the 17837
inspection is necessary and it is permitted under the grant. 17838

(2) If the department implements an instrument-based program 17839
monitoring information system, it may use an indicator checklist 17840
to comply with division (B)(1) of this section. 17841

(3) The department shall contract with a third party by the 17842
first day of October in each even-numbered year to collect 17843
information concerning the amounts charged by the center or home 17844
for providing child care services for use in establishing 17845
reimbursement ceilings and payment pursuant to section 5104.30 of 17846
the Revised Code. The third party shall compile the information 17847
and report the results of the survey to the department not later 17848
than the first day of December in each even-numbered year. 17849

(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 chapter, or the applicant or owner has pleaded guilty to or been convicted of an offense described in section 5104.09 of the Revised Code.

(D) If the department finds, after notice and hearing pursuant to Chapter 119. of the Revised Code, that any applicant, person, firm, organization, institution, or agency applying for licensure or licensed under section 5104.03 of the Revised Code is in violation of any provision of this chapter or rules adopted pursuant to this chapter, the department may issue an order of denial to the applicant or an order of revocation to the center ~~or~~, type A home, or licensed type B home revoking the license previously issued by the department. Upon the issuance of such an order, the person whose application is denied or whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(E) The surrender of a center ~~or~~, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center ~~or~~, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section.

(F) Whenever the department receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas

children have access to or areas necessary for the care of 17882
children in the center or type A home during suspected hours of 17883
operation to determine whether the center or type A home is 17884
subject to the requirements of this chapter or rules adopted 17885
pursuant to this chapter. 17886

(G) The department, upon determining that the center or type 17887
A home is operating without a license, shall notify the attorney 17888
general, the prosecuting attorney of the county in which the 17889
center or type A home is located, or the city attorney, village 17890
solicitor, or other chief legal officer of the municipal 17891
corporation in which the center or type A home is located, that 17892
the center or type A home is operating without a license. Upon 17893
receipt of the notification, the attorney general, prosecuting 17894
attorney, city attorney, village solicitor, or other chief legal 17895
officer of a municipal corporation shall file a complaint in the 17896
court of common pleas of the county in which the center or type A 17897
home is located requesting that the court grant an order enjoining 17898
the owner from operating the center or type A home in violation of 17899
section 5104.02 of the Revised Code. The court shall grant such 17900
injunctive relief upon a showing that the respondent named in the 17901
complaint is operating a center or type A home and is doing so 17902
without a license. 17903

(H) The department shall prepare an annual report on 17904
inspections conducted under this section. The report shall include 17905
the number of inspections conducted, the number and types of 17906
violations found, and the steps taken to address the violations. 17907
The department shall file the report with the governor, the 17908
president and minority leader of the senate, and the speaker and 17909
minority leader of the house of representatives on or before the 17910
first day of January of each year, beginning in 1999. 17911

Sec. 5104.041. (A) All type A ~~and type B~~ family day-care 17912

homes and licensed type B family day-care homes shall procure and 17913
maintain one of the following: 17914

(1) Liability insurance issued by an insurer authorized to do 17915
business in this state under Chapter 3905. of the Revised Code 17916
insuring the type A or type B family day-care home against 17917
liability arising out of, or in connection with, the operation of 17918
the family day-care home. ~~Liability~~ The insurance procured ~~under~~ 17919
~~this division~~ shall cover any cause for which the type A or type B 17920
family day-care home would be liable, in the amount of at least 17921
one hundred thousand dollars per occurrence and three hundred 17922
thousand dollars in the aggregate. 17923

(2) A written statement signed by the parent, guardian, or 17924
custodian of each child receiving child care from the type A or 17925
type B family day-care home that states all of the following: 17926

(a) The family day-care home does not carry liability 17927
insurance described in division (A)(1) of this section; 17928

(b) If the licensee of a type A family day-care home or ~~the~~ 17929
~~provider~~ of a type B family day-care home is not the owner of the 17930
real property where the family day-care home is located, the 17931
liability insurance, if any, of the owner of the real property may 17932
not provide for coverage of any liability arising out of, or in 17933
connection with, the operation of the family day-care home. 17934

(B) If the licensee of a type A family day-care home or ~~the~~ 17935
~~provider~~ of a type B family day-care home is not the owner of the 17936
real property where the family day-care home is located and the 17937
family day-care home procures liability insurance described in 17938
division (A)(1) of this section, that licensee ~~or provider~~ shall 17939
name the owner of the real property as an additional insured party 17940
on the liability insurance policy if all of the following apply: 17941

(1) The owner of the real property requests the licensee or 17942
provider, in writing, to add the owner of the real property to the 17943

liability insurance policy as an additional insured party. 17944

(2) The addition of the owner of the real property does not 17945
result in cancellation or nonrenewal of the insurance policy 17946
procured by the type A or type B family day-care home. 17947

(3) The owner of the real property pays any additional 17948
premium assessed for coverage of the owner of the real property. 17949

(C) Proof of insurance or written statement required under 17950
division (A) of this section shall be maintained at the type A or 17951
type B family day-care home and made available for review during 17952
inspection or investigation as required under this chapter. 17953

(D) The director of job and family services shall adopt rules 17954
for the enforcement of this section. 17955

Sec. 5104.052. The director of job and family services, in 17956
cooperation with the fire marshal pursuant to section 3737.22 of 17957
the Revised Code, shall ~~promulgate~~ adopt rules regarding fire 17958
prevention and fire safety in ~~certified~~ licensed type B family 17959
day-care homes. In accordance with those rules, the director shall 17960
inspect each type B home that applies to be licensed that is 17961
providing or is to provide publicly funded child care. 17962

Sec. 5104.053. As a precondition of approval by the state 17963
board of education pursuant to section 3313.813 of the Revised 17964
Code for receipt of United States department of agriculture child 17965
and adult care food program funds established under the "National 17966
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 17967
amended, the provider of child care in a type B family day-care 17968
home that is not ~~certified~~ licensed by the ~~county~~ director of 17969
~~human~~ job and family services shall request an inspection of the 17970
type B home by the fire marshal, who shall inspect the type B home 17971
pursuant to section 3737.22 of the Revised Code to determine that 17972
it is in compliance with rules established pursuant to section 17973

