

**As Re-Reported by the House Education Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. S. B. No. 316**

**Senator Lehner (By Request)**

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

**Sawyer, Turner, Wagoner**

**Representatives Stebelton, Roegner, Newbold**

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**A B I L L**

To amend sections 124.38, 3301.04, 3301.079, 1  
3301.0710, 3301.0712, 3301.0714, 3301.0715, 2  
3301.0723, 3301.52, 3301.53, 3301.58, 3301.90, 3  
3301.922, 3302.03, 3302.032, 3302.042, 3302.12, 4  
3302.20, 3302.21, 3302.25, 3310.03, 3310.08, 5  
3310.15, 3313.37, 3313.41, 3313.411, 3313.608, 6  
3313.609, 3313.6013, 3313.674, 3313.813, 3313.816, 7  
3313.842, 3313.843, 3313.845, 3313.978, 3314.015, 8  
3314.016, 3314.02, 3314.029, 3314.03, 3314.06, 9  
3314.08, 3314.17, 3314.18, 3314.35, 3314.36, 10  
3317.01, 3317.11, 3318.034, 3318.36, 3318.37, 11  
3318.371, 3318.70, 3319.02, 3319.06, 3319.11, 12  
3319.111, 3319.112, 3319.58, 3321.01, 3323.011, 13  
3323.052, 3323.19, 3326.03, 3326.04, 3326.10, 14  
3326.11, 3326.17, 3326.21, 3328.15, 3328.24, 15  
3333.0411, 4139.01, 4139.03, 4139.04, 4139.05, 16  
4141.01, 4141.29, 4301.20, 5104.01, 5104.011, 17  
5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 18  
5104.38, 5709.83, 5751.20, 6301.01, 6301.02, 19  
6301.03, 6301.04, 6301.07, 6301.08, and 6301.10; 20  
to enact sections 3301.941, 3302.033, 3302.41, 21

3310.031, 3313.6411, 3313.847, 3314.11, 3314.15, 22  
3318.364, 3326.031, 3326.26, 4123.391, 4141.293, 23  
5104.031, 5104.032, 5104.033, 5123.022, and 24  
5126.0222; and to repeal section 3319.19 of the 25  
Revised Code; to amend Sections 267.10.90, 26  
267.50.30, and 283.20 of Am. Sub. H.B. 153 of the 27  
129th General Assembly; and to repeal Section 28  
267.60.23 of Am. Sub. H.B. 153 of the 129th 29  
General Assembly and Section 265.20.15 of Am. Sub. 30  
H.B. 1 of the 128th General Assembly to revise 31  
authorizations and conditions with respect to 32  
education, workforce development, and early 33  
childhood care; and to amend sections 109.57, 34  
2151.011, 2919.227, 2923.124, 2923.126, 2923.1212, 35  
2950.11, 2950.13, 3109.051, 3701.63, 3737.22, 36  
3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 37  
5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 38  
5104.022, 5104.03, 5104.04, 5104.041, 5104.052, 39  
5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 40  
5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 41  
5104.36, 5104.38, 5107.60, and 5153.175, to amend, 42  
for the purpose of adopting new section numbers as 43  
indicated in parentheses, sections 5104.011 44  
(5104.015), 5104.015 (5104.25), 5104.031 45  
(5104.035), 5104.032 (5104.036), and 5104.033 46  
(5104.037), to enact new sections 5104.032 and 47  
5104.033 and sections 5104.016, 5104.017, 48  
5104.018, 5104.019, 5104.0110, 5104.0111, 49  
5104.0112, 5104.034, 5104.038, 5104.039, and 50  
5104.14, and to repeal sections 5104.014 and 51  
5104.11 of the Revised Code to revise the law 52  
governing type B family day-care homes on January 53  
1, 2014. 54

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

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

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

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

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

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

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

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

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

The appointing authorities of the various offices of the 112  
county service may permit all or any part of a person's accrued 113  
but unused sick leave acquired during service with any regional 114

council of government established in accordance with Chapter 167. 115  
of the Revised Code to be credited to the employee upon a transfer 116  
as if the employee were transferring from one public agency to 117  
another under this section. 118

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

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

Notwithstanding this section or any other section of the 131  
Revised Code, any appointing authority of a county office, 132  
department, commission, board, or body may, upon notification to 133  
the board of county commissioners, establish alternative schedules 134  
of sick leave for employees of the appointing authority for whom 135  
the state employment relations board has not established an 136  
appropriate bargaining unit pursuant to section 4117.06 of the 137  
Revised Code, as long as the alternative schedules are not 138  
inconsistent with the provisions of at least one collective 139  
bargaining agreement covering other employees of that appointing 140  
authority, if such a collective bargaining agreement exists. If no 141  
such collective bargaining agreement exists, an appointing 142  
authority may, upon notification to the board of county 143  
commissioners, establish an alternative schedule of sick leave for 144  
its employees that does not diminish the sick leave benefits 145  
granted by this section. 146

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

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

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

(a) The standards shall specify the following: 176

(i) The core academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;	177 178 179 180
(ii) The development of skill sets that promote information, media, and technological literacy;	181 182
(iii) Interdisciplinary, project-based, real-world learning opportunities.	183 184
(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.	185 186 187 188 189 190 191 192 193 194 195 196 197 198 199
(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section.	200 201 202 203 204 205
(3) The state board shall adopt the most recent standards developed by the national association for sport and physical	206 207

education for physical education in grades kindergarten through 208  
twelve or shall adopt its own standards for physical education in 209  
those grades and revise and update them periodically. 210

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

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

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

(2) Not later than June 30, 2013, the state board, in 239



consultation with any office housed in the governor's office that 240  
deals with workforce development, shall adopt model curricula for 241  
grades kindergarten through twelve that embed career connection 242  
learning strategies into regular classroom instruction. 243

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

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

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

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

(D)(1) The state board shall adopt a diagnostic assessment 265  
aligned with the academic standards and model curriculum for each 266  
of grades kindergarten through two in English language arts and 267  
mathematics and for grade three in English language arts. The 268  
diagnostic assessment shall be designed to measure student 269  
comprehension of academic content and mastery of related skills 270

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

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

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

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

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

(G) Whenever the state board adopts standards or model 299  
curricula under this section, the department also shall provide 300  
information on the use of blended or digital learning in the 301

delivery of the standards or curricula to students in accordance 302  
with division (A)(4) of this section. 303

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

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

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

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

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

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

(4) "Focus" means limiting the number of items included in a 331  
curriculum to allow for deeper exploration of the subject matter. 332

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

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

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

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

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

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

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

(c) Four statewide achievement assessments, one each designed 360  
to measure the level of English language arts, mathematics, 361  
science, and social studies skill expected at the end of fifth 362

grade;	363
(d) Two statewide achievement assessments, one each designed	364
to measure the level of English language arts and mathematics	365
skill expected at the end of sixth grade;	366
(e) Two statewide achievement assessments, one each designed	367
to measure the level of English language arts and mathematics	368
skill expected at the end of seventh grade;	369
(f) Four statewide achievement assessments, one each designed	370
to measure the level of English language arts, mathematics,	371
science, and social studies skill expected at the end of eighth	372
grade.	373
(2) The state board shall determine and designate at least	374
three ranges of scores on each of the achievement assessments	375
described in divisions (A)(1) and (B)(1) of this section. Each	376
range of scores shall be deemed to demonstrate a level of	377
achievement so that any student attaining a score within such	378
range has achieved one of the following:	379
(a) An advanced level of skill;	380
(b) A proficient level of skill;	381
(c) A limited level of skill.	382
<u>(3) For the purpose of implementing division (A) of section</u>	383
<u>3313.608 of the Revised Code, the state board shall determine and</u>	384
<u>designate a level of achievement, not lower than the level</u>	385
<u>designated in division (A)(2)(c) of this section, on the third</u>	386
<u>grade English language arts assessment for a student to be</u>	387
<u>promoted to the fourth grade. The state board shall review and</u>	388
<u>adjust upward the level of achievement designated under this</u>	389
<u>division each year the test is administered until the level is set</u>	390
<u>equal to the level designated in division (A)(2)(b) of this</u>	391
<u>section.</u>	392

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

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

(3) The state board may enter into a reciprocal agreement 412  
with the appropriate body or agency of any other state that has 413  
similar statewide achievement assessment requirements for 414  
receiving high school diplomas, under which any student who has 415  
met an achievement assessment requirement of one state is 416  
recognized as having met the similar requirement of the other 417  
state for purposes of receiving a high school diploma. For 418  
purposes of this section and sections 3301.0711 and 3313.61 of the 419  
Revised Code, any student enrolled in any public high school in 420  
this state who has met an achievement assessment requirement 421  
specified in a reciprocal agreement entered into under this 422  
division shall be deemed to have attained at least the applicable 423  
score designated under this division on each assessment required 424

by division (B)(1) or (2) of this section that is specified in the 425  
agreement. 426

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

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

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

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

If the state board intends to make any change to the 451  
committee's recommendations, the state board shall explain the 452  
intended change to the Ohio accountability task force established 453  
by section 3302.021 of the Revised Code. The task force shall 454  
recommend whether the state board should proceed to adopt the 455

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

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

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

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

(2) A series of end-of-course examinations in the areas of 475  
science, mathematics, English language arts, American history, and 476  
American government selected jointly by the state superintendent 477  
and the chancellor in consultation with faculty in the appropriate 478  
subject areas at institutions of higher education of the 479  
university system of Ohio. For each subject area, the state 480  
superintendent and chancellor shall select multiple assessments 481  
that school districts, public schools, and chartered nonpublic 482  
schools may use as end-of-course examinations. Subject to division 483  
(B)(3)(b) of this section, those assessments shall include 484  
nationally recognized subject area assessments, such as advanced 485  
placement examinations, SAT subject tests, international 486



baccalaureate examinations, and other assessments of college and 487  
work readiness. 488

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

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

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

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

~~(C) Not later than thirty days after the state board adopts~~ 513  
~~the model curricula required by division (B) of section 3301.079~~ 514  
~~of the Revised Code, the~~ The state board shall convene a group of 515  
national experts, state experts, and local practitioners to 516  
provide advice, guidance, and recommendations for the alignment of 517

standards and model curricula to the assessments and in the design 518  
of the end-of-course examinations prescribed by this section. 519

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

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

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

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

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

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

(6) The extent to which the assessment system applies to 545  
students enrolled in a dropout recovery and prevention program for 546  
purposes of division (F) of section 3313.603 and section 3314.36 547  
of the Revised Code. 548

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

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

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

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

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

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

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

(B) The guidelines adopted under this section shall require 576  
the data maintained in the education management information system 577  
to include at least the following: 578

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

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

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

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

(d) Academic achievement levels as assessed under sections 610

3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 611

(e) The number of students designated as having a disabling 612  
condition pursuant to division (C)(1) of section 3301.0711 of the 613  
Revised Code; 614

(f) The numbers of students reported to the state board 615  
pursuant to division (C)(2) of section 3301.0711 of the Revised 616  
Code; 617

(g) Attendance rates and the average daily attendance for the 618  
year. For purposes of this division, a student shall be counted as 619  
present for any field trip that is approved by the school 620  
administration. 621

(h) Expulsion rates; 622

(i) Suspension rates; 623

(j) Dropout rates; 624

(k) Rates of retention in grade; 625

(l) For pupils in grades nine through twelve, the average 626  
number of carnegie units, as calculated in accordance with state 627  
board of education rules; 628

(m) Graduation rates, to be calculated in a manner specified 629  
by the department of education that reflects the rate at which 630  
students who were in the ninth grade three years prior to the 631  
current year complete school and that is consistent with 632  
nationally accepted reporting requirements; 633

(n) Results of diagnostic assessments administered to 634  
kindergarten students as required under section 3301.0715 of the 635  
Revised Code to permit a comparison of the academic readiness of 636  
kindergarten students. However, no district shall be required to 637  
report to the department the results of any diagnostic assessment 638  
administered to a kindergarten student if the parent of that 639  
student requests the district not to report those results. 640

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

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 643  
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 653  
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(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district. 665  
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(d) The number of lead teachers employed by each school district and each school building. 670  
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(3)(a) Student demographic data for each school district, 672  
including information regarding the gender ratio of the school 673  
district's pupils, the racial make-up of the school district's 674  
pupils, the number of limited English proficient students in the 675  
district, and an appropriate measure of the number of the school 676  
district's pupils who reside in economically disadvantaged 677  
households. The demographic data shall be collected in a manner to 678  
allow correlation with data collected under division (B)(1) of 679  
this section. Categories for data collected pursuant to division 680  
(B)(3) of this section shall conform, where appropriate, to 681  
standard practices of agencies of the federal government. 682

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

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

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

(1) Administrative costs for the school district as a whole. 699  
The guidelines shall require the cost units under this division 700  
(C)(1) to be designed so that each of them may be compiled and 701  
reported in terms of average expenditure per pupil in formula ADM 702  
in the school district, as determined pursuant to section 3317.03 703

of the Revised Code. 704

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

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

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

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

(c) The cost of the administrative support services related 729  
to each instructional services category, such as the cost of 730  
personnel that develop the curriculum for the instructional 731  
services category and the cost of personnel supervising or 732  
coordinating the delivery of the instructional services category. 733

(4) Support or extracurricular services costs for each 734



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

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

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

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

(D)(1) The guidelines adopted under this section shall 759  
require school districts to collect information about individual 760  
students, staff members, or both in connection with any data 761  
required by division (B) or (C) of this section or other reporting 762  
requirements established in the Revised Code. The guidelines may 763  
also require school districts to report information about 764  
individual staff members in connection with any data required by 765  
division (B) or (C) of this section or other reporting 766

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

(2)(a) The guidelines shall provide for each school district 785  
or community school to assign a data verification code that is 786  
unique on a statewide basis over time to each student whose 787  
initial Ohio enrollment is in that district or school and to 788  
report all required individual student data for that student 789  
utilizing such code. The guidelines shall also provide for 790  
assigning data verification codes to all students enrolled in 791  
districts or community schools on the effective date of the 792  
guidelines established under this section. The assignment of data 793  
verification codes for other entities, as described in division 794  
(D)(2)(c) of this section, the use of those codes, and the 795  
reporting and use of associated individual student data shall be 796  
coordinated by the department in accordance with state and federal 797  
law. 798

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

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

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

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

(E) The guidelines adopted under this section may require 826  
school districts to collect and report data, information, or 827  
reports other than that described in divisions (A), (B), and (C) 828  
of this section for the purpose of complying with other reporting 829  
requirements established in the Revised Code. The other data, 830

information, or reports may be maintained in the education 831  
management information system but are not required to be compiled 832  
as part of the profile formats required under division (G) of this 833  
section or the annual statewide report required under division (H) 834  
of this section. 835

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

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

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

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

(H)(1) The state board shall, in accordance with the 855  
procedures it adopts, annually prepare a statewide report for all 856  
school districts and the general public that includes the profile 857  
of each of the school districts developed pursuant to division (G) 858  
of this section. Copies of the report shall be sent to each school 859  
district. 860

(2) The state board shall, in accordance with the procedures 861

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

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

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

(J) As used in this section: 882

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

(2) "Cost" means any expenditure for operating expenses made 890  
by a school district excluding any expenditures for debt 891  
retirement except for payments made to any commercial lending 892

institution for any loan approved pursuant to section 3313.483 of 893  
the Revised Code. 894

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

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

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

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

(b) Withhold up to ten per cent of the total amount of state 919  
funds due to the district for the current fiscal year and, if not 920  
previously required under division (L)(2)(a) of this section, 921  
require the district to develop a corrective action plan in 922  
accordance with that division; 923

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;	924 925 926
(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:	927 928 929 930
(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	931 932
(ii) Conduct a site visit and evaluation of the district;	933
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	934 935 936
(iv) Continue monitoring the district's data reporting;	937
(v) Assign department staff to supervise the district's data management system;	938 939
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	940 941 942
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	943 944 945 946
(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;	947 948 949 950 951
(ix) Any other action designed to correct the district's data reporting problems.	952 953

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

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

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

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



opportunity to demonstrate that it made a good faith effort to 986  
report data as required by this section. The hearing shall be 987  
conducted by a referee appointed by the department. Based on the 988  
information provided in the hearing, the referee shall recommend 989  
whether the department should issue a revised report card for the 990  
district. If the referee affirms the department's contention that 991  
the district did not make a good faith effort to report data as 992  
required by this section, the district shall bear the full cost of 993  
conducting the hearing and of issuing any revised report card. 994

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

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

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

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

(M) No information technology center or school district shall 1013  
acquire, change, or update its student administration software 1014  
package to manage and report data required to be reported to the 1015  
department unless it converts to a student software package that 1016

is certified by the department. 1017

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

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

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

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

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

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

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

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

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

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

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

~~diagnostic assessments for any students to the department or to~~ 1079  
~~make any such results available in any form to the public. After~~ 1080  
~~the administration of any diagnostic assessment, each district~~ 1081  
~~shall provide a student's completed diagnostic assessment, the~~ 1082  
~~results of such assessment, and any other accompanying documents~~ 1083  
~~used during the administration of the assessment to the parent of~~ 1084  
~~that student upon the parent's request, and shall include all such~~ 1085  
~~documents and information in any plan developed for the student~~ 1086  
~~under division (C) of section 3313.608 of the Revised Code. Each~~ 1087  
~~district shall submit to the department, in the manner the~~ 1088  
~~department prescribes, the results of the diagnostic assessments~~ 1089  
~~administered under this section, regardless of the type of~~ 1090  
~~assessment used under section 3313.608 of the Revised Code. The~~ 1091  
~~department may issue reports with respect to the data collected.~~ 1092

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

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

~~(F) A district board may administer the third grade English~~ 1102  
~~language arts diagnostic assessment provided to the district in~~ 1103  
~~accordance with section 3301.079 of the Revised Code to any~~ 1104  
~~student enrolled in a building that is not subject to division~~ 1105  
~~(A)(1) of this section. Any district electing to administer the~~ 1106  
~~diagnostic assessment to students under this division shall~~ 1107  
~~provide intervention services to any such student whose diagnostic~~ 1108  
~~assessment shows unsatisfactory progress toward attaining the~~ 1109  
~~academic standards for the student's grade level.~~ 1110

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

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

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

(C) A public school that receives a from the independent 1136  
contractor the data verification code for a child ~~from the~~ 1137  
~~director of health assigned under division (A) of this section~~ 1138  
shall not request or assign to that child another data 1139  
verification code under division (D)(2) of section 3301.0714 of 1140  
the Revised Code. That school and any other public school in which 1141

the child subsequently enrolls shall use the data verification 1142  
code ~~provided by the director~~ assigned under division (A) of this 1143  
section to report data relative to that student ~~that is~~ required 1144  
under section 3301.0714 of the Revised Code. 1145

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

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

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

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

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

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

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

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

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

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

children or school children. 1171

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

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

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

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

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

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

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

**Sec. 3301.53.** (A) The state board of education, in 1198  
consultation with the director of job and family services, shall 1199  
formulate and prescribe by rule adopted under Chapter 119. of the 1200

Revised Code minimum standards to be applied to preschool programs 1201  
operated by school district boards of education, county DD boards, 1202  
or eligible nonpublic schools. The rules shall include the 1203  
following: 1204

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

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

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

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

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

(6) Requirements that the parents of preschool children 1226  
complete the emergency medical authorization form specified in 1227  
section 3313.712 of the Revised Code. 1228

(B) The state board of education in consultation with the 1229  
director of job and family services shall ensure that the rules 1230  
adopted by the state board under sections 3301.52 to 3301.58 of 1231



the Revised Code are consistent with and meet or exceed the 1232  
requirements of Chapter 5104. of the Revised Code with regard to 1233  
child day-care centers. The state board and the director of job 1234  
and family services shall review all such rules at least once 1235  
every five years. 1236

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

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

(B) Any school district board of education, county DD board, 1259  
or eligible nonpublic school that desires to operate, establish, 1260  
manage, conduct, or maintain a preschool program shall apply to 1261  
the department of education for a license on a form that the 1262

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

(C) Upon the filing of an application for a license, the 1282  
department of education shall investigate and inspect the 1283  
preschool program or school child program to determine the license 1284  
capacity for each age category of children of the program and to 1285  
determine whether the program complies with sections 3301.52 to 1286  
3301.59 of the Revised Code and any rules adopted under those 1287  
sections. When, after investigation and inspection, the department 1288  
of education is satisfied that sections 3301.52 to 3301.59 of the 1289  
Revised Code and any rules adopted under those sections are 1290  
complied with by the applicant, the department of education shall 1291  
issue the program a provisional license as soon as practicable in 1292  
the form and manner prescribed by the rules of the department. The 1293  
provisional license shall be valid for ~~six months~~ one year from 1294  
the date of issuance unless revoked. 1295

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

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

(F) The license or provisional license shall state the name 1318  
of the school district board of education, county DD board, or 1319  
eligible nonpublic school that operates the preschool program or 1320  
school child program and the license capacity of the program. ~~The~~ 1321  
~~license shall include any other information required by section~~ 1322  
~~5104.03 of the Revised Code for the license of a child day care~~ 1323  
~~center.~~ 1324

(G) The department of education may revoke the license of any 1325  
preschool program or school child program that is not in 1326  
compliance with the requirements of sections 3301.52 to 3301.59 of 1327

the Revised Code and any rules adopted under those sections. 1328

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

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

**Sec. 3301.922.** The department of education shall issue an 1348  
annual report on the ~~compliance of participation by~~ public and 1349  
chartered nonpublic schools ~~with in the requirements option of~~ 1350  
~~section sections~~ 3313.674, 3314.15, and 3326.26 of the Revised 1351  
Code to screen students for body mass index and weight status 1352  
category. The department shall include in the report any data 1353  
regarding student health and wellness collected ~~by the department~~ 1354  
in conjunction with those ~~requirements sections~~. The department 1355  
shall submit each report to the governor, the general assembly, 1356  
and the healthy choices for healthy children council. 1357

Sec. 3301.941. As used in this section, "early childhood program" means any publicly funded program providing services to children younger than compulsory school age, as defined in section 3321.01 of the Revised Code. 1358  
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Student level data records collected and maintained for purposes of administering early childhood programs shall be assigned a unique student data verification code in accordance with division (D)(2) of section 3301.0714 of the Revised Code and shall be included in the combined data repository authorized by section 3301.94 of the Revised Code. The department may require certain personally identifiable student data, including student names, to be reported to the department for purposes of administering early childhood programs but not be included in the combined data repository. The department and each school or center providing services through an early childhood program that receives a student level data record, a data verification code, or other personally identifiable information shall not release that record, code, or other information to any person except as provided by section 3319.321 of the Revised Code or the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g. Any document relative to an early childhood program that the department holds in its files that contains a student's name, data verification code, or other personally identifiable information shall not be a public record under section 149.43 of the Revised Code. 1362  
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Any state agency that administers an early childhood program may use student data contained in the combined data repository to conduct research and analysis designed to evaluate the effectiveness of and investments in that program, in compliance with the Family Educational Rights and Privacy Act and regulations promulgated under that act. 1383  
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Sec. 3302.03. (A) Annually the department of education shall	1389
report for each school district and each school building in a	1390
district all of the following:	1391
(1) The extent to which the school district or building meets	1392
each of the applicable performance indicators created by the state	1393
board of education under section 3302.02 of the Revised Code and	1394
the number of applicable performance indicators that have been	1395
achieved;	1396
(2) The performance index score of the school district or	1397
building;	1398
(3) Whether the school district or building has made adequate	1399
yearly progress;	1400
(4) Whether the school district or building is excellent,	1401
effective, needs continuous improvement, is under an academic	1402
watch, or is in a state of academic emergency.	1403
(B) Except as otherwise provided in division (B)(6) of this	1404
section:	1405
(1) A school district or building shall be declared excellent	1406
if it meets at least ninety-four per cent of the applicable state	1407
performance indicators or has a performance index score	1408
established by the department, except that if it does not make	1409
adequate yearly progress for two or more of the same subgroups for	1410
three or more consecutive years, it shall be declared effective.	1411
(2) A school district or building shall be declared effective	1412
if it meets at least seventy-five per cent but less than	1413
ninety-four per cent of the applicable state performance	1414
indicators or has a performance index score established by the	1415
department, except that if it does not make adequate yearly	1416
progress for two or more of the same subgroups for three or more	1417
consecutive years, it shall be declared in need of continuous	1418

improvement. 1419

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

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

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

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

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

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

A school district or building shall not be assigned a higher 1445  
performance rating than in need of continuous improvement if at 1446  
least ten per cent but not more than fifteen per cent of the 1447  
enrolled students do not take all achievement assessments 1448  
prescribed for their grade level under division (A)(1) or (B)(1) 1449

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

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

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

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

(a) Performance of students by age group; 1478

(b) Performance of students by race and ethnic group; 1479

(c) Performance of students by gender; 1480



(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1481 1482
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	1483 1484 1485
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1486 1487
(g) Performance of students grouped by those who are economically disadvantaged;	1488 1489
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1490 1491 1492
(i) Performance of students grouped by those who are classified as limited English proficient;	1493 1494
(j) Performance of students grouped by those who have disabilities;	1495 1496
(k) Performance of students grouped by those who are classified as migrants;	1497 1498
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	1499 1500 1501
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	1502 1503 1504 1505 1506 1507
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or	1508 1509 1510

that could result in the identification of individual students. 1511  
For this purpose, the department shall not report student 1512  
performance data for any group identified in division (C)(3) of 1513  
this section that contains less than ten students. 1514

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

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

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

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

For any district that sponsors a conversion community school 1537  
under Chapter 3314. of the Revised Code, the department shall 1538  
combine data regarding the academic performance of students 1539  
enrolled in the community school with comparable data from the 1540  
schools of the district for the purpose of calculating the 1541

performance of the district as a whole on the report card issued 1542  
for the district under this section or section 3302.033 of the 1543  
Revised Code. 1544

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

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

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

(D)(1) In calculating English language arts, mathematics, 1565  
social studies, or science assessment passage rates used to 1566  
determine school district or building performance under this 1567  
section, the department shall include all students taking an 1568  
assessment with accommodation or to whom an alternate assessment 1569  
is administered pursuant to division (C)(1) or (3) of section 1570  
3301.0711 of the Revised Code. 1571

(2) In calculating performance index scores, rates of 1572

achievement on the performance indicators established by the state 1573  
board under section 3302.02 of the Revised Code, and adequate 1574  
yearly progress for school districts and buildings under this 1575  
section, the department shall do all of the following: 1576

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

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

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

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

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

(2) Compliance with the requirements for local wellness 1598  
policies prescribed by section 204 of the "Child Nutrition and WIC 1599  
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 1600

(3) Whether a school district or building ~~is complying with~~ 1601  
section has elected to administer the screenings authorized by 1602

sections 3313.674, 3314.15, and 3326.26 of the Revised Code 1603  
~~instead of operating under a waiver from the requirements of that~~ 1604  
~~section;~~ 1605

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

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

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

Sec. 3302.033. The state board of education, in consultation 1617  
with the chancellor of the Ohio board of regents, any office 1618  
within the office of the governor concerning workforce 1619  
development, the Ohio association of career and technical 1620  
education, the Ohio association of city career-technical schools, 1621  
and the Ohio association of career-technical superintendents, 1622  
shall approve a report card for joint vocational school districts 1623  
and for other career-technical planning districts that are not 1624  
joint vocational school districts. The state board shall submit 1625  
details of the approved report card to the governor, the speaker 1626  
of the house of representatives, the president of the senate, and 1627  
the chairpersons of the standing committees of the house of 1628  
representatives and the senate principally responsible for 1629  
education policy. The department of education annually shall issue 1630  
a report card for each joint vocational school district and 1631  
career-technical planning district, beginning with report cards 1632  
for the 2012-2013 school year to be published not later than 1633

September 1, 2013. 1634

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

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

(B) Except as provided in division (D), (E), or (F) of this 1649  
section, if the parents or guardians of at least fifty per cent of 1650  
the students enrolled in a school to which this section applies, 1651  
or if the parents or guardians of at least fifty per cent of the 1652  
total number of students enrolled in that school and the schools 1653  
of lower grade levels whose students typically matriculate into 1654  
that school, by the thirty-first day of December of any school 1655  
year in which the school is subject to this section, sign and file 1656  
with the school district treasurer a petition requesting the 1657  
district board of education to implement one of the following 1658  
reforms in the school, and if the validity and sufficiency of the 1659  
petition is certified in accordance with division (C) of this 1660  
section, the board shall implement the requested reform in the 1661  
next school year: 1662

(1) Reopen the school as a community school under Chapter 1663

3314. of the Revised Code; 1664

(2) Replace at least seventy per cent of the school's 1665  
personnel who are related to the school's poor academic 1666  
performance or, at the request of the petitioners, retain not more 1667  
than thirty per cent of the personnel; 1668

(3) Contract with another school district or a nonprofit or 1669  
for-profit entity with a demonstrated record of effectiveness to 1670  
operate the school; 1671

(4) Turn operation of the school over to the department; 1672

(5) Any other major restructuring of the school that makes 1673  
fundamental reforms in the school's staffing or governance. 1674

(C) Not later than thirty days after receipt of a petition 1675  
under division (B) of this section, the district treasurer shall 1676  
verify the validity and sufficiency of the signatures on the 1677  
petition and certify to the district board whether the petition 1678  
contains the necessary number of valid signatures to require the 1679  
board to implement the reform requested by the petitioners. If the 1680  
treasurer certifies to the district board that the petition does 1681  
not contain the necessary number of valid signatures, any person 1682  
who signed the petition may file an appeal with the county auditor 1683  
within ten days after the certification. Not later than thirty 1684  
days after the filing of an appeal, the county auditor shall 1685  
conduct an independent verification of the validity and 1686  
sufficiency of the signatures on the petition and certify to the 1687  
district board whether the petition contains the necessary number 1688  
of valid signatures to require the board to implement the 1689  
requested reform. If the treasurer or county auditor certifies 1690  
that the petition contains the necessary number of valid 1691  
signatures, the district board shall notify the superintendent of 1692  
public instruction and the state board of education of the 1693  
certification. 1694

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

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

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

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

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

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

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

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

(E) If the provisions of this section conflict in any way 1722  
with the requirements of federal law, federal law shall prevail 1723  
over the provisions of this section. 1724



(F) If a school is restructured under this section, section 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. 1725  
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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. 1730  
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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 buildings statewide for three consecutive years and is declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code, the district board of education shall do one of the following at the conclusion of the school year in which the building first becomes subject to this division: 1739  
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(1) Close the school and direct the district superintendent to reassign the students enrolled in the school to other school buildings that demonstrate higher academic achievement; 1749  
1750  
1751

(2) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 1752  
1753  
1754

(3) Replace the principal and all teaching staff of the 1755

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

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

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

(C) If a particular school is required to restructure under 1781  
this section and a petition with respect to that same school has 1782  
been filed and verified under divisions (B) and (C) of section 1783  
3302.042 of the Revised Code, the provisions of that section and 1784  
the petition filed and verified under it shall prevail over the 1785  
provisions of this section and the school shall be restructured 1786  
under that section. However, if division (D)(1), (2), or (3) of 1787

section 3302.042 of the Revised Code also applies to the school, 1788  
the school shall be subject to restructuring under this section 1789  
and not section 3302.042 of the Revised Code. 1790

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

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

**Sec. 3302.20.** (A) The department of education shall develop 1799  
standards for determining, from the existing data reported in 1800  
accordance with sections 3301.0714 and 3314.17 of the Revised 1801  
Code, the amount of annual operating expenditures for classroom 1802  
instructional purposes and for nonclassroom purposes for each 1803  
city, exempted village, local, and joint vocational school 1804  
district, each community school established under Chapter 3314. 1805  
that is not an internet- or computer-based community school, each 1806  
internet- or computer-based community school, and each STEM school 1807  
established under Chapter 3326. of the Revised Code. ~~Not later~~ 1808  
~~than January 1, 2012, the~~ The department shall present those 1809  
standards to the state board of education for consideration. In 1810  
developing the standards, the department shall adapt existing 1811  
standards used by professional organizations, research 1812  
organizations, and other state governments. The department also 1813  
shall align the expenditure categories required for reporting 1814  
under the standards with the categories that are required for 1815  
reporting to the United States department of education under 1816  
federal law. 1817

The state board shall consider the proposed standards and 1818

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

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

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

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

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

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

(C) Using the standards adopted under division (A) of this 1843  
section and the data reported under sections 3301.0714 and 3314.17 1844  
of the Revised Code, the department shall compute, ~~for fiscal~~ 1845  
~~years 2008 through 2012, and~~ annually for each fiscal year 1846  
~~thereafter~~, the following: 1847

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

instructional purposes;	1850
(2) The statewide average percentage for all districts,	1851
community schools, and STEM schools combined spent for classroom	1852
instructional purposes;	1853
(3) The average percentage for each of the categories of	1854
districts and schools established under division (B) of this	1855
section spent for classroom instructional purposes;	1856
(4) The ranking of each district, community school, or STEM	1857
school within its respective category established under division	1858
(B) of this section according to the following:	1859
(a) From highest to lowest percentage spent for classroom	1860
instructional purposes;	1861
(b) From lowest to highest percentage spent for	1862
noninstructional purposes.	1863
(D) In its display of rankings within each category under	1864
division (C)(4) of this section, the department shall make the	1865
following notations:	1866
(1) Within each category of city, exempted village, and local	1867
school districts, the department shall denote each district that	1868
is:	1869
(a) Among the twenty per cent of all city, exempted village,	1870
and local school districts statewide with the lowest total	1871
operating expenditures per pupil;	1872
(b) Among the twenty per cent of all city, exempted village,	1873
and local school districts statewide with the highest performance	1874
index scores.	1875
(2) Within each category of joint vocational school	1876
districts, the department shall denote each district that is:	1877
(a) Among the twenty per cent of all joint vocational school	1878
districts statewide with the lowest total operating expenditures	1879

per pupil;	1880
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest <del>performance measures required for career technical education under 20 U.S.C. 2323, as ranked report card scores</del> under <del>division (A)(3) of section 3302.21</del> <u>3302.033</u> of the Revised Code.	1881 1882 1883 1884 1885
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	1886 1887 1888
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;	1889 1890
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores.	1891 1892
(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:	1893 1894 1895
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;	1896 1897
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores.	1898 1899
(5) Within the category of STEM schools, the department shall denote each school that is:	1900 1901
(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil;	1902 1903
(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.	1904 1905
(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report	1906 1907 1908 1909

card issued under section 3302.03 of the Revised Code the 1910  
respective information computed for the district or school under 1911  
divisions (C)(1) and (4) of this section, the statewide 1912  
information computed under division (C)(2) of this section, and 1913  
the information computed for the district's or school's category 1914  
under division (C)(3) of this section. 1915

(F) As used in this section: 1916

(1) "Internet- or computer-based community school" has the 1917  
same meaning as in section 3314.02 of the Revised Code. 1918

(2) A school district's, community school's, or STEM school's 1919  
performance index score rank is its performance index score rank 1920  
as computed under section 3302.21 of the Revised Code. 1921

**Sec. 3302.21.** (A) The department of education shall develop a 1922  
system to rank order all city, exempted village, and local, ~~and~~ 1923  
~~joint vocational~~ school districts, community schools established 1924  
under Chapter 3314., and STEM schools established under Chapter 1925  
3326. of the Revised Code according to the following measures: 1926

(1) Performance index score for each school district, 1927  
community school, and STEM school and for each separate building 1928  
of a district, community school, or STEM school. For districts, 1929  
schools, or buildings to which the performance index score does 1930  
not apply, the superintendent of public instruction shall develop 1931  
another measure of student academic performance and use that 1932  
measure to include those buildings in the ranking so that all 1933  
districts, schools, and buildings may be reliably compared to each 1934  
other. 1935

(2) Student performance growth from year to year, using the 1936  
value-added progress dimension, if applicable, and other measures 1937  
of student performance growth designated by the superintendent of 1938  
public instruction for subjects and grades not covered by the 1939

value-added progress dimension; 1940

~~(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.~~ 1941-1949

~~(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; 1950-1952

~~(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; 1953-1956

~~(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. 1957-1960

The department shall rank each district, community school, and STEM school annually in accordance with the system developed under this section. 1961-1963

(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, and each STEM school indicating the district's or school's rank on each measure described in divisions (A)(1) to ~~(5)~~ (4) of this section, including each 1964-1970



separate building's rank among all public school buildings 1971  
according to performance index score under division (A)(1) of this 1972  
section. 1973

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

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

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

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

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

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

(B) The department annually shall submit a report to each 1993  
school district indicating the district's information for each of 1994  
the items described in divisions (A)(1) to (4) of this section and 1995  
the statewide averages described in division (A)(5) of this 1996  
section. 1997

(C) Each school district, upon receipt of the report 1998  
prescribed by division (B) of this section, shall publish the 1999  
information contained in that report in a prominent location on 2000

the district's web site and publish the report in another fashion 2001  
so that it is available to all parents of students enrolled in the 2002  
district and to taxpayers of the district. 2003

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

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

(B) The state board of education shall revise any operating 2024  
standards for school districts and chartered nonpublic schools 2025  
adopted under section 3301.07 of the Revised Code to include 2026  
standards for the operation of blended learning under this 2027  
section. The blended learning operation standards shall provide 2028  
for all of the following: 2029

(1) Student-to-teacher ratios whereby no school or classroom 2030  
is required to have more than one teacher for every one hundred 2031

twenty-five students in blended learning classrooms; 2032

(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools; 2033  
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(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. 2035  
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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; 2040  
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(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary. 2042  
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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. 2056  
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Sec. 3310.03. A student is an "eligible student" for purposes 2062  
of the educational choice scholarship pilot program if the 2063  
student's resident district is not a school district in which the 2064  
pilot project scholarship program is operating under sections 2065  
3313.974 to 3313.979 of the Revised Code and the student satisfies 2066  
one of the conditions in division (A) ~~or~~, (B), or (C) of this 2067  
section: 2068

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

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

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

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

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

(4) The student is enrolled in a school building that is 2089  
operated by the student's resident district or in a community 2090  
school established under Chapter 3314. of the Revised Code and 2091

otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

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

(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 2123  
recent rating published prior to the first day of July of the 2124  
school year for which a scholarship is sought. 2125

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

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

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

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

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

(1) The student's resident district remains the same, or the 2150  
student transfers to a new resident district and otherwise would 2151  
be assigned in the new resident district to a school building 2152  
described in division (A)(1) or (B)(1) of this section; 2153

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

(3) In each school year that the student is enrolled in a chartered 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.

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

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

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

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

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

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

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

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

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

(2) The student was not enrolled in any public or other 2213  
nonpublic school before the student enrolled in the nonpublic 2214  
school and, for the current or following school year, otherwise 2215



would be assigned under section 3319.01 of the Revised Code to a 2216  
school building described in division (A)(1) or (B)(1) of section 2217  
3310.03 of the Revised Code. 2218

(3) At the end of the last school year before the student 2219  
enrolled in the nonpublic school, the student was enrolled in a 2220  
school building operated by the student's resident district and, 2221  
during that school year, the building met the conditions described 2222  
in division (A)(1) or (B)(1) of section 3310.03 of the Revised 2223  
Code. 2224

(4) At the end of the last school year before the student 2225  
enrolled in the nonpublic school, the student was enrolled in a 2226  
community school established under Chapter 3314. of the Revised 2227  
Code but otherwise would have been assigned under section 3319.01 2228  
of the Revised Code to a school building that, during that school 2229  
year, met the conditions described in division (A)(1) or (B)(1) of 2230  
section 3310.03 of the Revised Code. 2231

**Sec. 3310.08.** (A) The amount paid for an eligible student 2232  
under the educational choice scholarship pilot program shall be 2233  
the lesser of the tuition of the chartered nonpublic school in 2234  
which the student is enrolled or the maximum amount prescribed in 2235  
section 3310.09 of the Revised Code. 2236

(B)(1) The department of education shall pay to the parent of 2237  
each eligible student for whom a scholarship is awarded under the 2238  
program, or to the student if at least eighteen years of age, 2239  
periodic partial payments of the scholarship. 2240

(2) The department shall proportionately reduce or terminate 2241  
the payments for any student who withdraws from a chartered 2242  
nonpublic school prior to the end of the school year. 2243

(C)(1) The department shall deduct from the payments made to 2244  
each school district under Chapter 3317., and if necessary, 2245

sections 321.24 and 323.156 of the Revised Code, the amount paid 2246  
under division (B) of this section for each eligible student 2247  
awarded a scholarship under the program who is entitled under 2248  
section 3313.64 or 3313.65 of the Revised Code to attend school in 2249  
the district. In the case of a student entitled to attend school 2250  
in a school district under division (B)(2)(a) of section 3313.64 2251  
or division (C) of section 3313.65 of the Revised Code, the 2252  
department shall deduct the payments from the school district that 2253  
includes the student in its average daily membership as reported 2254  
to the department under section 3317.03 of the Revised Code, as 2255  
determined by the department. 2256

(2) If the department reduces or terminates payments to a 2257  
parent or a student, as prescribed in division (B)(2) of this 2258  
section, and the student enrolls in the schools of the student's 2259  
resident district or in a community school, established under 2260  
Chapter 3314. of the Revised Code, before the end of the school 2261  
year, the department shall proportionally restore to the resident 2262  
district the amount deducted for that student under division 2263  
(C)(1) of this section. 2264

**Sec. 3310.15.** (A) The department of education annually shall 2265  
compile the scores attained by scholarship students to whom an 2266  
assessment is administered under section 3310.14 of the Revised 2267  
Code. The scores shall be aggregated as follows: 2268

(1) By state, which shall include all students awarded a 2269  
scholarship under the educational choice scholarship pilot program 2270  
and who were required to take an assessment under section 3310.14 2271  
of the Revised Code; 2272

(2) By school district, which shall include all scholarship 2273  
students who were required to take an assessment under section 2274  
3310.14 of the Revised Code and for whom the district is the 2275  
student's resident district; 2276

(3) By chartered nonpublic school, which shall include all scholarship students enrolled in that school who were required to take an assessment under section 3310.14 of the Revised Code.	2277 2278 2279
(B) The department shall disaggregate the student performance data described in division (A) of this section according to the following categories:	2280 2281 2282
(1) <del>Age</del> <u>Grade level</u> ;	2283
(2) Race and ethnicity;	2284
(3) Gender;	2285
(4) Students who have participated in the scholarship program for three or more years;	2286 2287
(5) Students who have participated in the scholarship program for more than one year and less than three years;	2288 2289
(6) Students who have participated in the scholarship program for one year or less;	2290 2291
(7) Economically disadvantaged students.	2292
(C) The department shall post the student performance data required under divisions (A) and (B) of this section on its web site and, by the first day of February each year, shall distribute that data to the parent of each eligible student. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	2293 2294 2295 2296 2297 2298 2299 2300 2301
(D) The department shall provide the parent of each scholarship student with information comparing the student's performance on the assessments administered under section 3310.14 of the Revised Code with the average performance of similar students enrolled in the building operated by the student's	2302 2303 2304 2305 2306

resident district that the scholarship student would otherwise 2307  
attend. In calculating the performance of similar students, the 2308  
department shall consider age, grade, race and ethnicity, gender, 2309  
and socioeconomic status. 2310

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

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

(3) A board of county commissioners may issue securities of 2333  
the county pursuant to Chapter 133. of the Revised Code for the 2334  
acquisition of real and personal property or for the construction, 2335  
enlargement, repair, or renovation of facilities, buildings, or 2336  
structures by an educational service center, but only if the 2337

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

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

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

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

(4) As used in this division: 2368

(a) "Office equipment" includes but is not limited to 2369  
typewriters, copying and duplicating equipment, and computer and 2370  
data processing equipment. 2371

(b) "Software for instructional purposes" includes computer 2372  
programs usable for computer assisted instruction, computer 2373  
managed instruction, drill and practice, and problem simulations. 2374

A board of education or governing board of an educational 2375  
service center may acquire the necessary office equipment, and 2376  
computer hardware and software for instructional purposes, for the 2377  
schools under its control by purchase, by lease, by installment 2378  
payments, by entering into lease-purchase agreements, or by lease 2379  
with an option to purchase. In the case of a city, exempted 2380  
village, or local school district, if the purchase price is to be 2381  
paid over a period of time, the contract setting forth the terms 2382  
of such purchase shall be considered a continuing contract 2383  
pursuant to section 5705.41 of the Revised Code. Payments shall 2384  
not extend for a period of more than five years. Costs relating to 2385  
the acquisition of necessary apparatus may be paid from funds 2386  
available to the school district or educational service center for 2387  
operating purposes. 2388

(5) A board of education or governing board of an educational 2389  
service center may acquire the necessary equipment for the 2390  
maintenance or physical upkeep of facilities and land under its 2391  
control by entering into lease-purchase agreements. If payments 2392  
under the lease-purchase agreement are to be made over a period of 2393  
time, the agreement shall be considered a continuing contract 2394  
pursuant to section 5705.41 of the Revised Code, and such payments 2395  
shall not extend for a period of more than five years. 2396