5104.052 of the Revised Code for ~~certified~~ licensed type B homes. 17974

Sec. 5104.054. Any type B family day-care home, whether 17975
~~certified~~ licensed or not ~~certified~~ licensed by the ~~county~~ 17976
director of ~~human~~ job and family services, shall be considered to 17977
be a residential use of property for purposes of municipal, 17978
county, and township zoning and shall be a permitted use in all 17979
zoning districts in which residential uses are permitted. No 17980
municipal, county, or township zoning regulations shall require a 17981
conditional use permit or any other special exception 17982
certification for any such type B family day-care home. 17983

Sec. 5104.06. (A) The director of job and family services 17984
shall provide consultation, technical assistance, and training to 17985
child day-care centers ~~and~~, type A family day-care homes, and type 17986
B family day-care homes to improve programs and facilities 17987
providing child care ~~including, but not limited to~~, As part of 17988
these activities, the director shall provide assistance in meeting 17989
the requirements of ~~Chapter 5104. this chapter~~ and rules adopted 17990
pursuant to ~~Chapter 5104. of the Revised Code this chapter~~ and 17991
shall furnish information regarding child abuse identification and 17992
reporting of child abuse. 17993

(B) The director of job and family services shall provide 17994
consultation and technical assistance to county departments of job 17995
and family services to assist the departments with the 17996
implementation of certification of ~~type B family day-care home~~ 17997
~~providers and~~ in-home aides. 17998

Sec. 5104.08. (A) There is hereby created in the department 17999
of job and family services a child care advisory council to advise 18000
and assist the department in the administration of this chapter 18001
and in the development of child care. The council shall consist of 18002
twenty-two voting members appointed by the director of job and 18003

family services with the approval of the governor. The director of 18004
job and family services, the director of developmental 18005
disabilities, the director of mental health, the superintendent of 18006
public instruction, the director of health, the director of 18007
commerce, and the state fire marshal shall serve as nonvoting 18008
members of the council. 18009

Six members shall be representatives of child care centers 18010
subject to licensing, the members to represent a variety of 18011
centers, including nonprofit and proprietary, from different 18012
geographical areas of the state. At least three members shall be 18013
parents, guardians, or custodians of children receiving child care 18014
or publicly funded child care in the child's own home, a center, a 18015
type A home, a head start program, a ~~certified~~ licensed type B 18016
home, or a type B home at the time of appointment. Three members 18017
shall be representatives of in-home aides, type A homes, ~~certified~~ 18018
licensed type B homes, or type B homes or head start programs. At 18019
least six members shall represent county departments of job and 18020
family services. The remaining members shall be representatives of 18021
the teaching, child development, and health professions, and other 18022
individuals interested in the welfare of children. At least six 18023
members of the council shall not be employees or licensees of a 18024
child day-care center, head start program, or type A home, or 18025
providers operating a ~~certified~~ licensed type B home or type B 18026
home, or in-home aides. 18027

Appointments shall be for three-year terms. Vacancies shall 18028
be filled for the unexpired terms. A member of the council is 18029
subject to removal by the director of job and family services for 18030
a willful and flagrant exercise of authority or power that is not 18031
authorized by law, for a refusal or willful neglect to perform any 18032
official duty as a member of the council imposed by law, or for 18033
being guilty of misfeasance, malfeasance, nonfeasance, or gross 18034
neglect of duty as a member of the council. 18035

There shall be two co-chairpersons of the council. One 18036
co-chairperson shall be the director of job and family services or 18037
the director's designee, and one co-chairperson shall be elected 18038
by the members of the council. The council shall meet as often as 18039
is necessary to perform its duties, provided that it shall meet at 18040
least once in each quarter of each calendar year and at the call 18041
of the co-chairpersons. The co-chairpersons or their designee 18042
shall send to each member a written notice of the date, time, and 18043
place of each meeting. 18044

Members of the council shall serve without compensation, but 18045
shall be reimbursed for necessary expenses. 18046

(B) The child care advisory council shall advise the director 18047
on matters affecting the licensing of centers ~~and~~, type A homes, 18048
and type B homes and the certification of ~~type B homes and~~ in-home 18049
aides. The council shall make an annual report to the director of 18050
job and family services that addresses the availability, 18051
affordability, accessibility, and quality of child care and that 18052
summarizes the recommendations and plans of action that the 18053
council has proposed to the director during the preceding fiscal 18054
year. The director of job and family services shall provide copies 18055
of the report to the governor, speaker and minority leader of the 18056
house of representatives, and the president and minority leader of 18057
the senate and, on request, shall make copies available to the 18058
public. 18059

(C) The director of job and family services shall adopt rules 18060
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 18061
implement this section. 18062

Sec. 5104.09. (A)(1) Except as provided in rules adopted 18063
pursuant to division (D) of this section, no individual who has 18064
been convicted of or pleaded guilty to a violation described in 18065
division (A)(9) of section 109.572 of the Revised Code, a 18066

violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 18067
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 18068
of the Revised Code or a violation of an existing or former law or 18069
ordinance of any municipal corporation, this state, any other 18070
state, or the United States that is substantially equivalent to 18071
any of those violations, or two violations of section 4511.19 of 18072
the Revised Code during operation of the center or home shall be 18073
certified as an in-home aide or be employed in any capacity in or 18074
own or operate a child day-care center, type A family day-care 18075
home, type B family day-care home, or ~~certified~~ licensed type B 18076
family day-care home. 18077

(2) Each employee of a child day-care center and type A home 18078
and every person eighteen years of age or older residing in a type 18079
A home or licensed type B home shall sign a statement on forms 18080
prescribed by the director of job and family services attesting to 18081
the fact that the employee or resident person has not been 18082
convicted of or pleaded guilty to any offense set forth in 18083
division (A)(1) of this section and that no child has been removed 18084
from the employee's or resident person's home pursuant to section 18085
2151.353 of the Revised Code. Each licensee of a type A family 18086
day-care home or type B family day-care home shall sign a 18087
statement on a form prescribed by the director attesting to the 18088
fact that no person who resides at the type A home or licensed 18089
type B home and who is under the age of eighteen has been 18090
adjudicated a delinquent child for committing a violation of any 18091
section listed in division (A)(1) of this section. The statements 18092
shall be kept on file at the center ~~or~~, type A home, or licensed 18093
type B home. 18094

(3) Each in-home aide ~~and every person eighteen years of age~~ 18095
~~or older residing in a certified type B home~~ shall sign a 18096
statement on forms prescribed by the director of job and family 18097
services attesting that the aide ~~or resident person~~ has not been 18098

convicted of or pleaded guilty to any offense set forth in 18099
division (A)(1) of this section and that no child has been removed 18100
from the aide's ~~or resident person's~~ home pursuant to section 18101
2151.353 of the Revised Code. ~~Each authorized provider shall sign~~ 18102
~~a statement on forms prescribed by the director attesting that the~~ 18103
~~provider has not been convicted of or pleaded guilty to any~~ 18104
~~offense set forth in division (A)(1) of this section and that no~~ 18105
~~child has been removed from the provider's home pursuant to~~ 18106
~~section 2151.353 of the Revised Code. Each authorized provider~~ 18107
~~shall sign a statement on a form prescribed by the director~~ 18108
~~attesting to the fact that no person who resides at the certified~~ 18109
~~type B home and who is under the age of eighteen has been~~ 18110
~~adjudicated a delinquent child for committing a violation of any~~ 18111
~~section listed in division (A)(1) of this section. The statements~~ 18112
statement shall be kept on file at the county department of job 18113
and family services. 18114

(4) Each administrator and licensee of a center ~~or~~ type A 18115
home, or licensed type B home shall sign a statement on a form 18116
prescribed by the director of job and family services attesting 18117
that the administrator or licensee has not been convicted of or 18118
pleaded guilty to any offense set forth in division (A)(1) of this 18119
section and that no child has been removed from the 18120
administrator's or licensee's home pursuant to section 2151.353 of 18121
the Revised Code. The statement shall be kept on file at the 18122
center ~~or~~ type A home, or licensed type B home. 18123

(B) No in-home aide, no administrator, licensee, ~~authorized~~ 18124
~~provider~~, or employee of a center, type A home, or ~~certified~~ 18125
licensed type B home, and no person eighteen years of age or older 18126
residing in a type A home or ~~certified~~ licensed type B home shall 18127
withhold information from, or falsify information on, any 18128
statement required pursuant to division (A)(2), (3), or (4) of 18129
this section. 18130

(C) No administrator, licensee, or child-care staff member 18131
shall discriminate in the enrollment of children in a child 18132
day-care center upon the basis of race, color, religion, sex, or 18133
national origin. 18134

(D) The director of job and family services shall adopt rules 18135
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 18136
implement this section, including rules specifying exceptions to 18137
the prohibition in division (A) of this section for persons who 18138
have been convicted of an offense listed in that division but meet 18139
rehabilitation standards set by the ~~department~~ director. 18140

Sec. 5104.13. The department of job and family services shall 18141
prepare a guide describing the state statutes and rules governing 18142
the ~~certification~~ licensure of type B family day-care homes. The 18143
department may publish the guide electronically or otherwise and 18144
shall do so in a manner that the guide is accessible to the 18145
public, including type B home providers. 18146

Sec. 5104.14. All materials that are supplied by the 18147
department of job and family services to type A family day-care 18148
home providers, type B family day-care home providers, in-home 18149
aides, persons seeking to be type A family day-care home 18150
providers, type B family day-care home providers, or in-home 18151
aides, and caretaker parents shall be written at no higher than 18152
the sixth grade reading level. The department may employ a 18153
readability expert to verify its compliance with this section. 18154

~~Sec. 5104.015~~ 5104.25. (A) Except as otherwise provided in 18155
division (C) of this section, no child day-care center shall 18156
permit any person to smoke in any indoor or outdoor space that is 18157
part of the center. 18158

The administrator of a child day-care center shall post in a 18159
conspicuous place at the main entrance of the center a notice 18160

stating that smoking is prohibited in any indoor or outdoor space 18161
that is part of the center, except under the conditions described 18162
in division (C) of this section. 18163

(B) Except as otherwise provided in division (C) of this 18164
section, no type A family day-care home or ~~certified~~ licensed type 18165
B family day-care home shall permit any person to smoke in any 18166
indoor or outdoor space that is part of the home during the hours 18167
the home is in operation. Smoking may be permitted during hours 18168
other than the hours of operation if the administrator ~~or~~ 18169
~~authorized provider~~ of the home has provided to a parent, 18170
custodian, or guardian of each child receiving child care at the 18171
home notice that smoking occurs or may occur at the home when it 18172
is not in operation. 18173

The administrator of a type A family day-care home or 18174
~~authorized provider~~ of a ~~certified~~ licensed type B family day-care 18175
home shall post in a conspicuous place at the main entrance of the 18176
home a notice specifying the hours the home is in operation and 18177
stating that smoking is prohibited during those hours in any 18178
indoor or outdoor space that is part of the home, except under the 18179
conditions described in division (C) of this section. 18180

(C) A child day-care center, type A family day-care home, or 18181
~~certified~~ licensed type B family home may allow persons to smoke 18182
at the center or home during its hours of operation if those 18183
persons cannot be seen smoking by the children being cared for and 18184
if they smoke in either of the following: 18185

(1) An indoor area that is separately ventilated from the 18186
rest of the center or home; 18187

(2) An outdoor area that is so far removed from the children 18188
being cared for that they cannot inhale any smoke. 18189

(D) The director of job and family services, in consultation 18190
with the director of health, shall adopt rules in accordance with 18191

Chapter 119. of the Revised Code to implement the requirements of 18192
this section. These rules may prohibit smoking in a child day-care 18193
center, type A family day-care home, or ~~certified~~ licensed type B 18194
family home if its design and structure do not allow persons to 18195
smoke under the conditions described in division (C) of this 18196
section or if repeated violations of division (A) or (B) of this 18197
section have occurred there. 18198

Sec. 5104.30. (A) The department of job and family services 18199
is hereby designated as the state agency responsible for 18200
administration and coordination of federal and state funding for 18201
publicly funded child care in this state. Publicly funded child 18202
care shall be provided to the following: 18203

(1) Recipients of transitional child care as provided under 18204
section 5104.34 of the Revised Code; 18205

(2) Participants in the Ohio works first program established 18206
under Chapter 5107. of the Revised Code; 18207