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 2397  
(F), and (G) of this section, when a board of education decides to 2398  
dispose of real or personal property that it owns in its corporate 2399

capacity and that exceeds in value ten thousand dollars, it shall 2400  
sell the property at public auction, after giving at least thirty 2401  
days' notice of the auction by publication in a newspaper of 2402  
general circulation in the school district, by publication as 2403  
provided in section 7.16 of the Revised Code, or by posting 2404  
notices in five of the most public places in the school district 2405  
in which the property, if it is real property, is situated, or, if 2406  
it is personal property, in the school district of the board of 2407  
education that owns the property. The board may offer real 2408  
property for sale as an entire tract or in parcels. 2409

(B) When the board of education has offered real or personal 2410  
property for sale at public auction at least once pursuant to 2411  
division (A) of this section, and the property has not been sold, 2412  
the board may sell it at a private sale. Regardless of how it was 2413  
offered at public auction, at a private sale, the board shall, as 2414  
it considers best, sell real property as an entire tract or in 2415  
parcels, and personal property in a single lot or in several lots. 2416

(C) If a board of education decides to dispose of real or 2417  
personal property that it owns in its corporate capacity and that 2418  
exceeds in value ten thousand dollars, it may sell the property to 2419  
the adjutant general; to any subdivision or taxing authority as 2420  
respectively defined in ~~divisions (A) and (C) of~~ section 5705.01 2421  
of the Revised Code, township park district, board of park 2422  
commissioners established under Chapter 755. of the Revised Code, 2423  
or park district established under Chapter 1545. of the Revised 2424  
Code; to a wholly or partially tax-supported university, 2425  
university branch, or college; to a nonprofit institution of 2426  
higher education that has a certificate of authorization under 2427  
Chapter 1713. of the Revised Code; to the governing authority of a 2428  
chartered nonpublic school; or to the board of trustees of a 2429  
school district library, upon such terms as are agreed upon. The 2430  
sale of real or personal property to the board of trustees of a 2431

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

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

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

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

(G) When a school district board of education decides to 2455  
dispose of real property, prior to disposing of that property 2456  
under divisions (A) to (F) of this section, it shall first offer 2457  
that property for sale to the governing authorities of the 2458  
start-up community schools established under Chapter 3314. of the 2459  
Revised Code, and the board of trustees of any college-preparatory 2460  
boarding school established under Chapter 3328. of the Revised 2461  
Code, that are located within the territory of the school 2462  
district. The district board shall offer the property at a price 2463



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

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

The property may be donated to an eligible nonprofit 2483  
organization that is located in this state and is exempt from 2484  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 2485  
Before donating any property under this division, the board shall 2486  
adopt a resolution expressing its intent to make unneeded, 2487  
obsolete, or unfit-for-use school district property available to 2488  
these organizations. The resolution shall include guidelines and 2489  
procedures the board considers to be necessary to implement the 2490  
donation program and shall indicate whether the school district 2491  
will conduct the donation program or the board will contract with 2492  
a representative to conduct it. If a representative is known when 2493  
the resolution is adopted, the resolution shall provide contact 2494  
information such as the representative's name, address, and 2495

telephone number. 2496

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

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

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

The board or its representative also shall maintain a list of 2527

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

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

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

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

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

(3) "Unused school facilities" means any real property that 2558

has been used by a school district for school operations, 2559  
including, but not limited to, academic instruction or 2560  
administration, since July 1, 1998, but has not been used in that 2561  
capacity for two years. 2562

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

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

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

(2) If, not later than sixty days after the district board 2588  
makes the offer, ~~the governing authorities of two or more~~ 2589  
~~community schools located within the territory of the school~~ 2590

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

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

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

(5) If no ~~community school governing authority~~ qualified 2617  
party offered the property under division (B) of this section 2618  
accepts the offer to lease or buy the property within sixty days 2619  
after the offer is made, the district board may offer the property 2620  
to any other entity in accordance with divisions (A) to (F) of 2621  
section 3313.41 of the Revised Code. 2622

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

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

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

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

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

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

(a) The student is a limited English proficient student who has been enrolled in United States schools for less than two full school years and has had less than two years of instruction in an English as a second language program. 2653  
2654  
2655  
2656

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division. 2657  
2658  
2659  
2660

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education. 2661  
2662  
2663

(d) All of the following apply: 2664

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code. 2665  
2666  
2667

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 2668  
2669  
2670

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 2671  
2672  
2673  
2674  
2675

(iv) The student previously was retained in any of grades kindergarten to three. 2676  
2677

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 2678  
2679  
2680  
2681

(ii) A student who is promoted under division (A)(2)(e)(i) of 2682

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. 2683  
2684  
2685  
2686  
2687  
2688

(B)(1) ~~To~~ Beginning in the 2012-2013 school year, to assist 2689  
students in meeting ~~this~~ the third grade guarantee established by 2690  
this section, each school district board of education shall adopt 2691  
policies and procedures with which it ~~shall~~ annually shall assess 2692  
the reading skills of each student ~~at the end of first and second~~ 2693  
enrolled in kindergarten to third grade by the thirtieth day of 2694  
September and shall identify students who are reading below their 2695  
grade level. ~~If~~ Each district shall use the diagnostic assessment 2696  
to measure English language arts ability for the appropriate grade 2697  
level ~~has been developed in accordance with division (D)(1) of~~ 2698  
adopted under section 3301.079 of the Revised Code, ~~each school~~ 2699  
~~district shall use such diagnostic assessment or a comparable tool~~ 2700  
approved by the department of education, to identify such 2701  
students, ~~except that any district to which division (E) of~~ 2702  
~~section 3301.0715 of the Revised Code applies may use another~~ 2703  
~~assessment to identify such students.~~ The policies and procedures 2704  
shall require the students' classroom teachers to be involved in 2705  
the assessment and the identification of students reading below 2706  
grade level. ~~The district shall notify the parent or guardian of~~ 2707

(2) For each student whose identified by the diagnostic assessment prescribed under this section as having reading skills are below grade level and, the district shall do both of the following: 2708  
2709  
2710  
2711

(a) Provide to the student's parent or guardian, in writing, all of the following: 2712  
2713

(i) Notification that the student has been identified as 2714



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

~~3301.0710 of the Revised Code on the assessment prescribed under~~ 2746  
~~that section to measure skill in English language arts expected at~~ 2747  
~~the end of third grade~~ retained under division (A) of this 2748  
section, the district also shall offer do all of the following: 2749

(a) Provide intense remediation services during the summer 2750  
following third grade until the student is able to read at grade 2751  
level. The remediation services shall include intensive 2752  
interventions in reading that address the areas of deficiencies 2753  
identified under this section including, but not limited to, not 2754  
less than ninety minutes of reading daily and may include any of 2755  
the following: 2756

(i) Small group instruction; 2757

(ii) Reduced teacher-student ratios; 2758

(iii) More frequent progress monitoring; 2759

(iv) Tutoring or mentoring; 2760

(v) Transition classes containing third and fourth grade 2761  
students; 2762

(vi) Extended school day, week, or year; 2763

(vii) Summer reading camps. 2764

(b) Establish a policy for the mid-year promotion of a 2765  
student retained under division (A) of this section who 2766  
demonstrates that the student is reading at or above grade level; 2767

(c) Provide each student with a high-performing teacher, as 2768  
determined by the teacher's student performance data, when 2769  
available, and performance reviews. 2770

The district shall offer the option for students to receive 2771  
applicable services from one or more providers other than the 2772  
district. Providers shall be screened and approved by the district 2773  
or the department of education. If the student participates in the 2774  
remediation services and demonstrates reading proficiency in 2775

accordance with standards adopted by the department prior to the 2776  
start of fourth grade, the district shall promote the student to 2777  
that grade. 2778

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

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

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

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

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

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

(4) A process for monitoring the extent to which the student 2804  
receives the instructional services and support described in 2805  
division (C)(2) of this section; 2806

(5) A reading curriculum during regular school hours that 2807  
does all of the following: 2808

(a) Assists students to read at grade level; 2809

(b) Provides scientifically based and reliable assessment; 2810

(c) Provides initial and ongoing analysis of each student's 2811  
reading progress. 2812

(6) A statement that if the student attains a score in the 2813  
range designated under division (A)(3) of section 3301.0710 of the 2814  
Revised Code on the assessment prescribed under that section to 2815  
measure skill in English language arts expected by the end of 2816  
third grade, the student may be retained in third grade. 2817

Each student with a reading improvement and monitoring plan 2818  
under this division who enters third grade after July 1, 2013, 2819  
shall be assigned to a teacher who has either received a passing 2820  
score on a rigorous test of principles of scientifically based 2821  
reading instruction approved by the state board of education or 2822  
has a reading endorsement on the teacher's license. 2823

The district shall report any information requested by the 2824  
department about the plans developed under this division in the 2825  
manner required by the department. 2826

(D) Each school district shall report annually to the 2827  
department on its implementation and compliance with this section 2828  
using guidelines prescribed by the superintendent of public 2829  
instruction. The superintendent of public instruction annually 2830  
shall report to the governor and general assembly the number and 2831  
percentage of students in grades kindergarten through four reading 2832  
below grade level based on the diagnostic assessments administered 2833  
under division (B) of this section and the achievement assessments 2834  
administered under divisions (A)(1)(a) and (b) of section 2835  
3301.0710 of the Revised Code in English language arts, aggregated 2836  
by school district and building; the types of intervention 2837

services provided to students; and, if available, an evaluation of 2838  
the efficacy of the intervention services provided. 2839

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

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

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

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

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

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

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

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

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

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

(B) The board of education of each city, exempted village, 2864  
local, and joint vocational school district shall adopt a grade 2865  
promotion and retention policy for students that complies with 2866

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

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

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

(2) Advanced placement courses; 2886

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

(B) Each city, local, exempted village, and joint vocational 2890  
school district and each chartered nonpublic high school shall 2891  
provide students enrolled in grades nine through twelve with the 2892  
opportunity to participate in a dual enrollment program. For this 2893  
purpose, each school district and chartered nonpublic high school 2894  
shall offer at least one dual enrollment program in accordance 2895  
with division (B)(1) or (2) of this section, as applicable. 2896

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

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

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

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

(B) When a student enrolls in a school operated by a city, 2927

exempted village, or local school district, a school official with 2928  
responsibility for admissions shall provide the student's parent, 2929  
during the admissions process, with a copy of the most recent 2930  
report card issued under section 3302.03 of the Revised Code. 2931

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

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

(C) ~~Prior to the first day of February of each~~ Each school 2951  
year, ~~the~~ each board or governing authority electing to require 2952  
the screening shall provide the parent or guardian of each student 2953  
subject to ~~this section~~ the screening with information about the 2954  
screening program. If the board or governing authority requests 2955  
parents and guardians to obtain a screening from a provider of 2956  
their choosing, the board or governing authority shall provide 2957  
them with a list of providers and information about screening 2958



services available in the community to parents and guardians who 2959  
cannot afford a private provider. 2960

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

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

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

(G) In a manner prescribed by rule of the director of health, 2982  
~~the~~ each board or governing authority electing to require the 2983  
screening shall report aggregated body mass index and weight 2984  
status category data collected under this section, and any other 2985  
demographic data required by the director, to the department of 2986  
health. In the case of a school district, data shall be aggregated 2987  
for the district as a whole and not for individual schools within 2988  
the district, unless the district operates only one school. In the 2989  
case of a chartered nonpublic school, data shall be aggregated for 2990

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

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

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

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

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

(B) The state board of education shall establish standards 3018  
for a school lunch program, school breakfast program, child and 3019  
adult care food program, special food service program for 3020  
children, summer food service program for children, special milk 3021

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

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

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

(2) The state board shall require the board of education in 3051  
each school district to establish a breakfast program in every 3052  
school in which the parents of at least one-half of the children 3053

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

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

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

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

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

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

(b) If a district board chooses not to comply with division 3077  
(C)(1) of this section, the state board nevertheless shall require 3078  
the district board to establish a breakfast program in every 3079  
school where at least one-third of the pupils in the school are 3080  
eligible under federal requirements for free breakfasts and to 3081  
establish a lunch program in every school where at least one-third 3082  
of the pupils are eligible for free lunches. The district board 3083  
may make a charge in accordance with federal requirements for each 3084

reduced price breakfast or paid breakfast to cover the cost 3085  
incurred in providing that meal. 3086

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

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

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

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

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

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

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

(E) Any school district board of education or chartered 3113  
nonpublic school that participates in a breakfast program pursuant 3114

to this section may offer breakfast to pupils in their classrooms 3115  
during the school day. 3116

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

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

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

(1) Water; 3129

(2) Milk; 3130

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

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

(1) Water; 3137

(2) Milk; 3138

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

(C) For a school in which the majority of grades offered are 3143

in the range from grade nine to grade twelve:	3144
(1) Water;	3145
(2) Milk;	3146
(3) Twelve ounces or less of one hundred per cent fruit juice, or a one hundred per cent fruit juice and water blend with no added sweeteners, that contains not more than one hundred sixty calories per eight ounces;	3147 3148 3149 3150
(4) Twelve ounces or less of any beverage that contains not more than sixty-six calories per eight ounces;	3151 3152
(5) Any size of a beverage that contains not more than ten calories per eight ounces, which may include caffeinated beverages and beverages with added sweeteners, carbonation, or artificial flavoring.	3153 3154 3155 3156
<del>(D) Each public and chartered nonpublic school shall require at least fifty per cent of the a la carte beverage items available for sale from each of the following sources during the regular and extended school day to be water or other beverages that contain not more than ten calories per eight ounces:</del>	3157 3158 3159 3160 3161
<del>(1) A school food service program;</del>	3162
<del>(2) A vending machine located on school property that does not sell only milk or reimbursable meals;</del>	3163 3164
<del>(3) A store operated by the school, a student association, or other school sponsored organization.</del>	3165 3166
<b>Sec. 3313.842.</b> (A) The boards of education or governing authorities of any two or more school districts or community schools may enter into an agreement for joint or cooperative establishment and operation of any educational program including any class, course, or program that may be included in a school district's or community school's graded course of study and staff	3167 3168 3169 3170 3171 3172

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

(B) Notwithstanding sections 3313.48 and 3313.64 of the 3181  
Revised Code, any school district that is party to an agreement 3182  
for joint or cooperative establishment and operation of an 3183  
educational program may charge fees or tuition for students who 3184  
participate in the program and are entitled to attend school in 3185  
the district under section 3313.64 or 3313.65 of the Revised Code. 3186  
Except as otherwise provided in division ~~(H)~~(G) of section 3321.01 3187  
of the Revised Code, no community school that is party to the 3188  
agreement shall charge fees or tuition for students who 3189  
participate in the program and are reported by the school under 3190  
division (B)(2) of section 3314.08 of the Revised Code. 3191

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 3192  
3311.52 of the Revised Code, this section does not apply to any 3193  
cooperative education school district. 3194

(B)(1) The board of education of each city, exempted village, 3195  
or local school district with an average daily student enrollment 3196  
of sixteen thousand or less, reported for the district on the most 3197  
recent report card issued under section 3302.03 of the Revised 3198  
Code, shall enter into an agreement with the governing board of an 3199  
educational service center, under which the educational service 3200  
center governing board will provide services to the district. 3201

(2) The board of education of a city, exempted village, or 3202  
local school district with an average daily student enrollment of 3203



more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

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

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

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

(D)(1) An agreement for services from an educational service center entered into under this section may be terminated by the school district board of education, at its option, by notifying

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

(2) If the school district that terminates an agreement for 3248  
services under division (D)(1) of this section is also subject to 3249  
the requirement of division (B)(1) of this section, the district 3250  
board shall enter into a new agreement with ~~a different~~ any 3251  
educational service center so that the new agreement is effective 3252  
on the first day of July of that same year. 3253

**Sec. 3313.845.** The board of education of a city, exempted 3254  
village, or local school district and the governing board of an 3255  
educational service center may enter into an agreement under which 3256  
the educational service center will provide services to the school 3257  
district. Services provided under the agreement and the amount to 3258  
be paid for such services shall be mutually agreed to by the 3259  
district board of education and the service center governing 3260  
board, and shall be specified in the agreement. Payment for 3261  
services specified in the agreement shall be made pursuant to 3262  
division (D) of section 3317.11 of the Revised Code and shall not 3263  
include any deduction under division (B), (C), or (F) of that 3264  
section. Any agreement entered into pursuant to this section shall 3265  
be valid only if a copy is filed with the department of education 3266  
~~by the first day of the school year for which the agreement is in~~ 3267

effect. 3268

The authority granted under this section to the boards of 3269  
education of city, exempted village, and local school districts is 3270  
in addition to the authority granted to such boards under section 3271  
3313.843 of the Revised Code. 3272

Sec. 3313.847. In the case of a child placed in the custody 3273  
of a juvenile facility established under section 2151.65 or a 3274  
detention facility established under section 2152.41 of the 3275  
Revised Code, if that facility contracts directly with an 3276  
educational service center for services for that child, the 3277  
service center may submit its request for payment for services for 3278  
the child directly to the school district that is responsible to 3279  
bear the cost of educating the child, as determined under section 3280  
2151.362 of the Revised Code. That district shall pay the service 3281  
center directly for those services. Notwithstanding anything to 3282  
the contrary in section 3317.03 of the Revised Code, the district 3283  
that pays a service center for services for a particular child 3284  
under this section shall include that child in the district's 3285  
average daily membership as reported under division (A) of section 3286  
3317.03 of the Revised Code. No other district shall include the 3287  
child in its average daily membership. 3288

**Sec. 3313.978.** (A) Annually by the first day of November, the 3289  
superintendent of public instruction shall notify the pilot 3290  
project school district of the number of initial scholarships that 3291  
the state superintendent will be awarding in each of grades 3292  
kindergarten through twelve. 3293

The state superintendent shall provide information about the 3294  
scholarship program to all students residing in the district, 3295  
shall accept applications from any such students until such date 3296  
as shall be established by the state superintendent as a deadline 3297

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

(1) A student receiving a pilot project scholarship may 3313  
utilize it at an alternative public school by notifying the 3314  
district superintendent, at any time before the beginning of the 3315  
school year, of the name of the public school in an adjacent 3316  
school district to which the student has been accepted pursuant to 3317  
section 3327.06 of the Revised Code. 3318

(2) A student may decide to utilize a pilot project 3319  
scholarship at a registered private school in the district if all 3320  
of the following conditions are met: 3321

(a) By the fifteenth day of February of the preceding school 3322  
year, or at any time prior to the start of the school year, the 3323  
parent makes an application on behalf of the student to a 3324  
registered private school. 3325

(b) The registered private school notifies the parent and the 3326  
state superintendent as follows that the student has been 3327  
admitted: 3328

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

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

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

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

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

per cent of that maximum income level shall qualify for ninety per 3361  
cent of the grant amount. 3362

(C)(1) In the case of basic scholarships for students in 3363  
grades kindergarten through eight, the scholarship amount shall 3364  
not exceed the lesser of the tuition charges of the alternative 3365  
school the scholarship recipient attends or three thousand dollars 3366  
before fiscal year 2007, three thousand four hundred fifty dollars 3367  
in fiscal year 2007 through fiscal year 2011, and four thousand 3368  
two hundred fifty dollars in fiscal year 2012 and thereafter. 3369

In the case of basic scholarships for students in grades nine 3370  
through twelve, the scholarship amount shall not exceed the lesser 3371  
of the tuition charges of the alternative school the scholarship 3372  
recipient attends or two thousand seven hundred dollars before 3373  
fiscal year 2007, three thousand four hundred fifty dollars in 3374  
fiscal year 2007 through fiscal year 2011, and five thousand 3375  
dollars in fiscal year 2012 and thereafter. 3376

(2) The state superintendent shall provide for an increase in 3377  
the basic scholarship amount in the case of any student who is a 3378  
mainstreamed student with a disability and shall further increase 3379  
such amount in the case of any separately educated student with a 3380  
disability. Such increases shall take into account the 3381  
instruction, related services, and transportation costs of 3382  
educating such students. 3383

(3) In the case of tutorial assistance grants, the grant 3384  
amount shall not exceed the lesser of the provider's actual 3385  
charges for such assistance or: 3386

(a) Before fiscal year 2007, a percentage established by the 3387  
state superintendent, not to exceed twenty per cent, of the amount 3388  
of the pilot project school district's average basic scholarship 3389  
amount; 3390

(b) In fiscal year 2007 and thereafter, four hundred dollars. 3391

(4) No scholarship or tutorial assistance grant shall be 3392  
awarded unless the state superintendent determines that 3393  
twenty-five or ten per cent, as applicable, of the amount 3394  
specified for such scholarship or grant pursuant to division 3395  
(C)(1), (2), or (3) of this section will be furnished by a 3396  
political subdivision, a private nonprofit or for profit entity, 3397  
or another person. Only seventy-five or ninety per cent of such 3398  
amounts, as applicable, shall be paid from state funds pursuant to 3399  
section 3313.979 of the Revised Code. 3400

(D)(1) Annually by the first day of November, the state 3401  
superintendent shall estimate the maximum per-pupil scholarship 3402  
amounts for the ensuing school year. The state superintendent 3403  
shall make this estimate available to the general public at the 3404  
offices of the district board of education together with the forms 3405  
required by division (D)(2) of this section. 3406

(2) Annually by the fifteenth day of January, the chief 3407  
administrator of each registered private school located in the 3408  
pilot project district and the principal of each public school in 3409  
such district shall complete a parental information form and 3410  
forward it to the president of the board of education. The 3411  
parental information form shall be prescribed by the department of 3412  
education and shall provide information about the grade levels 3413  
offered, the numbers of students, tuition amounts, achievement 3414  
test results, and any sectarian or other organizational 3415  
affiliations. 3416

(E)(1) Only for the purpose of administering the pilot 3417  
project scholarship program, the department may request from any 3418  
of the following entities the data verification code assigned 3419  
under division (D)(2) of section 3301.0714 of the Revised Code to 3420  
any student who is seeking a scholarship under the program: 3421

(a) The school district in which the student is entitled to 3422  
attend school under section 3313.64 or 3313.65 of the Revised 3423

Code; 3424

(b) If applicable, the community school in which the student 3425  
is enrolled; 3426

(c) The independent contractor engaged to create and maintain 3427  
data verification codes. 3428

(2) Upon a request by the department under division (E)(1) of 3429  
this section for the data verification code of a student seeking a 3430  
scholarship or a request by the student's parent for that code, 3431  
the school district or community school shall submit that code to 3432  
the department or parent in the manner specified by the 3433  
department. If the student has not been assigned a code, because 3434  
the student will be entering kindergarten during the school year 3435  
for which the scholarship is sought, the district shall assign a 3436  
code to that student and submit the code to the department or 3437  
parent by a date specified by the department. If the district does 3438  
not assign a code to the student by the specified date, the 3439  
department shall assign a code to the student. 3440

The department annually shall submit to each school district 3441  
the name and data verification code of each student residing in 3442  
the district who is entering kindergarten, who has been awarded a 3443  
scholarship under the program, and for whom the department has 3444  
assigned a code under this division. 3445

(3) The department shall not release any data verification 3446  
code that it receives under division (E) of this section to any 3447  
person except as provided by law. 3448

(F) Any document relative to the pilot project scholarship 3449  
program that the department holds in its files that contains both 3450  
a student's name or other personally identifiable information and 3451  
the student's data verification code shall not be a public record 3452  
under section 149.43 of the Revised Code. 3453

(G)(1) The department annually shall compile the scores 3454



attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

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

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

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

(a) ~~Age~~ Grade level;

(b) Race and ethnicity;

(c) Gender;

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

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

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

(g) Economically disadvantaged students.

(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 3485  
division, the department shall not include any data that is 3486  
statistically unreliable or that could result in the 3487  
identification of individual students. For this purpose, the 3488  
department shall not report performance data for any group that 3489  
contains less than ten students. 3490

(4) The department shall provide the parent of each 3491  
scholarship student enrolled in a registered private school with 3492  
information comparing the student's performance on the assessments 3493  
administered pursuant to division (A)(11) of section 3313.976 of 3494  
the Revised Code with the average performance of similar students 3495  
enrolled in the building operated by the pilot project school 3496  
district that the scholarship student would otherwise attend. In 3497  
calculating the performance of similar students, the department 3498  
shall consider age, grade, race and ethnicity, gender, and 3499  
socioeconomic status. 3500

**Sec. 3314.015.** (A) The department of education shall be 3501  
responsible for the oversight of any and all sponsors of the 3502  
community schools established under this chapter and shall provide 3503  
technical assistance to schools and sponsors in their compliance 3504  
with applicable laws and the terms of the contracts entered into 3505  
under section 3314.03 of the Revised Code and in the development 3506  
and start-up activities of those schools. In carrying out its 3507  
duties under this section, the department shall do all of the 3508  
following: 3509

(1) In providing technical assistance to proposing parties, 3510  
governing authorities, and sponsors, conduct training sessions and 3511  
distribute informational materials; 3512

(2) Approve entities to be sponsors of community schools; 3513

(3) Monitor the effectiveness of any and all sponsors in 3514  
their oversight of the schools with which they have contracted; 3515

(4) By December thirty-first of each year, issue a report to 3516  
the governor, the speaker of the house of representatives, the 3517  
president of the senate, and the chairpersons of the house and 3518  
senate committees principally responsible for education matters 3519  
regarding the effectiveness of academic programs, operations, and 3520  
legal compliance and of the financial condition of all community 3521  
schools established under this chapter and on the performance of 3522  
community school sponsors; 3523

(5) From time to time, make legislative recommendations to 3524  
the general assembly designed to enhance the operation and 3525  
performance of community schools. 3526

(B)(1) Except as provided in sections 3314.021 and 3314.027 3527  
of the Revised Code, no entity listed in division (C)(1) of 3528  
section 3314.02 of the Revised Code shall enter into a preliminary 3529  
agreement under division (C)(2) of section 3314.02 of the Revised 3530  
Code until it has received approval from the department of 3531  
education to sponsor community schools under this chapter and has 3532  
entered into a written agreement with the department regarding the 3533  
manner in which the entity will conduct such sponsorship. The 3534  
department shall adopt in accordance with Chapter 119. of the 3535  
Revised Code rules containing criteria, procedures, and deadlines 3536  
for processing applications for such approval, for oversight of 3537  
sponsors, for revocation of the approval of sponsors, and for 3538  
entering into written agreements with sponsors. The rules shall 3539  
require an entity to submit evidence of the entity's ability and 3540  
willingness to comply with the provisions of division (D) of 3541  
section 3314.03 of the Revised Code. The rules also shall require 3542  
entities approved as sponsors on and after June 30, 2005, to 3543  
demonstrate a record of financial responsibility and successful 3544  
implementation of educational programs. If an entity seeking 3545  
approval on or after June 30, 2005, to sponsor community schools 3546  
in this state sponsors or operates schools in another state, at 3547

least one of the schools sponsored or operated by the entity must 3548  
be comparable to or better than the performance of Ohio schools in 3549  
need of continuous improvement under section 3302.03 of the 3550  
Revised Code, as determined by the department. 3551

Subject to section 3314.016 of the Revised Code, an entity 3552  
that sponsors community schools may enter into preliminary 3553  
agreements and sponsor up to one hundred schools, provided each 3554  
school and the contract for sponsorship meets the requirements of 3555  
this chapter. 3556

(2) The department of education shall determine, pursuant to 3557  
criteria adopted by rule of the department, whether the mission 3558  
proposed to be specified in the contract of a community school to 3559  
be sponsored by a state university board of trustees or the 3560  
board's designee under division (C)(1)(e) of section 3314.02 of 3561  
the Revised Code complies with the requirements of that division. 3562  
Such determination of the department is final. 3563

(3) The department of education shall determine, pursuant to 3564  
criteria adopted by rule of the department, if any tax-exempt 3565  
entity under section 501(c)(3) of the Internal Revenue Code that 3566  
is proposed to be a sponsor of a community school is an 3567  
education-oriented entity for purpose of satisfying the condition 3568  
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 3569  
Revised Code. Such determination of the department is final. 3570

(C) If at any time the state board of education finds that a 3571  
sponsor is not in compliance or is no longer willing to comply 3572  
with its contract with any community school or with the 3573  
department's rules for sponsorship, the state board or designee 3574  
shall conduct a hearing in accordance with Chapter 119. of the 3575  
Revised Code on that matter. If after the hearing, the state board 3576  
or designee has confirmed the original finding, the department of 3577  
education may revoke the sponsor's approval to sponsor community 3578  
schools ~~and~~. In that case, the department's office of Ohio school 3579

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

(D) The decision of the department to disapprove an entity 3595  
for sponsorship of a community school or to revoke approval for 3596  
such sponsorship under division (C) of this section, may be 3597  
appealed by the entity in accordance with section 119.12 of the 3598  
Revised Code. 3599

(E) The department shall adopt procedures for use by a 3600  
community school governing authority and sponsor when the school 3601  
permanently closes and ceases operation, which shall include at 3602  
least procedures for data reporting to the department, handling of 3603  
student records, distribution of assets in accordance with section 3604  
3314.074 of the Revised Code, and other matters related to ceasing 3605  
operation of the school. 3606

(F) In carrying out its duties under this chapter, the 3607  
department shall not impose requirements on community schools or 3608  
their sponsors that are not permitted by law or duly adopted 3609  
rules. 3610

Sec. 3314.016. This section applies to any entity that 3611  
sponsors a community school, regardless of whether section 3612  
3314.021 or 3314.027 of the Revised Code exempts the entity from 3613  
the requirement to be approved for sponsorship under divisions 3614  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 3615  
office of Ohio school sponsorship established under section 3616  
3314.029 of the Revised Code shall be ranked under division (B) of 3617  
this section, but divisions (A) and (C) of this section do not 3618  
apply to the office. 3619

(A) An entity that sponsors a community school shall be 3620  
permitted to enter into contracts under section 3314.03 of the 3621  
Revised Code to sponsor additional community schools only if the 3622  
entity meets both of the following criteria: 3623

(1) The entity is in compliance with all provisions of this 3624  
chapter requiring sponsors of community schools to report data or 3625  
information to the department of education. 3626

(2) The entity is not ranked in the lowest twenty per cent of 3627  
community school sponsors on the ranking prescribed by division 3628  
(B) of this section. 3629

(B)(1) For purposes of this section, the department shall 3630  
develop a composite performance index score, as defined in section 3631  
3302.01 of the Revised Code, that measures the academic 3632  
performance of students enrolled in community schools sponsored by 3633  
the same entity. ~~In~~ 3634

(2) In calculating the an entity's composite performance 3635  
index score, the department shall exclude all of the following: 3636

(a) All community schools that have been in operation for 3637  
less than two full school years; 3638

(b) All community schools described in division (A)(3) of 3639  
section 3314.35 of the Revised Code, but the department shall 3640

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

(3) The department annually shall rank all entities that 3648  
sponsor community schools from highest to lowest according to the 3649  
entities' composite performance index scores and shall publish the 3650  
rankings between the first day of October and the fifteenth day of 3651  
October. 3652

(C) If the governing authority of a community school enters 3653  
into a contract with a sponsor prior to the date on which the 3654  
sponsor is prohibited from sponsoring additional schools under 3655  
division (A) of this section and the school has not opened for 3656  
operation as of that date, that contract shall be void and the 3657  
school shall not open until the governing authority secures a new 3658  
sponsor by entering into a contract with the new sponsor under 3659  
section 3314.03 of the Revised Code. 3660

**Sec. 3314.02.** (A) As used in this chapter: 3661

(1) "Sponsor" means the board of education of a school 3662  
district or the governing board of an educational service center 3663  
that agrees to the conversion of all or part of a school or 3664  
building under division (B) of this section, or an entity listed 3665  
in division (C)(1) of this section, which either has been approved 3666  
by the department of education to sponsor community schools or is 3667  
exempted by section 3314.021 or 3314.027 of the Revised Code from 3668  
obtaining approval, and with which the governing authority of ~~the~~ 3669  
~~proposed~~ a community school enters into a contract ~~pursuant to~~ 3670  
~~this~~ under section 3314.03 of the Revised Code. 3671

(2) "Pilot project area" means the school districts included	3672
in the territory of the former community school pilot project	3673
established by former Section 50.52 of Am. Sub. H.B. No. 215 of	3674
the 122nd general assembly.	3675
(3) "Challenged school district" means any of the following:	3676
(a) A school district that is part of the pilot project area;	3677
(b) A school district that is either in a state of academic	3678
emergency or in a state of academic watch under section 3302.03 of	3679
the Revised Code;	3680
(c) A big eight school district;	3681
(d) A school district ranked in the lowest five per cent of	3682
school districts according to performance index score under	3683
section 3302.21 of the Revised Code.	3684
(4) "Big eight school district" means a school district that	3685
for fiscal year 1997 had both of the following:	3686
(a) A percentage of children residing in the district and	3687
participating in the predecessor of Ohio works first greater than	3688
thirty per cent, as reported pursuant to section 3317.10 of the	3689
Revised Code;	3690
(b) An average daily membership greater than twelve thousand,	3691
as reported pursuant to former division (A) of section 3317.03 of	3692
the Revised Code.	3693
(5) "New start-up school" means a community school other than	3694
one created by converting all or part of an existing public school	3695
or educational service center building, as designated in the	3696
school's contract pursuant to division (A)(17) of section 3314.03	3697
of the Revised Code.	3698
(6) "Urban school district" means one of the state's	3699
twenty-one urban school districts as defined in division (O) of	3700
section 3317.02 of the Revised Code as that section existed prior	3701



to July 1, 1998. 3702

(7) "Internet- or computer-based community school" means a 3703  
community school established under this chapter in which the 3704  
enrolled students work primarily from their residences on 3705  
assignments in nonclassroom-based learning opportunities provided 3706  
via an internet- or other computer-based instructional method that 3707  
does not rely on regular classroom instruction or via 3708  
comprehensive instructional methods that include internet-based, 3709  
other computer-based, and noncomputer-based learning 3710  
opportunities. 3711

(8) "Operator" means either of the following: 3712

(a) An individual or organization that manages the daily 3713  
operations of a community school pursuant to a contract between 3714  
the operator and the school's governing authority; 3715

(b) A nonprofit organization that provides programmatic 3716  
oversight and support to a community school under a contract with 3717  
the school's governing authority and that retains the right to 3718  
terminate its affiliation with the school if the school fails to 3719  
meet the organization's quality standards. 3720

(B) Any person or group of individuals may initially propose 3721  
under this division the conversion of all or a portion of a public 3722  
school or a building operated by an educational service center to 3723  
a community school. The proposal shall be made to the board of 3724  
education of the city, local, exempted village, or joint 3725  
vocational school district in which the public school is proposed 3726  
to be converted or, in the case of the conversion of a building 3727  
operated by an educational service center, to the governing board 3728  
of the service center. Upon receipt of a proposal, a board may 3729  
enter into a preliminary agreement with the person or group 3730  
proposing the conversion of the public school or service center 3731  
building, indicating the intention of the board to support the 3732

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

(C)(1) Any person or group of individuals may propose under 3741  
this division the establishment of a new start-up school to be 3742  
located in a challenged school district. The proposal may be made 3743  
to any of the following entities: 3744

(a) The board of education of the district in which the 3745  
school is proposed to be located; 3746

(b) The board of education of any joint vocational school 3747  
district with territory in the county in which is located the 3748  
majority of the territory of the district in which the school is 3749  
proposed to be located; 3750

(c) The board of education of any other city, local, or 3751  
exempted village school district having territory in the same 3752  
county where the district in which the school is proposed to be 3753  
located has the major portion of its territory; 3754

(d) The governing board of any educational service center, as 3755  
long as the proposed school will be located in a county within the 3756  
territory of the service center or in a county contiguous to such 3757  
county; 3758

(e) A sponsoring authority designated by the board of 3759  
trustees of any of the thirteen state universities listed in 3760  
section 3345.011 of the Revised Code or the board of trustees 3761  
itself as long as a mission of the proposed school to be specified 3762  
in the contract under division (A)(2) of section 3314.03 of the 3763

Revised Code and as approved by the department of education under 3764  
division (B)(2) of section 3314.015 of the Revised Code will be 3765  
the practical demonstration of teaching methods, educational 3766  
technology, or other teaching practices that are included in the 3767  
curriculum of the university's teacher preparation program 3768  
approved by the state board of education; 3769

(f) Any qualified tax-exempt entity under section 501(c)(3) 3770  
of the Internal Revenue Code as long as all of the following 3771  
conditions are satisfied: 3772

(i) The entity has been in operation for at least five years 3773  
prior to applying to be a community school sponsor. 3774

(ii) The entity has assets of at least five hundred thousand 3775  
dollars and a demonstrated record of financial responsibility. 3776

(iii) The department of education has determined that the 3777  
entity is an education-oriented entity under division (B)(3) of 3778  
section 3314.015 of the Revised Code and the entity has a 3779  
demonstrated record of successful implementation of educational 3780  
programs. 3781

(iv) The entity is not a community school. 3782

Any entity described in division (C)(1) of this section may 3783  
enter into a preliminary agreement pursuant to division (C)(2) of 3784  
this section with the proposing person or group. 3785

(2) A preliminary agreement indicates the intention of an 3786  
entity described in division (C)(1) of this section to sponsor the 3787  
community school. A proposing person or group that has such a 3788  
preliminary agreement may proceed to finalize plans for the 3789  
school, establish a governing authority as described in division 3790  
(E) of this section for the school, and negotiate a contract with 3791  
the entity. Provided the proposing person or group adheres to the 3792  
preliminary agreement and all provisions of this chapter, the 3793  
entity shall negotiate in good faith to enter into a contract in 3794

accordance with section 3314.03 of the Revised Code. 3795

(3) A new start-up school that is established in a school 3796  
district while that district is either in a state of academic 3797  
emergency or in a state of academic watch under section 3302.03 of 3798  
the Revised Code or ranked in the lowest five per cent according 3799  
to performance index score under section 3302.21 of the Revised 3800  
Code may continue in existence once the school district is no 3801  
longer in a state of academic emergency or academic watch or 3802  
ranked in the lowest five per cent according to performance index 3803  
score, provided there is a valid contract between the school and a 3804  
sponsor. 3805

(4) A copy of every preliminary agreement entered into under 3806  
this division shall be filed with the superintendent of public 3807  
instruction. 3808

(D) A majority vote of the board of a sponsoring entity and a 3809  
majority vote of the members of the governing authority of a 3810  
community school shall be required to adopt a contract and convert 3811  
the public school or educational service center building to a 3812  
community school or establish the new start-up school. Beginning 3813  
September 29, 2005, adoption of the contract shall occur not later 3814  
than the fifteenth day of March, and signing of the contract shall 3815  
occur not later than the fifteenth day of May, prior to the school 3816  
year in which the school will open. The governing authority shall 3817  
notify the department of education when the contract has been 3818  
signed. Subject to sections 3314.013 and 3314.016 of the Revised 3819  
Code, an unlimited number of community schools may be established 3820  
in any school district provided that a contract is entered into 3821  
for each community school pursuant to this chapter. 3822

(E)(1) As used in this division, "immediate relatives" are 3823  
limited to spouses, children, parents, grandparents, siblings, and 3824  
in-laws. 3825

Each new start-up community school established under this 3826  
chapter shall be under the direction of a governing authority 3827  
which shall consist of a board of not less than five individuals. 3828

No person shall serve on the governing authority or operate 3829  
the community school under contract with the governing authority 3830  
so long as the person owes the state any money or is in a dispute 3831  
over whether the person owes the state any money concerning the 3832  
operation of a community school that has closed. 3833

(2) No person shall serve on the governing authorities of 3834  
more than ~~two~~ five start-up community schools at the same time. 3835

(3) No present or former member, or immediate relative of a 3836  
present or former member, of the governing authority of any 3837  
community school established under this chapter shall be an owner, 3838  
employee, or consultant of any sponsor or operator of a community 3839  
school, unless at least one year has elapsed since the conclusion 3840  
of the person's membership. 3841

(4) The governing authority of a start-up community school 3842  
may provide by resolution for the compensation of its members. 3843  
However, no individual who serves on the governing authority of a 3844  
start-up community school shall be compensated more than four 3845  
hundred twenty-five dollars per meeting of that governing 3846  
authority and no such individual shall be compensated more than a 3847  
total amount of five thousand dollars per year for all governing 3848  
authorities upon which the individual serves. 3849

(F)(1) A new start-up school that is established prior to 3850  
August 15, 2003, in an urban school district that is not also a 3851  
big-eight school district may continue to operate after that date 3852  
and the contract between the school's governing authority and the 3853  
school's sponsor may be renewed, as provided under this chapter, 3854  
after that date, but no additional new start-up schools may be 3855  
established in such a district unless the district is a challenged 3856

school district as defined in this section as it exists on and 3857  
after that date. 3858

(2) A community school that was established prior to June 29, 3859  
1999, and is located in a county contiguous to the pilot project 3860  
area and in a school district that is not a challenged school 3861  
district may continue to operate after that date, provided the 3862  
school complies with all provisions of this chapter. The contract 3863  
between the school's governing authority and the school's sponsor 3864  
may be renewed, but no additional start-up community school may be 3865  
established in that district unless the district is a challenged 3866  
school district. 3867

(3) Any educational service center that, on June 30, 2007, 3868  
sponsors a community school that is not located in a county within 3869  
the territory of the service center or in a county contiguous to 3870  
such county may continue to sponsor that community school on and 3871  
after June 30, 2007, and may renew its contract with the school. 3872  
However, the educational service center shall not enter into a 3873  
contract with any additional community school unless the school is 3874  
located in a county within the territory of the service center or 3875  
in a county contiguous to such county. 3876

**Sec. 3314.029.** This section establishes the Ohio school 3877  
sponsorship program. The department of education shall establish 3878  
an office of Ohio school sponsorship to perform the department's 3879  
duties prescribed by this section. 3880

(A)(1) Notwithstanding anything to the contrary in this 3881  
chapter, but subject to section 3314.20 of the Revised Code, any 3882  
person, group of individuals, or entity may apply to the 3883  
department for direct authorization to establish a community 3884  
school and, upon approval of the application, may establish the 3885  
school. Notwithstanding anything to the contrary in this chapter, 3886  
the governing authority of an existing community school, upon the 3887

expiration or termination of its contract with the school's 3888  
sponsor entered into under section 3314.03 of the Revised Code, 3889  
may apply to the department for direct authorization to continue 3890  
operating the school and, upon approval of the application, may 3891  
continue to operate the school. 3892

Each application submitted to the department shall include 3893  
the following: 3894

(a) Evidence that the applicant will be able to comply with 3895  
division (C) of this section; 3896

(b) A statement indicating that the applicant agrees to 3897  
comply with all applicable provisions of this chapter, including 3898  
the requirement to be established as a nonprofit corporation or 3899  
public benefit corporation in accordance with division (A)(1) of 3900  
section 3314.03 of the Revised Code; 3901

(c) A statement attesting that no unresolved finding of 3902  
recovery has been issued by the auditor of state against any 3903  
person, group of individuals, or entity that is a party to the 3904  
application and that no person who is party to the application has 3905  
been a member of the governing authority of any community school 3906  
that has permanently closed and against which an unresolved 3907  
finding of recovery has been issued by the auditor of state. In 3908  
the case of an application submitted by the governing authority of 3909  
an existing community school, a person who is party to the 3910  
application shall include each individual member of that governing 3911  
authority. 3912

(d) A statement that the school will be nonsectarian in its 3913  
programs, admission policies, employment practices, and all other 3914  
operations, and will not be operated by a sectarian school or 3915  
religious institution; 3916

(e) A statement of whether the school is to be created by 3917  
converting all or part of an existing public school or educational 3918

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

(f) A statement that the school's teachers will be licensed 3929  
in the manner prescribed by division (A)(10) of section 3314.03 of 3930  
the Revised Code; 3931

(g) A statement that the school will comply with all of the 3932  
provisions of law enumerated in divisions (A)(11)(d) and (e) of 3933  
section 3314.03 of the Revised Code and of division (A)(11)(h) of 3934  
that section, if applicable; 3935

(h) A statement that the school's graduation and curriculum 3936  
requirements will comply with division (A)(11)(f) of section 3937  
3314.03 of the Revised Code; 3938

(i) A description of each of the following: 3939

(i) The school's mission and educational program, the 3940  
characteristics of the students the school is expected to attract, 3941  
the ages and grade levels of students, and the focus of the 3942  
curriculum; 3943

(ii) The school's governing authority, which shall be in 3944  
compliance with division (E) of section 3314.02 of the Revised 3945  
Code; 3946

(iii) The school's admission and dismissal policies, which 3947  
shall be in compliance with divisions (A)(5) and (6) of section 3948  
3314.03 of the Revised Code; 3949



(iv) The school's business plan, including a five-year financial forecast;	3950 3951
(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;	3952 3953 3954
(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	3955 3956 3957 3958
(vii) The facilities to be used by the school and their locations;	3959 3960
(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code.	3961 3962 3963 3964 3965 3966
(2) Subject to division (A)(3) of this section, the department shall approve each application, unless, within thirty days after receipt of the application, the department determines that the application does not satisfy the requirements of division (A)(1) of this section and provides the applicant a written explanation of the reasons for the determination. In that case, the department shall grant the applicant thirty days to correct the insufficiencies in the application. If the department determines that the insufficiencies have been corrected, it shall approve the application. If the department determines that the insufficiencies have not been corrected, it shall deny the application and provide the applicant with a written explanation of the reasons for the denial. The denial of an application may be appealed in accordance with section 119.12 of the Revised Code.	3967 3968 3969 3970 3971 3972 3973 3974 3975 3976 3977 3978 3979 3980

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

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

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

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

(D) Except as otherwise provided in this section, a community

school authorized under this section shall comply with all 4013  
applicable provisions of this chapter. The department may take any 4014  
action that a sponsor may take under this chapter to enforce the 4015  
school's compliance with this division and the terms of the 4016  
contract entered into under division (B) of this section. 4017

(E) Not later than December 31, 2012, and annually 4018  
thereafter, the department shall issue a report on the program, 4019  
including information about the number of community schools 4020  
participating in the program and their compliance with the 4021  
provisions of this chapter. In its fifth report, the department 4022  
shall include a complete evaluation of the program and 4023  
recommendations regarding the program's continuation. Each report 4024  
shall be provided to the general assembly, in accordance with 4025  
section 101.68 of the Revised Code, and to the governor. 4026

**Sec. 3314.03.** A copy of every contract entered into under 4027  
this section shall be filed with the superintendent of public 4028  
instruction. The department of education shall make available on 4029  
its web site a copy of every approved, executed contract filed 4030  
with the superintendent under this section. 4031

(A) Each contract entered into between a sponsor and the 4032  
governing authority of a community school shall specify the 4033  
following: 4034

(1) That the school shall be established as either of the 4035  
following: 4036

(a) A nonprofit corporation established under Chapter 1702. 4037  
of the Revised Code, if established prior to April 8, 2003; 4038

(b) A public benefit corporation established under Chapter 4039  
1702. of the Revised Code, if established after April 8, 2003. 4040

(2) The education program of the school, including the 4041  
school's mission, the characteristics of the students the school 4042

is expected to attract, the ages and grades of students, and the focus of the curriculum;

(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;

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

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

(6)(a) Dismissal procedures;

(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.