(3) Individuals who would be participating in the Ohio works 18208
first program if not for a sanction under section 5107.16 of the 18209
Revised Code and who continue to participate in a work activity, 18210
developmental activity, or alternative work activity pursuant to 18211
an assignment under section 5107.42 of the Revised Code; 18212

(4) A family receiving publicly funded child care on October 18213
1, 1997, until the family's income reaches one hundred fifty per 18214
cent of the federal poverty line; 18215

(5) Subject to available funds, other individuals determined 18216
eligible in accordance with rules adopted under section 5104.38 of 18217
the Revised Code. 18218

The department shall apply to the United States department of 18219
health and human services for authority to operate a coordinated 18220
program for publicly funded child care, if the director of job and 18221

family services determines that the application is necessary. For 18222
purposes of this section, the department of job and family 18223
services may enter into agreements with other state agencies that 18224
are involved in regulation or funding of child care. The 18225
department shall consider the special needs of migrant workers 18226
when it administers and coordinates publicly funded child care and 18227
shall develop appropriate procedures for accommodating the needs 18228
of migrant workers for publicly funded child care. 18229

(B) The department of job and family services shall 18230
distribute state and federal funds for publicly funded child care, 18231
including appropriations of state funds for publicly funded child 18232
care and appropriations of federal funds available under the child 18233
care block grant act, Title IV-A, and Title XX. The department may 18234
use any state funds appropriated for publicly funded child care as 18235
the state share required to match any federal funds appropriated 18236
for publicly funded child care. 18237

(C) In the use of federal funds available under the child 18238
care block grant act, all of the following apply: 18239

(1) The department may use the federal funds to hire staff to 18240
prepare any rules required under this chapter and to administer 18241
and coordinate federal and state funding for publicly funded child 18242
care. 18243

(2) Not more than five per cent of the aggregate amount of 18244
the federal funds received for a fiscal year may be expended for 18245
administrative costs. 18246

(3) The department shall allocate and use at least four per 18247
cent of the federal funds for the following: 18248

(a) Activities designed to provide comprehensive consumer 18249
education to parents and the public; 18250

(b) Activities that increase parental choice; 18251

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 18252
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(d) Establishing a tiered quality rating and improvement system in which participation in the program may allow child day-care providers to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating. 18255
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 18260
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the board of regents, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter. 18268
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The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules ~~pursuant to~~ in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement ceilings for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:

(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;

(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;

(c) For ~~a type B family day-care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code~~ an in-home aide, establish a reimbursement ceiling that is ~~the following:~~

~~(i) If the provider is a person described in division (G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a licensed type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11~~

of the Revised Code;	18314
(ii) If the provider is a person described in division	18315
(C)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per	18316
cent of the reimbursement ceiling that applies to a type B family	18317
day care home certified by the same county department pursuant to	18318
section 5104.11 of the Revised Code.	18319
(d) With regard to the tiered quality rating and improvement	18320
system established pursuant to division (C)(3)(d) of this section,	18321
do both of the following:	18322
(i) Establish enhanced reimbursement ceilings for child	18323
day-care providers that participate in the system and maintain	18324
quality ratings under the system;	18325
(ii) <u>Weigh In the case of child day-care providers that have</u>	18326
<u>been given access to the system by the department, weigh</u> any	18327
reduction in reimbursement ceilings more heavily against child	18328
day care <u>those</u> providers that do not participate in the system or	18329
do not maintain quality ratings under the system.	18330
(3) In establishing reimbursement ceilings under division	18331
(E)(1)(a) of this section, the director may establish different	18332
reimbursement ceilings based on any of the following:	18333
(a) Geographic location of the provider;	18334
(b) Type of care provided;	18335
(c) Age of the child served;	18336
(d) Special needs of the child served;	18337
(e) Whether the expanded hours of service are provided;	18338
(f) Whether weekend service is provided;	18339
(g) Whether the provider has exceeded the minimum	18340
requirements of state statutes and rules governing child care;	18341
(h) Any other factors the director considers appropriate.	18342

(F) The director shall adopt rules in accordance with Chapter 18343
119. of the Revised Code to implement the tiered quality rating 18344
and improvement system described in division (C)(3)(d) of this 18345
section. 18346

Sec. 5104.31. (A) Publicly funded child care may be provided 18347
only by the following: 18348

~~(1) A child day care center or type A family day care home,~~ 18349
~~including a parent cooperative child day care center or parent~~ 18350
~~cooperative type A family day care home, Any of the following~~ 18351
licensed by the department of job and family services pursuant to 18352
section 5104.03 of the Revised Code; or pursuant to rules adopted 18353
under section 5104.018 of the Revised Code: 18354

(a) A child day-care center, including a parent cooperative 18355
child day-care center; 18356

(b) A type A family day-care home, including a parent 18357
cooperative type A family day-care home; 18358

(c) A licensed type B family day-care home. 18359

~~(2) A type B family day care home certified by the county~~ 18360
~~department of job and family services pursuant to section 5104.11~~ 18361
~~of the Revised Code;~~ 18362

~~(3) A type B family day care home that has received a limited~~ 18363
~~certification pursuant to rules adopted under division (G)(1) of~~ 18364
~~section 5104.011 of the Revised Code;~~ 18365

~~(4) An in-home aide who has been certified by the county~~ 18366
~~department of job and family services pursuant to section 5104.12~~ 18367
~~of the Revised Code;~~ 18368

~~(5)~~(3) A child day camp approved pursuant to section 5104.22 18369
of the Revised Code; 18370

~~(6)~~(4) A licensed preschool program; 18371

~~(7)~~(5) A licensed school child program; 18372

~~(8)~~(6) A border state child care provider, except that a 18373
border state child care provider may provide publicly funded child 18374
care only to an individual who resides in an Ohio county that 18375
borders the state in which the provider is located. 18376

(B) Publicly funded child day-care may be provided in a 18377
child's own home only by an in-home aide. 18378

(C) Beginning July 1, 2020, publicly funded child care may be 18379
provided only by a provider that is rated through the tiered 18380
quality rating and improvement system established pursuant to 18381
section 5104.30 of the Revised Code. 18382