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

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

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

(10) Qualifications of teachers, including the following:

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

pursuant to section 3319.301 of the Revised Code; 4073

(b) A requirement that each classroom teacher initially hired 4074  
by the school on or after July 1, 2013, and employed to provide 4075  
instruction in physical education hold a valid license issued 4076  
pursuant to section 3319.22 of the Revised Code for teaching 4077  
physical education. 4078

(11) That the school will comply with the following 4079  
requirements: 4080

(a) The school will provide learning opportunities to a 4081  
minimum of twenty-five students for a minimum of nine hundred 4082  
twenty hours per school year. 4083

(b) The governing authority will purchase liability 4084  
insurance, or otherwise provide for the potential liability of the 4085  
school. 4086

(c) The school will be nonsectarian in its programs, 4087  
admission policies, employment practices, and all other 4088  
operations, and will not be operated by a sectarian school or 4089  
religious institution. 4090

(d) The school will comply with sections 9.90, 9.91, 109.65, 4091  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 4092  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 4093  
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 4094  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 4095  
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 4096  
3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 4097  
3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 4098  
3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 4099  
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 4100  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 4101  
and 4167. of the Revised Code as if it were a school district and 4102  
will comply with section 3301.0714 of the Revised Code in the 4103

manner specified in section 3314.17 of the Revised Code. 4104

(e) The school shall comply with Chapter 102. and section 4105  
2921.42 of the Revised Code. 4106

(f) The school will comply with sections 3313.61, 3313.611, 4107  
and 3313.614 of the Revised Code, except that for students who 4108  
enter ninth grade for the first time before July 1, 2010, the 4109  
requirement in sections 3313.61 and 3313.611 of the Revised Code 4110  
that a person must successfully complete the curriculum in any 4111  
high school prior to receiving a high school diploma may be met by 4112  
completing the curriculum adopted by the governing authority of 4113  
the community school rather than the curriculum specified in Title 4114  
XXXIII of the Revised Code or any rules of the state board of 4115  
education. Beginning with students who enter ninth grade for the 4116  
first time on or after July 1, 2010, the requirement in sections 4117  
3313.61 and 3313.611 of the Revised Code that a person must 4118  
successfully complete the curriculum of a high school prior to 4119  
receiving a high school diploma shall be met by completing the 4120  
Ohio core curriculum prescribed in division (C) of section 4121  
3313.603 of the Revised Code, unless the person qualifies under 4122  
division (D) or (F) of that section. Each school shall comply with 4123  
the plan for awarding high school credit based on demonstration of 4124  
subject area competency, adopted by the state board of education 4125  
under division (J) of section 3313.603 of the Revised Code. 4126

(g) The school governing authority will submit within four 4127  
months after the end of each school year a report of its 4128  
activities and progress in meeting the goals and standards of 4129  
divisions (A)(3) and (4) of this section and its financial status 4130  
to the sponsor and the parents of all students enrolled in the 4131  
school. 4132

(h) The school, unless it is an internet- or computer-based 4133  
community school, will comply with ~~sections 3313.674~~ and section 4134  
3313.801 of the Revised Code as if it were a school district. 4135

(i) If the school is the recipient of moneys from a grant 4136  
awarded under the federal race to the top program, Division (A), 4137  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 4138  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 4139  
school will pay teachers based upon performance in accordance with 4140  
section 3317.141 and will comply with section 3319.111 of the 4141  
Revised Code as if it were a school district. 4142

(12) Arrangements for providing health and other benefits to 4143  
employees; 4144

(13) The length of the contract, which shall begin at the 4145  
beginning of an academic year. No contract shall exceed five years 4146  
unless such contract has been renewed pursuant to division (E) of 4147  
this section. 4148

(14) The governing authority of the school, which shall be 4149  
responsible for carrying out the provisions of the contract; 4150

(15) A financial plan detailing an estimated school budget 4151  
for each year of the period of the contract and specifying the 4152  
total estimated per pupil expenditure amount for each such year. 4153  
The plan shall specify for each year the base formula amount that 4154  
will be used for purposes of funding calculations under section 4155  
3314.08 of the Revised Code. This base formula amount for any year 4156  
shall not exceed the formula amount defined under section 3317.02 4157  
of the Revised Code. The plan may also specify for any year a 4158  
percentage figure to be used for reducing the per pupil amount of 4159  
the subsidy calculated pursuant to section 3317.029 of the Revised 4160  
Code the school is to receive that year under section 3314.08 of 4161  
the Revised Code. 4162

(16) Requirements and procedures regarding the disposition of 4163  
employees of the school in the event the contract is terminated or 4164  
not renewed pursuant to section 3314.07 of the Revised Code; 4165

(17) Whether the school is to be created by converting all or 4166

part of an existing public school or educational service center 4167  
building or is to be a new start-up school, and if it is a 4168  
converted public school or service center building, specification 4169  
of any duties or responsibilities of an employer that the board of 4170  
education or service center governing board that operated the 4171  
school or building before conversion is delegating to the 4172  
governing authority of the community school with respect to all or 4173  
any specified group of employees provided the delegation is not 4174  
prohibited by a collective bargaining agreement applicable to such 4175  
employees; 4176

(18) Provisions establishing procedures for resolving 4177  
disputes or differences of opinion between the sponsor and the 4178  
governing authority of the community school; 4179

(19) A provision requiring the governing authority to adopt a 4180  
policy regarding the admission of students who reside outside the 4181  
district in which the school is located. That policy shall comply 4182  
with the admissions procedures specified in sections 3314.06 and 4183  
3314.061 of the Revised Code and, at the sole discretion of the 4184  
authority, shall do one of the following: 4185

(a) Prohibit the enrollment of students who reside outside 4186  
the district in which the school is located; 4187

(b) Permit the enrollment of students who reside in districts 4188  
adjacent to the district in which the school is located; 4189

(c) Permit the enrollment of students who reside in any other 4190  
district in the state. 4191

(20) A provision recognizing the authority of the department 4192  
of education to take over the sponsorship of the school in 4193  
accordance with the provisions of division (C) of section 3314.015 4194  
of the Revised Code; 4195

(21) A provision recognizing the sponsor's authority to 4196  
assume the operation of a school under the conditions specified in 4197



division (B) of section 3314.073 of the Revised Code; 4198

(22) A provision recognizing both of the following: 4199

(a) The authority of public health and safety officials to 4200  
inspect the facilities of the school and to order the facilities 4201  
closed if those officials find that the facilities are not in 4202  
compliance with health and safety laws and regulations; 4203

(b) The authority of the department of education as the 4204  
community school oversight body to suspend the operation of the 4205  
school under section 3314.072 of the Revised Code if the 4206  
department has evidence of conditions or violations of law at the 4207  
school that pose an imminent danger to the health and safety of 4208  
the school's students and employees and the sponsor refuses to 4209  
take such action. 4210

(23) A description of the learning opportunities that will be 4211  
offered to students including both classroom-based and 4212  
non-classroom-based learning opportunities that is in compliance 4213  
with criteria for student participation established by the 4214  
department under division (L)(2) of section 3314.08 of the Revised 4215  
Code; 4216

(24) The school will comply with sections 3302.04 and 4217  
3302.041 of the Revised Code, except that any action required to 4218  
be taken by a school district pursuant to those sections shall be 4219  
taken by the sponsor of the school. However, the sponsor shall not 4220  
be required to take any action described in division (F) of 4221  
section 3302.04 of the Revised Code. 4222

(25) Beginning in the 2006-2007 school year, the school will 4223  
open for operation not later than the thirtieth day of September 4224  
each school year, unless the mission of the school as specified 4225  
under division (A)(2) of this section is solely to serve dropouts. 4226  
In its initial year of operation, if the school fails to open by 4227  
the thirtieth day of September, or within one year after the 4228

adoption of the contract pursuant to division (D) of section 4229  
3314.02 of the Revised Code if the mission of the school is solely 4230  
to serve dropouts, the contract shall be void. 4231

(B) The community school shall also submit to the sponsor a 4232  
comprehensive plan for the school. The plan shall specify the 4233  
following: 4234

(1) The process by which the governing authority of the 4235  
school will be selected in the future; 4236

(2) The management and administration of the school; 4237

(3) If the community school is a currently existing public 4238  
school or educational service center building, alternative 4239  
arrangements for current public school students who choose not to 4240  
attend the converted school and for teachers who choose not to 4241  
teach in the school or building after conversion; 4242

(4) The instructional program and educational philosophy of 4243  
the school; 4244

(5) Internal financial controls. 4245

(C) A contract entered into under section 3314.02 of the 4246  
Revised Code between a sponsor and the governing authority of a 4247  
community school may provide for the community school governing 4248  
authority to make payments to the sponsor, which is hereby 4249  
authorized to receive such payments as set forth in the contract 4250  
between the governing authority and the sponsor. The total amount 4251  
of such payments for oversight and monitoring of the school shall 4252  
not exceed three per cent of the total amount of payments for 4253  
operating expenses that the school receives from the state. 4254

(D) The contract shall specify the duties of the sponsor 4255  
which shall be in accordance with the written agreement entered 4256  
into with the department of education under division (B) of 4257  
section 3314.015 of the Revised Code and shall include the 4258

following:	4259
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	4260 4261
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	4262 4263 4264
(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;	4265 4266 4267 4268
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	4269 4270 4271
(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 determined necessary by the sponsor;	4272 4273 4274 4275 4276 4277 4278
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	4279 4280 4281
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is	4282 4283 4284 4285 4286 4287 4288 4289

renewed under this division remains subject to the provisions of 4290  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 4291

(F) If a community school fails to open for operation within 4292  
one year after the contract entered into under this section is 4293  
adopted pursuant to division (D) of section 3314.02 of the Revised 4294  
Code or permanently closes prior to the expiration of the 4295  
contract, the contract shall be void and the school shall not 4296  
enter into a contract with any other sponsor. A school shall not 4297  
be considered permanently closed because the operations of the 4298  
school have been suspended pursuant to section 3314.072 of the 4299  
Revised Code. 4300

**Sec. 3314.06.** The governing authority of each community 4301  
school established under this chapter shall adopt admission 4302  
procedures that specify the following: 4303

(A) That, except as otherwise provided in this section, 4304  
admission to the school shall be open to any individual age five 4305  
to twenty-two entitled to attend school pursuant to section 4306  
3313.64 or 3313.65 of the Revised Code in a school district in the 4307  
state. 4308

An individual younger than five years of age may be admitted 4309  
to the school in accordance with division (A)(2) of section 4310  
3321.01 of the Revised Code. 4311

(B)(1) That admission to the school may be limited to 4312  
students who have attained a specific grade level or are within a 4313  
specific age group; to students that meet a definition of 4314  
"at-risk," as defined in the contract; to residents of a specific 4315  
geographic area within the district, as defined in the contract; 4316  
or to separate groups of autistic students and nondisabled 4317  
students, as authorized in section 3314.061 of the Revised Code 4318  
and as defined in the contract. 4319

(2) For purposes of division (B)(1) of this section, 4320  
"at-risk" students may include those students identified as gifted 4321  
students under section 3324.03 of the Revised Code. 4322

(C) Whether enrollment is limited to students who reside in 4323  
the district in which the school is located or is open to 4324  
residents of other districts, as provided in the policy adopted 4325  
pursuant to the contract. 4326

(D)(1) That there will be no discrimination in the admission 4327  
of students to the school on the basis of race, creed, color, 4328  
disability, or sex except that: 4329

(a) The governing authority may ~~establish single-gender~~ 4330  
~~schools~~ do either of the following for the purpose described in 4331  
division (G) of this section: 4332

(i) Establish a single-gender school for either sex; 4333

(ii) Establish single-gender schools for each sex under the 4334  
same contract, provided ~~comparable~~ substantially equal facilities 4335  
and learning opportunities are offered for both boys and girls. 4336  
Such ~~comparable~~ facilities and opportunities may be offered for 4337  
each sex at separate locations. 4338

(b) The governing authority may establish a school that 4339  
simultaneously serves a group of students identified as autistic 4340  
and a group of students who are not disabled, as authorized in 4341  
section 3314.061 of the Revised Code. However, unless the total 4342  
capacity established for the school has been filled, no student 4343  
with any disability shall be denied admission on the basis of that 4344  
disability. 4345

(2) That upon admission of any student with a disability, the 4346  
community school will comply with all federal and state laws 4347  
regarding the education of students with disabilities. 4348

(E) That the school may not limit admission to students on 4349

the basis of intellectual ability, measures of achievement or 4350  
aptitude, or athletic ability, except that a school may limit its 4351  
enrollment to students as described in division (B) of this 4352  
section. 4353

(F) That the community school will admit the number of 4354  
students that does not exceed the capacity of the school's 4355  
programs, classes, grade levels, or facilities. 4356

(G) That the purpose of single-gender schools that are 4357  
established shall be to take advantage of the academic benefits 4358  
some students realize from single-gender instruction and 4359  
facilities and to offer students and parents residing in the 4360  
district the option of a single-gender education. 4361

(H) That, except as otherwise provided under division (B) of 4362  
this section or section 3314.061 of the Revised Code, if the 4363  
number of applicants exceeds the capacity restrictions of division 4364  
(F) of this section, students shall be admitted by lot from all 4365  
those submitting applications, except preference shall be given to 4366  
students attending the school the previous year and to students 4367  
who reside in the district in which the school is located. 4368  
Preference may be given to siblings of students attending the 4369  
school the previous year. 4370

Notwithstanding divisions (A) to (H) of this section, in the 4371  
event the racial composition of the enrollment of the community 4372  
school is violative of a federal desegregation order, the 4373  
community school shall take any and all corrective measures to 4374  
comply with the desegregation order. 4375

**Sec. 3314.08.** The deductions under division (C) and the 4376  
payments under division (D) of this section for fiscal years 2012 4377  
and 2013 shall be made in accordance with section 3314.088 of the 4378  
Revised Code. 4379

(A) As used in this section:	4380
(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	4381 4382 4383
(2) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	4384 4385
(3) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.	4386 4387 4388
(4) "Applicable vocational education weight" means:	4389
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	4390 4391 4392
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	4393 4394 4395
(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	4396 4397 4398
(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.	4399 4400 4401 4402
(7) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	4403 4404 4405 4406 4407 4408
(8) "All-day kindergarten" has the same meaning as in section	4409

3321.05 of the Revised Code. 4410

(9) "State education aid" has the same meaning as in section 4411  
5751.20 of the Revised Code. 4412

(B) The state board of education shall adopt rules requiring 4413  
both of the following: 4414

(1) The board of education of each city, exempted village, 4415  
and local school district to annually report the number of 4416  
students entitled to attend school in the district who are 4417  
enrolled in grades one through twelve in a community school 4418  
established under this chapter, the number of students entitled to 4419  
attend school in the district who are enrolled in kindergarten in 4420  
a community school, the number of those kindergartners who are 4421  
enrolled in all-day kindergarten in their community school, and 4422  
for each child, the community school in which the child is 4423  
enrolled. 4424

(2) The governing authority of each community school 4425  
established under this chapter to annually report all of the 4426  
following: 4427

(a) The number of students enrolled in grades one through 4428  
twelve and the number of students enrolled in kindergarten in the 4429  
school who are not receiving special education and related 4430  
services pursuant to an IEP; 4431

(b) The number of enrolled students in grades one through 4432  
twelve and the number of enrolled students in kindergarten, who 4433  
are receiving special education and related services pursuant to 4434  
an IEP; 4435

(c) The number of students reported under division (B)(2)(b) 4436  
of this section receiving special education and related services 4437  
pursuant to an IEP for a disability described in each of divisions 4438  
(A) to (F) of section 3317.013 of the Revised Code; 4439



(d) The full-time equivalent number of students reported 4440  
under divisions (B)(2)(a) and (b) of this section who are enrolled 4441  
in vocational education programs or classes described in each of 4442  
divisions (A) and (B) of section 3317.014 of the Revised Code that 4443  
are provided by the community school; 4444

(e) Twenty per cent of the number of students reported under 4445  
divisions (B)(2)(a) and (b) of this section who are not reported 4446  
under division (B)(2)(d) of this section but who are enrolled in 4447  
vocational education programs or classes described in each of 4448  
divisions (A) and (B) of section 3317.014 of the Revised Code at a 4449  
joint vocational school district under a contract between the 4450  
community school and the joint vocational school district and are 4451  
entitled to attend school in a city, local, or exempted village 4452  
school district whose territory is part of the territory of the 4453  
joint vocational school district; 4454

(f) The number of enrolled preschool children with 4455  
disabilities receiving special education services in a 4456  
state-funded unit; 4457

(g) The community school's base formula amount; 4458

(h) For each student, the city, exempted village, or local 4459  
school district in which the student is entitled to attend school; 4460

(i) Any poverty-based assistance reduction factor that 4461  
applies to a school year. 4462

A school district board and a community school governing 4463  
authority shall include in their respective reports under division 4464  
(B) of this section any child admitted in accordance with division 4465  
(A)(2) of section 3321.01 of the Revised Code. 4466

(C) From the state education aid calculated for a city, 4467  
exempted village, or local school district and, if necessary, from 4468  
the payment made to the district under sections 321.24 and 323.156 4469  
of the Revised Code, the department of education shall annually 4470

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

(1) An amount equal to the sum of the amounts obtained when, 4479  
for each community school where the district's students are 4480  
enrolled, the number of the district's students reported under 4481  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 4482  
in grades one through twelve, and one-half the number of students 4483  
reported under those divisions who are enrolled in kindergarten, 4484  
in that community school is multiplied by the sum of the base 4485  
formula amount of that community school plus the per pupil amount 4486  
of the base funding supplements specified in divisions (C)(1) to 4487  
(4) of section 3317.012 of the Revised Code. 4488

(2) The sum of the amounts calculated under divisions 4489  
(C)(2)(a) and (b) of this section: 4490

(a) For each of the district's students reported under 4491  
division (B)(2)(c) of this section as enrolled in a community 4492  
school in grades one through twelve and receiving special 4493  
education and related services pursuant to an IEP for a disability 4494  
described in section 3317.013 of the Revised Code, the product of 4495  
the applicable special education weight times the community 4496  
school's base formula amount; 4497

(b) For each of the district's students reported under 4498  
division (B)(2)(c) of this section as enrolled in kindergarten in 4499  
a community school and receiving special education and related 4500  
services pursuant to an IEP for a disability described in section 4501  
3317.013 of the Revised Code, one-half of the amount calculated as 4502

prescribed in division (C)(2)(a) of this section. 4503

(3) For each of the district's students reported under 4504  
division (B)(2)(d) of this section for whom payment is made under 4505  
division (D)(4) of this section, the amount of that payment; 4506

(4) An amount equal to the sum of the amounts obtained when, 4507  
for each community school where the district's students are 4508  
enrolled, the number of the district's students enrolled in that 4509  
community school who are included in the district's poverty 4510  
student count is multiplied by the per pupil amount of 4511  
poverty-based assistance the school district receives that year 4512  
pursuant to division (C) of section 3317.029 of the Revised Code, 4513  
as adjusted by any poverty-based assistance reduction factor of 4514  
that community school. The per pupil amount of that aid for the 4515  
district shall be calculated by the department. 4516

(5) An amount equal to the sum of the amounts obtained when, 4517  
for each community school where the district's students are 4518  
enrolled, the district's per pupil amount of aid received under 4519  
division (E) of section 3317.029 of the Revised Code, as adjusted 4520  
by any poverty-based assistance reduction factor of the community 4521  
school, is multiplied by the sum of the following: 4522

(a) The number of the district's students reported under 4523  
division (B)(2)(a) of this section who are enrolled in grades one 4524  
to three in that community school and who are not receiving 4525  
special education and related services pursuant to an IEP; 4526

(b) One-half of the district's students who are enrolled in 4527  
all-day or any other kindergarten class in that community school 4528  
and who are not receiving special education and related services 4529  
pursuant to an IEP; 4530

(c) One-half of the district's students who are enrolled in 4531  
all-day kindergarten in that community school and who are not 4532  
receiving special education and related services pursuant to an 4533

IEP. 4534

The district's per pupil amount of aid under division (E) of 4535  
section 3317.029 of the Revised Code is the quotient of the amount 4536  
the district received under that division divided by the 4537  
district's kindergarten through third grade ADM, as defined in 4538  
that section. 4539

(6) An amount equal to the sum of the amounts obtained when, 4540  
for each community school where the district's students are 4541  
enrolled, the district's per pupil amount received under division 4542  
(F) of section 3317.029 of the Revised Code, as adjusted by any 4543  
poverty-based assistance reduction factor of that community 4544  
school, is multiplied by the number of the district's students 4545  
enrolled in the community school who are identified as 4546  
limited-English proficient. 4547

(7) An amount equal to the sum of the amounts obtained when, 4548  
for each community school where the district's students are 4549  
enrolled, the district's per pupil amount received under division 4550  
(G) of section 3317.029 of the Revised Code, as adjusted by any 4551  
poverty-based assistance reduction factor of that community 4552  
school, is multiplied by the sum of the following: 4553

(a) The number of the district's students enrolled in grades 4554  
one through twelve in that community school; 4555

(b) One-half of the number of the district's students 4556  
enrolled in kindergarten in that community school. 4557

The district's per pupil amount under division (G) of section 4558  
3317.029 of the Revised Code is the district's amount per teacher 4559  
calculated under division (G)(1) or (2) of that section divided by 4560  
17. 4561

(8) An amount equal to the sum of the amounts obtained when, 4562  
for each community school where the district's students are 4563  
enrolled, the district's per pupil amount received under divisions 4564

(H) and (I) of section 3317.029 of the Revised Code, as adjusted 4565  
by any poverty-based assistance reduction factor of that community 4566  
school, is multiplied by the sum of the following: 4567

(a) The number of the district's students enrolled in grades 4568  
one through twelve in that community school; 4569

(b) One-half of the number of the district's students 4570  
enrolled in kindergarten in that community school. 4571

The district's per pupil amount under divisions (H) and (I) 4572  
of section 3317.029 of the Revised Code is the amount calculated 4573  
under each division divided by the district's formula ADM, as 4574  
defined in section 3317.02 of the Revised Code. 4575

(9) An amount equal to the per pupil state parity aid funding 4576  
calculated for the school district under either division (C) or 4577  
(D) of section 3317.0217 of the Revised Code multiplied by the sum 4578  
of the number of students in grades one through twelve, and 4579  
one-half of the number of students in kindergarten, who are 4580  
entitled to attend school in the district and are enrolled in a 4581  
community school as reported under division (B)(1) of this 4582  
section. 4583

(D) The department shall annually pay to a community school 4584  
established under this chapter the sum of the amounts described in 4585  
divisions (D)(1) to (10) of this section. However, the department 4586  
shall calculate and pay to each internet- or computer-based 4587  
community school only the amounts described in divisions (D)(1) to 4588  
(3) of this section. Furthermore, the sum of the payments to all 4589  
community schools under divisions (D)(1), (2), and (4) to (10) of 4590  
this section for the students entitled to attend school in any 4591  
particular school district shall not exceed the sum of that 4592  
district's state education aid and its payment under sections 4593  
321.24 and 323.156 of the Revised Code. If the sum of the payments 4594  
calculated under those divisions for the students entitled to 4595

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

(1) An amount equal to the sum of the amounts obtained when 4602  
the number of students enrolled in grades one through twelve, plus 4603  
one-half of the kindergarten students in the school, reported 4604  
under divisions (B)(2)(a), (b), and (e) of this section who are 4605  
not receiving special education and related services pursuant to 4606  
an IEP for a disability described in section 3317.013 of the 4607  
Revised Code is multiplied by the sum of the community school's 4608  
base formula amount plus the per pupil amount of the base funding 4609  
supplements specified in divisions (C)(1) to (4) of section 4610  
3317.012 of the Revised Code. 4611

(2) The sum of the following amounts: 4612

(a) For each student reported under division (B)(2)(c) of 4613  
this section as enrolled in the school in grades one through 4614  
twelve and receiving special education and related services 4615  
pursuant to an IEP for a disability described in section 3317.013 4616  
of the Revised Code, the following amount: 4617

(the school's base formula amount plus 4618  
the per pupil amount of the base funding supplements specified in 4619  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 4620  
+ (the applicable special education weight X the 4621  
community school's base formula amount); 4622

(b) For each student reported under division (B)(2)(c) of 4623  
this section as enrolled in kindergarten and receiving special 4624  
education and related services pursuant to an IEP for a disability 4625  
described in section 3317.013 of the Revised Code, one-half of the 4626  
amount calculated under the formula prescribed in division 4627

(D)(2)(a) of this section. 4628

(3) An amount received from federal funds to provide special 4629  
education and related services to students in the community 4630  
school, as determined by the superintendent of public instruction. 4631

(4) For each student reported under division (B)(2)(d) of 4632  
this section as enrolled in vocational education programs or 4633  
classes that are described in section 3317.014 of the Revised 4634  
Code, are provided by the community school, and are comparable as 4635  
determined by the superintendent of public instruction to school 4636  
district vocational education programs and classes eligible for 4637  
state weighted funding under section 3317.014 of the Revised Code, 4638  
an amount equal to the applicable vocational education weight 4639  
times the community school's base formula amount times the 4640  
percentage of time the student spends in the vocational education 4641  
programs or classes. 4642

(5) An amount equal to the sum of the amounts obtained when, 4643  
for each school district where the community school's students are 4644  
entitled to attend school, the number of that district's students 4645  
enrolled in the community school who are included in the 4646  
district's poverty student count is multiplied by the per pupil 4647  
amount of poverty-based assistance that school district receives 4648  
that year pursuant to division (C) of section 3317.029 of the 4649  
Revised Code, as adjusted by any poverty-based assistance 4650  
reduction factor of the community school. The per pupil amount of 4651  
aid shall be determined as described in division (C)(4) of this 4652  
section. 4653

(6) An amount equal to the sum of the amounts obtained when, 4654  
for each school district where the community school's students are 4655  
entitled to attend school, the district's per pupil amount of aid 4656  
received under division (E) of section 3317.029 of the Revised 4657  
Code, as adjusted by any poverty-based assistance reduction factor 4658  
of the community school, is multiplied by the sum of the 4659

following: 4660

(a) The number of the district's students reported under 4661  
division (B)(2)(a) of this section who are enrolled in grades one 4662  
to three in that community school and who are not receiving 4663  
special education and related services pursuant to an IEP; 4664

(b) One-half of the district's students who are enrolled in 4665  
all-day or any other kindergarten class in that community school 4666  
and who are not receiving special education and related services 4667  
pursuant to an IEP; 4668

(c) One-half of the district's students who are enrolled in 4669  
all-day kindergarten in that community school and who are not 4670  
receiving special education and related services pursuant to an 4671  
IEP. 4672

The district's per pupil amount of aid under division (E) of 4673  
section 3317.029 of the Revised Code shall be determined as 4674  
described in division (C)(5) of this section. 4675

(7) An amount equal to the sum of the amounts obtained when, 4676  
for each school district where the community school's students are 4677  
entitled to attend school, the number of that district's students 4678  
enrolled in the community school who are identified as 4679  
limited-English proficient is multiplied by the district's per 4680  
pupil amount received under division (F) of section 3317.029 of 4681  
the Revised Code, as adjusted by any poverty-based assistance 4682  
reduction factor of the community school. 4683

(8) An amount equal to the sum of the amounts obtained when, 4684  
for each school district where the community school's students are 4685  
entitled to attend school, the district's per pupil amount 4686  
received under division (G) of section 3317.029 of the Revised 4687  
Code, as adjusted by any poverty-based assistance reduction factor 4688  
of the community school, is multiplied by the sum of the 4689  
following: 4690



(a) The number of the district's students enrolled in grades 4691  
one through twelve in that community school; 4692

(b) One-half of the number of the district's students 4693  
enrolled in kindergarten in that community school. 4694

The district's per pupil amount under division (G) of section 4695  
3317.029 of the Revised Code shall be determined as described in 4696  
division (C)(7) of this section. 4697

(9) An amount equal to the sum of the amounts obtained when, 4698  
for each school district where the community school's students are 4699  
entitled to attend school, the district's per pupil amount 4700  
received under divisions (H) and (I) of section 3317.029 of the 4701  
Revised Code, as adjusted by any poverty-based assistance 4702  
reduction factor of the community school, is multiplied by the sum 4703  
of the following: 4704

(a) The number of the district's students enrolled in grades 4705  
one through twelve in that community school; 4706

(b) One-half of the number of the district's students 4707  
enrolled in kindergarten in that community school. 4708

The district's per pupil amount under divisions (H) and (I) 4709  
of section 3317.029 of the Revised Code shall be determined as 4710  
described in division (C)(8) of this section. 4711

(10) An amount equal to the sum of the amounts obtained when, 4712  
for each school district where the community school's students are 4713  
entitled to attend school, the district's per pupil amount of 4714  
state parity aid funding calculated under either division (C) or 4715  
(D) of section 3317.0217 of the Revised Code is multiplied by the 4716  
sum of the number of that district's students enrolled in grades 4717  
one through twelve, and one-half of the number of that district's 4718  
students enrolled in kindergarten, in the community school as 4719  
reported under divisions (B)(2)(a) and (b) of this section. 4720

(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(2) The community school shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(F) A community school may apply to the department of education for preschool children with disabilities unit funding the school would receive if it were a school district. Upon request of its governing authority, a community school that received such unit funding as a school district-operated school before it became a community school shall retain any units awarded to it as a school district-operated school provided the school continues to meet eligibility standards for the unit.

A community school shall be considered a school district and its governing authority shall be considered a board of education for the purpose of applying to any state or federal agency for grants that a school district may receive under federal or state law or any appropriations act of the general assembly. The

governing authority of a community school may apply to any private 4753  
entity for additional funds. 4754

(G) A board of education sponsoring a community school may 4755  
utilize local funds to make enhancement grants to the school or 4756  
may agree, either as part of the contract or separately, to 4757  
provide any specific services to the community school at no cost 4758  
to the school. 4759

(H) A community school may not levy taxes or issue bonds 4760  
secured by tax revenues. 4761

(I) No community school shall charge tuition for the 4762  
enrollment of any student. 4763

(J)(1)(a) A community school may borrow money to pay any 4764  
necessary and actual expenses of the school in anticipation of the 4765  
receipt of any portion of the payments to be received by the 4766  
school pursuant to division (D) of this section. The school may 4767  
issue notes to evidence such borrowing. The proceeds of the notes 4768  
shall be used only for the purposes for which the anticipated 4769  
receipts may be lawfully expended by the school. 4770

(b) A school may also borrow money for a term not to exceed 4771  
fifteen years for the purpose of acquiring facilities. 4772

(2) Except for any amount guaranteed under section 3318.50 of 4773  
the Revised Code, the state is not liable for debt incurred by the 4774  
governing authority of a community school. 4775

(K) For purposes of determining the number of students for 4776  
which divisions (D)(5) and (6) of this section applies in any 4777  
school year, a community school may submit to the department of 4778  
job and family services, no later than the first day of March, a 4779  
list of the students enrolled in the school. For each student on 4780  
the list, the community school shall indicate the student's name, 4781  
address, and date of birth and the school district where the 4782  
student is entitled to attend school. Upon receipt of a list under 4783

this division, the department of job and family services shall 4784  
determine, for each school district where one or more students on 4785  
the list is entitled to attend school, the number of students 4786  
residing in that school district who were included in the 4787  
department's report under section 3317.10 of the Revised Code. The 4788  
department shall make this determination on the basis of 4789  
information readily available to it. Upon making this 4790  
determination and no later than ninety days after submission of 4791  
the list by the community school, the department shall report to 4792  
the state department of education the number of students on the 4793  
list who reside in each school district who were included in the 4794  
department's report under section 3317.10 of the Revised Code. In 4795  
complying with this division, the department of job and family 4796  
services shall not report to the state department of education any 4797  
personally identifiable information on any student. 4798

(L) The department of education shall adjust the amounts 4799  
subtracted and paid under divisions (C) and (D) of this section to 4800  
reflect any enrollment of students in community schools for less 4801  
than the equivalent of a full school year. The state board of 4802  
education within ninety days after April 8, 2003, shall adopt in 4803  
accordance with Chapter 119. of the Revised Code rules governing 4804  
the payments to community schools under this section and section 4805  
3314.13 of the Revised Code including initial payments in a school 4806  
year and adjustments and reductions made in subsequent periodic 4807  
payments to community schools and corresponding deductions from 4808  
school district accounts as provided under divisions (C) and (D) 4809  
of this section and section 3314.13 of the Revised Code. For 4810  
purposes of this section and section 3314.13 of the Revised Code: 4811

(1) A student shall be considered enrolled in the community 4812  
school for any portion of the school year the student is 4813  
participating at a college under Chapter 3365. of the Revised 4814  
Code. 4815

(2) A student shall be considered to be enrolled in a 4816  
community school for the period of time beginning on the later of 4817  
the date on which the school both has received documentation of 4818  
the student's enrollment from a parent and the student has 4819  
commenced participation in learning opportunities as defined in 4820  
the contract with the sponsor, or thirty days prior to the date on 4821  
which the student is entered into the education management 4822  
information system established under section 3301.0714 of the 4823  
Revised Code. For purposes of applying this division and divisions 4824  
(L)(3) and (4) of this section to a community school student, 4825  
"learning opportunities" shall be defined in the contract, which 4826  
shall describe both classroom-based and non-classroom-based 4827  
learning opportunities and shall be in compliance with criteria 4828  
and documentation requirements for student participation which 4829  
shall be established by the department. Any student's instruction 4830  
time in non-classroom-based learning opportunities shall be 4831  
certified by an employee of the community school. A student's 4832  
enrollment shall be considered to cease on the date on which any 4833  
of the following occur: 4834

(a) The community school receives documentation from a parent 4835  
terminating enrollment of the student. 4836

(b) The community school is provided documentation of a 4837  
student's enrollment in another public or private school. 4838

(c) The community school ceases to offer learning 4839  
opportunities to the student pursuant to the terms of the contract 4840  
with the sponsor or the operation of any provision of this 4841  
chapter. 4842

Except as otherwise specified in this paragraph, beginning in 4843  
the 2011-2012 school year, any student who completed the prior 4844  
school year in an internet- or computer-based community school 4845  
shall be considered to be enrolled in the same school in the 4846  
subsequent school year until the student's enrollment has ceased 4847

as specified in division (L)(2) of this section. The department 4848  
shall continue subtracting and paying amounts for the student 4849  
under divisions (C) and (D) of this section without interruption 4850  
at the start of the subsequent school year. However, if the 4851  
student without a legitimate excuse fails to participate in the 4852  
first one hundred five consecutive hours of learning opportunities 4853  
offered to the student in that subsequent school year, the student 4854  
shall be considered not to have re-enrolled in the school for that 4855  
school year and the department shall recalculate the payments to 4856  
the school for that school year to account for the fact that the 4857  
student is not enrolled. 4858

(3) The department shall determine each community school 4859  
student's percentage of full-time equivalency based on the 4860  
percentage of learning opportunities offered by the community 4861  
school to that student, reported either as number of hours or 4862  
number of days, is of the total learning opportunities offered by 4863  
the community school to a student who attends for the school's 4864  
entire school year. However, no internet- or computer-based 4865  
community school shall be credited for any time a student spends 4866  
participating in learning opportunities beyond ten hours within 4867  
any period of twenty-four consecutive hours. Whether it reports 4868  
hours or days of learning opportunities, each community school 4869  
shall offer not less than nine hundred twenty hours of learning 4870  
opportunities during the school year. 4871

(4) With respect to the calculation of full-time equivalency 4872  
under division (L)(3) of this section, the department shall waive 4873  
the number of hours or days of learning opportunities not offered 4874  
to a student because the community school was closed during the 4875  
school year due to disease epidemic, hazardous weather conditions, 4876  
law enforcement emergencies, inoperability of school buses or 4877  
other equipment necessary to the school's operation, damage to a 4878  
school building, or other temporary circumstances due to utility 4879

failure rendering the school building unfit for school use, so 4880  
long as the school was actually open for instruction with students 4881  
in attendance during that school year for not less than the 4882  
minimum number of hours required by this chapter. The department 4883  
shall treat the school as if it were open for instruction with 4884  
students in attendance during the hours or days waived under this 4885  
division. 4886

(M) The department of education shall reduce the amounts paid 4887  
under division (D) of this section to reflect payments made to 4888  
colleges under division (B) of section 3365.07 of the Revised Code 4889  
or through alternative funding agreements entered into under rules 4890  
adopted under section 3365.12 of the Revised Code. 4891

(N)(1) No student shall be considered enrolled in any 4892  
internet- or computer-based community school or, if applicable to 4893  
the student, in any community school that is required to provide 4894  
the student with a computer pursuant to division (C) of section 4895  
3314.22 of the Revised Code, unless both of the following 4896  
conditions are satisfied: 4897

(a) The student possesses or has been provided with all 4898  
required hardware and software materials and all such materials 4899  
are operational so that the student is capable of fully 4900  
participating in the learning opportunities specified in the 4901  
contract between the school and the school's sponsor as required 4902  
by division (A)(23) of section 3314.03 of the Revised Code; 4903

(b) The school is in compliance with division (A) of section 4904  
3314.22 of the Revised Code, relative to such student. 4905

(2) In accordance with policies adopted jointly by the 4906  
superintendent of public instruction and the auditor of state, the 4907  
department shall reduce the amounts otherwise payable under 4908  
division (D) of this section to any community school that includes 4909  
in its program the provision of computer hardware and software 4910

materials to any student, if such hardware and software materials 4911  
have not been delivered, installed, and activated for each such 4912  
student in a timely manner or other educational materials or 4913  
services have not been provided according to the contract between 4914  
the individual community school and its sponsor. 4915

The superintendent of public instruction and the auditor of 4916  
state shall jointly establish a method for auditing any community 4917  
school to which this division pertains to ensure compliance with 4918  
this section. 4919

The superintendent, auditor of state, and the governor shall 4920  
jointly make recommendations to the general assembly for 4921  
legislative changes that may be required to assure fiscal and 4922  
academic accountability for such schools. 4923

(O)(1) If the department determines that a review of a 4924  
community school's enrollment is necessary, such review shall be 4925  
completed and written notice of the findings shall be provided to 4926  
the governing authority of the community school and its sponsor 4927  
within ninety days of the end of the community school's fiscal 4928  
year, unless extended for a period not to exceed thirty additional 4929  
days for one of the following reasons: 4930

(a) The department and the community school mutually agree to 4931  
the extension. 4932

(b) Delays in data submission caused by either a community 4933  
school or its sponsor. 4934

(2) If the review results in a finding that additional 4935  
funding is owed to the school, such payment shall be made within 4936  
thirty days of the written notice. If the review results in a 4937  
finding that the community school owes moneys to the state, the 4938  
following procedure shall apply: 4939

(a) Within ten business days of the receipt of the notice of 4940  
findings, the community school may appeal the department's 4941



determination to the state board of education or its designee. 4942

(b) The board or its designee shall conduct an informal 4943  
hearing on the matter within thirty days of receipt of such an 4944  
appeal and shall issue a decision within fifteen days of the 4945  
conclusion of the hearing. 4946

(c) If the board has enlisted a designee to conduct the 4947  
hearing, the designee shall certify its decision to the board. The 4948  
board may accept the decision of the designee or may reject the 4949  
decision of the designee and issue its own decision on the matter. 4950

(d) Any decision made by the board under this division is 4951  
final. 4952

(3) If it is decided that the community school owes moneys to 4953  
the state, the department shall deduct such amount from the 4954  
school's future payments in accordance with guidelines issued by 4955  
the superintendent of public instruction. 4956

(P) The department shall not subtract from a school 4957  
district's state aid account under division (C) of this section 4958  
and shall not pay to a community school under division (D) of this 4959  
section any amount for any of the following: 4960

(1) Any student who has graduated from the twelfth grade of a 4961  
public or nonpublic high school; 4962

(2) Any student who is not a resident of the state; 4963

(3) Any student who was enrolled in the community school 4964  
during the previous school year when assessments were administered 4965  
under section 3301.0711 of the Revised Code but did not take one 4966  
or more of the assessments required by that section and was not 4967  
excused pursuant to division (C)(1) or (3) of that section, unless 4968  
the superintendent of public instruction grants the student a 4969  
waiver from the requirement to take the assessment and a parent is 4970  
not paying tuition for the student pursuant to section 3314.26 of 4971

the Revised Code. The superintendent may grant a waiver only for 4972  
good cause in accordance with rules adopted by the state board of 4973  
education. 4974

(4) Any student who has attained the age of twenty-two years, 4975  
except for veterans of the armed services whose attendance was 4976  
interrupted before completing the recognized twelve-year course of 4977  
the public schools by reason of induction or enlistment in the 4978  
armed forces and who apply for enrollment in a community school 4979  
not later than four years after termination of war or their 4980  
honorable discharge. If, however, any such veteran elects to 4981  
enroll in special courses organized for veterans for whom tuition 4982  
is paid under federal law, or otherwise, the department shall not 4983  
subtract from a school district's state aid account under division 4984  
(C) of this section and shall not pay to a community school under 4985  
division (D) of this section any amount for that veteran. 4986

Sec. 3314.11. (A) The board of education of each city, 4987  
exempted village, and local school district monthly shall review 4988  
enrollment for students enrolled in community schools established 4989  
under this chapter and entitled to attend school in the district 4990  
under section 3313.64 or 3313.65 of the Revised Code. For each 4991  
student, the district shall verify to the department of education 4992  
both of the following: 4993

(1) The community school in which the student is enrolled; 4994

(2) That the student is entitled to attend school in the 4995  
district under section 3313.64 or 3313.65 of the Revised Code. 4996

(B) For purposes of its initial reporting of the school 4997  
districts its students are entitled to attend, the governing 4998  
authority of a community school may adopt a policy that prescribes 4999  
the number of documents listed in division (E) of this section 5000  
required to verify a student's residency. This policy, if adopted, 5001  
shall supersede any policy concerning the number of documents for 5002

initial residency verification adopted by the district the student 5003  
is entitled to attend. If a community school does not adopt a 5004  
policy under this division, the policy of the school district in 5005  
which the student is entitled to attend shall prevail. 5006

(C) In making the determinations under this section, the 5007  
school district in which a parent or child resides is the location 5008  
the parent or student has established as the primary residence and 5009  
where substantial family activity takes place. 5010

(D) If a district's determination under division (A) of this 5011  
section of the school district a student is entitled to attend 5012  
under section 3313.64 or 3313.65 of the Revised Code differs from 5013  
a community school's determination under division (B) of this 5014  
section, the community school shall provide the school district 5015  
that made the determination under division (A) of this section 5016  
with documentation of the student's residency and shall make a 5017  
good faith effort to accurately identify the correct residence of 5018  
the student. 5019

(E) For purposes of this section, the following documents may 5020  
serve as evidence of primary residence: 5021

(1) A deed, mortgage, lease, current home owner's or renter's 5022  
insurance declaration page, or current real property tax bill; 5023

(2) A utility bill or receipt of utility installation issued 5024  
within ninety days of enrollment; 5025

(3) A paycheck or paystub issued to the parent or student 5026  
within ninety days of the date of enrollment that includes the 5027  
address of the parent's or student's primary residence; 5028

(4) The most current available bank statement issued to the 5029  
parent or student that includes the address of the parent's or 5030  
student's primary residence; 5031

(5) Any other official document issued to the parent or 5032

student that includes the address of the parent's or student's 5033  
primary residence. The superintendent of public instruction shall 5034  
develop guidelines for determining what qualifies as an "official 5035  
document" under this division. 5036

(F) When a student loses permanent housing and becomes a 5037  
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 5038  
child who is such a homeless child or youth changes temporary 5039  
living arrangements, the district in which the student is entitled 5040  
to attend school shall be determined in accordance with division 5041  
(F)(13) of section 3313.64 of the Revised Code and the 5042  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 5043

(G) In the event of a disagreement as to which school 5044  
district a student is entitled to attend, the community school, 5045  
after complying with division (D) of this section, but not more 5046  
than sixty days after the monthly deadline established by the 5047  
department of education for reporting of community school 5048  
enrollment, may present the matter to the superintendent of public 5049  
instruction. Not later than thirty days after the community school 5050  
presents the matter, the state superintendent, or the state 5051  
superintendent's designee, shall determine which district the 5052  
student is entitled to attend and shall direct any necessary 5053  
adjustments to payments and deductions under sections 3314.08 and 5054  
3314.13 of the Revised Code based on that determination. 5055

Sec. 3314.15. The governing authority of a community school, 5056  
other than an internet- or computer-based community school, may 5057  
screen students for body mass index and weight status category. If 5058  
a governing authority elects to require the screenings, it shall 5059  
comply with section 3313.674 of the Revised Code in the same 5060  
manner required of a school district board of education. 5061

Sec. 3314.17. (A) Each community school established under 5062

this chapter shall participate in the statewide education 5063  
management information system established under section 3301.0714 5064  
of the Revised Code. All provisions of that section and the rules 5065  
adopted under that section apply to each community school as if it 5066  
were a school district, except as modified for community schools 5067  
under division (B) of this section. Each community school shall 5068  
comply with division ~~(B)~~(C) of section 3301.0723 of the Revised 5069  
Code. 5070

(B) The rules adopted by the state board of education under 5071  
section 3301.0714 of the Revised Code may distinguish methods and 5072  
timelines for community schools to annually report data, which 5073  
methods and timelines differ from those prescribed for school 5074  
districts. Any methods and timelines prescribed for community 5075  
schools shall be appropriate to the academic schedule and 5076  
financing of community schools. The guidelines, however, shall not 5077  
modify the actual data required to be reported under that section. 5078

(C) Each fiscal officer appointed under section 3314.011 of 5079  
the Revised Code is responsible for annually reporting the 5080  
community school's data under section 3301.0714 of the Revised 5081  
Code. If the superintendent of public instruction determines that 5082  
a community school fiscal officer has willfully failed to report 5083  
data or has willfully reported erroneous, inaccurate, or 5084  
incomplete data in any year, or has negligently reported 5085  
erroneous, inaccurate, or incomplete data in the current and any 5086  
previous year, the superintendent may impose a civil penalty of 5087  
one hundred dollars on the fiscal officer after providing the 5088  
officer with notice and an opportunity for a hearing in accordance 5089  
with Chapter 119. of the Revised Code. The superintendent's 5090  
authority to impose civil penalties under this division does not 5091  
preclude the state board of education from suspending or revoking 5092  
the license of a community school employee under division (N) of 5093  
section 3301.0714 of the Revised Code. 5094

(D) No community school shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

**Sec. 3314.18.** (A) Subject to division (C) of this section, the governing authority of each community school shall establish a breakfast program pursuant to the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts, and shall establish a lunch program pursuant to those acts if at least one-fifth of the pupils are eligible for free lunches. The governing authority required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

(B) Subject to division (C) of this section, the governing authority of each community school shall establish one of the following for summer intervention services described in division (D) of section 3301.0711 ~~and~~ or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law:

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

(2) An extension of the school lunch program pursuant to those acts;

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

(C) If the governing authority of a community school

determines that, for financial reasons, it cannot comply with 5125  
division (A) or (B) of this section, the governing authority may 5126  
choose not to comply with either or both divisions. In that case, 5127  
the governing authority shall communicate to the parents of its 5128  
students, in the manner it determines appropriate, its decision 5129  
not to comply. 5130

(D) The governing authority of each community school required 5131  
to establish a school breakfast, school lunch, or summer food 5132  
service program under this section shall apply for state and 5133  
federal funds allocated by the state board of education under 5134  
division (B) of section 3313.813 of the Revised Code and shall 5135  
comply with the state board's standards adopted under that 5136  
division. 5137

(E) The governing authority of any community school required 5138  
to establish a breakfast program under this section or that elects 5139  
to participate in a breakfast program pursuant to the "National 5140  
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 5141  
breakfast to pupils in their classrooms during the school day. 5142

(F) Notwithstanding anything in this section to the contrary, 5143  
in each fiscal year in which the general assembly appropriates 5144  
funds for purposes of this division, the governing authority of 5145  
each community school required to establish a breakfast program 5146  
under this section or that elects to participate in a breakfast 5147  
program pursuant to the "National School Lunch Act" and the "Child 5148  
Nutrition Act of 1966" shall provide a breakfast free of charge to 5149  
each pupil who is eligible under federal requirements for a 5150  
reduced price breakfast. 5151

(G) This section does not apply to internet- or 5152  
computer-based community schools. 5153

**Sec. 3314.35.** (A)(1) Except as provided in division (A)(3) of 5154  
this section, this section applies to any community school that 5155

meets one of the following criteria after July 1, 2009, but before 5156  
July 1, 2011: 5157

(a) The school does not offer a grade level higher than three 5158  
and has been declared to be in a state of academic emergency under 5159  
section 3302.03 of the Revised Code for three of the four most 5160  
recent school years. 5161

(b) The school satisfies all of the following conditions: 5162

(i) The school offers any of grade levels four to eight but 5163  
does not offer a grade level higher than nine. 5164

(ii) The school has been declared to be in a state of 5165  
academic emergency under section 3302.03 of the Revised Code for 5166  
two of the three most recent school years. 5167

(iii) In at least two of the three most recent school years, 5168  
the school showed less than one standard year of academic growth 5169  
in either reading or mathematics, as determined by the department 5170  
of education in accordance with rules adopted under division (A) 5171  
of section 3302.021 of the Revised Code. 5172

(c) The school offers any of grade levels ten to twelve and 5173  
has been declared to be in a state of academic emergency under 5174  
section 3302.03 of the Revised Code for three of the four most 5175  
recent school years. 5176

(2) Except as provided in division (A)(3) of this section, 5177  
this section applies to any community school that meets one of the 5178  
following criteria after July 1, 2011: 5179

(a) The school does not offer a grade level higher than three 5180  
and has been declared to be in a state of academic emergency under 5181  
section 3302.03 of the Revised Code for two of the three most 5182  
recent school years. 5183

(b) The school satisfies all of the following conditions: 5184



(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine. 5185  
5186

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years. 5187  
5188  
5189

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 5190  
5191  
5192  
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5194

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years. 5195  
5196  
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5198

(3) This section does not apply to either of the following: 5199

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code; 5200  
5201  
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5203

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code. 5204  
5205  
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(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code 5208  
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after the school closes. 5216

(C) In accordance with division (B) of section 3314.012 of 5217  
the Revised Code, the department shall not consider the 5218  
performance ratings assigned to a community school for its first 5219  
two years of operation when determining whether the school meets 5220  
the criteria prescribed by division (A)(1) or (2) of this section. 5221

(D) Notwithstanding division (A)(3)(a) of this section, if, 5222  
by March 31, 2013, the general assembly does not enact for 5223  
community schools described in that division performance 5224  
standards, a report card rating system, and criteria for closure, 5225  
those schools shall be required to permanently close upon meeting 5226  
the criteria prescribed in division (A)(2) of this section, except 5227  
that, subject to division (C) of this section, only the 5228  
performance ratings issued for the 2012-2013 school year and later 5229  
shall count in determining if the criteria are met. 5230

**Sec. 3314.36.** (A) ~~Section~~ Except as otherwise provided in 5231  
division (D) of section 3314.35 of the Revised Code, that section 5232  
does not apply to any community school in which a majority of the 5233  
students are enrolled in a dropout prevention and recovery program 5234  
that is operated by the school and that has been granted a waiver 5235  
by the department of education. The department shall grant a 5236  
waiver to a dropout prevention and recovery program, within sixty 5237  
days after the program applies for the waiver, if the program 5238  
meets all of the following conditions: 5239

(1) The program serves only students not younger than sixteen 5240  
years of age and not older than twenty-one years of age. 5241

(2) The program enrolls students who, at the time of their 5242  
initial enrollment, either, or both, are at least one grade level 5243  
behind their cohort age groups or experience crises that 5244  
significantly interfere with their academic progress such that 5245  
they are prevented from continuing their traditional programs. 5246

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

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

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

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

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

(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that did not qualify for a waiver under this section when it initially began operations, unless the state board of education approves the waiver.

**Sec. 3317.01.** As used in this section, "school district," unless otherwise specified, means any city, local, exempted

village, joint vocational, or cooperative education school 5277  
district and any educational service center. 5278

This chapter shall be administered by the state board of 5279  
education. The superintendent of public instruction shall 5280  
calculate the amounts payable to each school district and shall 5281  
certify the amounts payable to each eligible district to the 5282  
treasurer of the district as provided by this chapter. As soon as 5283  
possible after such amounts are calculated, the superintendent 5284  
shall certify to the treasurer of each school district the 5285  
district's adjusted charge-off increase, as defined in section 5286  
5705.211 of the Revised Code. No moneys shall be distributed 5287  
pursuant to this chapter without the approval of the controlling 5288  
board. 5289

The state board of education shall, in accordance with 5290  
appropriations made by the general assembly, meet the financial 5291  
obligations of this chapter. 5292

Moneys distributed pursuant to this chapter shall be 5293  
calculated and paid on a fiscal year basis, beginning with the 5294  
first day of July and extending through the thirtieth day of June. 5295  
The moneys appropriated for each fiscal year shall be distributed 5296  
periodically to each school district unless otherwise provided 5297  
for. The state board, in June of each year, shall submit to the 5298  
controlling board the state board's year-end distributions 5299  
pursuant to this chapter. 5300

Except as otherwise provided, payments under this chapter 5301  
shall be made only to those school districts in which: 5302

(A) The school district, except for any educational service 5303  
center and any joint vocational or cooperative education school 5304  
district, levies for current operating expenses at least twenty 5305  
mills. Levies for joint vocational or cooperative education school 5306  
districts or county school financing districts, limited to or to 5307

the extent apportioned to current expenses, shall be included in 5308  
this qualification requirement. School district income tax levies 5309  
under Chapter 5748. of the Revised Code, limited to or to the 5310  
extent apportioned to current operating expenses, shall be 5311  
included in this qualification requirement to the extent 5312  
determined by the tax commissioner under division (D) of section 5313  
3317.021 of the Revised Code. 5314

(B) The school year next preceding the fiscal year for which 5315  
such payments are authorized meets the requirement of section 5316  
3313.48 or 3313.481 of the Revised Code, with regard to the 5317  
minimum number of days or hours school must be open for 5318  
instruction with pupils in attendance, for individualized 5319  
parent-teacher conference and reporting periods, and for 5320  
professional meetings of teachers. This requirement shall be 5321  
waived by the superintendent of public instruction if it had been 5322  
necessary for a school to be closed because of disease epidemic, 5323  
hazardous weather conditions, law enforcement emergencies, 5324  
inoperability of school buses or other equipment necessary to the 5325  
school's operation, damage to a school building, or other 5326  
temporary circumstances due to utility failure rendering the 5327  
school building unfit for school use, provided that for those 5328  
school districts operating pursuant to section 3313.48 of the 5329  
Revised Code the number of days the school was actually open for 5330  
instruction with pupils in attendance and for individualized 5331  
parent-teacher conference and reporting periods is not less than 5332  
one hundred seventy-five, or for those school districts operating 5333  
on a trimester plan the number of days the school was actually 5334  
open for instruction with pupils in attendance not less than 5335  
seventy-nine days in any trimester, for those school districts 5336  
operating on a quarterly plan the number of days the school was 5337  
actually open for instruction with pupils in attendance not less 5338  
than fifty-nine days in any quarter, or for those school districts 5339  
operating on a pentamester plan the number of days the school was 5340

actually open for instruction with pupils in attendance not less 5341  
than forty-four days in any pentamester. 5342

A school district shall not be considered to have failed to 5343  
comply with this division or section 3313.481 of the Revised Code 5344  
because schools were open for instruction but either twelfth grade 5345  
students were excused from attendance for up to three days or only 5346  
a portion of the kindergarten students were in attendance for up 5347  
to three days in order to allow for the gradual orientation to 5348  
school of such students. 5349

The superintendent of public instruction shall waive the 5350  
requirements of this section with reference to the minimum number 5351  
of days or hours school must be in session with pupils in 5352  
attendance for the school year succeeding the school year in which 5353  
a board of education initiates a plan of operation pursuant to 5354  
section 3313.481 of the Revised Code. The minimum requirements of 5355  
this section shall again be applicable to such a district 5356  
beginning with the school year commencing the second July 5357  
succeeding the initiation of one such plan, and for each school 5358  
year thereafter. 5359

A school district shall not be considered to have failed to 5360  
comply with this division or section 3313.48 or 3313.481 of the 5361  
Revised Code because schools were open for instruction but the 5362  
length of the regularly scheduled school day, for any number of 5363  
days during the school year, was reduced by not more than two 5364  
hours due to hazardous weather conditions. 5365

A board of education or governing board of an educational 5366  
service center which has not conformed with other law and the 5367  
rules pursuant thereto, shall not participate in the distribution 5368  
of funds authorized by this chapter, except for good and 5369  
sufficient reason established to the satisfaction of the state 5370  
board of education and the state controlling board. 5371

All funds allocated to school districts under this chapter, 5372  
except those specifically allocated for other purposes, shall be 5373  
used to pay current operating expenses only. 5374

**Sec. 3317.11.** (A) As used in this section: 5375

(1) "Client school district" means a city, exempted village, 5376  
or local school district that has entered into an agreement under 5377  
section 3313.843 of the Revised Code to receive any services from 5378  
an educational service center. 5379

(2) "Service center ADM" means the sum of the total student 5380  
counts of all of an educational service center's client school 5381  
districts. 5382

(3) "STEM school" means a science, technology, engineering, 5383  
and mathematics school established under Chapter 3326. of the 5384  
Revised Code. 5385

(4) "Total student count" has the same meaning as in section 5386  
3301.011 of the Revised Code. 5387

~~(B)(1) Beginning with the 2012-2013 school year, this 5388  
division shall not apply to any client school district that has 5389  
elected not to receive supervisory services under this division, 5390  
as specified in the district's agreement under section 3313.843 of 5391  
the Revised Code, and the department of education shall not make 5392  
any deductions for the district under this division. 5393~~

(1) The governing board of each educational service center 5394  
shall provide supervisory services to each of its client school 5395  
districts. Except as provided in division (B)(2) of this section, 5396  
the supervisory services shall not exceed one supervisory teacher 5397  
for the first fifty classroom teachers required to be employed in 5398  
the districts, as calculated in the manner prescribed under former 5399  
division (B) of section 3317.023 of the Revised Code, as that 5400  
division existed prior to June 30, 2011, and one for each 5401

additional one hundred required classroom teachers, as so 5402  
calculated. 5403

The supervisory services shall be financed annually through 5404  
supervisory units. Except as provided in division (B)(2) of this 5405  
section, the number of supervisory units assigned to each district 5406  
shall not exceed one unit for the first fifty classroom teachers 5407  
required to be employed in the district, as calculated in the 5408  
manner prescribed under former division (B) of section 3317.023 of 5409  
the Revised Code, as that division existed prior to June 30, 2011, 5410  
and one for each additional one hundred required classroom 5411  
teachers, as so calculated. The cost of each supervisory unit 5412  
shall be the sum of: 5413

(a) The minimum salary prescribed by section 3317.13 of the 5414  
Revised Code for the licensed supervisory employee of the 5415  
governing board; 5416

(b) An amount equal to fifteen per cent of that salary; 5417

(c) An allowance for necessary travel expenses, limited to 5418  
the lesser of two hundred twenty-three dollars and sixteen cents 5419  
per month or two thousand six hundred seventy-eight dollars per 5420  
year. 5421

(2) If a majority of the boards of education, or 5422  
superintendents acting on behalf of the boards, of the client 5423  
school districts receiving services from the educational service 5424  
center agree to receive additional supervisory services and to pay 5425  
the cost of a corresponding number of supervisory units in excess 5426  
of the services and units specified in division (B)(1) of this 5427  
section, the service center shall provide the additional services 5428  
as agreed to by the majority of districts to, and the department 5429  
~~of education~~ shall apportion the cost of the corresponding number 5430  
of additional supervisory units pursuant to division (B)(3) of 5431  
this section among, all of the service center's client school 5432



districts. 5433

(3) The department shall apportion the total cost for all 5434  
supervisory units among the service center's client school 5435  
districts based on each district's total student count. The 5436  
department shall deduct each district's apportioned share pursuant 5437  
to division (B) of section 3317.023 of the Revised Code and pay 5438  
the apportioned share to the service center. 5439

(C) The department annually shall deduct from each client 5440  
school district of each educational service center, pursuant to 5441  
division (B) of section 3317.023 of the Revised Code, and pay to 5442  
the service center an amount equal to six dollars and fifty cents 5443  
times the school district's total student count. The board of 5444  
education, or the superintendent acting on behalf of the board, of 5445  
any client school district may agree to pay an amount in excess of 5446  
six dollars and fifty cents per student in total student count. If 5447  
a majority of the boards of education, or superintendents acting 5448  
on behalf of the boards, of the service center's client school 5449  
districts approve an amount in excess of six dollars and fifty 5450  
cents per student in total student count, the department shall 5451  
deduct the approved excess per student amount from all of the 5452  
service center's client school districts and pay the excess amount 5453  
to the service center. 5454

(D) The department shall pay each educational service center 5455  
the amounts due to it from school districts pursuant to contracts, 5456  
compacts, or agreements under which the service center furnishes 5457  
services to the districts or their students. In order to receive 5458  
payment under this division, an educational service center shall 5459  
furnish either a copy of the contract, compact, or agreement 5460  
clearly indicating the amounts of the payments, or a written 5461  
statement that clearly indicates the payments owed and is signed 5462  
by the superintendent or treasurer of the responsible school 5463  
district. The amounts paid to service centers under this division 5464

shall be deducted from payments to school districts pursuant to 5465  
division (H)(3) of section 3317.023 of the Revised Code. 5466

(E) Each school district's deduction under this section and 5467  
divisions (B) and (H)(3) of section 3317.023 of the Revised Code 5468  
shall be made from the total payment computed for the district 5469  
under this chapter, after making any other adjustments in that 5470  
payment required by law. 5471

(F)(1) Except as provided in division (F)(2) of this section, 5472  
the department annually shall pay the governing board of each 5473  
educational service center state funds equal to thirty-seven 5474  
dollars times its service center ADM. 5475

(2) The department annually shall pay state funds equal to 5476  
forty dollars and fifty-two cents times the service center ADM to 5477  
each educational service center comprising territory that was 5478  
included in the territory of at least three former service centers 5479  
or county school districts, which former centers or districts 5480  
engaged in one or more mergers under section 3311.053 of the 5481  
Revised Code to form the present center. 5482

(G) Each city, exempted village, local, joint vocational, or 5483  
cooperative education school district shall pay to the governing 5484  
board of an educational service center any amounts agreed to for 5485  
each child enrolled in the district who receives special education 5486  
and related services or career-technical education from the 5487  
educational service center, unless these educational services are 5488  
provided pursuant to a contract, compact, or agreement for which 5489  
the department deducts and transfers payments under division (D) 5490  
of this section and division (H)(3) of section 3317.023 of the 5491  
Revised Code. 5492

(H) The department annually shall pay the governing board of 5493  
each educational service center that has entered into a contract 5494  
with a STEM school for the provision of services described in 5495

division (B) of section 3326.45 of the Revised Code state funds 5496  
equal to the per-pupil amount specified in the contract for the 5497  
provision of those services times the number of students enrolled 5498  
in the STEM school. 5499

(I) An educational service center: 5500

(1) May provide special education and career-technical 5501  
education to students in its client school districts; 5502

(2) Is eligible for transportation funding under division (C) 5503  
of section 3317.024 of the Revised Code; 5504

(3) May apply for and receive gifted education units and 5505  
provide gifted education services to students in its client school 5506  
districts; 5507

(4) May conduct driver education for high school students in 5508  
accordance with Chapter 4508. of the Revised Code. 5509

**Sec. 3318.034.** (A) This section applies to both of the 5510  
following: 5511

(1) Any school district that has not executed an agreement 5512  
for a project under sections 3318.01 to 3318.20 of the Revised 5513  
Code prior to June 24, 2008; 5514

(2) Any school district that is eligible for additional 5515  
assistance under sections 3318.01 to 3318.20 of the Revised Code 5516  
pursuant to division (B)(2) of section 3318.04 of the Revised 5517  
Code. 5518

Notwithstanding any provision of this chapter to the 5519  
contrary, with the approval of the Ohio school facilities 5520  
commission, any school district to which this section applies may 5521  
opt to divide the district's entire classroom facilities needs, as 5522  
those needs are jointly determined by the staff of the commission 5523  
and the school district, into discrete segments and shall comply 5524  
with all of the provisions of those sections unless otherwise 5525

provided in this section. 5526

(B) Except as provided in division (C) of this section, each 5527  
segment shall comply with all of the following: 5528

(1) The segment shall consist of the new construction of one 5529  
or more entire buildings or the complete renovation of one or more 5530  
entire existing buildings, with any necessary additions to that 5531  
building. 5532

(2) The segment shall not include any construction of or 5533  
renovation or repair to any building that does not complete the 5534  
needs of the district with respect to that particular building at 5535  
the time the segment is completed. 5536

(3) The segment shall consist of new construction, 5537  
renovations, additions, reconstruction, or repair of classroom 5538  
facilities to the extent that the school district portion, as 5539  
determined under section 3318.032 of the Revised Code, is an 5540  
amount not less than the product of ~~0.040~~ 0.020 times the 5541  
district's valuation at the time the agreement for the segment is 5542  
executed, unless the district previously has undertaken a segment 5543  
under this section and the district's portion of the estimated 5544  
basic project cost of the remainder of its entire classroom 5545  
facilities needs, as determined jointly by the staff of the 5546  
commission and the district, is less than the amount otherwise 5547  
required by this division. 5548

(C) A district described in division (A)(2) of this section 5549  
that has not received the additional assistance authorized under 5550  
division (B)(2) of section 3318.04 of the Revised Code may 5551  
undertake a segment, with commission approval, for the purpose of 5552  
renovating or replacing work performed on a facility under the 5553  
district's prior project. The commission may approve that segment 5554  
if the commission determines that the renovation or replacement is 5555  
necessary to protect the facility. The basic project cost of the 5556

segment shall be allocated between the state and the district in 5557  
accordance with section 3318.032 of the Revised Code. However, the 5558  
requirements of division (B) of this section shall not apply to a 5559  
segment undertaken under this division. 5560

(D) The commission shall conditionally approve and seek 5561  
controlling board approval in accordance with division (A) of 5562  
section 3318.04 of the Revised Code of each segment. 5563

(E) The school district's maintenance levy requirement, as 5564  
defined in section 3318.18 of the Revised Code, shall run for 5565  
twenty-three years from the date the first segment is undertaken; 5566  
however, the maintenance levy requirement does not apply to a 5567  
segment undertaken under division (C) of this section. 5568

**Sec. 3318.36.** (A)(1) As used in this section: 5569

(a) "Ohio school facilities commission," "classroom 5570  
facilities," "school district," "school district board," "net 5571  
bonded indebtedness," "required percentage of the basic project 5572  
costs," "basic project cost," "valuation," and "percentile" have 5573  
the same meanings as in section 3318.01 of the Revised Code. 5574

(b) "Required level of indebtedness" means five per cent of 5575  
the school district's valuation for the year preceding the year in 5576  
which the commission and school district enter into an agreement 5577  
under division (B) of this section, plus [two one-hundredths of 5578  
one per cent multiplied by (the percentile in which the district 5579  
ranks minus one)]. 5580

(c) "Local resources" means any moneys generated in any 5581  
manner permitted for a school district board to raise the school 5582  
district portion of a project undertaken with assistance under 5583  
sections 3318.01 to 3318.20 of the Revised Code. 5584

(2) For purposes of determining the required level of 5585  
indebtedness, the required percentage of the basic project costs 5586

under division (C)(1) of this section, and priority for assistance 5587  
under sections 3318.01 to 3318.20 of the Revised Code, the 5588  
percentile ranking of a school district with which the commission 5589  
has entered into an agreement under this section between the first 5590  
day of July and the thirty-first day of August in each fiscal year 5591  
is the percentile ranking calculated for that district for the 5592  
immediately preceding fiscal year, and the percentile ranking of a 5593  
school district with which the commission has entered into such 5594  
agreement between the first day of September and the thirtieth day 5595  
of June in each fiscal year is the percentile ranking calculated 5596  
for that district for the current fiscal year. 5597

(B)(1) There is hereby established the school building 5598  
assistance expedited local partnership program. Under the program, 5599  
the Ohio school facilities commission may enter into an agreement 5600  
with the ~~school district~~ board of any school district under which 5601  
the ~~school district~~ board may proceed with the new construction or 5602  
major repairs of a part of the ~~school~~ district's classroom 5603  
facilities needs, as determined under sections 3318.01 to 3318.20 5604  
of the Revised Code, through the expenditure of local resources 5605  
prior to the school district's eligibility for state assistance 5606  
under those sections, and may apply that expenditure toward 5607  
meeting the school district's portion of the basic project cost of 5608  
the total of the ~~school~~ district's classroom facilities needs, ~~as~~ 5609  
~~determined under sections 3318.01 to 3318.20 of the Revised Code~~ 5610  
~~and~~ as recalculated under division (E) of this section, ~~that are~~ 5611  
when the district becomes eligible for state assistance under 5612  
sections 3318.01 to 3318.20 or section 3318.364 of the Revised 5613  
Code ~~when the school district becomes eligible for that~~ 5614  
~~assistance~~. Any school district that is reasonably expected to 5615  
receive assistance under sections 3318.01 to 3318.20 of the 5616  
Revised Code within two fiscal years from the date the school 5617  
district adopts its resolution under division (B) of this section 5618  
shall not be eligible to participate in the program established 5619

under this section. 5620

(2) To participate in the program, a school district board 5621  
shall first adopt a resolution certifying to the commission the 5622  
board's intent to participate in the program. 5623

The resolution shall specify the approximate date that the 5624  
board intends to seek elector approval of any bond or tax measures 5625  
or to apply other local resources to use to pay the cost of 5626  
classroom facilities to be constructed under this section. The 5627  
resolution may specify the application of local resources or 5628  
elector-approved bond or tax measures after the resolution is 5629  
adopted by the board, and in such case the board may proceed with 5630  
a discrete portion of its project under this section as soon as 5631  
the commission and the controlling board have approved the basic 5632  
project cost of the district's classroom facilities needs as 5633  
specified in division (D) of this section. The board shall submit 5634  
its resolution to the commission not later than ten days after the 5635  
date the resolution is adopted by the board. 5636

The commission shall not consider any resolution that is 5637  
submitted pursuant to division (B)(2) of this section, as amended 5638  
by this amendment, sooner than September 14, 2000. 5639

(3) For purposes of determining when a district that enters 5640  
into an agreement under this section becomes eligible for 5641  
assistance under sections 3318.01 to 3318.20 of the Revised Code 5642  
or priority for assistance under section 3318.364 of the Revised 5643  
Code, the commission shall use the district's percentile ranking 5644  
determined at the time the district entered into the agreement 5645  
under this section, as prescribed by division (A)(2) of this 5646  
section. 5647

(4) Any project under this section shall comply with section 5648  
3318.03 of the Revised Code and with any specifications for plans 5649  
and materials for classroom facilities adopted by the commission 5650

under section 3318.04 of the Revised Code. 5651

(5) If a school district that enters into an agreement under 5652  
this section has not begun a project applying local resources as 5653  
provided for under that agreement at the time the district is 5654  
notified by the commission that it is eligible to receive state 5655  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 5656  
all assessment and agreement documents entered into under this 5657  
section are void. 5658

(6) Only construction of or repairs to classroom facilities 5659  
that have been approved by the commission and have been therefore 5660  
included as part of a district's basic project cost qualify for 5661  
application of local resources under this section. 5662

(C) Based on the results of on-site visits and assessment, 5663  
the commission shall determine the basic project cost of the 5664  
school district's classroom facilities needs. The commission shall 5665  
determine the school district's portion of such basic project 5666  
cost, which shall be the greater of: 5667

(1) The required percentage of the basic project costs, 5668  
determined based on the school district's percentile ranking; 5669

(2) An amount necessary to raise the school district's net 5670  
bonded indebtedness, as of the fiscal year the commission and the 5671  
school district enter into the agreement under division (B) of 5672  
this section, to within five thousand dollars of the required 5673  
level of indebtedness. 5674

(D)(1) When the commission determines the basic project cost 5675  
of the classroom facilities needs of a school district and the 5676  
school district's portion of that basic project cost under 5677  
division (C) of this section, the project shall be conditionally 5678  
approved. Such conditional approval shall be submitted to the 5679  
controlling board for approval thereof. The controlling board 5680  
shall forthwith approve or reject the commission's determination, 5681



conditional approval, and the amount of the state's portion of the 5682  
basic project cost; however, no state funds shall be encumbered 5683  
under this section. Upon approval by the controlling board, the 5684  
school district board may identify a discrete part of its 5685  
classroom facilities needs, which shall include only new 5686  
construction of or additions or major repairs to a particular 5687  
building, to address with local resources. Upon identifying a part 5688  
of the school district's basic project cost to address with local 5689  
resources, the school district board may allocate any available 5690  
school district moneys to pay the cost of that identified part, 5691  
including the proceeds of an issuance of bonds if approved by the 5692  
electors of the school district. 5693

All local resources utilized under this division shall first 5694  
be deposited in the project construction account required under 5695  
section 3318.08 of the Revised Code. 5696

(2) Unless the school district board exercises its option 5697  
under division (D)(3) of this section, for a school district to 5698  
qualify for participation in the program authorized under this 5699  
section, one of the following conditions shall be satisfied: 5700

(a) The electors of the school district by a majority vote 5701  
shall approve the levy of taxes outside the ten-mill limitation 5702  
for a period of twenty-three years at the rate of not less than 5703  
one-half mill for each dollar of valuation to be used to pay the 5704  
cost of maintaining the classroom facilities included in the basic 5705  
project cost as determined by the commission. The form of the 5706  
ballot to be used to submit the question whether to approve the 5707  
tax required under this division to the electors of the school 5708  
district shall be the form for an additional levy of taxes 5709  
prescribed in section 3318.361 of the Revised Code, which may be 5710  
combined in a single ballot question with the questions prescribed 5711  
under section 5705.218 of the Revised Code. 5712

(b) As authorized under division (C) of section 3318.05 of 5713

the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section 3318.05 of the Revised Code the amount prescribed in section 3318.051 of the Revised Code in lieu of the tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under

sections 3318.01 to 3318.20 of the Revised Code. In order to 5746  
exercise this option, the board shall certify to the commission a 5747  
resolution indicating the board's intent to do so prior to 5748  
entering into an agreement under division (B) of this section. 5749

(4) If pursuant to division (D)(3) of this section a district 5750  
board opts to delay levying an additional tax until the district 5751  
becomes eligible for state assistance, it shall submit the 5752  
question of levying that tax to the district electors as follows: 5753

(a) In accordance with section 3318.06 of the Revised Code if 5754  
it will also be necessary pursuant to division (E) of this section 5755  
to submit a proposal for approval of a bond issue; 5756

(b) In accordance with section 3318.361 of the Revised Code 5757  
if it is not necessary to also submit a proposal for approval of a 5758  
bond issue pursuant to division (E) of this section. 5759

(5) No state assistance under sections 3318.01 to 3318.20 of 5760  
the Revised Code shall be released until a school district board 5761  
that adopts and certifies a resolution under division (D) of this 5762  
section also demonstrates to the satisfaction of the commission 5763  
compliance with the provisions of division (D)(2) of this section. 5764

Any amount required for maintenance under division (D)(2) of 5765  
this section shall be deposited into a separate fund as specified 5766  
in division (B) of section 3318.05 of the Revised Code. 5767

(E)(1) If the school district becomes eligible for state 5768  
assistance under sections 3318.01 to 3318.20 of the Revised Code 5769  
based on its percentile ranking under division (B)(3) of this 5770  
section or is offered assistance under section 3318.364 of the 5771  
Revised Code, the commission shall conduct a new assessment of the 5772  
school district's classroom facilities needs and shall recalculate 5773  
the basic project cost based on this new assessment. The basic 5774  
project cost recalculated under this division shall include the 5775  
amount of expenditures made by the school district board under 5776

division (D)(1) of this section. The commission shall then 5777  
recalculate the school district's portion of the new basic project 5778  
cost, which shall be the percentage of the original basic project 5779  
cost assigned to the school district as its portion under division 5780  
(C) of this section. The commission shall deduct the expenditure 5781  
of school district moneys made under division (D)(1) of this 5782  
section from the school district's portion of the basic project 5783  
cost as recalculated under this division. If the amount of school 5784  
district resources applied by the school district board to the 5785  
school district's portion of the basic project cost under this 5786  
section is less than the total amount of such portion as 5787  
recalculated under this division, the school district board by a 5788  
majority vote of all of its members shall, if it desires to seek 5789  
state assistance under sections 3318.01 to 3318.20 of the Revised 5790  
Code, adopt a resolution as specified in section 3318.06 of the 5791  
Revised Code to submit to the electors of the school district the 5792  
question of approval of a bond issue in order to pay any 5793  
additional amount of school district portion required for state 5794  
assistance. Any tax levy approved under division (D) of this 5795  
section satisfies the requirements to levy the additional tax 5796  
under section 3318.06 of the Revised Code. 5797

(2) If the amount of school district resources applied by the 5798  
school district board to the school district's portion of the 5799  
basic project cost under this section is more than the total 5800  
amount of such portion as recalculated under this division, within 5801  
one year after the school district's portion is recalculated under 5802  
division (E)(1) of this section the commission may grant to the 5803  
school district the difference between the two calculated 5804  
portions, but at no time shall the commission expend any state 5805  
funds on a project in an amount greater than the state's portion 5806  
of the basic project cost as recalculated under this division. 5807

Any reimbursement under this division shall be only for local 5808

resources the school district has applied toward construction cost 5809  
expenditures for the classroom facilities approved by the 5810  
commission, which shall not include any financing costs associated 5811  
with that construction. 5812

The school district board shall use any moneys reimbursed to 5813  
the district under this division to pay off any debt service the 5814  
district owes for classroom facilities constructed under its 5815  
project under this section before such moneys are applied to any 5816  
other purpose. However, the district board first may deposit 5817  
moneys reimbursed under this division into the district's general 5818  
fund or a permanent improvement fund to replace local resources 5819  
the district withdrew from those funds, as long as, and to the 5820  
extent that, those local resources were used by the district for 5821  
constructing classroom facilities included in the district's basic 5822  
project cost. 5823

Sec. 3318.364. In any fiscal year, the Ohio school facilities 5824  
commission may, at its discretion, provide assistance under 5825  
sections 3318.01 to 3318.20 of the Revised Code to a school 5826  
district that has entered into an expedited local partnership 5827  
agreement under section 3318.36 of the Revised Code before the 5828  
district is otherwise eligible for that assistance based on its 5829  
percentile rank, if the commission determines all of the 5830  
following: 5831

(A) The district has made an expenditure of local resources 5832  
under its expedited local partnership agreement on a discrete part 5833  
of its district-wide project. 5834

(B) The district is ready to complete its district-wide 5835  
project or a segment of the project, in accordance with section 5836  
3318.034 of the Revised Code. 5837

(C) The district is in compliance with division (D)(2) of 5838  
section 3318.36 of the Revised Code. 5839

(D) Sufficient state funds have been appropriated for classroom facilities projects for the fiscal year to pay the state share of the district's project or segment after paying the state share of projects for all of the following: 5840  
5841  
5842  
5843

(1) Districts that previously had their conditional approval lapse pursuant to section 3318.05 of the Revised Code; 5844  
5845

(2) Districts eligible for assistance under division (B)(2) of section 3318.04 of the Revised Code; 5846  
5847

(3) Districts participating in the exceptional needs school facilities assistance program under section 3318.37 or 3318.371 of the Revised Code; 5848  
5849  
5850

(4) Districts participating in the accelerated urban school building assistance program under section 3318.38 of the Revised Code. 5851  
5852  
5853

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. 5854  
5855  
5856  
5857  
5858  
5859  
5860  
5861

As used in this section, "local resources" and "percentile" have the same meanings as in section 3318.36 of the Revised Code. 5862  
5863

**Sec. 3318.37.** (A)(1) As used in this section:- 5864

~~(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.~~ 5865  
5866  
5867  
5868

~~(b) "Low wealth school district" means a school district in~~ 5869

~~the first through seventy fifth percentiles as determined under~~ 5870  
~~section 3318.011 of the Revised Code.~~ 5871

~~(c) A, a~~ "school district with an exceptional need for 5872  
immediate classroom facilities assistance" means a ~~low wealth or~~ 5873  
~~large land area~~ school district with an exceptional need for new 5874  
facilities in order to protect the health and safety of all or a 5875  
portion of its students. 5876

(2) No school district that participates in the school 5877  
building assistance expedited local partnership program under 5878  
section 3318.36 of the Revised Code shall receive assistance under 5879  
the program established under this section unless the following 5880  
conditions are satisfied: 5881

(a) The district board adopted a resolution certifying its 5882  
intent to participate in the school building assistance expedited 5883  
local partnership program under section 3318.36 of the Revised 5884  
Code prior to September 14, 2000. 5885

(b) The district was selected by the Ohio school facilities 5886  
commission for participation in the school building assistance 5887  
expedited local partnership program under section 3318.36 of the 5888  
Revised Code in the manner prescribed by the commission under that 5889  
section as it existed prior to September 14, 2000. 5890

(B)(1) There is hereby established the exceptional needs 5891  
school facilities assistance program. Under the program, the Ohio 5892  
school facilities commission may set aside from the moneys 5893  
annually appropriated to it for classroom facilities assistance 5894  
projects up to twenty-five per cent for assistance to school 5895  
districts with exceptional needs for immediate classroom 5896  
facilities assistance. 5897

(2)(a) After consulting with education and construction 5898  
experts, the commission shall adopt guidelines for identifying 5899  
school districts with an exceptional need for immediate classroom 5900

facilities assistance. 5901

(b) The guidelines shall include application forms and 5902  
instructions for school districts to use in applying for 5903  
assistance under this section. 5904

(3) The commission shall evaluate the classroom facilities, 5905  
and the need for replacement classroom facilities from the 5906  
applications received under this section. The commission, 5907  
utilizing the guidelines adopted under division (B)(2)(a) of this 5908  
section, shall prioritize the school districts to be assessed. 5909

Notwithstanding section 3318.02 of the Revised Code, the 5910  
commission may conduct on-site evaluation of the school districts 5911  
prioritized under this section and approve and award funds until 5912  
such time as all funds set aside under division (B)(1) of this 5913  
section have been encumbered. However, the commission need not 5914  
conduct the evaluation of facilities if the commission determines 5915  
that a district's assessment conducted under section 3318.36 of 5916  
the Revised Code is sufficient for purposes of this section. 5917

(4) Notwithstanding division (A) of section 3318.05 of the 5918  
Revised Code, the school district's portion of the basic project 5919  
cost under this section shall be the "required percentage of the 5920  
basic project costs," as defined in division (K) of section 5921  
3318.01 of the Revised Code. 5922

(5) Except as otherwise specified in this section, any 5923  
project undertaken with assistance under this section shall comply 5924  
with all provisions of sections 3318.01 to 3318.20 of the Revised 5925  
Code. A school district may receive assistance under sections 5926  
3318.01 to 3318.20 of the Revised Code for the remainder of the 5927  
district's classroom facilities needs as assessed under this 5928  
section when the district is eligible for such assistance pursuant 5929  
to section 3318.02 of the Revised Code, but any classroom facility 5930  
constructed with assistance under this section shall not be 5931



included in a district's project at that time unless the 5932  
commission determines the district has experienced the increased 5933  
enrollment specified in division (B)(1) of section 3318.04 of the 5934  
Revised Code. 5935

(C) No school district shall receive assistance under this 5936  
section for a classroom facility that has been included in the 5937  
discrete part of the district's classroom facilities needs 5938  
identified and addressed in the district's project pursuant to an 5939  
agreement entered into under section 3318.36 of the Revised Code, 5940  
unless the district's entire classroom facilities plan consists of 5941  
only a single building designed to house grades kindergarten 5942  
through twelve. 5943

**Sec. 3318.371.** The Ohio school facilities commission may 5944  
provide assistance under the exceptional needs school facilities 5945  
program established by section 3318.37 of the Revised Code to any 5946  
school district for the purpose of the relocation or replacement 5947  
of classroom facilities required as a result of any contamination 5948  
of air, soil, or water that impacts the occupants of the facility. 5949  
~~Assistance under this section is not limited to school districts 5950  
in the first through seventy fifth percentiles as determined under 5951  
section 3318.011 of the Revised Code. 5952~~

The commission shall make a determination in accordance with 5953  
guidelines adopted by the commission regarding eligibility and 5954  
funding for projects under this section. The commission may 5955  
contract with an independent environmental consultant to conduct a 5956  
study to assist the commission in making the determination. 5957

If the federal government or other public or private entity 5958  
provides funds for restitution of costs incurred by the state or 5959  
school district in the relocation or replacement of the classroom 5960  
facilities, the school district shall use such funds in excess of 5961  
the school district's share to refund the state for the state's 5962

contribution to the environmental contamination portion of the 5963  
project. The school district may apply an amount of such 5964  
restitution funds up to an amount equal to the school district's 5965  
portion of the project, as defined by the commission, toward 5966  
paying its portion of that project to reduce the amount of bonds 5967  
the school district otherwise must issue to receive state 5968  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 5969

**Sec. 3318.70.** (A) As used in this section: 5970

(1) "Acquisition of classroom facilities" has the same 5971  
meaning as in section 3318.40 of the Revised Code. 5972

(2) "Classroom facilities" has the same meaning as in section 5973  
3318.01 of the Revised Code. 5974

(3) "STEM school" means a science, technology, engineering, 5975  
and mathematics school established under Chapter 3326. of the 5976  
Revised Code that is not governed by a single school district 5977  
board of education, as prescribed by section 3326.51 of the 5978  
Revised Code. 5979

(B) Upon receipt of a written proposal by the governing body 5980  
of a STEM school, the Ohio school facilities commission, subject 5981  
to approval of the controlling board, may provide funding to 5982  
assist that STEM school in the acquisition of classroom 5983  
facilities. The proposal of the governing body shall be submitted 5984  
in a form and in the manner prescribed by the commission and shall 5985  
indicate both the total amount of state funding requested and the 5986  
amount of nonstate funding pledged for the acquisition of the 5987  
classroom facilities, which shall not be less than the total 5988  
amount of state funding requested. If the commission decides in 5989  
favor of providing funding for the classroom facilities and if the 5990  
controlling board approves that funding, the commission shall 5991  
enter into an agreement with the governing body for the 5992  
acquisition of the classroom facilities and shall encumber, in 5993

accordance with section 3318.11 of the Revised Code, the approved 5994  
funding from the amounts appropriated to the commission for 5995  
classroom facilities assistance projects. The agreement shall 5996  
include a stipulation of the ownership of the classroom facilities 5997  
in the event the STEM school permanently closes at any time. 5998

(C) In the case of the governing body of a group of STEM 5999  
schools, as prescribed by section 3326.031 of the Revised Code, 6000  
the governing body shall submit a proposal for each school under 6001  
its direction separately, and the commission shall consider each 6002  
proposal separately. 6003

**Sec. 3319.02.** (A)(1) As used in this section, "other 6004  
administrator" means any of the following: 6005

(a) Except as provided in division (A)(2) of this section, 6006  
any employee in a position for which a board of education requires 6007  
a license designated by rule of the department of education for 6008  
being an administrator issued under section 3319.22 of the Revised 6009  
Code, including a professional pupil services employee or 6010  
administrative specialist or an equivalent of either one who is 6011  
not employed as a school counselor and spends less than fifty per 6012  
cent of the time employed teaching or working with students; 6013

(b) Any nonlicensed employee whose job duties enable such 6014  
employee to be considered as either a "supervisor" or a 6015  
"management level employee," as defined in section 4117.01 of the 6016  
Revised Code; 6017

(c) A business manager appointed under section 3319.03 of the 6018  
Revised Code. 6019

(2) As used in this section, "other administrator" does not 6020  
include a superintendent, assistant superintendent, principal, or 6021  
assistant principal. 6022

(B) The board of education of each school district and the 6023

governing board of an educational service center may appoint one 6024  
or more assistant superintendents and such other administrators as 6025  
are necessary. An assistant educational service center 6026  
superintendent or service center supervisor employed on a 6027  
part-time basis may also be employed by a local board as a 6028  
teacher. The board of each city, exempted village, and local 6029  
school district shall employ principals for all high schools and 6030  
for such other schools as the board designates, and those boards 6031  
may appoint assistant principals for any school that they 6032  
designate. 6033

(C) In educational service centers and in city, exempted 6034  
village, and local school districts, assistant superintendents, 6035  
principals, assistant principals, and other administrators shall 6036  
only be employed or reemployed in accordance with nominations of 6037  
the superintendent, except that a board of education of a school 6038  
district or the governing board of a service center, by a 6039  
three-fourths vote of its full membership, may reemploy any 6040  
assistant superintendent, principal, assistant principal, or other 6041  
administrator whom the superintendent refuses to nominate. 6042

The board of education or governing board shall execute a 6043  
written contract of employment with each assistant superintendent, 6044  
principal, assistant principal, and other administrator it employs 6045  
or reemploys. The term of such contract shall not exceed three 6046  
years except that in the case of a person who has been employed as 6047  
an assistant superintendent, principal, assistant principal, or 6048  
other administrator in the district or center for three years or 6049  
more, the term of the contract shall be for not more than five 6050  
years and, unless the superintendent of the district recommends 6051  
otherwise, not less than two years. If the superintendent so 6052  
recommends, the term of the contract of a person who has been 6053  
employed by the district or service center as an assistant 6054  
superintendent, principal, assistant principal, or other 6055

administrator for three years or more may be one year, but all 6056  
subsequent contracts granted such person shall be for a term of 6057  
not less than two years and not more than five years. When a 6058  
teacher with continuing service status becomes an assistant 6059  
superintendent, principal, assistant principal, or other 6060  
administrator with the district or service center with which the 6061  
teacher holds continuing service status, the teacher retains such 6062  
status in the teacher's nonadministrative position as provided in 6063  
sections 3319.08 and 3319.09 of the Revised Code. 6064

A board of education or governing board may reemploy an 6065  
assistant superintendent, principal, assistant principal, or other 6066  
administrator at any regular or special meeting held during the 6067  
period beginning on the first day of January of the calendar year 6068  
immediately preceding the year of expiration of the employment 6069  
contract and ending on the ~~last~~ first day of ~~March~~ June of the 6070  
year the employment contract expires. 6071

Except by mutual agreement of the parties thereto, no 6072  
assistant superintendent, principal, assistant principal, or other 6073  
administrator shall be transferred during the life of a contract 6074  
to a position of lesser responsibility. No contract may be 6075  
terminated by a board except pursuant to section 3319.16 of the 6076  
Revised Code. No contract may be suspended except pursuant to 6077  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 6078  
compensation prescribed by such contracts shall not be reduced by 6079  
a board unless such reduction is a part of a uniform plan 6080  
affecting the entire district or center. The contract shall 6081  
specify the employee's administrative position and duties as 6082  
included in the job description adopted under division (D) of this 6083  
section, the salary and other compensation to be paid for 6084  
performance of duties, the number of days to be worked, the number 6085  
of days of vacation leave, if any, and any paid holidays in the 6086  
contractual year. 6087

An assistant superintendent, principal, assistant principal, 6088  
or other administrator is, at the expiration of the current term 6089  
of employment, deemed reemployed at the same salary plus any 6090  
increments that may be authorized by the board, unless such 6091  
employee notifies the board in writing to the contrary on or 6092  
before the ~~first~~ fifteenth day of June, or unless such board, on 6093  
or before the ~~last first~~ day of ~~March~~ June of the year in which 6094  
the contract of employment expires, either reemploys such employee 6095  
for a succeeding term or gives written notice of its intention not 6096  
to reemploy the employee. The term of reemployment of a person 6097  
reemployed under this paragraph shall be one year, except that if 6098  
such person has been employed by the school district or service 6099  
center as an assistant superintendent, principal, assistant 6100  
principal, or other administrator for three years or more, the 6101  
term of reemployment shall be two years. 6102

(D)(1) Each board shall adopt procedures for the evaluation 6103  
of all assistant superintendents, principals, assistant 6104  
principals, and other administrators and shall evaluate such 6105  
employees in accordance with those procedures. The procedures for 6106  
the evaluation of principals and assistant principals shall be 6107  
based on principles comparable to the teacher evaluation policy 6108  
adopted by the board under section 3319.111 of the Revised Code, 6109  
but shall be tailored to the duties and responsibilities of 6110  
principals and assistant principals and the environment in which 6111  
~~principals~~ they work. An evaluation based upon procedures adopted 6112  
under this division shall be considered by the board in deciding 6113  
whether to renew the contract of employment of an assistant 6114  
superintendent, principal, assistant principal, or other 6115  
administrator. 6116

(2) The evaluation shall measure each assistant 6117  
superintendent's, principal's, assistant principal's, and other 6118  
administrator's effectiveness in performing the duties included in 6119

the job description and the evaluation procedures shall provide 6120  
for, but not be limited to, the following: 6121

(a) Each assistant superintendent, principal, assistant 6122  
principal, and other administrator shall be evaluated annually 6123  
through a written evaluation process. 6124

(b) The evaluation shall be conducted by the superintendent 6125  
or designee. 6126

(c) In order to provide time to show progress in correcting 6127  
the deficiencies identified in the evaluation process, the 6128  
evaluation process shall be completed as follows: 6129

(i) In any school year that the employee's contract of 6130  
employment is not due to expire, at least one evaluation shall be 6131  
completed in that year. A written copy of the evaluation shall be 6132  
provided to the employee no later than the end of the employee's 6133  
contract year as defined by the employee's annual salary notice. 6134

(ii) In any school year that the employee's contract of 6135  
employment is due to expire, at least a preliminary evaluation and 6136  
at least a final evaluation shall be completed in that year. A 6137  
written copy of the preliminary evaluation shall be provided to 6138  
the employee at least sixty days prior to any action by the board 6139  
on the employee's contract of employment. The final evaluation 6140  
shall indicate the superintendent's intended recommendation to the 6141  
board regarding a contract of employment for the employee. A 6142  
written copy of the evaluation shall be provided to the employee 6143  
at least five days prior to the board's acting to renew or not 6144  
renew the contract. 6145

(3) Termination of an assistant superintendent, principal, 6146  
assistant principal, or other administrator's contract shall be 6147  
pursuant to section 3319.16 of the Revised Code. Suspension of any 6148  
such employee shall be pursuant to section 3319.17 or 3319.171 of 6149  
the Revised Code. 6150

(4) Before taking action to renew or nonrenew the contract of  
an assistant superintendent, principal, assistant principal, or  
other administrator under this section and prior to the ~~last~~ first  
day of ~~March~~ June of the year in which such employee's contract  
expires, the board shall notify each such employee of the date  
that the contract expires and that the employee may request a  
meeting with the board. Upon request by such an employee, the  
board shall grant the employee a meeting in executive session. In  
that meeting, the board shall discuss its reasons for considering  
renewal or nonrenewal of the contract. The employee shall be  
permitted to have a representative, chosen by the employee,  
present at the meeting.