Sec. 5104.32. (A) Except as provided in division (C) of this 18383
section, all purchases of publicly funded child care shall be made 18384
under a contract entered into by a licensed child day-care center, 18385
licensed type A family day-care home, ~~certified~~ licensed type B 18386
family day-care home, certified in-home aide, approved child day 18387
camp, licensed preschool program, licensed school child program, 18388
or border state child care provider and the department of job and 18389
family services. All contracts for publicly funded child care 18390
shall be contingent upon the availability of state and federal 18391
funds. The department shall prescribe a standard form to be used 18392
for all contracts for the purchase of publicly funded child care, 18393
regardless of the source of public funds used to purchase the 18394
child care. To the extent permitted by federal law and 18395
notwithstanding any other provision of the Revised Code that 18396
regulates state contracts or contracts involving the expenditure 18397
of state or federal funds, all contracts for publicly funded child 18398
care shall be entered into in accordance with the provisions of 18399
this chapter and are exempt from any other provision of the 18400
Revised Code that regulates state contracts or contracts involving 18401
the expenditure of state or federal funds. 18402

(B) Each contract for publicly funded child care shall 18403
specify at least the following: 18404

(1) That the provider of publicly funded child care agrees to 18405
be paid for rendering services at the lower of the rate 18406
customarily charged by the provider for children enrolled for 18407
child care or the reimbursement ceiling or rate of payment 18408
established pursuant to section 5104.30 of the Revised Code; 18409

(2) That, if a provider provides child care to an individual 18410
potentially eligible for publicly funded child care who is 18411
subsequently determined to be eligible, the department agrees to 18412
pay for all child care provided between the date the county 18413
department of job and family services receives the individual's 18414
completed application and the date the individual's eligibility is 18415
determined; 18416

(3) Whether the county department of job and family services, 18417
the provider, or a child care resource and referral service 18418
organization will make eligibility determinations, whether the 18419
provider or a child care resource and referral service 18420
organization will be required to collect information to be used by 18421
the county department to make eligibility determinations, and the 18422
time period within which the provider or child care resource and 18423
referral service organization is required to complete required 18424
eligibility determinations or to transmit to the county department 18425
any information collected for the purpose of making eligibility 18426
determinations; 18427

(4) That the provider, other than a border state child care 18428
provider, shall continue to be licensed, approved, or certified 18429
pursuant to this chapter and shall comply with all standards and 18430
other requirements in this chapter and in rules adopted pursuant 18431
to this chapter for maintaining the provider's license, approval, 18432
or certification; 18433

(5) That, in the case of a border state child care provider, 18434
the provider shall continue to be licensed, certified, or 18435
otherwise approved by the state in which the provider is located 18436
and shall comply with all standards and other requirements 18437
established by that state for maintaining the provider's license, 18438
certificate, or other approval; 18439

(6) Whether the provider will be paid by the state department 18440
of job and family services or in some other manner as prescribed 18441
by rules adopted under section 5104.42 of the Revised Code; 18442

(7) That the contract is subject to the availability of state 18443
and federal funds. 18444

(C) Unless specifically prohibited by federal law or by rules 18445
adopted under section 5104.42 of the Revised Code, the county 18446
department of job and family services shall give individuals 18447
eligible for publicly funded child care the option of obtaining 18448
certificates that the individual may use to purchase services from 18449
any provider qualified to provide publicly funded child care under 18450
section 5104.31 of the Revised Code. Providers of publicly funded 18451
child care may present these certificates for payment in 18452
accordance with rules that the director of job and family services 18453
shall adopt. Only providers may receive payment for certificates. 18454
The value of the certificate shall be based on the lower of the 18455
rate customarily charged by the provider or the rate of payment 18456
established pursuant to section 5104.30 of the Revised Code. The 18457
county department may provide the certificates to the individuals 18458
or may contract with child care providers or child care resource 18459
and referral service organizations that make determinations of 18460
eligibility for publicly funded child care pursuant to contracts 18461
entered into under section 5104.34 of the Revised Code for the 18462
providers or resource and referral service organizations to 18463
provide the certificates to individuals whom they determine are 18464
eligible for publicly funded child care. 18465

For each six-month period a provider of publicly funded child care provides publicly funded child care to the child of an individual given certificates, the individual shall provide the provider certificates for days the provider would have provided publicly funded child care to the child had the child been present. The maximum number of days providers shall be provided certificates shall not exceed ten days in a six-month period during which publicly funded child care is provided to the child regardless of the number of providers that provide publicly funded child care to the child during that period.

Sec. 5104.35. (A) Each county department of job and family services shall do all of the following:

(1) Accept any gift, grant, or other funds from either public or private sources offered unconditionally or under conditions which are, in the judgment of the department, proper and consistent with this chapter and deposit the funds in the county public assistance fund established by section 5101.161 of the Revised Code;

(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child day-care centers, type A family day-care homes, or ~~certified~~ licensed type B family day-care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request;

(3) Inform clients of the availability of child care services.

(B) A county department of job and family services may, to the extent permitted by federal law, use public child care funds to extend the hours of operation of the county department to accommodate the needs of working caretaker parents and enable

those parents to apply for publicly funded child care. 18497

Sec. 5104.36. The licensee or administrator of a child 18498
day-care center ~~or~~, type A family day-care home, ~~the authorized~~ 18499
~~provider of a certified or licensed~~ type B family day-care home, 18500
an in-home aide providing child care services, the director or 18501
administrator of an approved child day camp, and a border state 18502
child care provider shall keep a record for each eligible child, 18503
to be made available to the county department of job and family 18504
services or the department of job and family services on request. 18505
The record shall include all of the following: 18506

(A) The name and date of birth of the child; 18507

(B) The name and address of the child's caretaker parent; 18508

(C) The name and address of the caretaker parent's place of 18509
employment or program of education or training; 18510

(D) The hours for which child care services have been 18511
provided for the child; 18512

(E) Any other information required by the county department 18513
of job and family services or the state department of job and 18514
family services. 18515

Sec. 5104.38. In addition to any other rules adopted under 18516
this chapter, the director of job and family services shall adopt 18517
rules in accordance with Chapter 119. of the Revised Code 18518
governing financial and administrative requirements for publicly 18519
funded child care and establishing all of the following: 18520