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

(E) On nomination of the superintendent of a service center a  
governing board may employ supervisors who shall be employed under  
written contracts of employment for terms not to exceed five years  
each. Such contracts may be terminated by a governing board



pursuant to section 3319.16 of the Revised Code. Any supervisor 6183  
employed pursuant to this division may terminate the contract of 6184  
employment at the end of any school year after giving the board at 6185  
least thirty days' written notice prior to such termination. On 6186  
the recommendation of the superintendent the contract or contracts 6187  
of any supervisor employed pursuant to this division may be 6188  
suspended for the remainder of the term of any such contract 6189  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 6190

(F) A board may establish vacation leave for any individuals 6191  
employed under this section. Upon such an individual's separation 6192  
from employment, a board that has such leave may compensate such 6193  
an individual at the individual's current rate of pay for all 6194  
lawfully accrued and unused vacation leave credited at the time of 6195  
separation, not to exceed the amount accrued within three years 6196  
before the date of separation. In case of the death of an 6197  
individual employed under this section, such unused vacation leave 6198  
as the board would have paid to the individual upon separation 6199  
under this section shall be paid in accordance with section 6200  
2113.04 of the Revised Code, or to the estate. 6201

(G) The board of education of any school district may 6202  
contract with the governing board of the educational service 6203  
center from which it otherwise receives services to conduct 6204  
searches and recruitment of candidates for assistant 6205  
superintendent, principal, assistant principal, and other 6206  
administrator positions authorized under this section. 6207

**Sec. 3319.06.** (A) The board of education of each city, 6208  
exempted village, or local school district may create the position 6209  
of internal auditor. Any person employed by the board as an 6210  
internal auditor shall hold a valid permit issued under section 6211  
4701.10 of the Revised Code to practice as a certified public 6212  
accountant or a public accountant. 6213

(B) The board shall execute a written contract of employment 6214  
with each internal auditor it employs. The contract shall specify 6215  
the internal auditor's duties, the salary and other compensation 6216  
to be paid for performance of those duties, the number of days to 6217  
be worked, the number of days of vacation leave, if any, and any 6218  
paid holidays in the contractual year. The salary and other 6219  
compensation prescribed by the contract may be increased by the 6220  
board during the term of the contract but shall not be reduced 6221  
during that term unless such reduction is part of a uniform plan 6222  
affecting employees of the entire district. The term of the 6223  
initial contract shall not exceed three years. Any renewal of the 6224  
contract shall be for a term of not less than two years and not 6225  
more than five years. 6226

The internal auditor shall be directly responsible to the 6227  
board for the performance of all duties outlined in the contract. 6228  
If the board does not intend to renew the contract upon its 6229  
expiration, the board shall provide written notice to the internal 6230  
auditor of its intention not to renew the contract not later than 6231  
the ~~last~~ first day of ~~March~~ June of the year in which the contract 6232  
expires. If the board does not provide such notice by that date, 6233  
the internal auditor shall be deemed reemployed for a term of one 6234  
year at the same salary plus any increments that may be authorized 6235  
by the board. Termination of an internal auditor's contract shall 6236  
be pursuant to section 3319.16 of the Revised Code. 6237

(C) Each board that employs an internal auditor shall adopt 6238  
procedures for the evaluation of the internal auditor and shall 6239  
evaluate the internal auditor in accordance with those procedures. 6240  
The evaluation based upon the procedures shall be considered by 6241  
the board in deciding whether to renew the internal auditor's 6242  
contract of employment. The establishment of an evaluation 6243  
procedure shall not create an expectancy of continued employment. 6244  
Nothing in this section shall prevent the board from making the 6245

final determination regarding the renewal or nonrenewal of the 6246  
contract of an internal auditor. 6247

**Sec. 3319.11.** (A) As used in this section: 6248

(1) "Evaluation procedures" means the procedures required by 6249  
the policy adopted pursuant to division (A) of section 3319.111 of 6250  
the Revised Code. 6251

(2) "Limited contract" means a limited contract, as described 6252  
in section 3319.08 of the Revised Code, that a school district 6253  
board of education or governing board of an educational service 6254  
center enters into with a teacher who is not eligible for 6255  
continuing service status. 6256

(3) "Extended limited contract" means a limited contract, as 6257  
described in section 3319.08 of the Revised Code, that a board of 6258  
education or governing board enters into with a teacher who is 6259  
eligible for continuing service status. 6260

(B) Teachers eligible for continuing service status in any 6261  
city, exempted village, local, or joint vocational school district 6262  
or educational service center shall be those teachers qualified as 6263  
described in division (D) of section 3319.08 of the Revised Code, 6264  
who within the last five years have taught for at least three 6265  
years in the district or center, and those teachers who, having 6266  
attained continuing contract status elsewhere, have served two 6267  
years in the district or center, but the board, upon the 6268  
recommendation of the superintendent, may at the time of 6269  
employment or at any time within such two-year period, declare any 6270  
of the latter teachers eligible. 6271

(1) Upon the recommendation of the superintendent that a 6272  
teacher eligible for continuing service status be reemployed, a 6273  
continuing contract shall be entered into between the board and 6274  
the teacher unless the board by a three-fourths vote of its full 6275

membership rejects the recommendation of the superintendent. If 6276  
the board rejects by a three-fourths vote of its full membership 6277  
the recommendation of the superintendent that a teacher eligible 6278  
for continuing service status be reemployed and the superintendent 6279  
makes no recommendation to the board pursuant to division (C) of 6280  
this section, the board may declare its intention not to reemploy 6281  
the teacher by giving the teacher written notice on or before the 6282  
~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy 6283  
the teacher. If evaluation procedures have not been complied with 6284  
pursuant to section 3319.111 of the Revised Code or the board does 6285  
not give the teacher written notice on or before the ~~thirtieth~~ 6286  
first day of ~~April~~ June of its intention not to reemploy the 6287  
teacher, the teacher is deemed reemployed under an extended 6288  
limited contract for a term not to exceed one year at the same 6289  
salary plus any increment provided by the salary schedule. The 6290  
teacher is presumed to have accepted employment under the extended 6291  
limited contract for a term not to exceed one year unless such 6292  
teacher notifies the board in writing to the contrary on or before 6293  
the ~~first~~ fifteenth day of June, and an extended limited contract 6294  
for a term not to exceed one year shall be executed accordingly. 6295  
Upon any subsequent reemployment of the teacher only a continuing 6296  
contract may be entered into. 6297

(2) If the superintendent recommends that a teacher eligible 6298  
for continuing service status not be reemployed, the board may 6299  
declare its intention not to reemploy the teacher by giving the 6300  
teacher written notice on or before the ~~thirtieth~~ first day of 6301  
~~April~~ June of its intention not to reemploy the teacher. If 6302  
evaluation procedures have not been complied with pursuant to 6303  
section 3319.111 of the Revised Code or the board does not give 6304  
the teacher written notice on or before the ~~thirtieth~~ first day of 6305  
~~April~~ June of its intention not to reemploy the teacher, the 6306  
teacher is deemed reemployed under an extended limited contract 6307  
for a term not to exceed one year at the same salary plus any 6308

increment provided by the salary schedule. The teacher is presumed 6309  
to have accepted employment under the extended limited contract 6310  
for a term not to exceed one year unless such teacher notifies the 6311  
board in writing to the contrary on or before the ~~first~~ fifteenth 6312  
day of June, and an extended limited contract for a term not to 6313  
exceed one year shall be executed accordingly. Upon any subsequent 6314  
reemployment of a teacher only a continuing contract may be 6315  
entered into. 6316

(3) Any teacher receiving written notice of the intention of 6317  
a board not to reemploy such teacher pursuant to this division is 6318  
entitled to the hearing provisions of division (G) of this 6319  
section. 6320

(C)(1) If a board rejects the recommendation of the 6321  
superintendent for reemployment of a teacher pursuant to division 6322  
(B)(1) of this section, the superintendent may recommend 6323  
reemployment of the teacher, if continuing service status has not 6324  
previously been attained elsewhere, under an extended limited 6325  
contract for a term not to exceed two years, provided that written 6326  
notice of the superintendent's intention to make such 6327  
recommendation has been given to the teacher with reasons directed 6328  
at the professional improvement of the teacher on or before the 6329  
~~thirtieth~~ first day of ~~April~~ June. Upon subsequent reemployment of 6330  
the teacher only a continuing contract may be entered into. 6331

(2) If a board of education takes affirmative action on a 6332  
superintendent's recommendation, made pursuant to division (C)(1) 6333  
of this section, of an extended limited contract for a term not to 6334  
exceed two years but the board does not give the teacher written 6335  
notice of its affirmative action on the superintendent's 6336  
recommendation of an extended limited contract on or before the 6337  
~~thirtieth~~ first day of ~~April~~ June, the teacher is deemed 6338  
reemployed under a continuing contract at the same salary plus any 6339  
increment provided by the salary schedule. The teacher is presumed 6340

to have accepted employment under such continuing contract unless 6341  
such teacher notifies the board in writing to the contrary on or 6342  
before the ~~first~~ fifteenth day of June, and a continuing contract 6343  
shall be executed accordingly. 6344

(3) A board shall not reject a superintendent's 6345  
recommendation, made pursuant to division (C)(1) of this section, 6346  
of an extended limited contract for a term not to exceed two years 6347  
except by a three-fourths vote of its full membership. If a board 6348  
rejects by a three-fourths vote of its full membership the 6349  
recommendation of the superintendent of an extended limited 6350  
contract for a term not to exceed two years, the board may declare 6351  
its intention not to reemploy the teacher by giving the teacher 6352  
written notice on or before the ~~thirtieth~~ first day of ~~April~~ June 6353  
of its intention not to reemploy the teacher. If evaluation 6354  
procedures have not been complied with pursuant to section 6355  
3319.111 of the Revised Code or if the board does not give the 6356  
teacher written notice on or before the ~~thirtieth~~ first day of 6357  
~~April~~ June of its intention not to reemploy the teacher, the 6358  
teacher is deemed reemployed under an extended limited contract 6359  
for a term not to exceed one year at the same salary plus any 6360  
increment provided by the salary schedule. The teacher is presumed 6361  
to have accepted employment under the extended limited contract 6362  
for a term not to exceed one year unless such teacher notifies the 6363  
board in writing to the contrary on or before the ~~first~~ fifteenth 6364  
day of June, and an extended limited contract for a term not to 6365  
exceed one year shall be executed accordingly. Upon any subsequent 6366  
reemployment of the teacher only a continuing contract may be 6367  
entered into. 6368

Any teacher receiving written notice of the intention of a 6369  
board not to reemploy such teacher pursuant to this division is 6370  
entitled to the hearing provisions of division (G) of this 6371  
section. 6372

(D) A teacher eligible for continuing contract status 6373  
employed under an extended limited contract pursuant to division 6374  
(B) or (C) of this section, is, at the expiration of such extended 6375  
limited contract, deemed reemployed under a continuing contract at 6376  
the same salary plus any increment granted by the salary schedule, 6377  
unless evaluation procedures have been complied with pursuant to 6378  
section 3319.111 of the Revised Code and the employing board, 6379  
acting on the superintendent's recommendation that the teacher not 6380  
be reemployed, gives the teacher written notice on or before the 6381  
~~thirtieth~~ first day of ~~April~~ June of its intention not to reemploy 6382  
such teacher. A teacher who does not have evaluation procedures 6383  
applied in compliance with section 3319.111 of the Revised Code or 6384  
who does not receive notice on or before the ~~thirtieth~~ first day 6385  
of ~~April~~ June of the intention of the board not to reemploy such 6386  
teacher is presumed to have accepted employment under a continuing 6387  
contract unless such teacher notifies the board in writing to the 6388  
contrary on or before the ~~first~~ fifteenth day of June, and a 6389  
continuing contract shall be executed accordingly. 6390

Any teacher receiving a written notice of the intention of a 6391  
board not to reemploy such teacher pursuant to this division is 6392  
entitled to the hearing provisions of division (G) of this 6393  
section. 6394

(E) The board shall enter into a limited contract with each 6395  
teacher employed by the board who is not eligible to be considered 6396  
for a continuing contract. 6397

Any teacher employed under a limited contract, and not 6398  
eligible to be considered for a continuing contract, is, at the 6399  
expiration of such limited contract, considered reemployed under 6400  
the provisions of this division at the same salary plus any 6401  
increment provided by the salary schedule unless evaluation 6402  
procedures have been complied with pursuant to section 3319.111 of 6403  
the Revised Code and the employing board, acting upon the 6404

superintendent's written recommendation that the teacher not be 6405  
reemployed, gives such teacher written notice of its intention not 6406  
to reemploy such teacher on or before the ~~thirtieth~~ first day of 6407  
~~April~~ June. A teacher who does not have evaluation procedures 6408  
applied in compliance with section 3319.111 of the Revised Code or 6409  
who does not receive notice of the intention of the board not to 6410  
reemploy such teacher on or before the ~~thirtieth~~ first day of 6411  
~~April~~ June is presumed to have accepted such employment unless 6412  
such teacher notifies the board in writing to the contrary on or 6413  
before the ~~first~~ fifteenth day of June, and a written contract for 6414  
the succeeding school year shall be executed accordingly. 6415

Any teacher receiving a written notice of the intention of a 6416  
board not to reemploy such teacher pursuant to this division is 6417  
entitled to the hearing provisions of division (G) of this 6418  
section. 6419

(F) The failure of a superintendent to make a recommendation 6420  
to the board under any of the conditions set forth in divisions 6421  
(B) to (E) of this section, or the failure of the board to give 6422  
such teacher a written notice pursuant to divisions (C) to (E) of 6423  
this section shall not prejudice or prevent a teacher from being 6424  
deemed reemployed under either a limited or continuing contract as 6425  
the case may be under the provisions of this section. A failure of 6426  
the parties to execute a written contract shall not void any 6427  
automatic reemployment provisions of this section. 6428

(G)(1) Any teacher receiving written notice of the intention 6429  
of a board of education not to reemploy such teacher pursuant to 6430  
division (B), (C)(3), (D), or (E) of this section may, within ten 6431  
days of the date of receipt of the notice, file with the treasurer 6432  
of the board a written demand for a written statement describing 6433  
the circumstances that led to the board's intention not to 6434  
reemploy the teacher. 6435

(2) The treasurer of a board, on behalf of the board, shall, 6436



within ten days of the date of receipt of a written demand for a  
written statement pursuant to division (G)(1) of this section,  
provide to the teacher a written statement describing the  
circumstances that led to the board's intention not to reemploy  
the teacher.

(3) Any teacher receiving a written statement describing the  
circumstances that led to the board's intention not to reemploy  
the teacher pursuant to division (G)(2) of this section may,  
within five days of the date of receipt of the statement, file  
with the treasurer of the board a written demand for a hearing  
before the board pursuant to divisions (G)(4) to (6) of this  
section.

(4) The treasurer of a board, on behalf of the board, shall,  
within ten days of the date of receipt of a written demand for a  
hearing pursuant to division (G)(3) of this section, provide to  
the teacher a written notice setting forth the time, date, and  
place of the hearing. The board shall schedule and conclude the  
hearing within forty days of the date on which the treasurer of  
the board receives a written demand for a hearing pursuant to  
division (G)(3) of this section.

(5) Any hearing conducted pursuant to this division shall be  
conducted by a majority of the members of the board. The hearing  
shall be held in executive session of the board unless the board  
and the teacher agree to hold the hearing in public. The  
superintendent, assistant superintendent, the teacher, and any  
person designated by either party to take a record of the hearing  
may be present at the hearing. The board may be represented by  
counsel and the teacher may be represented by counsel or a  
designee. A record of the hearing may be taken by either party at  
the expense of the party taking the record.

(6) Within ten days of the conclusion of a hearing conducted  
pursuant to this division, the board shall issue to the teacher a

written decision containing an order affirming the intention of 6469  
the board not to reemploy the teacher reported in the notice given 6470  
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 6471  
this section or an order vacating the intention not to reemploy 6472  
and expunging any record of the intention, notice of the 6473  
intention, and the hearing conducted pursuant to this division. 6474

(7) A teacher may appeal an order affirming the intention of 6475  
the board not to reemploy the teacher to the court of common pleas 6476  
of the county in which the largest portion of the territory of the 6477  
school district or service center is located, within thirty days 6478  
of the date on which the teacher receives the written decision, on 6479  
the grounds that the board has not complied with this section or 6480  
section 3319.111 of the Revised Code. 6481

Notwithstanding section 2506.04 of the Revised Code, the 6482  
court in an appeal under this division is limited to the 6483  
determination of procedural errors and to ordering the correction 6484  
of procedural errors and shall have no jurisdiction to order a 6485  
board to reemploy a teacher, except that the court may order a 6486  
board to reemploy a teacher in compliance with the requirements of 6487  
division (B), (C)(3), (D), or (E) of this section when the court 6488  
determines that evaluation procedures have not been complied with 6489  
pursuant to section 3319.111 of the Revised Code or the board has 6490  
not given the teacher written notice on or before the ~~thirtieth~~ 6491  
first day of ~~April~~ June of its intention not to reemploy the 6492  
teacher pursuant to division (B), (C)(3), (D), or (E) of this 6493  
section. Otherwise, the determination whether to reemploy or not 6494  
reemploy a teacher is solely a board's determination and not a 6495  
proper subject of judicial review and, except as provided in this 6496  
division, no decision of a board whether to reemploy or not 6497  
reemploy a teacher shall be invalidated by the court on any basis, 6498  
including that the decision was not warranted by the results of 6499  
any evaluation or was not warranted by any statement given 6500

pursuant to division (G)(2) of this section. 6501

No appeal of an order of a board may be made except as 6502  
specified in this division. 6503

(H)(1) In giving a teacher any notice required by division 6504  
(B), (C), (D), or (E) of this section, the board or the 6505  
superintendent shall do either of the following: 6506

(a) Deliver the notice by personal service upon the teacher; 6507

(b) Deliver the notice by certified mail, return receipt 6508  
requested, addressed to the teacher at the teacher's place of 6509  
employment and deliver a copy of the notice by certified mail, 6510  
return receipt requested, addressed to the teacher at the 6511  
teacher's place of residence. 6512

(2) In giving a board any notice required by division (B), 6513  
(C), (D), or (E) of this section, the teacher shall do either of 6514  
the following: 6515

(a) Deliver the notice by personal delivery to the office of 6516  
the superintendent during regular business hours; 6517

(b) Deliver the notice by certified mail, return receipt 6518  
requested, addressed to the office of the superintendent and 6519  
deliver a copy of the notice by certified mail, return receipt 6520  
requested, addressed to the president of the board at the 6521  
president's place of residence. 6522

(3) When any notice and copy of the notice are mailed 6523  
pursuant to division (H)(1)(b) or (2)(b) of this section, the 6524  
notice or copy of the notice with the earlier date of receipt 6525  
shall constitute the notice for the purposes of division (B), (C), 6526  
(D), or (E) of this section. 6527

(I) The provisions of this section shall not apply to any 6528  
supplemental written contracts entered into pursuant to section 6529  
3319.08 of the Revised Code. 6530

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.

(A) Not later than July 1, 2013, the board of education of each school district, in consultation with teachers employed by the board, shall adopt a standards-based teacher evaluation policy that conforms with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on the effective date of this section and shall be included in any renewal or extension of such an agreement.

(B) When using measures of student academic growth as a component of a teacher's evaluation, those measures shall include the value-added progress dimension prescribed by section 3302.021 of the Revised Code. For teachers of grade levels and subjects for which the value-added progress dimension is not applicable, the board shall administer assessments on the list developed under division (B)(2) of section 3319.112 of the Revised Code.

(C)(1) The board shall conduct an evaluation of each teacher employed by the board at least once each school year, except as provided in ~~divisions~~ division (C)(2) ~~and (3)~~ of this section. The evaluation shall be completed by the first day of ~~April~~ May and the teacher shall receive a written report of the results of the evaluation by the tenth day of ~~April~~ May.

~~(2) If the board has entered into a limited contract or~~

~~extended limited contract with the teacher pursuant to section 6562  
3319.11 of the Revised Code, the board shall evaluate the teacher 6563  
at least twice in any school year in which the board may wish to 6564  
declare its intention not to re-employ the teacher pursuant to 6565  
division (B), (C)(3), (D), or (E) of that section. One evaluation 6566  
shall be conducted and completed not later than the fifteenth day 6567  
of January and the teacher being evaluated shall receive a written 6568  
report of the results of this evaluation not later than the 6569  
twenty fifth day of January. One evaluation shall be conducted and 6570  
completed between the tenth day of February and the first day of 6571  
April and the teacher being evaluated shall receive a written 6572  
report of the results of this evaluation not later than the tenth 6573  
day of April. 6574~~

~~(3) The board may elect, by adoption of a resolution, to 6575  
evaluate each teacher who received a rating of accomplished on the 6576  
teacher's most recent evaluation conducted under this section once 6577  
every two school years. In that case, the biennial evaluation 6578  
shall be completed by the first day of ~~April~~ May of the applicable 6579  
school year, and the teacher shall receive a written report of the 6580  
results of the evaluation by the tenth day of ~~April~~ May of that 6581  
school year. 6582~~

(D) Each evaluation conducted pursuant to this section shall 6583  
be conducted by one or more of the following persons who hold a 6584  
credential established by the department of education for being an 6585  
evaluator: 6586

(1) A person who is under contract with the board pursuant to 6587  
section 3319.01 or 3319.02 of the Revised Code and holds a license 6588  
designated for being a superintendent, assistant superintendent, 6589  
or principal issued under section 3319.22 of the Revised Code; 6590

(2) A person who is under contract with the board pursuant to 6591  
section 3319.02 of the Revised Code and holds a license designated 6592  
for being a vocational director, administrative specialist, or a 6593

supervisor in any educational area issued under section 3319.22 of 6594  
the Revised Code; 6595

(3) A person designated to conduct evaluations under an 6596  
agreement ~~providing for peer review~~ entered into by the board, 6597  
including an agreement providing for peer review entered into by 6598  
the board and representatives of teachers employed by the board; 6599

(4) A person who is employed by an entity contracted by the 6600  
board to conduct evaluations and who holds a license designated 6601  
for being a superintendent, assistant superintendent, principal, 6602  
vocational director, administrative specialist, or supervisor in 6603  
any educational area issued under section 3319.22 of the Revised 6604  
Code or is qualified to conduct evaluations. 6605

(E) Notwithstanding division (A)(3) of section 3319.112 of 6606  
the Revised Code: 6607

(1) The board shall require at least three formal 6608  
observations of each teacher who is under consideration for 6609  
nonrenewal and with whom the board has entered into a limited 6610  
contract or an extended limited contract under section 3319.11 of 6611  
the Revised Code. 6612

(2) The board may elect, by adoption of a resolution, to 6613  
require only one formal observation of a teacher who received a 6614  
rating of accomplished on the teacher's most recent evaluation 6615  
conducted under this section, provided the teacher completes a 6616  
project that has been approved by the board to demonstrate the 6617  
teacher's continued growth and practice at the accomplished level. 6618

(F) The board shall include in its evaluation policy 6619  
procedures for using the evaluation results for retention and 6620  
promotion decisions and for removal of poorly performing teachers. 6621  
Seniority shall not be the basis for a decision to retain a 6622  
teacher, except when making a decision between teachers who have 6623  
comparable evaluations. 6624

~~(F) This section does not apply to superintendents and administrators subject to evaluation procedures under sections 3319.01 and 3319.02 of the Revised Code or to any teacher employed as a substitute for less than one hundred twenty days during a school year pursuant to section 3319.10 of the Revised Code.~~

(G) For purposes of section 3333.0411 of the Revised Code, the board annually shall report to the department of education the number of teachers for whom an evaluation was conducted under this section and the number of teachers assigned each rating prescribed under division (B)(1) of section 3319.112 of the Revised Code, aggregated by the teacher preparation programs from which and the years in which the teachers graduated. The department shall establish guidelines for reporting the information required by this division. The guidelines shall not permit or require that the name of, or any other personally identifiable information about, any teacher be reported under this division.

(H) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this amendment.

**Sec. 3319.112.** (A) Not later than December 31, 2011, the state board of education shall develop a standards-based state framework for the evaluation of teachers. The state board may update the framework periodically by adoption of a resolution. The framework shall establish an evaluation system that does the following:

(1) Provides for multiple evaluation factors, including student academic growth which shall account for fifty per cent of each evaluation~~+~~. In calculating student academic growth for an evaluation, a student shall not be included if the student has

<u>sixty or more unexcused absences for the school year.</u>	6656
(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;	6657 6658
(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walkthroughs;	6659 6660 6661
(4) Assigns a rating on each evaluation in accordance with division (B) of this section;	6662 6663
(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;	6664 6665
(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code does not apply;	6666 6667 6668
(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code;	6669 6670 6671
(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	6672 6673 6674
(9) Provides for the allocation of financial resources to support professional development.	6675 6676
(B) For purposes of the framework developed under this section, the state board also shall do the following:	6677 6678
(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3319.02 and 3319.111 of the Revised Code:	6679 6680 6681 6682
(a) Accomplished;	6683
(b) Proficient;	6684



(c) Developing; 6685

(d) Ineffective. 6686

(2) For grade levels and subjects for which the assessments 6687  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 6688  
Code and the value-added progress dimension prescribed by section 6689  
3302.021 of the Revised Code do not apply, develop a list of 6690  
student assessments that measure mastery of the course content for 6691  
the appropriate grade level, which may include nationally normed 6692  
standardized assessments, industry certification examinations, or 6693  
end-of-course examinations. 6694

(C) The state board shall consult with experts, teachers and 6695  
principals employed in public schools, and representatives of 6696  
stakeholder groups in developing the standards and criteria 6697  
required by division (B)(1) of this section. 6698

(D) To assist school districts in developing evaluation 6699  
policies under sections 3319.02 and 3319.111 of the Revised Code, 6700  
the department shall do both of the following: 6701

(1) Serve as a clearinghouse of promising evaluation 6702  
procedures and evaluation models that districts may use; 6703

(2) Provide technical assistance to districts in creating 6704  
evaluation policies. 6705

(E) Not later than June 30, 2013, the state board, in 6706  
consultation with state agencies that employ teachers, shall 6707  
develop a standards-based framework for the evaluation of teachers 6708  
employed by those agencies. Each state agency that employs 6709  
teachers shall adopt a standards-based teacher evaluation policy 6710  
that conforms with the framework developed under this division. 6711  
The policy shall become operative at the expiration of any 6712  
collective bargaining agreement covering teachers employed by the 6713  
agency that is in effect on the effective date of this amendment 6714  
and shall be included in any renewal or extension of such an 6715

agreement. 6716

**Sec. 3319.58.** (A) As used in this section, "core subject 6717  
area" has the same meaning as in section 3319.074 of the Revised 6718  
Code. 6719

(B) Each year, beginning with the 2015-2016 school year, the 6720  
board of education of each city, exempted village, local, and 6721  
joint vocational school district shall require each classroom 6722  
teacher who is currently teaching in a core subject area and has 6723  
received a rating of ineffective on the evaluations conducted 6724  
under section 3319.111 of the Revised Code for two of the three 6725  
most recent school years to register for and take all written 6726  
examinations of content knowledge selected by the department of 6727  
education as appropriate to determine expertise to teach that core 6728  
subject area and the grade level to which the teacher is assigned. 6729

(C) Each year, beginning with the 2015-2016 school year, the 6730  
board of education of each city, exempted village, and local 6731  
school district, governing authority of each community school 6732  
established under Chapter 3314. of the Revised Code, and governing 6733  
body of each STEM school established under Chapter 3326. of the 6734  
Revised Code with a building ranked in the lowest ten per cent of 6735  
all public school buildings according to performance index score, 6736  
under section 3302.21 of the Revised Code, shall require each 6737  
classroom teacher currently teaching in a core subject area in 6738  
such a building to register for and take all written examinations 6739  
prescribed by the state board of education for licensure of 6740  
content knowledge selected by the department as appropriate to 6741  
determine expertise to teach that core subject area and the grade 6742  
level to which the teacher is assigned ~~under section 3319.22 of 6743  
the Revised Code. However, if 6744~~

(D) If a teacher who takes an examination under division (B) 6745  
of this section passes that examination and provides proof of that 6746

passage to the teacher's employer, the employer shall require the 6747  
teacher, at the teacher's expense, to complete professional 6748  
development that is targeted to the deficiencies identified in the 6749  
teacher's evaluations conducted under section 3319.111 of the 6750  
Revised Code. The receipt by the teacher of a rating of 6751  
ineffective on the teacher's next evaluation after completion of 6752  
the professional development, or the failure of the teacher to 6753  
complete the professional development, shall be grounds for 6754  
termination of the teacher under section 3319.16 of the Revised 6755  
Code. 6756

(E) If a teacher who takes a prescribed an examination under 6757  
this ~~division~~ section passes that examination and provides proof 6758  
of that passage to the teacher's employer, the teacher shall not 6759  
be required to take the examination again for three years, 6760  
regardless of the teacher's evaluation ratings or the performance 6761  
index score ranking of the building in which the teacher teaches. 6762  
No teacher shall be responsible for the cost of taking an 6763  
examination under this ~~division~~ section. 6764

~~(C)~~(F) Each district board of education, each community 6765  
school governing authority, and each STEM school governing body 6766  
may use the results of a teacher's examinations required under 6767  
division (B) or (C) of this section in developing and revising 6768  
professional development plans and in deciding whether or not to 6769  
continue employing the teacher in accordance with the provisions 6770  
of this chapter or Chapter 3314. or 3326. of the Revised Code. 6771  
However, no decision to terminate or not to renew a teacher's 6772  
employment contract shall be made solely on the basis of the 6773  
results of a teacher's examination under this section until and 6774  
unless the teacher has not attained a passing score on the same 6775  
required examination for at least three consecutive 6776  
administrations of that examination. 6777

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 6778  
"guardian," or "other person having charge or care of a child" 6779  
means either parent unless the parents are separated or divorced 6780  
or their marriage has been dissolved or annulled, in which case 6781  
"parent" means the parent who is the residential parent and legal 6782  
custodian of the child. If the child is in the legal or permanent 6783  
custody of a person or government agency, "parent" means that 6784  
person or government agency. When a child is a resident of a home, 6785  
as defined in section 3313.64 of the Revised Code, and the child's 6786  
parent is not a resident of this state, "parent," "guardian," or 6787  
"other person having charge or care of a child" means the head of 6788  
the home. 6789

A child between six and eighteen years of age is "of 6790  
compulsory school age" for the purpose of sections 3321.01 to 6791  
3321.13 of the Revised Code. A child under six years of age who 6792  
has been enrolled in kindergarten also shall be considered "of 6793  
compulsory school age" for the purpose of sections 3321.01 to 6794  
3321.13 of the Revised Code unless at any time the child's parent 6795  
or guardian, at the parent's or guardian's discretion and in 6796  
consultation with the child's teacher and principal, formally 6797  
withdraws the child from kindergarten. The compulsory school age 6798  
of a child shall not commence until the beginning of the term of 6799  
such schools, or other time in the school year fixed by the rules 6800  
of the board of the district in which the child resides. 6801

(2) No child shall be admitted to a kindergarten or a first 6802  
grade of a public school in a district in which all children are 6803  
admitted to kindergarten and the first grade in August or 6804  
September unless the child is five or six years of age, 6805  
respectively, by the thirtieth day of September of the year of 6806  
admittance, or by the first day of a term or semester other than 6807  
one beginning in August or September in school districts granting 6808  
admittance at the beginning of such term or semester, ~~except that~~ 6809

~~in those school districts using or obtaining educationally  
accepted standardized testing programs for determining entrance,  
as approved by the board of education of such districts, the board  
shall admit a child to kindergarten or the first grade who fails  
to meet the age requirement, provided the child meets necessary  
standards as determined by such standardized testing programs. If  
the board of education has not established a standardized testing  
program, the board shall designate the necessary standards and a  
testing program it will accept for the purpose of admitting a  
child to kindergarten or first grade who fails to meet the age  
requirement. Each child who will be the proper age for entrance to  
kindergarten or first grade by the first day of January of the  
school year for which admission is requested shall be so tested  
upon the request of the child's parent unless the child has been  
recommended for early admittance in accordance with the district's  
acceleration policy adopted under section 3324.10 of the Revised  
Code. A child who does not meet the age requirement for admittance  
to kindergarten or first grade shall be evaluated for early  
admittance upon referral by the child's parent or guardian, an  
educator employed by the district, a preschool educator who knows  
the child, or a pediatrician or psychologist who knows the child.~~

(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 6842  
section, "successfully completed kindergarten" ~~and "successful~~ 6843  
~~completion of kindergarten"~~ means that the child has 6844  
completed the kindergarten requirements at one of the following: 6845

(1) A public or chartered nonpublic school; 6846

(2) A kindergarten class that is both of the following: 6847

(a) Offered by a day-care provider licensed under Chapter 6848  
5104. of the Revised Code; 6849

(b) If offered after July 1, 1991, is directly taught by a 6850  
teacher who holds one of the following: 6851

(i) A valid educator license issued under section 3319.22 of 6852  
the Revised Code; 6853

(ii) A Montessori preprimary credential or age-appropriate 6854  
diploma granted by the American Montessori society or the 6855  
association Montessori internationale; 6856

(iii) Certification determined under division ~~(G)~~(F) of this 6857  
section to be equivalent to that described in division 6858  
(B)(2)(b)(ii) of this section; 6859

(iv) Certification for teachers in nontax-supported schools 6860  
pursuant to section 3301.071 of the Revised Code. 6861

(C) Except as provided in division ~~(D)~~(A)(2) of this section, 6862  
no school district shall admit to the first grade any child who 6863  
has not successfully completed kindergarten. 6864

~~(D) Upon request of a parent, the requirement of division (C)~~ 6865  
~~of this section may be waived by the district's pupil personnel~~ 6866  
~~services committee in the case of a child who is at least six~~ 6867  
~~years of age by the thirtieth day of September of the year of~~ 6868  
~~admittance and who demonstrates to the satisfaction of the~~ 6869  
~~committee the possession of the social, emotional, and cognitive~~ 6870  
~~skills necessary for first grade.~~ 6871

~~The board of education of each city, local, and exempted  
village school district shall establish a pupil personnel services  
committee. The committee shall be composed of all of the following  
to the extent such personnel are either employed by the district  
or employed by the governing board of the educational service  
center within whose territory the district is located and the  
educational service center generally furnishes the services of  
such personnel to the district:~~

~~(1) The director of pupil personnel services;~~

~~(2) An elementary school counselor;~~

~~(3) An elementary school principal;~~

~~(4) A school psychologist;~~

~~(5) A teacher assigned to teach first grade;~~

~~(6) A gifted coordinator.~~

~~The responsibilities of the pupil personnel services  
committee shall be limited to the issuing of waivers allowing  
admittance to the first grade without the successful completion of  
kindergarten. The committee shall have no other authority except  
as specified in this section.~~

~~(E) The scheduling of times for kindergarten classes and  
length of the school day for kindergarten shall be determined by  
the board of education of a city, exempted village, or local  
school district.~~

~~(F)(E) Any kindergarten class offered by a day-care provider  
or school described by division (B)(1) or (B)(2)(a) of this  
section shall be developmentally appropriate.~~

~~(G)(F) Upon written request of a day-care provider described  
by division (B)(2)(a) of this section, the department of education  
shall determine whether certification held by a teacher employed  
by the provider meets the requirement of division (B)(2)(b)(iii)~~

of this section and, if so, shall furnish the provider a statement 6902  
to that effect. 6903

~~(H)~~(G) As used in this division, "all-day kindergarten" has 6904  
the same meaning as in section 3321.05 of the Revised Code. 6905

(1) Any school district that did not receive for fiscal year 6906  
2009 poverty-based assistance for all-day kindergarten under 6907  
division (D) of section 3317.029 of the Revised Code may charge 6908  
fees or tuition for students enrolled in all-day kindergarten. If 6909  
a district charges fees or tuition for all-day kindergarten under 6910  
this division, the district shall develop a sliding fee scale 6911  
based on family incomes. 6912

(2) The department of education shall conduct an annual 6913  
survey of each school district described in division ~~(H)~~(G)(1) of 6914  
this section to determine the following: 6915

(a) Whether the district charges fees or tuition for students 6916  
enrolled in all-day kindergarten; 6917

(b) The amount of the fees or tuition charged; 6918

(c) How many of the students for whom tuition is charged are 6919  
eligible for free lunches under the "National School Lunch Act," 6920  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 6921  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 6922  
and how many of the students for whom tuition is charged are 6923  
eligible for reduced price lunches under those acts; 6924

(d) How many students are enrolled in traditional half-day 6925  
kindergarten rather than all-day kindergarten. 6926

Each district shall report to the department, in the manner 6927  
prescribed by the department, the information described in 6928  
divisions ~~(H)~~(G)(2)(a) to (d) of this section. 6929

The department shall issue an annual report on the results of 6930  
the survey and shall post the report on its web site. The 6931



department shall issue the first report not later than April 30, 6932  
2008, and shall issue a report not later than the thirtieth day of 6933  
April each year thereafter. 6934

**Sec. 3323.011.** As used in this chapter, "individualized 6935  
education program" or "IEP" means a written statement for each 6936  
child with a disability that is developed, reviewed, and revised 6937  
in accordance with this definition and that includes: 6938

(A) A statement of the child's present levels of academic 6939  
achievement and functional performance, including: 6940

(1) How the child's disability affects the child's 6941  
involvement and progress in the general education curriculum; 6942

(2) For a preschool child with a disability, as appropriate, 6943  
how the disability affects the child's participation in 6944  
appropriate activities; 6945

(3) For a child with a disability who is not a preschool 6946  
child and who will take alternate assessments aligned to alternate 6947  
achievement standards, a description of benchmarks or short-term 6948  
objectives. 6949

(B) A statement of measurable annual goals, including 6950  
academic and functional goals and, at the discretion of the 6951  
department of education, short-term instructional objectives that 6952  
are designed to: 6953

(1) Meet the child's needs that result from the child's 6954  
disability so as to enable the child to be involved in and make 6955  
progress in the general education curriculum; 6956

(2) Meet each of the child's other educational needs that 6957  
result from the child's disability. 6958

(C) A description of how the child's progress toward meeting 6959  
the annual goals described pursuant to division (B) of this 6960  
section will be measured and when periodic reports on the progress 6961

the child is making toward meeting the annual goals will be 6962  
provided. Such reports may be quarterly or other periodic reports 6963  
that are issued concurrent with the issuance of regular report 6964  
cards. 6965

(D) A statement of the special education and related services 6966  
and supplementary aids and services, based on peer-reviewed 6967  
research to the extent practicable, to be provided to the child, 6968  
or on behalf of the child, and a statement of the program 6969  
modifications or supports for school personnel that will be 6970  
provided for the child so that the child may: 6971

(1) Advance appropriately toward attaining the annual goals 6972  
described pursuant to division (B) of this section; 6973

(2) Be involved in and make progress in the general education 6974  
curriculum and participate in extracurricular and other 6975  
nonacademic activities; 6976

(3) Be educated with and participate with both other children 6977  
with disabilities and nondisabled children in the specific 6978  
activities described pursuant to division (D) of this section. 6979

(E) An explanation of the extent, if any, to which the child 6980  
will not participate with nondisabled children in the regular 6981  
class, including an early childhood education setting, and in the 6982  
activities described pursuant to division (D) of this section; 6983

(F) A statement of any individual appropriate accommodations 6984  
that are necessary to measure the academic achievement and 6985  
functional performance of the child on state and districtwide 6986  
assessments consistent with section 612(a)(16) of the "Individuals 6987  
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 6988  
1412(a)(16). If the IEP team determines that the child shall take 6989  
an alternate assessment on a particular state or districtwide 6990  
assessment of student achievement, the IEP shall contain a 6991  
statement of why the child cannot participate in the regular 6992

assessment and why the particular alternate assessment selected is 6993  
appropriate for the child. 6994

(G) The projected date for the beginning of the services and 6995  
modifications described pursuant to division (D) of this section 6996  
and the anticipated frequency, location, and duration of those 6997  
services and modifications; 6998

(H) Beginning not later than the first IEP to be in effect 6999  
when the child is ~~sixteen~~ fourteen years of age, and updated 7000  
annually thereafter, a statement describing: 7001

(1) Appropriate measurable post-secondary goals based upon 7002  
age-appropriate transition assessments related to training, 7003  
education, ~~employment~~, and independent living skills; 7004

(2) Appropriate measurable post-secondary goals based on 7005  
age-appropriate transition assessments related to employment in a 7006  
competitive environment in which workers are integrated regardless 7007  
of disability; 7008

(3) The transition services, including courses of study, 7009  
needed to assist the child in reaching the goals described in 7010  
~~division~~ divisions (H)(1) and (2) of this section. 7011

(I) Beginning not later than one year before the child 7012  
reaches eighteen years of age, a statement that the child has been 7013  
informed of the child's rights under Title XX of the United States 7014  
Code that will transfer to the child on reaching eighteen years of 7015  
age in accordance with section 615(m) of the "Individuals with 7016  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 7017  
1415(m). 7018

Nothing in this section shall be construed to require that 7019  
additional information be included in a child's IEP beyond the 7020  
items explicitly required by this section and that the IEP team 7021  
include information under one component of a child's IEP that is 7022  
already contained under another component of the IEP. 7023

Sec. 3323.052. (A) Not later than ~~sixty days after the~~ 7024  
~~effective date of this section~~ November 28, 2011, the department 7025  
of education shall develop a document that compares a parent's and 7026  
child's rights under this chapter and 20 U.S.C. 1400 et seq. with 7027  
the parent's and child's rights under the Jon Peterson special 7028  
needs scholarship program, established in sections 3310.51 to 7029  
3310.64 of the Revised Code, including the deadline for 7030  
application for a scholarship or renewal of a scholarship and 7031  
notice of that application to the child's school district, 7032  
prescribed in division (C) of section 3310.52 of the Revised Code, 7033  
and the provisions of divisions (A) and (B) of section 3310.53 of 7034  
the Revised Code. The department shall revise that document as 7035  
necessary to reflect any pertinent changes in state or federal 7036  
statutory law, rule, or regulation enacted or adopted after the 7037  
initial document is developed. ~~The~~ 7038

(B) ~~The~~ department and each school district shall ensure that 7039  
the document prescribed in division (A) of this section is 7040  
included in, appended to, or otherwise distributed in conjunction 7041  
with the notice required under 20 U.S.C. 1415(d), and any 7042  
provision of the Code of Federal Regulations implementing that 7043  
requirement, in the manner and at all the times specified for such 7044  
notice in federal law or regulation. ~~As~~ 7045

(C) In addition to the requirement prescribed by division (B) 7046  
of this section, each time a child's school district completes an 7047  
evaluation for a child with a disability or undertakes the 7048  
development, review, or revision of the child's IEP, the district 7049  
shall notify the child's parent, by letter or electronic means, 7050  
about both the autism scholarship program, under section 3310.41 7051  
of the Revised Code, and the Jon Peterson special needs 7052  
scholarship program, under sections 3310.51 to 3310.64 of the 7053  
Revised Code. The notice shall include the following statement: 7054

"Your child may be eligible for a scholarship under the Autism Scholarship Program or the Jon Peterson Special Needs Scholarship Program to attend a special education program that implements the child's individualized education program and that is operated by an alternative public provider or by a registered private provider."

The notice shall include the telephone number of the office of the department responsible for administering the scholarship programs and the specific location of scholarship information on the department's web site.

(D) As used in this section, a "child's school district" means the school district in which the child is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

**Sec. 3323.19.** (A) Within three months after a student identified with disabilities begins receiving services for the first time under an individualized education program, the school district in which that student is enrolled shall require the student to undergo a comprehensive eye examination performed either by an optometrist licensed under Chapter 4725. of the Revised Code or by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who is comprehensively trained and educated in the treatment of the human eye, eye disease, or comprehensive vision services, unless the student underwent such an examination within the nine-month period immediately prior to being identified with disabilities.

However, no student who has not undergone the eye examination required under this section shall be prohibited from initiating, receiving, or continuing to receive services prescribed in the student's individualized education program.

(B) The superintendent of each school district or the

superintendent's designee may determine fulfillment of the 7086  
requirement prescribed in division (A) of this section based on 7087  
any special circumstances of the student, the student's parent, 7088  
guardian, or family that may prevent the student from undergoing 7089  
the eye examination prior to beginning special education services. 7090

(C) Except for a student who may be entitled to a 7091  
comprehensive eye examination in the identification of the 7092  
student's disabilities, in the development of the student's 7093  
individualized education program, or as a related service under 7094  
the student's individualized education program, neither the state 7095  
nor any school district shall be responsible for paying for the 7096  
eye examination required by this section. 7097

(D) The department of education annually shall do both of the 7098  
following: 7099

(1) Notify each school district and community school of the 7100  
requirements of this section; 7101

(2) Collect from each school district and community school 7102  
the total number of students enrolled in the district who were 7103  
subject to the requirements of this section and the total number 7104  
of students who received the examination, as verified by 7105  
documentation received from the district. 7106

**Sec. 3326.03.** (A) The STEM committee shall authorize the 7107  
establishment of and award grants to science, technology, 7108  
engineering, and mathematics schools based on proposals submitted 7109  
to the committee. 7110

The committee shall determine the criteria for proposals, 7111  
establish procedures for the submission of proposals, accept and 7112  
evaluate proposals, and choose which proposals to approve to 7113  
become a STEM school. In approving proposals for STEM schools, the 7114  
committee shall consider locating the schools in diverse 7115

geographic regions of the state so that all students have access 7116  
to a STEM school. 7117

The committee may authorize the establishment of a group of 7118  
multiple STEM schools to operate from multiple facilities located 7119  
in one or more school districts under the direction of a single 7120  
governing body in the manner prescribed by section 3326.031 of the 7121  
Revised Code. The committee shall consider the merits of each of 7122  
the proposed STEM schools within a group and shall authorize each 7123  
school separately. Anytime after authorizing a group of STEM 7124  
schools to be under the direction of a single governing body, upon 7125  
a proposal from the governing body, the committee may authorize 7126  
one or more additional schools to operate as part of that group. 7127

The STEM committee may approve one or more STEM schools to 7128  
serve only students identified as gifted under Chapter 3324. of 7129  
the Revised Code. 7130

(B) Proposals may be submitted only by a partnership of 7131  
public and private entities consisting of at least all of the 7132  
following: 7133

(1) A city, exempted village, local, or joint vocational 7134  
school district; 7135

(2) Higher education entities; 7136

(3) Business organizations. 7137

(C) Each proposal shall include at least the following: 7138

(1) Assurances that the STEM school or group of STEM schools 7139  
will be under the oversight of a governing body and a description 7140  
of the members of that governing body and how they will be 7141  
selected; 7142

(2) Assurances that ~~the~~ each STEM school will operate in 7143  
compliance with this chapter and the provisions of the proposal as 7144  
accepted by the committee; 7145

(3) Evidence that ~~the~~ each school will offer a rigorous, 7146  
diverse, integrated, and project-based curriculum to students in 7147  
any of grades six through twelve, with the goal to prepare those 7148  
students for college, the workforce, and citizenship, and that 7149  
does all of the following: 7150

(a) Emphasizes the role of science, technology, engineering, 7151  
and mathematics in promoting innovation and economic progress; 7152

(b) Incorporates scientific inquiry and technological design; 7153

(c) Includes the arts and humanities; 7154

(d) Emphasizes personalized learning and teamwork skills. 7155

(4) Evidence that ~~the~~ each school will attract school leaders 7156  
who support the curriculum principles of division (C)(3) of this 7157  
section; 7158

(5) A description of how ~~the~~ each school's curriculum will be 7159  
developed and approved in accordance with section 3326.09 of the 7160  
Revised Code; 7161

(6) Evidence that ~~the~~ each school will utilize an established 7162  
capacity to capture and share knowledge for best practices and 7163  
innovative professional development; 7164

(7) Evidence that ~~the~~ each school will operate in 7165  
collaboration with a partnership that includes institutions of 7166  
higher education and businesses; 7167

(8) Assurances that ~~the~~ each school has received commitments 7168  
of sustained and verifiable fiscal and in-kind support from 7169  
regional education and business entities; 7170

(9) A description of how ~~the~~ each school's assets will be 7171  
distributed if the school closes for any reason. 7172

Sec. 3326.031. (A) As authorized by the STEM committee, a 7173  
single governing body may direct a group of multiple STEM schools 7174



to operate from multiple facilities located in one or more school districts to be organized and operated in the manner prescribed under this chapter except as specified by this section. Each school within the group shall operate as a separate school but under the direction of a common governing body. The governing body may employ a single treasurer, licensed in the manner prescribed by section 3326.21 of the Revised Code, to manage the fiscal affairs of all of the schools within the group. Each school shall have a chief administrative officer, as required by section 3326.08 of the Revised Code, but the governing body may in its discretion appoint a single individual to be the chief administrative officer of two or more schools in the group. No school within the group shall be organized or funded in the manner prescribed by section 3326.51 of the Revised Code.

(B) The department shall calculate funds under this chapter for each STEM school within a group separately and shall pay those funds directly to each school.

(C) In accordance with section 3326.17 of the Revised Code, the department shall issue a separate report card for each STEM school within a group. The department also shall compute a rating for each group of schools and report that rating in a distinct report card for the group.

**Sec. 3326.04.** (A) The STEM committee shall award grants to support the operation of STEM programs of excellence to serve students in any of grades kindergarten through eight through a request for proposals.

(B) Proposals may be submitted by any of the following:

(1) The board of education of a city, exempted village, or local school district;

(2) The governing authority of a community school established

under Chapter 3314. of the Revised Code. 7205

(C) Each proposal shall demonstrate to the satisfaction of 7206  
the STEM committee that the program meets at least the following 7207  
standards: 7208

(1) ~~The~~ Unless the program is designed to serve only students 7209  
identified as gifted under Chapter 3324. of the Revised Code, the 7210  
program will serve all students enrolled in the district or school 7211  
in the grades for which the program is designed. 7212

(2) The program will offer a rigorous and diverse curriculum 7213  
that is based on scientific inquiry and technological design, that 7214  
emphasizes personalized learning and teamwork skills, and that 7215  
will expose students to advanced scientific concepts within and 7216  
outside the classroom. 7217

(3) ~~The~~ Unless the program is designed to serve only students 7218  
identified as gifted under Chapter 3324. of the Revised Code, the 7219  
program will not limit participation of students on the basis of 7220  
intellectual ability, measures of achievement, or aptitude. 7221

(4) The program will utilize an established capacity to 7222  
capture and share knowledge for best practices and innovative 7223  
professional development. 7224

(5) The program will operate in collaboration with a 7225  
partnership that includes institutions of higher education and 7226  
businesses. 7227

(6) The program will include teacher professional development 7228  
strategies that are augmented by community and business partners. 7229

(D) The STEM committee shall give priority to proposals for 7230  
new or expanding innovative programs. 7231

**Sec. 3326.10.** Each science, technology, engineering, and 7232  
mathematics school shall adopt admission procedures that specify 7233  
the following: 7234

(A)(1) Admission shall be open to individuals entitled and 7235  
eligible to attend school pursuant to section 3313.64 or 3313.65 7236  
of the Revised Code in a school district in the state. 7237

(2) Students who are not residents of Ohio shall not be 7238  
permitted to enroll in a science, technology, engineering, and 7239  
mathematics school. 7240

(B) There will be no discrimination in the admission of 7241  
students to the school on the basis of race, creed, color, 7242  
disability, or sex. 7243

(C) The school will comply with all federal and state laws 7244  
regarding the education of students with disabilities. 7245

(D) ~~The~~ Unless the school serves only students identified as 7246  
gifted under Chapter 3324. of the Revised Code, the school will 7247  
not limit admission to students on the basis of intellectual 7248  
ability, measures of achievement or aptitude, or athletic or 7249  
artistic ability; ~~the~~. 7250

(E) The school will assert its best effort to attract a 7251  
diverse student body that reflects the community; ~~and~~ and the school 7252  
will recruit students from disadvantaged and underrepresented 7253  
groups. 7254

**Sec. 3326.11.** Each science, technology, engineering, and 7255  
mathematics school established under this chapter and its 7256  
governing body shall comply with sections 9.90, 9.91, 109.65, 7257  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 7258  
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 7259  
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 7260  
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 7261  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 7262  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 7263  
3313.67, 3313.671, 3313.672, 3313.673, ~~3313.674~~, 3313.69, 3313.71, 7264

3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 7265  
3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 3319.21, 7266  
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 7267  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 7268  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 7269  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 7270  
4123., 4141., and 4167. of the Revised Code as if it were a school 7271  
district. 7272

**Sec. 3326.17.** (A) The department of education shall issue an 7273  
annual report card for each science, technology, engineering, and 7274  
mathematics school that includes all information applicable to 7275  
school buildings under section 3302.03 of the Revised Code. 7276

(B) For each student enrolled in a STEM school, the 7277  
department shall combine data regarding the academic performance 7278  
of that student with comparable data from the school district in 7279  
which the student is entitled to attend school pursuant to section 7280  
3313.64 or 3313.65 of the Revised Code for the purpose of 7281  
calculating the performance of the district as a whole on the 7282  
report card issued for the district under section 3302.03 of the 7283  
Revised Code. 7284

(C) The department also shall compute a rating for each group 7285  
of STEM schools that is under the direction of the same governing 7286  
body, as authorized under section 3326.031 of the Revised Code, 7287  
and issue a distinct report card for the group as a whole. 7288

(D) Each STEM school and its governing body shall comply with 7289  
sections 3302.04 and 3302.041 of the Revised Code, except that any 7290  
action required to be taken by a school district pursuant to those 7291  
sections shall be taken by the school. However, the school shall 7292  
not be required to take any action described in division (F) of 7293  
section 3302.04 of the Revised Code. 7294

**Sec. 3326.21.** (A) Each Except as provided by section 3326.031 7295  
of the Revised Code, each science, technology, engineering, and 7296  
mathematics school shall have a treasurer who is licensed under 7297  
section 3301.074 of the Revised Code. The governing body of the 7298  
school and the treasurer shall comply with sections 3301.072, 7299  
3313.22 to 3313.32, 3313.51, and 3315.08 of the Revised Code in 7300  
the same manner as a school district board of education and a 7301  
district treasurer. 7302

(B) Financial records of each STEM school shall be maintained 7303  
in the same manner as are financial records of school districts, 7304  
pursuant to rules of the auditor of state. 7305

**Sec. 3326.26.** The governing body of a science, technology, 7306  
engineering, and mathematics school may screen students in ninth 7307  
grade for body mass index and weight status category. If a 7308  
governing body elects to require the screenings, it shall comply 7309  
with section 3313.674 of the Revised Code in the same manner 7310  
required of a school district board of education. 7311

**Sec. 3328.15.** (A) Each college-preparatory boarding school 7312  
established under this chapter shall be governed by a board of 7313  
trustees consisting of up to twenty-five members. Five of those 7314  
members shall be appointed by the governor, with the advice and 7315  
consent of the senate. The governor's appointments may be based on 7316  
nonbinding recommendations made by the superintendent of public 7317  
instruction. Of the remaining members, initial members shall be 7318  
appointed by the school's operator and future members shall be 7319  
appointed pursuant to the bylaws adopted under section 3328.13 of 7320  
the Revised Code. The governor, operator, or any other person or 7321  
entity who appoints a member of the board of trustees under this 7322  
section or the bylaws adopted under section 3328.13 of the Revised 7323  
Code may remove that member from the board at any time. 7324

(B) The terms of office of the initial members shall be as follows: 7325  
7326

(1) Two members appointed by the governor shall serve for an initial term of three years. 7327  
7328

(2) Two members appointed by the governor shall serve for an initial term of two years. 7329  
7330

(3) One member appointed by the governor shall serve for an initial term of one year. 7331  
7332

(4) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of three years. 7333  
7334  
7335

(5) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of two years. 7336  
7337  
7338

(6) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of one year. 7339  
7340  
7341

(7) Any remaining members appointed by the operator shall serve for an initial term of one year. 7342  
7343

Thereafter the terms of office of all members shall be for three years. 7344  
7345

The beginning date and ending date of terms of office shall be as prescribed by the school's operator, unless modified in the bylaws adopted under section 3328.13 of the Revised Code. 7346  
7347  
7348

(C) Vacancies on the board shall be filled in the same manner as the initial appointments. A member appointed to an unexpired term shall serve for the remainder of that term and may be reappointed subject to division (D) of this section. 7349  
7350  
7351  
7352

(D) No member may serve for more than three consecutive three-year terms. 7353  
7354

(E) The officers of the board shall be selected by and from 7355  
among the members of the board. 7356

(F) Compensation for the members of the board, if any, shall 7357  
be as prescribed in the bylaws adopted under section 3328.13 of 7358  
the Revised Code. 7359

**Sec. 3328.24.** A college-preparatory boarding school 7360  
established under this chapter, ~~its operator,~~ and its board of 7361  
trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 7362  
3301.0712, 3301.0714, 3313.6411, 3319.39, and 3319.391 of the 7363  
Revised Code as if the school were a school district and the 7364  
school's board of trustees were a district board of education. 7365

**Sec. 3333.0411.** Not later than December 31, 2012, and 7366  
annually thereafter, the chancellor of the Ohio board of regents 7367  
shall report aggregate academic growth data for students assigned 7368  
to graduates of teacher preparation programs approved under 7369  
section 3333.048 of the Revised Code who teach English language 7370  
arts or mathematics in any of grades four to eight in a public 7371  
school in Ohio. For this purpose, the chancellor shall use the 7372  
value-added progress dimension prescribed by section 3302.021 of 7373  
the Revised Code. The chancellor shall aggregate the data by 7374  
graduating class for each approved teacher preparation program, 7375  
except that if a particular class has ten or fewer graduates to 7376  
which this section applies, the chancellor shall report the data 7377  
for a group of classes over a three-year period. ~~It~~ 7378

Not later than December 31, 2014, and annually thereafter, 7379  
the chancellor of the Ohio board of regents shall report for each 7380  
approved teacher preparation program, the number and percentage of 7381  
all graduates of the program who were rated at each of the 7382  
performance levels prescribed by division (B)(1) of section 7383  
3319.112 of the Revised Code on an evaluation conducted in 7384

accordance with section 3319.111 of the Revised Code in the 7385  
previous school year. 7386

In no case shall the ~~report~~ reports identify any individual 7387  
graduate. The department of education shall share any data 7388  
necessary for the report with the chancellor. 7389

Sec. 4123.391. (A) For purposes of this section, "learn to 7390  
earn program" has the same meaning as in section 4141.293 of the 7391  
Revised Code. 7392

(B) Solely for the purpose of providing compensation and 7393  
benefits as set forth in this section, a participant in a learn to 7394  
earn program is an employee of the department, and not an employee 7395  
of the entity conducting the training. 7396

(C) A learn to earn program participant who suffers an injury 7397  
or contracts an occupational disease in the course of and arising 7398  
out of participation in the learn to earn program is entitled to 7399  
compensation and benefits under this chapter. 7400

(D)(1) This chapter is the exclusive remedy for a learn to 7401  
earn program participant or the participant's dependents resulting 7402  
from the participant's injury or occupational disease received in 7403  
the course of and arising out of the participant's participation 7404  
in the program. Pursuant to section 4123.74 of the Revised Code, 7405  
neither the department nor the designated worksite training 7406  
provider shall be liable to respond in damages at common law or by 7407  
statute for any injury, occupational disease, or bodily condition 7408  
suffered or contracted by a participant in the course of or 7409  
arising out of participation in the program. 7410

(2) Notwithstanding division (D)(1) of this section, a 7411  
participant or the participant's dependents do not waive any cause 7412  
of action for an intentional tort under section 2745.01 of the 7413  
Revised Code against the department or the designated worksite 7414



training provider. 7415

(E) The department may include a learn to earn program 7416  
participant in its department workers' compensation coverage, or 7417  
may establish a separate workers' compensation coverage policy 7418  
with the bureau of workers' compensation upon the terms and 7419  
conditions for insurance to be established by the bureau 7420  
consistent with insurance principles, as is equitable in the view 7421  
of degree and hazard. 7422

**Sec. 4139.01.** As used in ~~sections 4139.01 to 4139.06 of the~~ 7423  
~~Revised Code~~ this chapter: 7424

(A) "Apprentice" means a person at least sixteen years of 7425  
age, except when a higher minimum age standard is otherwise fixed 7426  
by law, who is covered by an in a registered apprenticeship 7427  
program to learn a skilled occupation, pursuant to a registered 7428  
apprenticeship agreement. 7429

(B) "Apprenticeship agreement" means a written agreement, 7430  
registered with the ~~Ohio state~~ apprenticeship council, providing 7431  
for not less than two thousand hours of reasonably continuous 7432  
employment, and for participation in an approved schedule of work 7433  
experience through employment, which shall be supplemented by a 7434  
minimum of one hundred forty-four hours per year of related and 7435  
supplemental instructions. 7436

(C) "Council office" means the unit of the department of job 7437  
and family services that staffs the apprenticeship council and 7438  
performs the administrative and oversight functions concerning 7439  
this state's registered apprenticeship system. 7440

**Sec. 4139.03.** The apprenticeship council may ~~establish~~ 7441  
recommend minimum standards for apprenticeship programs and may 7442  
formulate policies and ~~issue~~ recommend rules as may be necessary 7443  
to carry out the purpose of ~~sections 4139.01 to 4139.06 of the~~ 7444

~~Revised Code~~ this chapter. The council shall determine the date 7445  
and place of its meetings and shall prescribe its own rules of 7446  
procedure. 7447

**Sec. 4139.04.** The director of job and family services shall 7448  
appoint the executive secretary of the ~~apprenticeship~~ council 7449  
office, which appointment shall be subject to confirmation by a 7450  
majority vote of the apprenticeship council. The director shall 7451  
appoint such additional personnel as may be necessary, subject to 7452  
Chapter 124. of the Revised Code. 7453

**Sec. 4139.05.** The executive secretary of the ~~apprenticeship~~ 7454  
council office has the following duties: 7455

(A) Encourage the voluntary participation of employers and 7456  
employees in the furtherance of the objective of ~~sections 4139.01~~ 7457  
~~to 4139.06 of the Revised Code~~ this chapter; 7458

(B) Register any apprenticeship programs and agreements that 7459  
meet the minimum standards established by ~~the council~~ federal 7460  
regulations and state rules governing the registered 7461  
apprenticeship system; 7462

(C) Terminate or cancel ~~on the authority of~~ in consultation 7463  
with the apprenticeship council any registered apprenticeship 7464  
programs and agreements not in ~~accordance~~ compliance with the 7465  
provisions of such standards; 7466

(D) Keep a record of apprenticeship programs and their 7467  
disposition; 7468

(E) ~~Issue certificate of completion of apprenticeship in~~ 7469  
~~accordance with the council's standards~~; 7470

~~(F)~~ Devise and implement all ~~necessary~~ procedures and ~~records~~ 7471  
minimum standards as are necessary for the administration of the 7472  
registered apprenticeship system; 7473

(F) Implement administrative rules adopted by the director of 7474  
job and family services as necessary for the administration of the 7475  
registered apprenticeship system; 7476

(G) Prepare statistical reports regarding apprenticeship 7477  
training; 7478

(H) Issue information related to apprenticeship; 7479

(I) Perform such other duties as ~~the council may direct~~ 7480  
appropriate under the applicable rules and regulations. 7481

**Sec. 4141.01.** As used in this chapter, unless the context 7482  
otherwise requires: 7483

(A)(1) "Employer" means the state, its instrumentalities, its 7484  
political subdivisions and their instrumentalities, Indian tribes, 7485  
and any individual or type of organization including any 7486  
partnership, limited liability company, association, trust, 7487  
estate, joint-stock company, insurance company, or corporation, 7488  
whether domestic or foreign, or the receiver, trustee in 7489  
bankruptcy, trustee, or the successor thereof, or the legal 7490  
representative of a deceased person who subsequent to December 31, 7491  
1971, or in the case of political subdivisions or their 7492  
instrumentalities, subsequent to December 31, 1973: 7493

(a) Had in employment at least one individual, or in the case 7494  
of a nonprofit organization, subsequent to December 31, 1973, had 7495  
not less than four individuals in employment for some portion of a 7496  
day in each of twenty different calendar weeks, in either the 7497  
current or the preceding calendar year whether or not the same 7498  
individual was in employment in each such day; or 7499

(b) Except for a nonprofit organization, had paid for service 7500  
in employment wages of fifteen hundred dollars or more in any 7501  
calendar quarter in either the current or preceding calendar year; 7502  
or 7503

(c) Had paid, subsequent to December 31, 1977, for employment 7504  
in domestic service in a local college club, or local chapter of a 7505  
college fraternity or sorority, cash remuneration of one thousand 7506  
dollars or more in any calendar quarter in the current calendar 7507  
year or the preceding calendar year, or had paid subsequent to 7508  
December 31, 1977, for employment in domestic service in a private 7509  
home cash remuneration of one thousand dollars in any calendar 7510  
quarter in the current calendar year or the preceding calendar 7511  
year: 7512

(i) For the purposes of divisions (A)(1)(a) and (b) of this 7513  
section, there shall not be taken into account any wages paid to, 7514  
or employment of, an individual performing domestic service as 7515  
described in this division. 7516

(ii) An employer under this division shall not be an employer 7517  
with respect to wages paid for any services other than domestic 7518  
service unless the employer is also found to be an employer under 7519  
division (A)(1)(a), (b), or (d) of this section. 7520

(d) As a farm operator or a crew leader subsequent to 7521  
December 31, 1977, had in employment individuals in agricultural 7522  
labor; and 7523

(i) During any calendar quarter in the current calendar year 7524  
or the preceding calendar year, paid cash remuneration of twenty 7525  
thousand dollars or more for the agricultural labor; or 7526

(ii) Had at least ten individuals in employment in 7527  
agricultural labor, not including agricultural workers who are 7528  
aliens admitted to the United States to perform agricultural labor 7529  
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 7530  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 7531  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 7532  
of the twenty different calendar weeks, in either the current or 7533  
preceding calendar year whether or not the same individual was in 7534

employment in each day; or 7535

(e) Is not otherwise an employer as defined under division 7536  
(A)(1)(a) or (b) of this section; and 7537

(i) For which, within either the current or preceding 7538  
calendar year, service, except for domestic service in a private 7539  
home not covered under division (A)(1)(c) of this section, is or 7540  
was performed with respect to which such employer is liable for 7541  
any federal tax against which credit may be taken for 7542  
contributions required to be paid into a state unemployment fund; 7543

(ii) Which, as a condition for approval of this chapter for 7544  
full tax credit against the tax imposed by the "Federal 7545  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 7546  
required, pursuant to such act to be an employer under this 7547  
chapter; or 7548

(iii) Who became an employer by election under division 7549  
(A)(4) or (5) of this section and for the duration of such 7550  
election; or 7551

(f) In the case of the state, its instrumentalities, its 7552  
political subdivisions, and their instrumentalities, and Indian 7553  
tribes, had in employment, as defined in divisions (B)(2)(a) and 7554  
(B)(2)(1) of this section, at least one individual; 7555

(g) For the purposes of division (A)(1)(a) of this section, 7556  
if any week includes both the thirty-first day of December and the 7557  
first day of January, the days of that week before the first day 7558  
of January shall be considered one calendar week and the days 7559  
beginning the first day of January another week. 7560

(2) Each individual employed to perform or to assist in 7561  
performing the work of any agent or employee of an employer is 7562  
employed by such employer for all the purposes of this chapter, 7563  
whether such individual was hired or paid directly by such 7564  
employer or by such agent or employee, provided the employer had 7565

actual or constructive knowledge of the work. All individuals 7566  
performing services for an employer of any person in this state 7567  
who maintains two or more establishments within this state are 7568  
employed by a single employer for the purposes of this chapter. 7569

(3) An employer subject to this chapter within any calendar 7570  
year is subject to this chapter during the whole of such year and 7571  
during the next succeeding calendar year. 7572

(4) An employer not otherwise subject to this chapter who 7573  
files with the director of job and family services a written 7574  
election to become an employer subject to this chapter for not 7575  
less than two calendar years shall, with the written approval of 7576  
such election by the director, become an employer subject to this 7577  
chapter to the same extent as all other employers as of the date 7578  
stated in such approval, and shall cease to be subject to this 7579  
chapter as of the first day of January of any calendar year 7580  
subsequent to such two calendar years only if at least thirty days 7581  
prior to such first day of January the employer has filed with the 7582  
director a written notice to that effect. 7583

(5) Any employer for whom services that do not constitute 7584  
employment are performed may file with the director a written 7585  
election that all such services performed by individuals in the 7586  
employer's employ in one or more distinct establishments or places 7587  
of business shall be deemed to constitute employment for all the 7588  
purposes of this chapter, for not less than two calendar years. 7589  
Upon written approval of the election by the director, such 7590  
services shall be deemed to constitute employment subject to this 7591  
chapter from and after the date stated in such approval. Such 7592  
services shall cease to be employment subject to this chapter as 7593  
of the first day of January of any calendar year subsequent to 7594  
such two calendar years only if at least thirty days prior to such 7595  
first day of January such employer has filed with the director a 7596  
written notice to that effect. 7597

(B)(1) "Employment" means service performed by an individual 7598  
for remuneration under any contract of hire, written or oral, 7599  
express or implied, including service performed in interstate 7600  
commerce and service performed by an officer of a corporation, 7601  
without regard to whether such service is executive, managerial, 7602  
or manual in nature, and without regard to whether such officer is 7603  
a stockholder or a member of the board of directors of the 7604  
corporation, unless it is shown to the satisfaction of the 7605  
director that such individual has been and will continue to be 7606  
free from direction or control over the performance of such 7607  
service, both under a contract of service and in fact. The 7608  
director shall adopt rules to define "direction or control." 7609

(2) "Employment" includes: 7610

(a) Service performed after December 31, 1977, by an 7611  
individual in the employ of the state or any of its 7612  
instrumentalities, or any political subdivision thereof or any of 7613  
its instrumentalities or any instrumentality of more than one of 7614  
the foregoing or any instrumentality of any of the foregoing and 7615  
one or more other states or political subdivisions and without 7616  
regard to divisions (A)(1)(a) and (b) of this section, provided 7617  
that such service is excluded from employment as defined in the 7618  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 7619  
3306(c)(7) and is not excluded under division (B)(3) of this 7620  
section; or the services of employees covered by voluntary 7621  
election, as provided under divisions (A)(4) and (5) of this 7622  
section; 7623

(b) Service performed after December 31, 1971, by an 7624  
individual in the employ of a religious, charitable, educational, 7625  
or other organization which is excluded from the term "employment" 7626  
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 7627  
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 7628  
3306(c)(8) of that act and is not excluded under division (B)(3) 7629

of this section; 7630

(c) Domestic service performed after December 31, 1977, for 7631  
an employer, as provided in division (A)(1)(c) of this section; 7632

(d) Agricultural labor performed after December 31, 1977, for 7633  
a farm operator or a crew leader, as provided in division 7634  
(A)(1)(d) of this section; 7635

(e) Service not covered under division (B)(1) of this section 7636  
which is performed after December 31, 1971: 7637

(i) As an agent-driver or commission-driver engaged in 7638  
distributing meat products, vegetable products, fruit products, 7639  
bakery products, beverages other than milk, laundry, or 7640  
dry-cleaning services, for the individual's employer or principal; 7641

(ii) As a traveling or city salesperson, other than as an 7642  
agent-driver or commission-driver, engaged on a full-time basis in 7643  
the solicitation on behalf of and in the transmission to the 7644  
salesperson's employer or principal except for sideline sales 7645  
activities on behalf of some other person of orders from 7646  
wholesalers, retailers, contractors, or operators of hotels, 7647  
restaurants, or other similar establishments for merchandise for 7648  
resale, or supplies for use in their business operations, provided 7649  
that for the purposes of division (B)(2)(e)(ii) of this section, 7650  
the services shall be deemed employment if the contract of service 7651  
contemplates that substantially all of the services are to be 7652  
performed personally by the individual and that the individual 7653  
does not have a substantial investment in facilities used in 7654  
connection with the performance of the services other than in 7655  
facilities for transportation, and the services are not in the 7656  
nature of a single transaction that is not a part of a continuing 7657  
relationship with the person for whom the services are performed. 7658

(f) An individual's entire service performed within or both 7659  
within and without the state if: 7660



- (i) The service is localized in this state. 7661
- (ii) The service is not localized in any state, but some of 7662  
the service is performed in this state and either the base of 7663  
operations, or if there is no base of operations then the place 7664  
from which such service is directed or controlled, is in this 7665  
state or the base of operations or place from which such service 7666  
is directed or controlled is not in any state in which some part 7667  
of the service is performed but the individual's residence is in 7668  
this state. 7669
- (g) Service not covered under division (B)(2)(f)(ii) of this 7670  
section and performed entirely without this state, with respect to 7671  
no part of which contributions are required and paid under an 7672  
unemployment compensation law of any other state, the Virgin 7673  
Islands, Canada, or of the United States, if the individual 7674  
performing such service is a resident of this state and the 7675  
director approves the election of the employer for whom such 7676  
services are performed; or, if the individual is not a resident of 7677  
this state but the place from which the service is directed or 7678  
controlled is in this state, the entire services of such 7679  
individual shall be deemed to be employment subject to this 7680  
chapter, provided service is deemed to be localized within this 7681  
state if the service is performed entirely within this state or if 7682  
the service is performed both within and without this state but 7683  
the service performed without this state is incidental to the 7684  
individual's service within the state, for example, is temporary 7685  
or transitory in nature or consists of isolated transactions; 7686
- (h) Service of an individual who is a citizen of the United 7687  
States, performed outside the United States except in Canada after 7688  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 7689  
and before the first day of January of the year following that in 7690  
which the United States secretary of labor approves the Virgin 7691  
Islands law for the first time, in the employ of an American 7692

employer, other than service which is "employment" under divisions 7693  
(B)(2)(f) and (g) of this section or similar provisions of another 7694  
state's law, if: 7695

(i) The employer's principal place of business in the United 7696  
States is located in this state; 7697

(ii) The employer has no place of business in the United 7698  
States, but the employer is an individual who is a resident of 7699  
this state; or the employer is a corporation which is organized 7700  
under the laws of this state, or the employer is a partnership or 7701  
a trust and the number of partners or trustees who are residents 7702  
of this state is greater than the number who are residents of any 7703  
other state; or 7704

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 7705  
of this section is met but the employer has elected coverage in 7706  
this state or the employer having failed to elect coverage in any 7707  
state, the individual has filed a claim for benefits, based on 7708  
such service, under this chapter. 7709

(i) For the purposes of division (B)(2)(h) of this section, 7710  
the term "American employer" means an employer who is an 7711  
individual who is a resident of the United States; or a 7712  
partnership, if two-thirds or more of the partners are residents 7713  
of the United States; or a trust, if all of the trustees are 7714  
residents of the United States; or a corporation organized under 7715  
the laws of the United States or of any state, provided the term 7716  
"United States" includes the states, the District of Columbia, the 7717  
Commonwealth of Puerto Rico, and the Virgin Islands. 7718

(j) Notwithstanding any other provisions of divisions (B)(1) 7719  
and (2) of this section, service, except for domestic service in a 7720  
private home not covered under division (A)(1)(c) of this section, 7721  
with respect to which a tax is required to be paid under any 7722  
federal law imposing a tax against which credit may be taken for 7723

contributions required to be paid into a state unemployment fund, 7724  
or service, except for domestic service in a private home not 7725  
covered under division (A)(1)(c) of this section, which, as a 7726  
condition for full tax credit against the tax imposed by the 7727  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 7728  
3311, is required to be covered under this chapter. 7729

(k) Construction services performed by any individual under a 7730  
construction contract, as defined in section 4141.39 of the 7731  
Revised Code, if the director determines that the employer for 7732  
whom services are performed has the right to direct or control the 7733  
performance of the services and that the individuals who perform 7734  
the services receive remuneration for the services performed. The 7735  
director shall presume that the employer for whom services are 7736  
performed has the right to direct or control the performance of 7737  
the services if ten or more of the following criteria apply: 7738

(i) The employer directs or controls the manner or method by 7739  
which instructions are given to the individual performing 7740  
services; 7741

(ii) The employer requires particular training for the 7742  
individual performing services; 7743

(iii) Services performed by the individual are integrated 7744  
into the regular functioning of the employer; 7745

(iv) The employer requires that services be provided by a 7746  
particular individual; 7747

(v) The employer hires, supervises, or pays the wages of the 7748  
individual performing services; 7749

(vi) A continuing relationship between the employer and the 7750  
individual performing services exists which contemplates 7751  
continuing or recurring work, even if not full-time work; 7752

(vii) The employer requires the individual to perform 7753

services during established hours;	7754
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	7755 7756 7757
(ix) The employer requires the individual to perform services on the employer's premises;	7758 7759
(x) The employer requires the individual performing services to follow the order of work established by the employer;	7760 7761
(xi) The employer requires the individual performing services to make oral or written reports of progress;	7762 7763
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	7764 7765
(xiii) The employer pays expenses for the individual performing services;	7766 7767
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	7768 7769
(xv) The individual performing services has not invested in the facilities used to perform services;	7770 7771
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	7772 7773 7774
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	7775 7776
(xviii) The individual performing services does not make the services available to the general public;	7777 7778
(xix) The employer has a right to discharge the individual performing services;	7779 7780
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring	7781 7782

liability pursuant to an employment contract or agreement.	7783
(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.	7784 7785 7786 7787 7788 7789 7790 7791 7792
(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:	7793 7794 7795 7796 7797
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	7798 7799 7800
(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;	7801 7802 7803 7804
(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:	7805 7806 7807
(i) As a publicly elected official;	7808
(ii) As a member of a legislative body, or a member of the judiciary;	7809 7810
(iii) As a military member of the Ohio national guard;	7811
(iv) As an employee, not in the classified service as defined	7812

in section 124.11 of the Revised Code, serving on a temporary 7813  
basis in case of fire, storm, snow, earthquake, flood, or similar 7814  
emergency; 7815

(v) In a position which, under or pursuant to law, is 7816  
designated as a major nontenured policymaking or advisory 7817  
position, not in the classified service of the state, or a 7818  
policymaking or advisory position the performance of the duties of 7819  
which ordinarily does not require more than eight hours per week. 7820

(d) In the employ of any governmental unit or instrumentality 7821  
of the United States; 7822

(e) Service performed after December 31, 1971: 7823

(i) Service in the employ of an educational institution or 7824  
institution of higher education, including those operated by the 7825  
state or a political subdivision, if such service is performed by 7826  
a student who is enrolled and is regularly attending classes at 7827  
the educational institution or institution of higher education; or 7828

(ii) By an individual who is enrolled at a nonprofit or 7829  
public educational institution which normally maintains a regular 7830  
faculty and curriculum and normally has a regularly organized body 7831  
of students in attendance at the place where its educational 7832  
activities are carried on as a student in a full-time program, 7833  
taken for credit at the institution, which combines academic 7834  
instruction with work experience, if the service is an integral 7835  
part of the program, and the institution has so certified to the 7836  
employer, provided that this subdivision shall not apply to 7837  
service performed in a program established for or on behalf of an 7838  
employer or group of employers; 7839

(f) Service performed by an individual in the employ of the 7840  
individual's son, daughter, or spouse and service performed by a 7841  
child under the age of eighteen in the employ of the child's 7842  
father or mother; 7843

(g) Service performed for one or more principals by an 7844  
individual who is compensated on a commission basis, who in the 7845  
performance of the work is master of the individual's own time and 7846  
efforts, and whose remuneration is wholly dependent on the amount 7847  
of effort the individual chooses to expend, and which service is 7848  
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 7849  
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 7850  
31, 1971: 7851

(i) By an individual for an employer as an insurance agent or 7852  
as an insurance solicitor, if all this service is performed for 7853  
remuneration solely by way of commission; 7854

(ii) As a home worker performing work, according to 7855  
specifications furnished by the employer for whom the services are 7856  
performed, on materials or goods furnished by such employer which 7857  
are required to be returned to the employer or to a person 7858  
designated for that purpose. 7859

(h) Service performed after December 31, 1971: 7860

(i) In the employ of a church or convention or association of 7861  
churches, or in an organization which is operated primarily for 7862  
religious purposes and which is operated, supervised, controlled, 7863  
or principally supported by a church or convention or association 7864  
of churches; 7865

(ii) By a duly ordained, commissioned, or licensed minister 7866  
of a church in the exercise of the individual's ministry or by a 7867  
member of a religious order in the exercise of duties required by 7868  
such order; or 7869

(iii) In a facility conducted for the purpose of carrying out 7870  
a program of rehabilitation for individuals whose earning capacity 7871  
is impaired by age or physical or mental deficiency or injury, or 7872  
providing remunerative work for individuals who because of their 7873  
impaired physical or mental capacity cannot be readily absorbed in 7874

the competitive labor market, by an individual receiving such 7875  
rehabilitation or remunerative work+ 7876

(i) Service performed after June 30, 1939, with respect to 7877  
which unemployment compensation is payable under the "Railroad 7878  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 7879

(j) Service performed by an individual in the employ of any 7880  
organization exempt from income tax under section 501 of the 7881  
"Internal Revenue Code of 1954," if the remuneration for such 7882  
service does not exceed fifty dollars in any calendar quarter, or 7883  
if such service is in connection with the collection of dues or 7884  
premiums for a fraternal beneficial society, order, or association 7885  
and is performed away from the home office or is ritualistic 7886  
service in connection with any such society, order, or 7887  
association; 7888

(k) Casual labor not in the course of an employer's trade or 7889  
business; incidental service performed by an officer, appraiser, 7890  
or member of a finance committee of a bank, building and loan 7891  
association, savings and loan association, or savings association 7892  
when the remuneration for such incidental service exclusive of the 7893  
amount paid or allotted for directors' fees does not exceed sixty 7894  
dollars per calendar quarter is casual labor; 7895

(l) Service performed in the employ of a voluntary employees' 7896  
beneficial association providing for the payment of life, 7897  
sickness, accident, or other benefits to the members of such 7898  
association or their dependents or their designated beneficiaries, 7899  
if admission to a membership in such association is limited to 7900  
individuals who are officers or employees of a municipal or public 7901  
corporation, of a political subdivision of the state, or of the 7902  
United States and no part of the net earnings of such association 7903  
inures, other than through such payments, to the benefit of any 7904  
private shareholder or individual; 7905



(m) Service performed by an individual in the employ of a foreign government, including service as a consular or other officer or employee or of a nondiplomatic representative;	7906 7907 7908
(n) Service performed in the employ of an instrumentality wholly owned by a foreign government if the service is of a character similar to that performed in foreign countries by employees of the United States or of an instrumentality thereof and if the director finds that the secretary of state of the United States has certified to the secretary of the treasury of the United States that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States and of instrumentalities thereof;	7909 7910 7911 7912 7913 7914 7915 7916 7917 7918 7919
(o) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;	7920 7921 7922
(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;	7923 7924 7925 7926 7927 7928 7929
(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;	7930 7931 7932 7933
(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	7934 7935 7936

by this chapter, except that to the extent that congress permits 7937  
states to require any instrumentalities of the United States to 7938  
make payments into an unemployment fund under a state unemployment 7939  
compensation act, this chapter shall be applicable to such 7940  
instrumentalities and to services performed for such 7941  
instrumentalities in the same manner, to the same extent, and on 7942  
the same terms as to all other employers, individuals, and 7943  
services, provided that if this state is not certified for any 7944  
year by the proper agency of the United States under section 3304 7945  
of the "Internal Revenue Code of 1954," the payments required of 7946  
such instrumentalities with respect to such year shall be refunded 7947  
by the director from the fund in the same manner and within the 7948  
same period as is provided in division (E) of section 4141.09 of 7949  
the Revised Code with respect to contributions erroneously 7950  
collected; 7951