(A) Procedures and criteria to be used in making 18521
determinations of eligibility for publicly funded child care that 18522
give priority to children of families with lower incomes and 18523
procedures and criteria for eligibility for publicly funded 18524
protective child care. The rules shall specify the maximum amount 18525

of income a family may have for initial and continued eligibility. 18526
The maximum amount shall not exceed two hundred per cent of the 18527
federal poverty line. The rules may specify exceptions to the 18528
eligibility requirements in the case of a family that previously 18529
received publicly funded child care and is seeking to have the 18530
child care reinstated after the family's eligibility was 18531
terminated. 18532

(B) Procedures under which a county department of job and 18533
family services may, if the department, under division (A) of this 18534
section, specifies a maximum amount of income a family may have 18535
for eligibility for publicly funded child care that is less than 18536
the maximum amount specified in that division, specify a maximum 18537
amount of income a family residing in the county the county 18538
department serves may have for initial and continued eligibility 18539
for publicly funded child care that is higher than the amount 18540
specified by the department but does not exceed the maximum amount 18541
specified in division (A) of this section; 18542

(C) A schedule of fees requiring all eligible caretaker 18543
parents to pay a fee for publicly funded child care according to 18544
income and family size, which shall be uniform for all types of 18545
publicly funded child care, except as authorized by rule, and, to 18546
the extent permitted by federal law, shall permit the use of state 18547
and federal funds to pay the customary deposits and other advance 18548
payments that a provider charges all children who receive child 18549
care from that provider. The schedule of fees may not provide for 18550
a caretaker parent to pay a fee that exceeds ten per cent of the 18551
parent's family income. 18552

(D) A formula for determining the amount of state and federal 18553
funds appropriated for publicly funded child care that may be 18554
allocated to a county department to use for administrative 18555
purposes; 18556

(E) Procedures to be followed by the department and county 18557

departments in recruiting individuals and groups to become 18558
providers of child care; 18559

(F) Procedures to be followed in establishing state or local 18560
programs designed to assist individuals who are eligible for 18561
publicly funded child care in identifying the resources available 18562
to them and to refer the individuals to appropriate sources to 18563
obtain child care; 18564

(G) Procedures to deal with fraud and abuse committed by 18565
either recipients or providers of publicly funded child care; 18566

(H) Procedures for establishing a child care grant or loan 18567
program in accordance with the child care block grant act; 18568

(I) Standards and procedures for applicants to apply for 18569
grants and loans, and for the department to make grants and loans; 18570

(J) A definition of "person who stands in loco parentis" for 18571
the purposes of division ~~(KK)~~(JJ)(1) of section 5104.01 of the 18572
Revised Code; 18573

(K) Procedures for a county department of job and family 18574
services to follow in making eligibility determinations and 18575
redeterminations for publicly funded child care available through 18576
telephone, computer, and other means at locations other than the 18577
county department; 18578

(L) If the director establishes a different reimbursement 18579
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 18580
Code, standards and procedures for determining the amount of the 18581
higher payment that is to be issued to a child care provider based 18582
on the special needs of the child being served; 18583

(M) To the extent permitted by federal law, procedures for 18584
paying for up to thirty days of child care for a child whose 18585
caretaker parent is seeking employment, taking part in employment 18586
orientation activities, or taking part in activities in 18587

anticipation of enrolling in or attending an education or training 18588
program or activity, if the employment or the education or 18589
training program or activity is expected to begin within the 18590
thirty-day period; 18591

(N) Any other rules necessary to carry out sections 5104.30 18592
to 5104.43 of the Revised Code. 18593

Sec. 5107.60. In accordance with Title IV-A, federal 18594
regulations, state law, the Title IV-A state plan prepared under 18595
section 5101.80 of the Revised Code, and amendments to the plan, 18596
county departments of job and family services shall establish and 18597
administer the following work activities, in addition to the work 18598
activities established under sections 5107.50, 5107.52, 5107.54, 18599
and 5107.58 of the Revised Code, for minor heads of households and 18600
adults participating in Ohio works first: 18601

(A) Unsubsidized employment activities, including activities 18602
a county department determines are legitimate entrepreneurial 18603
activities; 18604

(B) On-the-job training activities, including training to 18605
become an employee of a child day-care center or type A family 18606
day-care home, ~~authorized provider~~ administrator of a ~~certified~~ 18607
licensed type B family day-care home, or in-home aide; 18608

(C) Community service activities including a program under 18609
which a participant of Ohio works first who is the parent, 18610
guardian, custodian, or specified relative responsible for the 18611
care of a minor child enrolled in grade twelve or lower is 18612
involved in the minor child's education on a regular basis; 18613

(D) Vocational educational training activities; 18614

(E) Jobs skills training activities that are directly related 18615
to employment; 18616

(F) Education activities that are directly related to 18617

employment for participants who have not earned a high school diploma or high school equivalence diploma; 18618
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(G) Education activities for participants who have not completed secondary school or received a high school equivalence diploma under which the participants attend a secondary school or a course of study leading to a high school equivalence diploma, including LEAP participation by a minor head of household; 18620
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(H) Child-care service activities aiding another participant assigned to a community service activity or other work activity. A county department may provide for a participant assigned to this work activity to receive training necessary to provide child-care services. 18625
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Sec. 5153.175. (A) Notwithstanding division (H)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, when a public children services agency has determined that child abuse or neglect occurred and that abuse or neglect involves a person who has applied for licensure ~~or renewal of licensure~~ as a type A family day-care home or ~~certification or renewal of certification as a~~ type B family day-care home, the agency shall promptly provide to the department of job and family services ~~or to a county department of job and family services~~ any information the agency determines to be relevant for the purpose of evaluating the fitness of the person, including, but not limited to, both of the following: 18630
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(1) A summary report of the chronology of abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the person is the subject where the agency determined that abuse or neglect occurred and the final disposition of the investigation of the reports or, if the investigations have not been completed, the status of the investigations; 18643
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(2) Any underlying documentation concerning those reports.	18649
(B) The agency shall not include in the information provided to the department or county department under division (A) of this section the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect.	18650 18651 18652 18653 18654
(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:	18655 18656 18657
(1) That the information is confidential;	18658
(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.	18659 18660 18661 18662 18663
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.	18664 18665 18666 18667 18668 18669 18670 18671
Section 120.03. That sections 5104.014 and 5104.11 of the Revised Code are hereby repealed.	18672 18673
Section 120.04. Sections 120.01, 120.02, and 120.03 of this act take effect on January 1, 2014.	18674 18675
Section 610.10. That Sections 267.10.90 and 267.50.30 of Am.	18676