(s) Service performed by an individual as a member of a band 7952  
or orchestra, provided such service does not represent the 7953  
principal occupation of such individual, and which service is not 7954  
subject to or required to be covered for full tax credit against 7955  
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 7956  
183 (1939), 26 U.S.C.A. 3301 to 3311. 7957

(t) Service performed in the employ of a day camp whose 7958  
camping season does not exceed twelve weeks in any calendar year, 7959  
and which service is not subject to the "Federal Unemployment Tax 7960  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 7961  
performed after December 31, 1971: 7962

(i) In the employ of a hospital, if the service is performed 7963  
by a patient of the hospital, as defined in division (W) of this 7964  
section; 7965

(ii) For a prison or other correctional institution by an 7966  
inmate of the prison or correctional institution; 7967

(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. 7968  
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(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. 7971  
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(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; 7978  
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(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; 7985  
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(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; 7990  
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(y) Service performed by a person committed to a penal institution. 7995  
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(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the 7997  
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following manners:	7999
(i) As a publicly elected official;	8000
(ii) As a member of an Indian tribal council;	8001
(iii) As a member of a legislative or judiciary body;	8002
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	8003 8004 8005 8006 8007
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	8008 8009
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.	8010 8011 8012 8013 8014 8015 8016
<u>(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.</u>	8017 8018
(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B)(4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of	8019 8020 8021 8022 8023 8024 8025 8026 8027 8028

remuneration is ordinarily made to the employee by the person 8029  
employing that employee. Division (B)(4) of this section does not 8030  
apply to services performed in a pay period by an employee for the 8031  
person employing that employee, if any of such service is excepted 8032  
by division (B)(3)(o) of this section. 8033

(C) "Benefits" means money payments payable to an individual 8034  
who has established benefit rights, as provided in this chapter, 8035  
for loss of remuneration due to the individual's unemployment. 8036

(D) "Benefit rights" means the weekly benefit amount and the 8037  
maximum benefit amount that may become payable to an individual 8038  
within the individual's benefit year as determined by the 8039  
director. 8040

(E) "Claim for benefits" means a claim for waiting period or 8041  
benefits for a designated week. 8042

(F) "Additional claim" means the first claim for benefits 8043  
filed following any separation from employment during a benefit 8044  
year; "continued claim" means any claim other than the first claim 8045  
for benefits and other than an additional claim. 8046

(G)(1) "Wages" means remuneration paid to an employee by each 8047  
of the employee's employers with respect to employment; except 8048  
that wages shall not include that part of remuneration paid during 8049  
any calendar year to an individual by an employer or such 8050  
employer's predecessor in interest in the same business or 8051  
enterprise, which in any calendar year is in excess of eight 8052  
thousand two hundred fifty dollars on and after January 1, 1992; 8053  
eight thousand five hundred dollars on and after January 1, 1993; 8054  
eight thousand seven hundred fifty dollars on and after January 1, 8055  
1994; and nine thousand dollars on and after January 1, 1995. 8056  
Remuneration in excess of such amounts shall be deemed wages 8057  
subject to contribution to the same extent that such remuneration 8058  
is defined as wages under the "Federal Unemployment Tax Act," 84 8059

Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 8060  
remuneration paid an employee by an employer with respect to 8061  
employment in another state, upon which contributions were 8062  
required and paid by such employer under the unemployment 8063  
compensation act of such other state, shall be included as a part 8064  
of remuneration in computing the amount specified in this 8065  
division. 8066

(2) Notwithstanding division (G)(1) of this section, if, as 8067  
of the computation date for any calendar year, the director 8068  
determines that the level of the unemployment compensation fund is 8069  
sixty per cent or more below the minimum safe level as defined in 8070  
section 4141.25 of the Revised Code, then, effective the first day 8071  
of January of the following calendar year, wages subject to this 8072  
chapter shall not include that part of remuneration paid during 8073  
any calendar year to an individual by an employer or such 8074  
employer's predecessor in interest in the same business or 8075  
enterprise which is in excess of nine thousand dollars. The 8076  
increase in the dollar amount of wages subject to this chapter 8077  
under this division shall remain in effect from the date of the 8078  
director's determination pursuant to division (G)(2) of this 8079  
section and thereafter notwithstanding the fact that the level in 8080  
the fund may subsequently become less than sixty per cent below 8081  
the minimum safe level. 8082

(H)(1) "Remuneration" means all compensation for personal 8083  
services, including commissions and bonuses and the cash value of 8084  
all compensation in any medium other than cash, except that in the 8085  
case of agricultural or domestic service, "remuneration" includes 8086  
only cash remuneration. Gratuities customarily received by an 8087  
individual in the course of the individual's employment from 8088  
persons other than the individual's employer and which are 8089  
accounted for by such individual to the individual's employer are 8090  
taxable wages. 8091

The reasonable cash value of compensation paid in any medium 8092  
other than cash shall be estimated and determined in accordance 8093  
with rules prescribed by the director, provided that 8094  
"remuneration" does not include: 8095

(a) Payments as provided in divisions (b)(2) to (b)(16) of 8096  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 8097  
26 U.S.C.A. 3301 to 3311, as amended; 8098

(b) The payment by an employer, without deduction from the 8099  
remuneration of the individual in the employer's employ, of the 8100  
tax imposed upon an individual in the employer's employ under 8101  
section 3101 of the "Internal Revenue Code of 1954," with respect 8102  
to services performed after October 1, 1941. 8103

(2) "Cash remuneration" means all remuneration paid in cash, 8104  
including commissions and bonuses, but not including the cash 8105  
value of all compensation in any medium other than cash. 8106

(I) "Interested party" means the director and any party to 8107  
whom notice of a determination of an application for benefit 8108  
rights or a claim for benefits is required to be given under 8109  
section 4141.28 of the Revised Code. 8110

(J) "Annual payroll" means the total amount of wages subject 8111  
to contributions during a twelve-month period ending with the last 8112  
day of the second calendar quarter of any calendar year. 8113

(K) "Average annual payroll" means the average of the last 8114  
three annual payrolls of an employer, provided that if, as of any 8115  
computation date, the employer has had less than three annual 8116  
payrolls in such three-year period, such average shall be based on 8117  
the annual payrolls which the employer has had as of such date. 8118

(L)(1) "Contributions" means the money payments to the state 8119  
unemployment compensation fund required of employers by section 8120  
4141.25 of the Revised Code and of the state and any of its 8121  
political subdivisions electing to pay contributions under section 8122

4141.242 of the Revised Code. Employers paying contributions shall 8123  
be described as "contributory employers." 8124

(2) "Payments in lieu of contributions" means the money 8125  
payments to the state unemployment compensation fund required of 8126  
reimbursing employers under sections 4141.241 and 4141.242 of the 8127  
Revised Code. 8128

(M) An individual is "totally unemployed" in any week during 8129  
which the individual performs no services and with respect to such 8130  
week no remuneration is payable to the individual. 8131

(N) An individual is "partially unemployed" in any week if, 8132  
due to involuntary loss of work, the total remuneration payable to 8133  
the individual for such week is less than the individual's weekly 8134  
benefit amount. 8135

(O) "Week" means the calendar week ending at midnight 8136  
Saturday unless an equivalent week of seven consecutive calendar 8137  
days is prescribed by the director. 8138

(1) "Qualifying week" means any calendar week in an 8139  
individual's base period with respect to which the individual 8140  
earns or is paid remuneration in employment subject to this 8141  
chapter. A calendar week with respect to which an individual earns 8142  
remuneration but for which payment was not made within the base 8143  
period, when necessary to qualify for benefit rights, may be 8144  
considered to be a qualifying week. The number of qualifying weeks 8145  
which may be established in a calendar quarter shall not exceed 8146  
the number of calendar weeks in the quarter. 8147

(2) "Average weekly wage" means the amount obtained by 8148  
dividing an individual's total remuneration for all qualifying 8149  
weeks during the base period by the number of such qualifying 8150  
weeks, provided that if the computation results in an amount that 8151  
is not a multiple of one dollar, such amount shall be rounded to 8152  
the next lower multiple of one dollar. 8153



(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment.

(Q)(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q)(2) of this section.

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not available to the director from the regular quarterly reports of wage information, which are systematically accessible, the director may, consistent with the provisions of section 4141.28 of the Revised Code, base the determination of eligibility for benefits on the affidavit of the claimant with respect to weeks and wages for that calendar quarter. The claimant shall furnish payroll documentation, where available, in support of the affidavit. The determination based upon the alternate base period as it relates to the claimant's benefit rights, shall be amended when the quarterly report of wage information from the employer is timely received and that information causes a change in the determination. As provided in division (B) of section 4141.28 of the Revised Code, any benefits paid and charged to an employer's account, based upon a claimant's affidavit, shall be adjusted effective as of the beginning of the claimant's benefit year. No calendar quarter in a base period or alternate base period shall be used to establish a subsequent benefit year.

(3) The "base period" of a combined wage claim, as described

in division (H) of section 4141.43 of the Revised Code, shall be 8186  
the base period prescribed by the law of the state in which the 8187  
claim is allowed. 8188

(4) For purposes of determining the weeks that comprise a 8189  
completed calendar quarter under this division, only those weeks 8190  
ending at midnight Saturday within the calendar quarter shall be 8191  
utilized. 8192

(R)(1) "Benefit year" with respect to an individual means the 8193  
fifty-two week period beginning with the first day of that week 8194  
with respect to which the individual first files a valid 8195  
application for determination of benefit rights, and thereafter 8196  
the fifty-two week period beginning with the first day of that 8197  
week with respect to which the individual next files a valid 8198  
application for determination of benefit rights after the 8199  
termination of the individual's last preceding benefit year, 8200  
except that the application shall not be considered valid unless 8201  
the individual has had employment in six weeks that is subject to 8202  
this chapter or the unemployment compensation act of another 8203  
state, or the United States, and has, since the beginning of the 8204  
individual's previous benefit year, in the employment earned three 8205  
times the average weekly wage determined for the previous benefit 8206  
year. The "benefit year" of a combined wage claim, as described in 8207  
division (H) of section 4141.43 of the Revised Code, shall be the 8208  
benefit year prescribed by the law of the state in which the claim 8209  
is allowed. Any application for determination of benefit rights 8210  
made in accordance with section 4141.28 of the Revised Code is 8211  
valid if the individual filing such application is unemployed, has 8212  
been employed by an employer or employers subject to this chapter 8213  
in at least twenty qualifying weeks within the individual's base 8214  
period, and has earned or been paid remuneration at an average 8215  
weekly wage of not less than twenty-seven and one-half per cent of 8216  
the statewide average weekly wage for such weeks. For purposes of 8217

determining whether an individual has had sufficient employment 8218  
since the beginning of the individual's previous benefit year to 8219  
file a valid application, "employment" means the performance of 8220  
services for which remuneration is payable. 8221

(2) Effective for benefit years beginning on and after 8222  
December 26, 2004, any application for determination of benefit 8223  
rights made in accordance with section 4141.28 of the Revised Code 8224  
is valid if the individual satisfies the criteria described in 8225  
division (R)(1) of this section, and if the reason for the 8226  
individual's separation from employment is not disqualifying 8227  
pursuant to division (D)(2) of section 4141.29 or section 4141.291 8228  
of the Revised Code. A disqualification imposed pursuant to 8229  
division (D)(2) of section 4141.29 or section 4141.291 of the 8230  
Revised Code must be removed as provided in those sections as a 8231  
requirement of establishing a valid application for benefit years 8232  
beginning on and after December 26, 2004. 8233

(3) The statewide average weekly wage shall be calculated by 8234  
the director once a year based on the twelve-month period ending 8235  
the thirtieth day of June, as set forth in division (B)(3) of 8236  
section 4141.30 of the Revised Code, rounded down to the nearest 8237  
dollar. Increases or decreases in the amount of remuneration 8238  
required to have been earned or paid in order for individuals to 8239  
have filed valid applications shall become effective on Sunday of 8240  
the calendar week in which the first day of January occurs that 8241  
follows the twelve-month period ending the thirtieth day of June 8242  
upon which the calculation of the statewide average weekly wage 8243  
was based. 8244

(4) As used in this division, an individual is "unemployed" 8245  
if, with respect to the calendar week in which such application is 8246  
filed, the individual is "partially unemployed" or "totally 8247  
unemployed" as defined in this section or if, prior to filing the 8248  
application, the individual was separated from the individual's 8249

most recent work for any reason which terminated the individual's 8250  
employee-employer relationship, or was laid off indefinitely or 8251  
for a definite period of seven or more days. 8252

(S) "Calendar quarter" means the period of three consecutive 8253  
calendar months ending on the thirty-first day of March, the 8254  
thirtieth day of June, the thirtieth day of September, and the 8255  
thirty-first day of December, or the equivalent thereof as the 8256  
director prescribes by rule. 8257

(T) "Computation date" means the first day of the third 8258  
calendar quarter of any calendar year. 8259

(U) "Contribution period" means the calendar year beginning 8260  
on the first day of January of any year. 8261

(V) "Agricultural labor," for the purpose of this division, 8262  
means any service performed prior to January 1, 1972, which was 8263  
agricultural labor as defined in this division prior to that date, 8264  
and service performed after December 31, 1971: 8265

(1) On a farm, in the employ of any person, in connection 8266  
with cultivating the soil, or in connection with raising or 8267  
harvesting any agricultural or horticultural commodity, including 8268  
the raising, shearing, feeding, caring for, training, and 8269  
management of livestock, bees, poultry, and fur-bearing animals 8270  
and wildlife; 8271

(2) In the employ of the owner or tenant or other operator of 8272  
a farm in connection with the operation, management, conservation, 8273  
improvement, or maintenance of such farm and its tools and 8274  
equipment, or in salvaging timber or clearing land of brush and 8275  
other debris left by hurricane, if the major part of such service 8276  
is performed on a farm; 8277

(3) In connection with the production or harvesting of any 8278  
commodity defined as an agricultural commodity in section 15 (g) 8279  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 8280

U.S.C. 1141j, as amended, or in connection with the ginning of 8281  
cotton, or in connection with the operation or maintenance of 8282  
ditches, canals, reservoirs, or waterways, not owned or operated 8283  
for profit, used exclusively for supplying and storing water for 8284  
farming purposes; 8285

(4) In the employ of the operator of a farm in handling, 8286  
planting, drying, packing, packaging, processing, freezing, 8287  
grading, storing, or delivering to storage or to market or to a 8288  
carrier for transportation to market, in its unmanufactured state, 8289  
any agricultural or horticultural commodity, but only if the 8290  
operator produced more than one half of the commodity with respect 8291  
to which such service is performed; 8292

(5) In the employ of a group of operators of farms, or a 8293  
cooperative organization of which the operators are members, in 8294  
the performance of service described in division (V)(4) of this 8295  
section, but only if the operators produced more than one-half of 8296  
the commodity with respect to which the service is performed; 8297

(6) Divisions (V)(4) and (5) of this section shall not be 8298  
deemed to be applicable with respect to service performed: 8299

(a) In connection with commercial canning or commercial 8300  
freezing or in connection with any agricultural or horticultural 8301  
commodity after its delivery to a terminal market for distribution 8302  
for consumption; or 8303

(b) On a farm operated for profit if the service is not in 8304  
the course of the employer's trade or business. 8305

As used in division (V) of this section, "farm" includes 8306  
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 8307  
plantations, ranches, nurseries, ranges, greenhouses, or other 8308  
similar structures used primarily for the raising of agricultural 8309  
or horticultural commodities and orchards. 8310

(W) "Hospital" means an institution which has been registered 8311

or licensed by the Ohio department of health as a hospital. 8312

(X) "Nonprofit organization" means an organization, or group 8313  
of organizations, described in section 501(c)(3) of the "Internal 8314  
Revenue Code of 1954," and exempt from income tax under section 8315  
501(a) of that code. 8316

(Y) "Institution of higher education" means a public or 8317  
nonprofit educational institution, including an educational 8318  
institution operated by an Indian tribe, which: 8319

(1) Admits as regular students only individuals having a 8320  
certificate of graduation from a high school, or the recognized 8321  
equivalent; 8322

(2) Is legally authorized in this state or by the Indian 8323  
tribe to provide a program of education beyond high school; and 8324

(3) Provides an educational program for which it awards a 8325  
bachelor's or higher degree, or provides a program which is 8326  
acceptable for full credit toward such a degree, a program of 8327  
post-graduate or post-doctoral studies, or a program of training 8328  
to prepare students for gainful employment in a recognized 8329  
occupation. 8330

For the purposes of this division, all colleges and 8331  
universities in this state are institutions of higher education. 8332

(Z) For the purposes of this chapter, "states" includes the 8333  
District of Columbia, the Commonwealth of Puerto Rico, and the 8334  
Virgin Islands. 8335

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 8336  
this section, an individual who is an alien admitted to the United 8337  
States to perform service in agricultural labor pursuant to 8338  
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 8339  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 8340

(BB)(1) "Crew leader" means an individual who furnishes 8341

individuals to perform agricultural labor for any other employer 8342  
or farm operator, and: 8343

(a) Pays, either on the individual's own behalf or on behalf 8344  
of the other employer or farm operator, the individuals so 8345  
furnished by the individual for the service in agricultural labor 8346  
performed by them; 8347

(b) Has not entered into a written agreement with the other 8348  
employer or farm operator under which the agricultural worker is 8349  
designated as in the employ of the other employer or farm 8350  
operator. 8351

(2) For the purposes of this chapter, any individual who is a 8352  
member of a crew furnished by a crew leader to perform service in 8353  
agricultural labor for any other employer or farm operator shall 8354  
be treated as an employee of the crew leader if: 8355

(a) The crew leader holds a valid certificate of registration 8356  
under the "Farm Labor Contractor Registration Act of 1963," 90 8357  
Stat. 2668, 7 U.S.C. 2041; or 8358

(b) Substantially all the members of the crew operate or 8359  
maintain tractors, mechanized harvesting or crop-dusting 8360  
equipment, or any other mechanized equipment, which is provided by 8361  
the crew leader; and 8362

(c) If the individual is not in the employment of the other 8363  
employer or farm operator within the meaning of division (B)(1) of 8364  
this section. 8365

(3) For the purposes of this division, any individual who is 8366  
furnished by a crew leader to perform service in agricultural 8367  
labor for any other employer or farm operator and who is not 8368  
treated as in the employment of the crew leader under division 8369  
(BB)(2) of this section shall be treated as the employee of the 8370  
other employer or farm operator and not of the crew leader. The 8371  
other employer or farm operator shall be treated as having paid 8372

cash remuneration to the individual in an amount equal to the 8373  
amount of cash remuneration paid to the individual by the crew 8374  
leader, either on the crew leader's own behalf or on behalf of the 8375  
other employer or farm operator, for the service in agricultural 8376  
labor performed for the other employer or farm operator. 8377

(CC) "Educational institution" means an institution other 8378  
than an institution of higher education as defined in division (Y) 8379  
of this section, including an educational institution operated by 8380  
an Indian tribe, which: 8381

(1) Offers participants, trainees, or students an organized 8382  
course of study or training designed to transfer to them 8383  
knowledge, skills, information, doctrines, attitudes, or abilities 8384  
from, by, or under the guidance of an instructor or teacher; and 8385

(2) Is approved, chartered, or issued a permit to operate as 8386  
a school by the state board of education, other government agency, 8387  
or Indian tribe that is authorized within the state to approve, 8388  
charter, or issue a permit for the operation of a school. 8389

For the purposes of this division, the courses of study or 8390  
training which the institution offers may be academic, technical, 8391  
trade, or preparation for gainful employment in a recognized 8392  
occupation. 8393

(DD) "Cost savings day" means any unpaid day off from work in 8394  
which employees continue to accrue employee benefits which have a 8395  
determinable value including, but not limited to, vacation, 8396  
pension contribution, sick time, and life and health insurance. 8397

**Sec. 4141.29.** Each eligible individual shall receive benefits 8398  
as compensation for loss of remuneration due to involuntary total 8399  
or partial unemployment in the amounts and subject to the 8400  
conditions stipulated in this chapter. 8401

(A) No individual is entitled to a waiting period or benefits 8402



for any week unless the individual: 8403

(1) Has filed a valid application for determination of 8404  
benefit rights in accordance with section 4141.28 of the Revised 8405  
Code; 8406

(2) Has made a claim for benefits in accordance with section 8407  
4141.28 of the Revised Code; 8408

(3) Has registered at an employment office or other 8409  
registration place maintained or designated by the director of job 8410  
and family services. Registration shall be made in accordance with 8411  
the time limits, frequency, and manner prescribed by the director. 8412

(4)(a)(i) Is able to work and available for suitable work 8413  
and, except as provided in division (A)(4)(a)(ii) of this section, 8414  
is actively seeking suitable work either in a locality in which 8415  
the individual has earned wages subject to this chapter during the 8416  
individual's base period, or if the individual leaves that 8417  
locality, then in a locality where suitable work normally is 8418  
performed. 8419

(ii) The director may waive the requirement that a claimant 8420  
be actively seeking work when the director finds that the 8421  
individual has been laid off and the employer who laid the 8422  
individual off has notified the director within ten days after the 8423  
layoff, that work is expected to be available for the individual 8424  
within a specified number of days not to exceed forty-five 8425  
calendar days following the last day the individual worked. In the 8426  
event the individual is not recalled within the specified period, 8427  
this waiver shall cease to be operative with respect to that 8428  
layoff. 8429

(b) The individual shall be instructed as to the efforts that 8430  
the individual must make in the search for suitable work, except 8431  
where the active search for work requirement has been waived under 8432  
division (A)(4)(a) of this section, and shall keep a record of 8433

where and when the individual has sought work in complying with 8434  
those instructions and, upon request, shall produce that record 8435  
for examination by the director. 8436

(c) An individual who is attending a training course approved 8437  
by the director meets the requirement of this division, if 8438  
attendance was recommended by the director and the individual is 8439  
regularly attending the course and is making satisfactory 8440  
progress. An individual also meets the requirements of this 8441  
division if the individual is participating and advancing in a 8442  
training program, as defined in division (P) of section 5709.61 of 8443  
the Revised Code, and if an enterprise, defined in division (B) of 8444  
section 5709.61 of the Revised Code, is paying all or part of the 8445  
cost of the individual's participation in the training program 8446  
with the intention of hiring the individual for employment as a 8447  
new employee, as defined in division (L) of section 5709.61 of the 8448  
Revised Code, for at least ninety days after the individual's 8449  
completion of the training program. 8450

(d) An individual who becomes unemployed while attending a 8451  
regularly established school and whose base period qualifying 8452  
weeks were earned in whole or in part while attending that school, 8453  
meets the availability and active search for work requirements of 8454  
division (A)(4)(a) of this section if the individual regularly 8455  
attends the school during weeks with respect to which the 8456  
individual claims unemployment benefits and makes self available 8457  
on any shift of hours for suitable employment with the 8458  
individual's most recent employer or any other employer in the 8459  
individual's base period, or for any other suitable employment to 8460  
which the individual is directed, under this chapter. 8461

(e) The director shall adopt any rules that the director 8462  
deems necessary for the administration of division (A)(4) of this 8463  
section. 8464

(f) Notwithstanding any other provisions of this section, no 8465

otherwise eligible individual shall be denied benefits for any 8466  
week because the individual is in training approved under section 8467  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 8468  
2296, nor shall that individual be denied benefits by reason of 8469  
leaving work to enter such training, provided the work left is not 8470  
suitable employment, or because of the application to any week in 8471  
training of provisions in this chapter, or any applicable federal 8472  
unemployment compensation law, relating to availability for work, 8473  
active search for work, or refusal to accept work. 8474

For the purposes of division (A)(4)(f) of this section, 8475  
"suitable employment" means with respect to an individual, work of 8476  
a substantially equal or higher skill level than the individual's 8477  
past adversely affected employment, as defined for the purposes of 8478  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 8479  
wages for such work at not less than eighty per cent of the 8480  
individual's average weekly wage as determined for the purposes of 8481  
that federal act. 8482

(5) Is unable to obtain suitable work. An individual who is 8483  
provided temporary work assignments by the individual's employer 8484  
under agreed terms and conditions of employment, and who is 8485  
required pursuant to those terms and conditions to inquire with 8486  
the individual's employer for available work assignments upon the 8487  
conclusion of each work assignment, is not considered unable to 8488  
obtain suitable employment if suitable work assignments are 8489  
available with the employer but the individual fails to contact 8490  
the employer to inquire about work assignments. 8491

(6) Participates in reemployment services, such as job search 8492  
assistance services, if the individual has been determined to be 8493  
likely to exhaust benefits under this chapter, including 8494  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 8495  
extended compensation, and needs reemployment services pursuant to 8496  
the profiling system established by the director under division 8497

(K) of this section, unless the director determines that: 8498

(a) The individual has completed such services; or 8499

(b) There is justifiable cause for the claimant's failure to 8500  
participate in such services. 8501

(B) An individual suffering total or partial unemployment is 8502  
eligible for benefits for unemployment occurring subsequent to a 8503  
waiting period of one week and no benefits shall be payable during 8504  
this required waiting period. Not more than one week of waiting 8505  
period shall be required of any individual in any benefit year in 8506  
order to establish the individual's eligibility for total or 8507  
partial unemployment benefits. 8508

(C) The waiting period for total or partial unemployment 8509  
shall commence on the first day of the first week with respect to 8510  
which the individual first files a claim for benefits at an 8511  
employment office or other place of registration maintained or 8512  
designated by the director or on the first day of the first week 8513  
with respect to which the individual has otherwise filed a claim 8514  
for benefits in accordance with the rules of the department of job 8515  
and family services, provided such claim is allowed by the 8516  
director. 8517

(D) Notwithstanding division (A) of this section, no 8518  
individual may serve a waiting period or be paid benefits under 8519  
the following conditions: 8520

(1) For any week with respect to which the director finds 8521  
that: 8522

(a) The individual's unemployment was due to a labor dispute 8523  
other than a lockout at any factory, establishment, or other 8524  
premises located in this or any other state and owned or operated 8525  
by the employer by which the individual is or was last employed; 8526  
and for so long as the individual's unemployment is due to such 8527  
labor dispute. No individual shall be disqualified under this 8528

provision if either of the following applies: 8529

(i) The individual's employment was with such employer at any 8530  
factory, establishment, or premises located in this state, owned 8531  
or operated by such employer, other than the factory, 8532  
establishment, or premises at which the labor dispute exists, if 8533  
it is shown that the individual is not financing, participating 8534  
in, or directly interested in such labor dispute; 8535

(ii) The individual's employment was with an employer not 8536  
involved in the labor dispute but whose place of business was 8537  
located within the same premises as the employer engaged in the 8538  
dispute, unless the individual's employer is a wholly owned 8539  
subsidiary of the employer engaged in the dispute, or unless the 8540  
individual actively participates in or voluntarily stops work 8541  
because of such dispute. If it is established that the claimant 8542  
was laid off for an indefinite period and not recalled to work 8543  
prior to the dispute, or was separated by the employer prior to 8544  
the dispute for reasons other than the labor dispute, or that the 8545  
individual obtained a bona fide job with another employer while 8546  
the dispute was still in progress, such labor dispute shall not 8547  
render the employee ineligible for benefits. 8548

(b) The individual has been given a disciplinary layoff for 8549  
misconduct in connection with the individual's work. 8550

(2) For the duration of the individual's unemployment if the 8551  
director finds that: 8552

(a) The individual quit work without just cause or has been 8553  
discharged for just cause in connection with the individual's 8554  
work, provided division (D)(2) of this section does not apply to 8555  
the separation of a person under any of the following 8556  
circumstances: 8557

(i) Separation from employment for the purpose of entering 8558  
the armed forces of the United States if the individual is 8559

inducted into the armed forces within one of the following 8560  
periods: 8561

(I) Thirty days after separation; 8562

(II) One hundred eighty days after separation if the 8563  
individual's date of induction is delayed solely at the discretion 8564  
of the armed forces. 8565

(ii) Separation from employment pursuant to a 8566  
labor-management contract or agreement, or pursuant to an 8567  
established employer plan, program, or policy, which permits the 8568  
employee, because of lack of work, to accept a separation from 8569  
employment; 8570

(iii) The individual has left employment to accept a recall 8571  
from a prior employer or, except as provided in division 8572  
(D)(2)(a)(iv) of this section, to accept other employment as 8573  
provided under section 4141.291 of the Revised Code, or left or 8574  
was separated from employment that was concurrent employment at 8575  
the time of the most recent separation or within six weeks prior 8576  
to the most recent separation where the remuneration, hours, or 8577  
other conditions of such concurrent employment were substantially 8578  
less favorable than the individual's most recent employment and 8579  
where such employment, if offered as new work, would be considered 8580  
not suitable under the provisions of divisions (E) and (F) of this 8581  
section. Any benefits that would otherwise be chargeable to the 8582  
account of the employer from whom an individual has left 8583  
employment or was separated from employment that was concurrent 8584  
employment under conditions described in division (D)(2)(a)(iii) 8585  
of this section, shall instead be charged to the mutualized 8586  
account created by division (B) of section 4141.25 of the Revised 8587  
Code, except that any benefits chargeable to the account of a 8588  
reimbursing employer under division (D)(2)(a)(iii) of this section 8589  
shall be charged to the account of the reimbursing employer and 8590  
not to the mutualized account, except as provided in division 8591

(D)(2) of section 4141.24 of the Revised Code. 8592

(iv) When an individual has been issued a definite layoff 8593  
date by the individual's employer and before the layoff date, the 8594  
individual quits to accept other employment, the provisions of 8595  
division (D)(2)(a)(iii) of this section apply and no 8596  
disqualification shall be imposed under division (D) of this 8597  
section. However, if the individual fails to meet the employment 8598  
and earnings requirements of division (A)(2) of section 4141.291 8599  
of the Revised Code, then the individual, pursuant to division 8600  
(A)(5) of this section, shall be ineligible for benefits for any 8601  
week of unemployment that occurs prior to the layoff date. 8602

(b) The individual has refused without good cause to accept 8603  
an offer of suitable work when made by an employer either in 8604  
person or to the individual's last known address, or has refused 8605  
or failed to investigate a referral to suitable work when directed 8606  
to do so by a local employment office of this state or another 8607  
state, provided that this division shall not cause a 8608  
disqualification for a waiting week or benefits under the 8609  
following circumstances: 8610

(i) When work is offered by the individual's employer and the 8611  
individual is not required to accept the offer pursuant to the 8612  
terms of the labor-management contract or agreement; or 8613

(ii) When the individual is attending a training course 8614  
pursuant to division (A)(4) of this section except, in the event 8615  
of a refusal to accept an offer of suitable work or a refusal or 8616  
failure to investigate a referral, benefits thereafter paid to 8617  
such individual shall not be charged to the account of any 8618  
employer and, except as provided in division (B)(1)(b) of section 8619  
4141.241 of the Revised Code, shall be charged to the mutualized 8620  
account as provided in division (B) of section 4141.25 of the 8621  
Revised Code. 8622

(c) Such individual quit work to marry or because of marital, 8623  
parental, filial, or other domestic obligations. 8624

(d) The individual became unemployed by reason of commitment 8625  
to any correctional institution. 8626

(e) The individual became unemployed because of dishonesty in 8627  
connection with the individual's most recent or any base period 8628  
work. Remuneration earned in such work shall be excluded from the 8629  
individual's total base period remuneration and qualifying weeks 8630  
that otherwise would be credited to the individual for such work 8631  
in the individual's base period shall not be credited for the 8632  
purpose of determining the total benefits to which the individual 8633  
is eligible and the weekly benefit amount to be paid under section 8634  
4141.30 of the Revised Code. Such excluded remuneration and 8635  
noncredited qualifying weeks shall be excluded from the 8636  
calculation of the maximum amount to be charged, under division 8637  
(D) of section 4141.24 and section 4141.33 of the Revised Code, 8638  
against the accounts of the individual's base period employers. In 8639  
addition, no benefits shall thereafter be paid to the individual 8640  
based upon such excluded remuneration or noncredited qualifying 8641  
weeks. 8642

For purposes of division (D)(2)(e) of this section, 8643  
"dishonesty" means the commission of substantive theft, fraud, or 8644  
deceitful acts. 8645

(E) No individual otherwise qualified to receive benefits 8646  
shall lose the right to benefits by reason of a refusal to accept 8647  
new work if: 8648

(1) As a condition of being so employed the individual would 8649  
be required to join a company union, or to resign from or refrain 8650  
from joining any bona fide labor organization, or would be denied 8651  
the right to retain membership in and observe the lawful rules of 8652  
any such organization. 8653



(2) The position offered is vacant due directly to a strike, 8654  
lockout, or other labor dispute. 8655

(3) The work is at an unreasonable distance from the 8656  
individual's residence, having regard to the character of the work 8657  
the individual has been accustomed to do, and travel to the place 8658  
of work involves expenses substantially greater than that required 8659  
for the individual's former work, unless the expense is provided 8660  
for. 8661

(4) The remuneration, hours, or other conditions of the work 8662  
offered are substantially less favorable to the individual than 8663  
those prevailing for similar work in the locality. 8664

(F) Subject to the special exceptions contained in division 8665  
(A)(4)(f) of this section and section 4141.301 of the Revised 8666  
Code, in determining whether any work is suitable for a claimant 8667  
in the administration of this chapter, the director, in addition 8668  
to the determination required under division (E) of this section, 8669  
shall consider the degree of risk to the claimant's health, 8670  
safety, and morals, the individual's physical fitness for the 8671  
work, the individual's prior training and experience, the length 8672  
of the individual's unemployment, the distance of the available 8673  
work from the individual's residence, and the individual's 8674  
prospects for obtaining local work. 8675

(G) The "duration of unemployment" as used in this section 8676  
means the full period of unemployment next ensuing after a 8677  
separation from any base period or subsequent work and until an 8678  
individual has become reemployed in employment subject to this 8679  
chapter, or the unemployment compensation act of another state, or 8680  
of the United States, and until such individual has worked six 8681  
weeks and for those weeks has earned or been paid remuneration 8682  
equal to six times an average weekly wage of not less than: 8683  
eighty-five dollars and ten cents per week beginning on June 26, 8684  
1990; and beginning on and after January 1, 1992, twenty-seven and 8685

one-half per cent of the statewide average weekly wage as computed 8686  
each first day of January under division (B)(3) of section 4141.30 8687  
of the Revised Code, rounded down to the nearest dollar, except 8688  
for purposes of division (D)(2)(c) of this section, such term 8689  
means the full period of unemployment next ensuing after a 8690  
separation from such work and until such individual has become 8691  
reemployed subject to the terms set forth above, and has earned 8692  
wages equal to one-half of the individual's average weekly wage or 8693  
sixty dollars, whichever is less. 8694

(H) If a claimant is disqualified under division (D)(2)(a), 8695  
(c), or (d) of this section or found to be qualified under the 8696  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 8697  
this section or division (A)(2) of section 4141.291 of the Revised 8698  
Code, then benefits that may become payable to such claimant, 8699  
which are chargeable to the account of the employer from whom the 8700  
individual was separated under such conditions, shall be charged 8701  
to the mutualized account provided in section 4141.25 of the 8702  
Revised Code, provided that no charge shall be made to the 8703  
mutualized account for benefits chargeable to a reimbursing 8704  
employer, except as provided in division (D)(2) of section 4141.24 8705  
of the Revised Code. In the case of a reimbursing employer, the 8706  
director shall refund or credit to the account of the reimbursing 8707  
employer any over-paid benefits that are recovered under division 8708  
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 8709  
other states, the United States, or Canada that are subject to 8710  
agreements and arrangements that are established pursuant to 8711  
section 4141.43 of the Revised Code shall be credited or 8712  
reimbursed according to the agreements and arrangements to which 8713  
the chargeable amounts are subject. 8714

(I)(1) Benefits based on service in employment as provided in 8715  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 8716  
shall be payable in the same amount, on the same terms, and 8717

subject to the same conditions as benefits payable on the basis of 8718  
other service subject to this chapter; except that after December 8719  
31, 1977: 8720

(a) Benefits based on service in an instructional, research, 8721  
or principal administrative capacity in an institution of higher 8722  
education, as defined in division (Y) of section 4141.01 of the 8723  
Revised Code; or for an educational institution as defined in 8724  
division (CC) of section 4141.01 of the Revised Code, shall not be 8725  
paid to any individual for any week of unemployment that begins 8726  
during the period between two successive academic years or terms, 8727  
or during a similar period between two regular but not successive 8728  
terms or during a period of paid sabbatical leave provided for in 8729  
the individual's contract, if the individual performs such 8730  
services in the first of those academic years or terms and has a 8731  
contract or a reasonable assurance that the individual will 8732  
perform services in any such capacity for any such institution in 8733  
the second of those academic years or terms. 8734

(b) Benefits based on service for an educational institution 8735  
or an institution of higher education in other than an 8736  
instructional, research, or principal administrative capacity, 8737  
shall not be paid to any individual for any week of unemployment 8738  
which begins during the period between two successive academic 8739  
years or terms of the employing educational institution or 8740  
institution of higher education, provided the individual performed 8741  
those services for the educational institution or institution of 8742  
higher education during the first such academic year or term and, 8743  
there is a reasonable assurance that such individual will perform 8744  
those services for any educational institution or institution of 8745  
higher education in the second of such academic years or terms. 8746

If compensation is denied to any individual for any week 8747  
under division (I)(1)(b) of this section and the individual was 8748  
not offered an opportunity to perform those services for an 8749

institution of higher education or for an educational institution 8750  
for the second of such academic years or terms, the individual is 8751  
entitled to a retroactive payment of compensation for each week 8752  
for which the individual timely filed a claim for compensation and 8753  
for which compensation was denied solely by reason of division 8754  
(I)(1)(b) of this section. An application for retroactive benefits 8755  
shall be timely filed if received by the director or the 8756  
director's deputy within or prior to the end of the fourth full 8757  
calendar week after the end of the period for which benefits were 8758  
denied because of reasonable assurance of employment. The 8759  
provision for the payment of retroactive benefits under division 8760  
(I)(1)(b) of this section is applicable to weeks of unemployment 8761  
beginning on and after November 18, 1983. The provisions under 8762  
division (I)(1)(b) of this section shall be retroactive to 8763  
September 5, 1982, only if, as a condition for full tax credit 8764  
against the tax imposed by the "Federal Unemployment Tax Act," 53 8765  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 8766  
secretary of labor determines that retroactivity is required by 8767  
federal law. 8768

(c) With respect to weeks of unemployment beginning after 8769  
December 31, 1977, benefits shall be denied to any individual for 8770  
any week which commences during an established and customary 8771  
vacation period or holiday recess, if the individual performs any 8772  
services described in divisions (I)(1)(a) and (b) of this section 8773  
in the period immediately before the vacation period or holiday 8774  
recess, and there is a reasonable assurance that the individual 8775  
will perform any such services in the period immediately following 8776  
the vacation period or holiday recess. 8777

(d) With respect to any services described in division 8778  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 8779  
basis of services in any such capacity shall be denied as 8780  
specified in division (I)(1)(a), (b), or (c) of this section to 8781

any individual who performs such services in an educational 8782  
institution or institution of higher education while in the employ 8783  
of an educational service agency. For this purpose, the term 8784  
"educational service agency" means a governmental agency or 8785  
governmental entity that is established and operated exclusively 8786  
for the purpose of providing services to one or more educational 8787  
institutions or one or more institutions of higher education. 8788

(e) Any individual employed by a ~~public school district~~ or a 8789  
county board of developmental disabilities shall be notified by 8790  
the thirtieth day of April each year if the individual is not to 8791  
be reemployed the following academic year. 8792

(f) Any individual employed by a school district shall be 8793  
notified by the first day of June each year if the individual is 8794  
not to be reemployed the following academic year. 8795

(2) No disqualification will be imposed, between academic 8796  
years or terms or during a vacation period or holiday recess under 8797  
this division, unless the director or the director's deputy has 8798  
received a statement in writing from the educational institution 8799  
or institution of higher education that the claimant has a 8800  
contract for, or a reasonable assurance of, reemployment for the 8801  
ensuing academic year or term. 8802

(3) If an individual has employment with an educational 8803  
institution or an institution of higher education and employment 8804  
with a noneducational employer, during the base period of the 8805  
individual's benefit year, then the individual may become eligible 8806  
for benefits during the between-term, or vacation or holiday 8807  
recess, disqualification period, based on employment performed for 8808  
the noneducational employer, provided that the employment is 8809  
sufficient to qualify the individual for benefit rights separately 8810  
from the benefit rights based on school employment. The weekly 8811  
benefit amount and maximum benefits payable during a 8812  
disqualification period shall be computed based solely on the 8813

nonschool employment. 8814

(J) Benefits shall not be paid on the basis of employment 8815  
performed by an alien, unless the alien had been lawfully admitted 8816  
to the United States for permanent residence at the time the 8817  
services were performed, was lawfully present for purposes of 8818  
performing the services, or was otherwise permanently residing in 8819  
the United States under color of law at the time the services were 8820  
performed, under section 212(d)(5) of the "Immigration and 8821  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 8822

(1) Any data or information required of individuals applying 8823  
for benefits to determine whether benefits are not payable to them 8824  
because of their alien status shall be uniformly required from all 8825  
applicants for benefits. 8826

(2) In the case of an individual whose application for 8827  
benefits would otherwise be approved, no determination that 8828  
benefits to the individual are not payable because of the 8829  
individual's alien status shall be made except upon a 8830  
preponderance of the evidence that the individual had not, in 8831  
fact, been lawfully admitted to the United States. 8832

(K) The director shall establish and utilize a system of 8833  
profiling all new claimants under this chapter that: 8834

(1) Identifies which claimants will be likely to exhaust 8835  
regular compensation and will need job search assistance services 8836  
to make a successful transition to new employment; 8837

(2) Refers claimants identified pursuant to division (K)(1) 8838  
of this section to reemployment services, such as job search 8839  
assistance services, available under any state or federal law; 8840

(3) Collects follow-up information relating to the services 8841  
received by such claimants and the employment outcomes for such 8842  
claimant's subsequent to receiving such services and utilizes such 8843  
information in making identifications pursuant to division (K)(1) 8844

of this section; and 8845

(4) Meets such other requirements as the United States 8846  
secretary of labor determines are appropriate. 8847

**Sec. 4141.293.** (A) As used in this section, "learn to earn 8848  
program" means any program established by the department of job 8849  
and family services that offers a structured, supervised training 8850  
opportunity to an eligible unemployment compensation claimant with 8851  
a designated worksite training provider. 8852

(B) Participation in a learn to earn program is voluntary. 8853

(C) If a learn to earn program participant is otherwise 8854  
eligible for unemployment compensation benefits, the participant 8855  
shall continue to receive unemployment compensation benefits 8856  
pursuant to this chapter during participation in the program. 8857

(D) A participant in a learn to earn program shall be 8858  
registered at an employment office or other registration place 8859  
maintained or designated by the director of job and family 8860  
services according to the procedure set forth in division (A)(3) 8861  
of section 4141.29 of the Revised Code. 8862

(E) A learn to earn program participant may participate in a 8863  
learn to earn program for a period not to exceed twenty-four hours 8864  
a week for a maximum of six weeks. 8865

**Sec. 4301.20.** This chapter and Chapter 4303. of the Revised 8866  
Code do not prevent the following: 8867

(A) The storage of intoxicating liquor in bonded warehouses, 8868  
established in accordance with the acts of congress and under the 8869  
regulation of the United States, located in this state, or the 8870  
transportation of intoxicating liquor to or from bonded warehouses 8871  
of the United States wherever located; 8872

(B) A bona fide resident of this state who is the owner of a 8873

warehouse receipt from obtaining or transporting to the resident's 8874  
residence for the resident's own consumption and not for resale 8875  
spirituous liquor stored in a government bonded warehouse in this 8876  
state or in another state prior to December 1933, subject to such 8877  
terms as are prescribed by the division of liquor control; 8878

(C) The manufacture of cider from fruit for the purpose of 8879  
making vinegar, and nonintoxicating cider and fruit juices for use 8880  
and sale; 8881

(D) A licensed physician or dentist from administering or 8882  
dispensing intoxicating liquor or alcohol to a patient in good 8883  
faith in the actual course of the practice of the physician's or 8884  
dentist's profession; 8885

(E) The sale of alcohol to physicians, dentists, druggists, 8886  
veterinary surgeons, manufacturers, hospitals, infirmaries, or 8887  
medical or educational institutions using the alcohol for 8888  
medicinal, mechanical, chemical, or scientific purposes; 8889

(F) The sale, gift, or keeping for sale by druggists and 8890  
others of any of the medicinal preparations manufactured in 8891  
accordance with the formulas prescribed by the United States 8892  
Pharmacopoeia and National Formulary, patent or proprietary 8893  
preparations, and other bona fide medicinal and technical 8894  
preparations, which contain no more alcohol than is necessary to 8895  
hold the medicinal agents in solution and to preserve the same, 8896  
which are manufactured and sold as medicine and not as beverages, 8897  
are unfit for use for beverage purposes, and the sale of which 8898  
does not require the payment of a United States liquor dealer's 8899  
tax; 8900

(G) The manufacture and sale of tinctures or of toilet, 8901  
medicinal, and antiseptic preparations and solutions not intended 8902  
for internal human use nor to be sold as beverages, and which are 8903  
unfit for beverage purposes, if upon the outside of each bottle, 8904



box, or package of which there is printed in the English language, 8905  
conspicuously and legibly, the quantity by volume of alcohol in 8906  
the preparation or solution; 8907

(H) The manufacture and keeping for sale of the food products 8908  
known as flavoring extracts when manufactured and sold for 8909  
cooking, culinary, or flavoring purposes, and which are unfit for 8910  
use for beverage purposes; 8911

(I) The lawful sale of wood alcohol or of ethyl alcohol for 8912  
external use when combined with other substances as to make it 8913  
unfit for internal use; 8914

(J) The manufacture, sale, and transport of ethanol or ethyl 8915  
alcohol for use as fuel. As used in this division, "ethanol" has 8916  
the same meaning as in section 5733.46 of the Revised Code. 8917

(K) The purchase and importation into this state or the 8918  
purchase at wholesale from A or B permit holders in this state of 8919  
beer and intoxicating liquor for use in manufacturing processes of 8920  
nonbeverage food products under terms prescribed by the division, 8921  
provided that the terms prescribed by the division shall not 8922  
increase the cost of the beer or intoxicating liquor to any 8923  
person, firm, or corporation purchasing and importing it into this 8924  
state or purchasing it from an A or B permit holder for that use; 8925

(L) Any resident of this state or any member of the armed 8926  
forces of the United States, who has attained the age of 8927  
twenty-one years, from bringing into this state, for personal use 8928  
and not for resale, not more than one liter of spirituous liquor, 8929  
four and one-half liters of wine, or two hundred eighty-eight 8930  
ounces of beer in any thirty-day period, and the same is free of 8931  
any tax consent fee when the resident or member of the armed 8932  
forces physically possesses and accompanies the spirituous liquor, 8933  
wine, or beer on returning from a foreign country, another state, 8934  
or an insular possession of the United States; 8935

(M) Persons, at least twenty-one years of age, who collect ceramic commemorative bottles containing spirituous liquor that have unbroken federal tax stamps on them from selling or trading the bottles to other collectors. The bottles shall originally have been purchased at retail from the division, legally imported under division (L) of this section, or legally imported pursuant to a supplier registration issued by the division. The sales shall be for the purpose of exchanging a ceramic commemorative bottle between private collectors and shall not be for the purpose of selling the spirituous liquor for personal consumption. The sale or exchange authorized by this division shall not occur on the premises of any permit holder, shall not be made in connection with the business of any permit holder, and shall not be made in connection with any mercantile business.