Sub. H.B. 153 of the 129th General Assembly be amended to read as follows: 18677
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Sec. 267.10.90. (A) Notwithstanding anything to the contrary 18679
in section 3301.0710, 3301.0711, 3301.0715, or 3313.608 of the 18680
Revised Code, the administration of the English language arts 18681
assessments for elementary grades as a replacement for the 18682
separate reading and writing assessments prescribed by sections 18683
3301.0710 and 3301.0711 of the Revised Code, as those sections 18684
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 18685
shall not be required until a date prescribed by rule of the State 18686
Board of Education. Until that date, the Department of Education 18687
and school districts and schools shall continue to administer 18688
separate reading assessments for elementary grades, as prescribed 18689
by the versions of sections 3301.0710 and 3301.0711 of the Revised 18690
Code that were in effect prior to the effective date of Section 18691
265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The 18692
intent for delaying implementation of the replacement English 18693
language arts assessment is to provide adequate time for the 18694
complete development of the new assessment. 18695

(B) Notwithstanding anything to the contrary in section 18696
3301.0710 of the Revised Code, the State Board shall not prescribe 18697
the three ranges of scores for the assessments prescribed by 18698
division (A)(2) of section 3301.0710 of the Revised Code, as 18699
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until 18700
the Board adopts the rule required by division (A) of this 18701
section. Until that date, the Board shall continue to prescribe 18702
the five ranges of scores required by the version of section 18703
3301.0710 of the Revised Code in effect prior to the effective 18704
date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General 18705
Assembly, and the following apply: 18706

(1) The range of scores designated by the State Board as a 18707

proficient level of skill remains the passing score on the Ohio
Graduation Tests for purposes of sections 3313.61, 3313.611,
3313.612, and 3325.08 of the Revised Code;

(2) The ~~range~~ ranges of scores designated as a limited or
basic level of skill ~~remains~~ are the standard for applying the
third-grade reading guarantee under division (A) of section
3313.608 of the Revised Code;

~~(3) The range of scores designated by the State Board as a
proficient level of skill remains the standard for the summer
remediation requirement of division (B)(2) of section 3313.608 of
the Revised Code.~~

(C) This section is not subject to expiration after June 30,
2013, under Section 809.10 of this act.

Sec. 267.50.30. PROHIBITION FROM OPERATING FROM HOME

~~No~~ A community school established under Chapter 3314. of the
Revised Code that was ~~not~~ open for operation as a community school
as of May 1, 2005, ~~shall~~ may operate from a or in any home, as
defined in section 3313.64 of the Revised Code, located in the
state, regardless of when the community school's operations from
or in a particular home began.

Section 610.11. That existing Sections 267.10.90 and
267.50.30 of Am. Sub. H.B. 153 of the 129th General Assembly are
hereby repealed.

Section 610.20. That Section 267.60.23 of Am. Sub. H.B. 153
of the 129th General Assembly and Section 265.20.15 of Am. Sub.
H.B. 1 of the 128th General Assembly are hereby repealed.

Section 733.10. Not later than June 20, 2013, the Department
of Education shall conduct a study of the licensure requirements

for educational staff responsible for the development of 18736
informational sources for the support of curriculum and literacy 18737
development in schools. The Department and the State Board of 18738
Education shall use the study to make any necessary updates or 18739
revisions to the licensure requirements for those staff. 18740

Section 733.30. The State Board of Education and the Early 18741
Childhood Advisory Council jointly shall develop legislative 18742
recommendations regarding the state's policies on literacy 18743
education for individuals from birth through third grade, with the 18744
goal of increasing kindergarten readiness, reading proficiency in 18745
kindergarten through third grade, and increasing school success 18746
and college- and career-readiness for Ohio's children. The State 18747
Board of Education and the Early Childhood Advisory Council shall 18748
submit the recommendations to the Governor and the General 18749
Assembly, in accordance with section 101.68 of the Revised Code, 18750
and to each member of the Children's Caucus within the General 18751
Assembly, not later than February 28, 2013. The recommendations 18752
shall address all of the following: 18753

(A) Alignment of the state's policies and resources for 18754
reading readiness and proficiency from birth through third grade, 18755
including literacy standards, evidence-based curricula, 18756
professional development, instructional practices, and assessments 18757
to reduce early learning difficulties and to ensure third grade 18758
reading proficiency; 18759

(B) Identification of birth through kindergarten entry 18760
strategies that reduce the kindergarten readiness gap, increase 18761
literacy success throughout the K-12 continuum, and increase 18762
college- and career-readiness; 18763

(C) Recommendations for implementing reading proficiency 18764
strategies. 18765

Section 733.40. Not later than December 31, 2012, the 18766
Superintendent of Public Instruction and the Governor's Director 18767
of 21st Century Education shall issue a report to the Governor and 18768
the General Assembly, in accordance with section 101.68 of the 18769
Revised Code, on the ability of the Ohio Department of Education 18770
to reprioritize state and federal funds appropriated or allocated 18771
to the Department, in order to identify additional funds that may 18772
be used to support the assessments and interventions associated 18773
with the third grade reading guarantee prescribed by section 18774
3313.608 of the Revised Code. The Superintendent and the Director 18775
shall examine all available sources of funding, including Title I 18776
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 18777
6301 et seq.; Title III, Part A, of the "No Child Left Behind Act 18778
of 2001," 20 U.S.C. 6811, et seq.; and the "Enhancing Education 18779
Through Technology Act of 2001," 20 U.S.C. 6751. 18780

Section 733.60. The Department of Education shall develop 18781
legislative recommendations for a battery of measures to be used 18782
to rank the performance of the sponsors of community schools 18783
established under Chapter 3314. of the Revised Code. The 18784
recommendations shall propose measures for use in addition to the 18785
rankings required by section 3314.016 of the Revised Code, to 18786
determine whether an entity may sponsor additional community 18787
schools. The Department shall submit its recommendations to the 18788
Governor and the General Assembly, in accordance with section 18789
101.68 of the Revised Code, not later than December 31, 2012. 18790

Section 733.70. The Department of Education shall conduct a 18791
second Educational Choice Scholarship application period for the 18792
2012-2013 school year to award scholarships to eligible students 18793
who were enrolled in a nonpublic school in the 2011-2012 school 18794
year that was granted a charter by the State Board of Education 18795

during the 2011-2012 school year. The second application period 18796
shall commence on the effective date of this section and shall end 18797
at the close of business of the first business day that is at 18798
least thirty days after the effective date of this section. A 18799
student is an eligible student if an application is timely 18800
submitted under this section and the student meets the eligibility 18801
standards of division (B) of section 3310.031 of the Revised Code. 18802
Notwithstanding section 3310.10 of the Revised Code, a scholarship 18803
awarded during the second application period shall be used in the 18804
2012-2013 school year only to pay tuition at the nonpublic school 18805
in which the eligible student was enrolled in the 2011-2012 school 18806
year. 18807

Section 733.81. Notwithstanding the deadline prescribed in 18808
division (G)(2) of section 3301.0711 of the Revised Code, for the 18809
achievement assessments administered under that section for the 18810
2012-2013 school year, the Department of Education, or an entity 18811
with which the Department contracts for the scoring of the 18812
assessments, shall send to each school district board a list of 18813
the individual scores of all persons taking an assessment 18814
prescribed by division (A)(1) or (B)(1) of section 3301.0710 of 18815
the Revised Code within seventy-five days after its 18816
administration, but in no case shall the scores be returned later 18817
than June 15, 2013. 18818

Section 733.91. Not later than December 31, 2012, the 18819
Department of Education shall issue a report on the compliance of 18820
school districts and community schools established under Chapter 18821
3314. of the Revised Code with the requirement to have students 18822
with disabilities undergo a comprehensive eye examination in 18823
accordance with section 3323.19 of the Revised Code. For the 18824
report, the Department shall collect data from each school 18825

district and community school for the 2010-2011 and 2011-2012 18826
school years on the total number of students enrolled in the 18827
district or school who were subject to the requirement to undergo 18828
a comprehensive eye examination and the total number of those 18829
students who received the examination, as verified by 18830
documentation received by the district or school. The Department 18831
shall provide copies of the report to the Governor, the Speaker 18832
and Minority Leader of the House of Representatives, the President 18833
and Minority Leader of the Senate, and the chairpersons and 18834
ranking minority members of the House and Senate education 18835
committees. 18836

Section 751.10. The Revised Code section cited in the 18837
Administrative Code as the authority for any rules adopted under 18838
Chapter 5104. of the Revised Code shall be deemed to be the 18839
Revised Code section as renumbered by Section 101.01 of this act. 18840
The Director of Job and Family Services is not required to amend 18841
any rule previously adopted under Chapter 5104. of the Revised 18842
Code for the sole purpose of changing the citation of the Revised 18843
Code section that authorizes the rule. 18844

Section 751.20. The Revised Code sections cited in the 18845
Administrative Code as the authority for any rules adopted under 18846
Chapter 5104. of the Revised Code shall be deemed to be the 18847
Revised Code sections as renumbered by Section 120.01 of this act. 18848
The Director of Job and Family Services is not required to amend 18849
any rules previously adopted under Chapter 5104. of the Revised 18850
Code for the sole purpose of changing the citation of the Revised 18851
Code section that authorizes the rule. 18852

Section 751.30. On January 1, 2014, a person who is operating 18853
a type B family day-care home certified pursuant to section 18854
5104.11 of the Revised Code, as that section existed on December 18855

31, 2013, shall be issued a license to operate a type B family 18856
day-care home pursuant to section 5104.03 of the Revised Code as 18857
amended by this act. The Department of Job and Family Services 18858
shall adopt rules establishing a plan to facilitate the transition 18859
of type B homes from certification to licensure. The rules shall 18860
be adopted in accordance with Chapter 119. of the Revised Code. 18861

18862

Section 763.10. The Office of Workforce Transformation is 18863
authorized to create a web site to help link energy companies with 18864
trained workers and to provide information on industry compatible 18865
curriculum and training. The Office of Workforce Transformation is 18866
also authorized to work with veterans to match training and skills 18867
to needed jobs in industries, including to the oil and gas 18868
industry. 18869

Section 806.10. The items of law contained in this act, and 18870
their applications, are severable. If any item of law contained in 18871
this act, or if any application of any item of law contained in 18872
this act, is held invalid, the invalidity does not affect other 18873
items of law contained in this act and their applications that can 18874
be given effect without the invalid item of law or application. 18875

Section 812.10. Sections subject to referendum: general 18876
effective date. Except as otherwise provided in this act, the 18877
amendment, enactment, or repeal by this act of a section is 18878
subject to the referendum under Ohio Constitution, Article II, 18879
Section 1c and therefore takes effect on the ninety-first day 18880
after this act is filed with the Secretary of State. 18881

Section 812.11. Sections subject to referendum: special 18882
effective dates. The amendment, enactment, or repeal by this act 18883
of the following sections is subject to the referendum under Ohio 18884

Constitution, Article II, Section 1c and therefore takes effect on 18885
the ninety-first day after this act is filed with the Secretary of 18886
State or on the date specified below, whichever is later: 18887

Section 751.20 of this act takes effect January 1, 2014. 18888

Section 812.20. Sections exempt from referendum: general 18889
effective date. The amendment, enactment, or repeal by this act of 18890
the following sections is exempt from the referendum under Ohio 18891
Constitution, Article II, Section 1d and section 1.471 of the 18892
Revised Code and therefore takes effect immediately when this act 18893
becomes law: 18894

Sections 3313.843 and 3317.11 of the Revised Code. 18895

Section 763.10 of this act. 18896

Section 815.10. Section 4301.20 of the Revised Code is 18897
presented in this act as a composite of the section as amended by 18898
both Am. Sub. H.B. 114 and S.B. 73 of the 129th General Assembly. 18899
The General Assembly, applying the principle stated in division 18900
(B) of section 1.52 of the Revised Code that amendments are to be 18901
harmonized if reasonably capable of simultaneous operation, finds 18902
that the composite is the resulting version of the section in 18903
effect prior to the effective date of the section as presented in 18904
this act. 18905