(N) The sale of beer or intoxicating liquor without a liquor permit at a private residence, not more than five times per calendar year at a residence address, at an event that has the following characteristics:

(1) The event is for a charitable, benevolent, or political purpose, but shall not include any event the proceeds of which are for the profit or gain of any individual;

(2) The event has in attendance not more than fifty people;

(3) The event shall be for a period not to exceed twelve hours;

(4) The sale of beer and intoxicating liquor at the event shall not take place between two-thirty a.m. and five-thirty a.m.;

(5) No person under twenty-one years of age shall purchase or consume beer or intoxicating liquor at the event and no beer or intoxicating liquor shall be sold to any person under twenty-one years of age at the event; and

(6) No person at the event shall sell or furnish beer or

intoxicating liquor to an intoxicated person. 8967

(0) The possession or consumption of beer or intoxicating 8968  
liquor by a person who is under twenty-one years of age and who is 8969  
a student at an accredited college or university, provided that 8970  
both of the following apply: 8971

(1) The person is required to taste and expectorate the beer 8972  
or intoxicating liquor for a culinary, food service, or 8973  
hospitality course. 8974

(2) The person is under the direct supervision of the 8975  
instructor of the culinary, food service, or hospitality course. 8976

**Sec. 5104.01.** As used in this chapter: 8977

(A) "Administrator" means the person responsible for the 8978  
daily operation of a center or type A home. The administrator and 8979  
the owner may be the same person. 8980

(B) "Approved child day camp" means a child day camp approved 8981  
pursuant to section 5104.22 of the Revised Code. 8982

(C) "Authorized provider" means a person authorized by a 8983  
county director of job and family services to operate a certified 8984  
type B family day-care home. 8985

(D) "Border state child care provider" means a child care 8986  
provider that is located in a state bordering Ohio and that is 8987  
licensed, certified, or otherwise approved by that state to 8988  
provide child care. 8989

(E) "Career pathways model" means an alternative pathway to 8990  
meeting the requirements ~~for to be~~ a child-care staff member or 8991  
administrator that ~~uses one~~ does both of the following: 8992

(1) Uses a framework approved by the director of job and 8993  
family services to integrate the pathways of document formal 8994  
education, training, experience, and specialized credentials, and 8995

certifications, ~~and that allows;~~ 8996

(2) Allows the child-care staff member or administrator to 8997  
achieve a designation as an early childhood professional level 8998  
one, two, three, four, five, or six. 8999

(F) "Caretaker parent" means the father or mother of a child 9000  
whose presence in the home is needed as the caretaker of the 9001  
child, a person who has legal custody of a child and whose 9002  
presence in the home is needed as the caretaker of the child, a 9003  
guardian of a child whose presence in the home is needed as the 9004  
caretaker of the child, and any other person who stands in loco 9005  
parentis with respect to the child and whose presence in the home 9006  
is needed as the caretaker of the child. 9007

(G) "Certified type B family day-care home" and "certified 9008  
type B home" mean a type B family day-care home that is certified 9009  
by the director of the county department of job and family 9010  
services pursuant to section 5104.11 of the Revised Code to 9011  
receive public funds for providing child care pursuant to this 9012  
chapter and any rules adopted under it. 9013

(H) "Chartered nonpublic school" means a school that meets 9014  
standards for nonpublic schools prescribed by the state board of 9015  
education for nonpublic schools pursuant to section 3301.07 of the 9016  
Revised Code. 9017

(I) "Child" includes an infant, toddler, ~~preschool~~ 9018  
preschool-age child, or ~~school~~ school-age child. 9019

(J) "Child care block grant act" means the "Child Care and 9020  
Development Block Grant Act of 1990," established in section 5082 9021  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 9022  
1388-236 (1990), 42 U.S.C. 9858, as amended. 9023

(K) "Child day camp" means a program in which only ~~school~~ 9024  
school-age children attend or participate, that operates for no 9025  
more than seven hours per day, that operates only during one or 9026

more public school district's regular vacation periods or for no 9027  
more than fifteen weeks during the summer, and that operates 9028  
outdoor activities for each child who attends or participates in 9029  
the program for a minimum of fifty per cent of each day that 9030  
children attend or participate in the program, except for any day 9031  
when hazardous weather conditions prevent the program from 9032  
operating outdoor activities for a minimum of fifty per cent of 9033  
that day. For purposes of this division, the maximum seven hours 9034  
of operation time does not include transportation time from a 9035  
child's home to a child day camp and from a child day camp to a 9036  
child's home. 9037

(L) "Child care" means administering to the needs of infants, 9038  
toddlers, ~~preschool~~ preschool-age children, and ~~school~~ school-age 9039  
children outside of school hours by persons other than their 9040  
parents or guardians, custodians, or relatives by blood, marriage, 9041  
or adoption for any part of the twenty-four-hour day in a place or 9042  
residence other than a child's own home. 9043

(M) "Child day-care center" and "center" mean any place in 9044  
which child care or publicly funded child care is provided for 9045  
thirteen or more children at one time or any place that is not the 9046  
permanent residence of the licensee or administrator in which 9047  
child care or publicly funded child care is provided for seven to 9048  
twelve children at one time. In counting children for the purposes 9049  
of this division, any children under six years of age who are 9050  
related to a licensee, administrator, or employee and who are on 9051  
the premises of the center shall be counted. "Child day-care 9052  
center" and "center" do not include any of the following: 9053

(1) A place located in and operated by a hospital, as defined 9054  
in section 3727.01 of the Revised Code, in which the needs of 9055  
children are administered to, if all the children whose needs are 9056  
being administered to are monitored under the on-site supervision 9057  
of a physician licensed under Chapter 4731. of the Revised Code or 9058

a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides child care, but not publicly funded child care, if all of the following apply:

(a) An organized religious body provides the child care;

(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;

(c) The child care is not provided for more than thirty days a year;

(d) The child care is provided only for ~~preschool~~ preschool-age and ~~school~~ school-age children.

(N) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

(O) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(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;	9088 9089 9090 9091
(6) Collection and analysis of data on the supply of and demand for child care in the community;	9092 9093
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	9094 9095 9096
(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;	9097 9098 9099
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	9100 9101
(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;	9102 9103 9104 9105
(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.	9106 9107 9108 9109
(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.	9110 9111 9112 9113 9114
(Q) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly	9115 9116 9117

funded child care for children on a temporary, irregular basis.	9118
(R) "Employee" means a person who either:	9119
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	9120 9121
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	9122 9123
(S) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	9124 9125 9126 9127
(T) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	9128 9129 9130 9131 9132
(U) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.	9133 9134 9135 9136
(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	9137 9138 9139
(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center or type A family day-care home's compliance with licensing requirements.	9140 9141 9142 9143 9144 9145
(X) "Infant" means a child who is less than eighteen months of age.	9146 9147



(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Z) "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 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.

(AA) "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.

(BB) "Licensed child care program" means any of the following:

(1) A child day-care center licensed by the department of job and family services pursuant to this chapter;

(2) A type A family day-care home licensed by the department of job and family services pursuant to this chapter;

(3) A type B family day-care home certified by a county

department of job and family services pursuant to this chapter; 9179

(4) A licensed preschool program or licensed school child 9180  
program. 9181

(CC) "Licensed preschool program" or "licensed school child 9182  
program" means a preschool program or school child program, as 9183  
defined in section 3301.52 of the Revised Code, that is licensed 9184  
by the department of education pursuant to sections 3301.52 to 9185  
3301.59 of the Revised Code. 9186

~~(CC)~~(DD) "Licensee" means the owner of a child day-care 9187  
center or type A family day-care home that is licensed pursuant to 9188  
this chapter and who is responsible for ensuring its compliance 9189  
with this chapter and rules adopted pursuant to this chapter. 9190

~~(DD)~~(EE) "Operate a child day camp" means to operate, 9191  
establish, manage, conduct, or maintain a child day camp. 9192

~~(EE)~~(FF) "Owner" includes a person, as defined in section 9193  
1.59 of the Revised Code, or government entity. 9194

~~(FF)~~(GG) "Parent cooperative child day-care center," "parent 9195  
cooperative center," "parent cooperative type A family day-care 9196  
home," and "parent cooperative type A home" mean a corporation or 9197  
association organized for providing educational services to the 9198  
children of members of the corporation or association, without 9199  
gain to the corporation or association as an entity, in which the 9200  
services of the corporation or association are provided only to 9201  
children of the members of the corporation or association, 9202  
ownership and control of the corporation or association rests 9203  
solely with the members of the corporation or association, and at 9204  
least one parent-member of the corporation or association is on 9205  
the premises of the center or type A home during its hours of 9206  
operation. 9207

~~(GG)~~(HH) "Part-time child day-care center," "part-time 9208  
center," "part-time type A family day-care home," and "part-time 9209

type A home" mean a center or type A home that provides child care 9210  
or publicly funded child care for no more than four hours a day 9211  
for any child. 9212

~~(HH)~~(II) "Place of worship" means a building where activities 9213  
of an organized religious group are conducted and includes the 9214  
grounds and any other buildings on the grounds used for such 9215  
activities. 9216

~~(II)~~(JJ) "~~Preschool~~ Preschool-age child" means a child who is 9217  
three years old or older but is not a ~~school~~ school-age child. 9218

~~(JJ)~~(KK) "Protective child care" means publicly funded child 9219  
care for the direct care and protection of a child to whom either 9220  
of the following applies: 9221

(1) A case plan prepared and maintained for the child 9222  
pursuant to section 2151.412 of the Revised Code indicates a need 9223  
for protective care and the child resides with a parent, 9224  
stepparent, guardian, or another person who stands in loco 9225  
parentis as defined in rules adopted under section 5104.38 of the 9226  
Revised Code; 9227

(2) The child and the child's caretaker either temporarily 9228  
reside in a facility providing emergency shelter for homeless 9229  
families or are determined by the county department of job and 9230  
family services to be homeless, and are otherwise ineligible for 9231  
publicly funded child care. 9232

~~(KK)~~(LL) "Publicly funded child care" means administering to 9233  
the needs of infants, toddlers, ~~preschool~~ preschool-age children, 9234  
and ~~school~~ school-age children under age thirteen during any part 9235  
of the twenty-four-hour day by persons other than their caretaker 9236  
parents for remuneration wholly or in part with federal or state 9237  
funds, including funds available under the child care block grant 9238  
act, Title IV-A, and Title XX, distributed by the department of 9239  
job and family services. 9240

~~(LL)~~(MM) "Religious activities" means any of the following: 9241  
worship or other religious services; religious instruction; Sunday 9242  
school classes or other religious classes conducted during or 9243  
prior to worship or other religious services; youth or adult 9244  
fellowship activities; choir or other musical group practices or 9245  
programs; meals; festivals; or meetings conducted by an organized 9246  
religious group. 9247

~~(MM)~~(NN) "~~School~~ School-age child" means a child who is 9248  
enrolled in or is eligible to be enrolled in a grade of 9249  
kindergarten or above but is less than fifteen years old. 9250

~~(NN)~~(OO) "~~School child day care center,~~" "~~school~~ School-age 9251  
child care center," "~~school child type A family day care home,~~" 9252  
and "~~school~~ school-age child type A ~~family~~ home" mean a center or 9253  
type A home that provides child care for ~~school~~ school-age 9254  
children only and that does either or both of the following: 9255

(1) Operates only during that part of the day that 9256  
immediately precedes or follows the public school day of the 9257  
school district in which the center or type A home is located; 9258

(2) Operates only when the public schools in the school 9259  
district in which the center or type A home is located are not 9260  
open for instruction with pupils in attendance. 9261

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or 9262  
certification rule violation that leads to a great risk of harm 9263  
to, or death of, a child, and is observable, not inferable. 9264

~~(PP)~~(QQ) "State median income" means the state median income 9265  
calculated by the department of development pursuant to division 9266  
(A)(1)(g) of section 5709.61 of the Revised Code. 9267

~~(QQ)~~(RR) "Title IV-A" means Title IV-A of the "Social 9268  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 9269

~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security 9270

Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 9271

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 9272  
months of age but less than three years of age. 9273

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 9274  
a permanent residence of the administrator in which child care or 9275  
publicly funded child care is provided for seven to twelve 9276  
children at one time or a permanent residence of the administrator 9277  
in which child care is provided for four to twelve children at one 9278  
time if four or more children at one time are under two years of 9279  
age. In counting children for the purposes of this division, any 9280  
children under six years of age who are related to a licensee, 9281  
administrator, or employee and who are on the premises of the type 9282  
A home shall be counted. "Type A family day-care home" and "type A 9283  
home" do not include any child day camp. 9284

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 9285  
a permanent residence of the provider in which child care is 9286  
provided for one to six children at one time and in which no more 9287  
than three children are under two years of age at one time. In 9288  
counting children for the purposes of this division, any children 9289  
under six years of age who are related to the provider and who are 9290  
on the premises of the type B home shall be counted. "Type B 9291  
family day-care home" and "type B home" do not include any child 9292  
day camp. 9293

**Sec. 5104.011.** (A) The director of job and family services 9294  
shall adopt rules pursuant to Chapter 119. of the Revised Code 9295  
governing the operation of child day-care centers, including, but 9296  
not limited to, parent cooperative centers, part-time centers, 9297  
drop-in centers, and ~~school~~ school-age child care centers, which 9298  
rules shall reflect the various forms of child care and the needs 9299  
of children receiving child care or publicly funded child care and 9300  
shall include specific rules for ~~school~~ school-age child care 9301

centers that are developed in consultation with the department of 9302  
education. The rules shall not require an existing school facility 9303  
that is in compliance with applicable building codes to undergo an 9304  
additional building code inspection or to have structural 9305  
modifications. The rules shall include the following: 9306

(1) Submission of a site plan and descriptive plan of 9307  
operation to demonstrate how the center proposes to meet the 9308  
requirements of this chapter and rules adopted pursuant to this 9309  
chapter for the initial license application; 9310

(2) Standards for ensuring that the physical surroundings of 9311  
the center are safe and sanitary including, but not limited to, 9312  
the physical environment, the physical plant, and the equipment of 9313  
the center; 9314

(3) Standards for the supervision, care, and discipline of 9315  
children receiving child care or publicly funded child care in the 9316  
center; 9317

(4) Standards for a program of activities, and for play 9318  
equipment, materials, and supplies, to enhance the development of 9319  
each child; however, any educational curricula, philosophies, and 9320  
methodologies that are developmentally appropriate and that 9321  
enhance the social, emotional, intellectual, and physical 9322  
development of each child shall be permissible. As used in this 9323  
division, "program" does not include instruction in religious or 9324  
moral doctrines, beliefs, or values that is conducted at child 9325  
day-care centers owned and operated by churches and does include 9326  
methods of disciplining children at child day-care centers. 9327

(5) Admissions policies and procedures, health care policies 9328  
and procedures, including, but not limited to, procedures for the 9329  
isolation of children with communicable diseases, first aid and 9330  
emergency procedures, procedures for discipline and supervision of 9331  
children, standards for the provision of nutritious meals and 9332

snacks, and procedures for screening children and employees, that	9333
may include any necessary physical examinations and immunizations;	9334
(6) Methods for encouraging parental participation in the	9335
center and methods for ensuring that the rights of children,	9336
parents, and employees are protected and that responsibilities of	9337
parents and employees are met;	9338
(7) Procedures for ensuring the safety and adequate	9339
supervision of children traveling off the premises of the center	9340
while under the care of a center employee;	9341
(8) Procedures for record keeping, organization, and	9342
administration;	9343
(9) Procedures for issuing, denying, and revoking a license	9344
that are not otherwise provided for in Chapter 119. of the Revised	9345
Code;	9346
(10) Inspection procedures;	9347
(11) Procedures and standards for setting initial license	9348
application fees;	9349
(12) Procedures for receiving, recording, and responding to	9350
complaints about centers;	9351
(13) Procedures for enforcing section 5104.04 of the Revised	9352
Code;	9353
(14) A standard requiring the inclusion, on and after July 1,	9354
1987, of a current department of job and family services toll-free	9355
telephone number on each center provisional license or license	9356
which any person may use to report a suspected violation by the	9357
center of this chapter or rules adopted pursuant to this chapter;	9358
(15) Requirements for the training of administrators and	9359
child-care staff members in first aid, in prevention, recognition,	9360
and management of communicable diseases, and in child abuse	9361
recognition and prevention. Training requirements for child	9362

day-care centers adopted under this division shall be consistent 9363  
with divisions (B)(6) and (C)(1) of this section. 9364

(16) Standards providing for the special needs of children 9365  
who are handicapped or who require treatment for health conditions 9366  
while the child is receiving child care or publicly funded child 9367  
care in the center; 9368

(17) A procedure for reporting of injuries of children that 9369  
occur at the center; 9370

(18) Any other procedures and standards necessary to carry 9371  
out this chapter. 9372

(B)(1) The child day-care center shall have, for each child 9373  
for whom the center is licensed, at least thirty-five square feet 9374  
of usable indoor floor space wall-to-wall regularly available for 9375  
the child care operation exclusive of any parts of the structure 9376  
in which the care of children is prohibited by law or by rules 9377  
adopted by the board of building standards. The minimum of 9378  
thirty-five square feet of usable indoor floor space shall not 9379  
include hallways, kitchens, storage areas, or any other areas that 9380  
are not available for the care of children, as determined by the 9381  
director, in meeting the space requirement of this division, and 9382  
bathrooms shall be counted in determining square footage only if 9383  
they are used exclusively by children enrolled in the center, 9384  
except that the exclusion of hallways, kitchens, storage areas, 9385  
bathrooms not used exclusively by children enrolled in the center, 9386  
and any other areas not available for the care of children from 9387  
the minimum of thirty-five square feet of usable indoor floor 9388  
space shall not apply to: 9389

(a) Centers licensed prior to or on September 1, 1986, that 9390  
continue under licensure after that date; 9391

(b) Centers licensed prior to or on September 1, 1986, that 9392  
are issued a new license after that date solely due to a change of 9393



ownership of the center. 9394

(2) The child day-care center shall have on the site a safe 9395  
outdoor play space which is enclosed by a fence or otherwise 9396  
protected from traffic or other hazards. The play space shall 9397  
contain not less than sixty square feet per child using such space 9398  
at any one time, and shall provide an opportunity for supervised 9399  
outdoor play each day in suitable weather. The director may exempt 9400  
a center from the requirement of this division, if an outdoor play 9401  
space is not available and if all of the following are met: 9402

(a) The center provides an indoor recreation area that has 9403  
not less than sixty square feet per child using the space at any 9404  
one time, that has a minimum of one thousand four hundred forty 9405  
square feet of space, and that is separate from the indoor space 9406  
required under division (B)(1) of this section. 9407

(b) The director has determined that there is regularly 9408  
available and scheduled for use a conveniently accessible and safe 9409  
park, playground, or similar outdoor play area for play or 9410  
recreation. 9411

(c) The children are closely supervised during play and while 9412  
traveling to and from the area. 9413

The director also shall exempt from the requirement of this 9414  
division a child day-care center that was licensed prior to 9415  
September 1, 1986, if the center received approval from the 9416  
director prior to September 1, 1986, to use a park, playground, or 9417  
similar area, not connected with the center, for play or 9418  
recreation in lieu of the outdoor space requirements of this 9419  
section and if the children are closely supervised both during 9420  
play and while traveling to and from the area and except if the 9421  
director determines upon investigation and inspection pursuant to 9422  
section 5104.04 of the Revised Code and rules adopted pursuant to 9423  
that section that the park, playground, or similar area, as well 9424

as access to and from the area, is unsafe for the children. 9425

(3) The child day-care center shall have at least two 9426  
 responsible adults available on the premises at all times when 9427  
 seven or more children are in the center. The center shall 9428  
 organize the children in the center in small groups, shall provide 9429  
 child-care staff to give continuity of care and supervision to the 9430  
 children on a day-by-day basis, and shall ensure that no child is 9431  
 left alone or unsupervised. Except as otherwise provided in 9432  
 division (E) of this section, the maximum number of children per 9433  
 child-care staff member and maximum group size, by age category of 9434  
 children, are as follows: 9435

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(a) Infants:			9440
(i) Less than twelve			9441
months old	5:1, or		9442
	12:2 if two		9443
	child-care		9444
	staff members		9445
	are in the room	12	9446
(ii) At least twelve			9447
months old, but			9448
less than eighteen			9449
months old	6:1	12	9450
(b) Toddlers:			9451
(i) At least eighteen			9452
months old, but			9453
less than thirty			9454
months old	7:1	14	9455
(ii) At least thirty months			9456

old, but less than			9457
three years old	8:1	16	9458
(c) <del>Preschool</del> <u>Preschool-age</u>			9459
children:			9460
(i) Three years old	12:1	24	9461
(ii) Four years old and			9462
five years old who			9463
are not school			9464
children	14:1	28	9465
(d) <del>School</del> <u>School-age</u>			9466
children:			
(i) A child who is			9467
enrolled in or is			9468
eligible to be			9469
enrolled in a grade			9470
of kindergarten			9471
or above, but			9472
is less than			9473
eleven years old	18:1	36	9474
(ii) Eleven through fourteen			9475
years old	20:1	40	9476
Except as otherwise provided in division (E) of this section,			9477
the maximum number of children per child-care staff member and			9478
maximum group size requirements of the younger age group shall			9479
apply when age groups are combined.			9480
<del>(4)(a) The child day care center administrator shall show the</del>			9481
<del>director both of the following:</del>			9482
<del>(i) Evidence of at least high school graduation or</del>			9483
<del>certification of high school equivalency by the state board of</del>			9484
<del>education or the appropriate agency of another state;</del>			9485
<del>(ii) Evidence of having completed at least two years of</del>			9486
<del>training in an accredited college, university, or technical</del>			9487

~~college, including courses in child development or early childhood 9488  
education, at least two years of experience in supervising and 9489  
giving daily care to children attending an organized group 9490  
program, or the equivalent based on a designation as an "early 9491  
childhood professional level three" under the career pathways 9492  
model of the quality rating program established under section 9493  
5104.30 of the Revised Code. 9494~~

~~(b) In addition to the requirements of division (B)(4)(a) of 9495  
this section and except as provided in division (B)(4)(c) of this 9496  
section, any administrator employed or designated as such prior to 9497  
the effective date of this section, as amended, shall show 9498  
evidence of at least one of the following within six years after 9499  
the date of employment or designation: 9500~~

~~(i) Two years of experience working as a child care staff 9501  
member in a center and at least four courses in child development 9502  
or early childhood education from an accredited college, 9503  
university, or technical college, except that a person who has two 9504  
years of experience working as a child care staff member in a 9505  
particular center and who has been promoted to or designated as 9506  
administrator of that center shall have one year from the time the 9507  
person was promoted to or designated as administrator to complete 9508  
the required four courses; 9509~~

~~(ii) Two years of training, including at least four courses 9510  
in child development or early childhood education from an 9511  
accredited college, university, or technical college; 9512~~

~~(iii) A child development associate credential issued by the 9513  
national child development associate credentialing commission; 9514~~

~~(iv) An associate or higher degree in child development or 9515  
early childhood education from an accredited college, technical 9516  
college, or university, or a license designated for teaching in an 9517  
associate teaching position in a preschool setting issued by the 9518~~

~~state board of education.~~ 9519

~~(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.~~ 9520  
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~~(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:~~ 9529  
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~~(i) Two years of experience working as a child care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses;~~ 9534  
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~~(ii) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;~~ 9543  
9544  
9545

~~(iii) A child development associate credential issued by the national child development associate credentialing commission;~~ 9546  
9547

~~(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical~~ 9548  
9549

~~college, or university, or a license designated for teaching in an 9550  
associate teaching position in a preschool setting issued by the 9551  
state board of education; 9552~~

~~(v) An administrator's credential as approved by the 9553  
department of job and family services. 9554~~

~~(5) All child care staff members of a child day care center 9555  
shall be at least eighteen years of age, and shall furnish the 9556  
director evidence of at least high school graduation or 9557  
certification of high school equivalency by the state board of 9558  
education or the appropriate agency of another state or evidence 9559  
of completion of a training program approved by the department of 9560  
job and family services or state board of education, except as 9561  
follows: 9562~~

~~(a) A child care staff member may be less than eighteen years 9563  
of age if the staff member is either of the following: 9564~~

~~(i) A graduate of a two year vocational child care training 9565  
program approved by the state board of education; 9566~~

~~(ii) A student enrolled in the second year of a vocational 9567  
child care training program approved by the state board of 9568  
education which leads to high school graduation, provided that the 9569  
student performs the student's duties in the child day care center 9570  
under the continuous supervision of an experienced child care 9571  
staff member, receives periodic supervision from the vocational 9572  
child care training program teacher coordinator in the student's 9573  
high school, and meets all other requirements of this chapter and 9574  
rules adopted pursuant to this chapter. 9575~~

~~(b) A child care staff member shall be exempt from the 9576  
educational requirements of this division if the staff member: 9577~~

~~(i) Prior to January 1, 1972, was employed or designated by a 9578  
child day care center and has been continuously employed since 9579  
either by the same child day care center employer or at the same 9580~~

~~child day care center;~~ 9581

~~(ii) Is a student enrolled in the second year of a vocational 9582  
child care training program approved by the state board of 9583  
education which leads to high school graduation, provided that the 9584  
student performs the student's duties in the child day care center 9585  
under the continuous supervision of an experienced child care 9586  
staff member, receives periodic supervision from the vocational 9587  
child care training program teacher coordinator in the student's 9588  
high school, and meets all other requirements of this chapter and 9589  
rules adopted pursuant to this chapter;~~ 9590

~~(iii) Is receiving or has completed the final year of 9591  
instruction at home as authorized under section 3321.04 of the 9592  
Revised Code or has graduated from a nonchartered, nonpublic 9593  
school in Ohio.~~ 9594

~~(6) Every child care staff member of a child day care center 9595  
annually shall complete fifteen hours of inservice training in 9596  
child development or early childhood education, child abuse 9597  
recognition and prevention, first aid, and in prevention, 9598  
recognition, and management of communicable diseases, until a 9599  
total of forty five hours of training has been completed, unless 9600  
the staff member furnishes one of the following to the director:~~ 9601

~~(a) Evidence of an associate or higher degree in child 9602  
development or early childhood education from an accredited 9603  
college, university, or technical college;~~ 9604

~~(b) A license designated for teaching in an associate 9605  
teaching position in a preschool setting issued by the state board 9606  
of education;~~ 9607

~~(c) Evidence of a child development associate credential;~~ 9608

~~(d) Evidence of a preprimary credential from the American 9609  
Montessori society or the association Montessori internationale. 9610  
For the purposes of division (B)(6) of this section, "hour" means 9611~~

~~sixty minutes.~~ 9612

(C)(1) Each child day-care center shall have on the center 9613  
premises and readily available at all times at least one 9614  
child-care staff member who has completed a course in first aid, 9615  
one staff member who has completed a course in prevention, 9616  
recognition, and management of communicable diseases which is 9617  
approved by the state department of health, and a staff member who 9618  
has completed a course in child abuse recognition and prevention 9619  
training which is approved by the department of job and family 9620  
services. 9621

(2) The administrator of each child day-care center shall 9622  
maintain enrollment, health, and attendance records for all 9623  
children attending the center and health and employment records 9624  
for all center employees. The records shall be confidential, 9625  
except that they shall be disclosed by the administrator to the 9626  
director upon request for the purpose of administering and 9627  
enforcing this chapter and rules adopted pursuant to this chapter. 9628  
Neither the center nor the licensee, administrator, or employees 9629  
of the center shall be civilly or criminally liable in damages or 9630  
otherwise for records disclosed to the director by the 9631  
administrator pursuant to this division. It shall be a defense to 9632  
any civil or criminal charge based upon records disclosed by the 9633  
administrator to the director that the records were disclosed 9634  
pursuant to this division. 9635

(3)(a) Any parent who is the residential parent and legal 9636  
custodian of a child enrolled in a child day-care center and any 9637  
custodian or guardian of such a child shall be permitted unlimited 9638  
access to the center during its hours of operation for the 9639  
purposes of contacting their children, evaluating the care 9640  
provided by the center, evaluating the premises of the center, or 9641  
for other purposes approved by the director. A parent of a child 9642  
enrolled in a child day-care center who is not the child's 9643



residential parent shall be permitted unlimited access to the 9644  
center during its hours of operation for those purposes under the 9645  
same terms and conditions under which the residential parent of 9646  
that child is permitted access to the center for those purposes. 9647  
However, the access of the parent who is not the residential 9648  
parent is subject to any agreement between the parents and, to the 9649  
extent described in division (C)(3)(b) of this section, is subject 9650  
to any terms and conditions limiting the right of access of the 9651  
parent who is not the residential parent, as described in division 9652  
(I) of section 3109.051 of the Revised Code, that are contained in 9653  
a parenting time order or decree issued under that section, 9654  
section 3109.12 of the Revised Code, or any other provision of the 9655  
Revised Code. 9656

(b) If a parent who is the residential parent of a child has 9657  
presented the administrator or the administrator's designee with a 9658  
copy of a parenting time order that limits the terms and 9659  
conditions under which the parent who is not the residential 9660  
parent is to have access to the center, as described in division 9661  
(I) of section 3109.051 of the Revised Code, the parent who is not 9662  
the residential parent shall be provided access to the center only 9663  
to the extent authorized in the order. If the residential parent 9664  
has presented such an order, the parent who is not the residential 9665  
parent shall be permitted access to the center only in accordance 9666  
with the most recent order that has been presented to the 9667  
administrator or the administrator's designee by the residential 9668  
parent or the parent who is not the residential parent. 9669

(c) Upon entering the premises pursuant to division (C)(3)(a) 9670  
or (b) of this section, the parent who is the residential parent 9671  
and legal custodian, the parent who is not the residential parent, 9672  
or the custodian or guardian shall notify the administrator or the 9673  
administrator's designee of the parent's, custodian's, or 9674  
guardian's presence. 9675

(D) The director of job and family services, in addition to 9676  
the rules adopted under division (A) of this section, shall adopt 9677  
rules establishing minimum requirements for child day-care 9678  
centers. The rules shall include, but not be limited to, the 9679  
requirements set forth in divisions (B) and (C) of this section 9680  
and sections 5104.031, 5104.032, and 5104.033 of the Revised Code. 9681  
Except as provided in section 5104.07 of the Revised Code, the 9682  
rules shall not change the square footage requirements of division 9683  
(B)(1) or (2) of this section; the maximum number of children per 9684  
child-care staff member and maximum group size requirements of 9685  
division (B)(3) of this section; the educational and experience 9686  
requirements of ~~division (B)(4) of this section~~ 5104.031 of the 9687  
Revised Code; the age, educational, and experience requirements of 9688  
~~division (B)(5) of this section~~ 5104.032 of the Revised Code; the 9689  
number and type of inservice training hours required under 9690  
~~division (B)(6) of this section~~ 5104.033 of the Revised Code; 9691  
however, the rules shall provide procedures for determining 9692  
compliance with those requirements. 9693

(E)(1) When age groups are combined, the maximum number of 9694  
children per child-care staff member shall be determined by the 9695  
age of the youngest child in the group, except that when no more 9696  
than one child thirty months of age or older receives services in 9697  
a group in which all the other children are in the next older age 9698  
group, the maximum number of children per child-care staff member 9699  
and maximum group size requirements of the older age group 9700  
established under division (B)(3) of this section shall apply. 9701

(2) The maximum number of toddlers or ~~preschool~~ preschool-age 9702  
children per child-care staff member in a room where children are 9703  
napping shall be twice the maximum number of children per 9704  
child-care staff member established under division (B)(3) of this 9705  
section if all the following criteria are met: 9706

(a) At least one child-care staff member is present in the 9707

room. 9708

(b) Sufficient child-care staff members are on the child 9709  
day-care center premises to meet the maximum number of children 9710  
per child-care staff member requirements established under 9711  
division (B)(3) of this section. 9712

(c) Naptime preparations are complete and all napping 9713  
children are resting or sleeping on cots. 9714

(d) The maximum number established under division (E)(2) of 9715  
this section is in effect for no more than two hours during a 9716  
twenty-four-hour day. 9717

(F) The director of job and family services shall adopt rules 9718  
pursuant to Chapter 119. of the Revised Code governing the 9719  
operation of type A family day-care homes, including, but not 9720  
limited to, parent cooperative type A homes, part-time type A 9721  
homes, drop-in type A homes, and ~~school~~ school-age child type A 9722  
homes, which shall reflect the various forms of child care and the 9723  
needs of children receiving child care. The rules shall include 9724  
the following: 9725

(1) Submission of a site plan and descriptive plan of 9726  
operation to demonstrate how the type A home proposes to meet the 9727  
requirements of this chapter and rules adopted pursuant to this 9728  
chapter for the initial license application; 9729

(2) Standards for ensuring that the physical surroundings of 9730  
the type A home are safe and sanitary, including, but not limited 9731  
to, the physical environment, the physical plant, and the 9732  
equipment of the type A home; 9733

(3) Standards for the supervision, care, and discipline of 9734  
children receiving child care or publicly funded child care in the 9735  
type A home; 9736

(4) Standards for a program of activities, and for play 9737

equipment, materials, and supplies, to enhance the development of 9738  
each child; however, any educational curricula, philosophies, and 9739  
methodologies that are developmentally appropriate and that 9740  
enhance the social, emotional, intellectual, and physical 9741  
development of each child shall be permissible; 9742

(5) Admissions policies and procedures, health care policies 9743  
and procedures, including, but not limited to, procedures for the 9744  
isolation of children with communicable diseases, first aid and 9745  
emergency procedures, procedures for discipline and supervision of 9746  
children, standards for the provision of nutritious meals and 9747  
snacks, and procedures for screening children and employees, 9748  
including, but not limited to, any necessary physical examinations 9749  
and immunizations; 9750

(6) Methods for encouraging parental participation in the 9751  
type A home and methods for ensuring that the rights of children, 9752  
parents, and employees are protected and that the responsibilities 9753  
of parents and employees are met; 9754

(7) Procedures for ensuring the safety and adequate 9755  
supervision of children traveling off the premises of the type A 9756  
home while under the care of a type A home employee; 9757

(8) Procedures for record keeping, organization, and 9758  
administration; 9759

(9) Procedures for issuing, denying, and revoking a license 9760  
that are not otherwise provided for in Chapter 119. of the Revised 9761  
Code; 9762

(10) Inspection procedures; 9763

(11) Procedures and standards for setting initial license 9764  
application fees; 9765

(12) Procedures for receiving, recording, and responding to 9766  
complaints about type A homes; 9767

(13) Procedures for enforcing section 5104.04 of the Revised Code;	9768 9769
(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;	9770 9771 9772 9773 9774 9775
(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;	9776 9777 9778 9779
(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;	9780 9781 9782 9783
(17) Standards for the maximum number of children per child-care staff member;	9784 9785
(18) Requirements for the amount of usable indoor floor space for each child;	9786 9787
(19) Requirements for safe outdoor play space;	9788
(20) Qualifications and training requirements for administrators and for child-care staff members;	9789 9790
(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;	9791 9792 9793
(22) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	9794 9795
(23) Any other procedures and standards necessary to carry out this chapter.	9796 9797

(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.

(1) The rules shall include all of the following:

(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:

(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;

(ii) Persons who provide child care for eligible children all of whom are the children of the same caretaker parent;

(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;

(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.

With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall remain in effect for no more than sixty calendar days and shall entitle the provider to offer publicly funded child care during the provisional period. Except as otherwise provided in division (G)(1) of this section, section 5104.013 or 5104.09 of the Revised Code, or division (A)(2) of section 5104.11 of the Revised Code, prior to the expiration of the provisional limited certificate, a county department of job

and family services shall inspect the home and shall grant limited 9829  
certification to the provider if the provider meets the 9830  
requirements of this division. Limited certificates remain valid 9831  
for two years unless earlier revoked. Except as otherwise provided 9832  
in division (G)(1) of this section, providers operating under 9833  
limited certification shall be inspected annually. 9834

If a provider is a person described in division (G)(1)(a)(i) 9835  
of this section or a person described in division (G)(1)(a)(ii) of 9836  
this section who is a friend of the caretaker parent, the provider 9837  
and the caretaker parent may verify in writing to the county 9838  
department of job and family services that minimum health and 9839  
safety requirements are being met in the home. Except as otherwise 9840  
provided in section 5104.013 or 5104.09 or in division (A)(2) of 9841  
section 5104.11 of the Revised Code, if such verification is 9842  
provided, the county shall waive any inspection required by this 9843  
chapter and grant limited certification to the provider. 9844

(2) The rules shall provide for safeguarding the health, 9845  
safety, and welfare of children receiving child care or publicly 9846  
funded child care in a certified type B home and shall include the 9847  
following: 9848

(a) Standards for ensuring that the type B home and the 9849  
physical surroundings of the type B home are safe and sanitary, 9850  
including, but not limited to, physical environment, physical 9851  
plant, and equipment; 9852

(b) Standards for the supervision, care, and discipline of 9853  
children receiving child care or publicly funded child care in the 9854  
home; 9855

(c) Standards for a program of activities, and for play 9856  
equipment, materials, and supplies to enhance the development of 9857  
each child; however, any educational curricula, philosophies, and 9858  
methodologies that are developmentally appropriate and that 9859

enhance the social, emotional, intellectual, and physical	9860
development of each child shall be permissible;	9861
(d) Admission policies and procedures, health care, first aid	9862
and emergency procedures, procedures for the care of sick	9863
children, procedures for discipline and supervision of children,	9864
nutritional standards, and procedures for screening children and	9865
authorized providers, including, but not limited to, any necessary	9866
physical examinations and immunizations;	9867
(e) Methods of encouraging parental participation and	9868
ensuring that the rights of children, parents, and authorized	9869
providers are protected and the responsibilities of parents and	9870
authorized providers are met;	9871
(f) Standards for the safe transport of children when under	9872
the care of authorized providers;	9873
(g) Procedures for issuing, renewing, denying, refusing to	9874
renew, or revoking certificates;	9875
(h) Procedures for the inspection of type B homes that	9876
require, at a minimum, that each type B home be inspected prior to	9877
certification to ensure that the home is safe and sanitary;	9878
(i) Procedures for record keeping and evaluation;	9879
(j) Procedures for receiving, recording, and responding to	9880
complaints;	9881
(k) Standards providing for the special needs of children who	9882
are handicapped or who receive treatment for health conditions	9883
while the child is receiving child care or publicly funded child	9884
care in the type B home;	9885
(l) Requirements for the amount of usable indoor floor space	9886
for each child;	9887
(m) Requirements for safe outdoor play space;	9888
(n) Qualification and training requirements for authorized	9889



providers;	9890
(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	9891 9892 9893
(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;	9894 9895 9896
(q) Any other procedures and standards necessary to carry out this chapter.	9897 9898
(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:	9899 9900 9901 9902 9903 9904 9905 9906 9907 9908 9909 9910 9911 9912 9913
(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;	9914 9915 9916 9917
(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;	9918 9919
(3) Standards for a program of activities, and for play	9920

equipment, materials, and supplies to enhance the development of 9921  
each child; however, any educational curricula, philosophies, and 9922  
methodologies that are developmentally appropriate and that 9923  
enhance the social, emotional, intellectual, and physical 9924  
development of each child shall be permissible; 9925

(4) Health care, first aid, and emergency procedures, 9926  
procedures for the care of sick children, procedures for 9927  
discipline and supervision of children, nutritional standards, and 9928  
procedures for screening children and in-home aides, including, 9929  
but not limited to, any necessary physical examinations and 9930  
immunizations; 9931

(5) Methods of encouraging parental participation and 9932  
ensuring that the rights of children, parents, and in-home aides 9933  
are protected and the responsibilities of parents and in-home 9934  
aides are met; 9935

(6) Standards for the safe transport of children when under 9936  
the care of in-home aides; 9937

(7) Procedures for issuing, renewing, denying, refusing to 9938  
renew, or revoking certificates; 9939

(8) Procedures for inspection of homes of children receiving 9940  
publicly funded child care in their own homes; 9941

(9) Procedures for record keeping and evaluation; 9942

(10) Procedures for receiving, recording, and responding to 9943  
complaints; 9944

(11) Qualifications and training requirements for in-home 9945  
aides; 9946

(12) Standards providing for the special needs of children 9947  
who are handicapped or who receive treatment for health conditions 9948  
while the child is receiving publicly funded child care in the 9949  
child's own home; 9950

(13) Any other procedures and standards necessary to carry out this chapter.	9951 9952
(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.	9953 9954 9955 9956 9957
(J)(1) The director of job and family services shall do all of the following:	9958 9959
(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;	9960 9961 9962
(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;	9963 9964 9965
(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.	9966 9967 9968
(2) The director shall do all of the following:	9969
(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;	9970 9971 9972 9973
(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance;	9974 9975
(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.	9976 9977 9978
(3) The county director of job and family services shall provide or make available in either paper or electronic form to	9979 9980

each authorized provider and in-home aide copies of proposed rules 9981  
and shall give public notice of hearings regarding the rules to 9982  
each authorized provider and in-home aide at least thirty days 9983  
prior to the date of the public hearing, in accordance with 9984  
section 119.03 of the Revised Code. At least thirty days before 9985  
the effective date of a rule, the county director of job and 9986  
family services shall provide, in either paper or electronic form, 9987  
copies of the adopted rule to each authorized provider and in-home 9988  
aide. 9989

(4) Additional copies of proposed and adopted rules shall be 9990  
made available by the director of job and family services to the 9991  
public on request at no charge. 9992

(5) The director of job and family services may adopt rules 9993  
pursuant to Chapter 119. of the Revised Code for imposing 9994  
sanctions on persons and entities that are licensed or certified 9995  
under this chapter. Sanctions may be imposed only for an action or 9996  
omission that constitutes a serious risk noncompliance. The 9997  
sanctions imposed shall be based on the scope and severity of the 9998  
violations. 9999

The director shall make a dispute resolution process 10000  
available for the implementation of sanctions. The process may 10001  
include an opportunity for appeal pursuant to Chapter 119. of the 10002  
Revised Code. 10003

(6) The director of job and family services shall adopt rules 10004  
pursuant to Chapter 119. of the Revised Code that establish 10005  
standards for the training of individuals whom any county 10006  
department of job and family services employs, with whom any 10007  
county department of job and family services contracts, or with 10008  
whom the director of job and family services contracts, to inspect 10009  
or investigate type B family day-care homes pursuant to section 10010  
5104.11 of the Revised Code. The department shall provide training 10011  
in accordance with those standards for individuals in the 10012

categories described in this division. 10013

(K) The director of job and family services shall review all 10014  
rules adopted pursuant to this chapter at least once every seven 10015  
years. 10016

(L) Notwithstanding any provision of the Revised Code, the 10017  
director of job and family services shall not regulate in any way 10018  
under this chapter or rules adopted pursuant to this chapter, 10019  
instruction in religious or moral doctrines, beliefs, or values. 10020

**Sec. 5104.02.** (A) The director of job and family services is 10021  
responsible for the licensing of child day-care centers and type A 10022  
family day-care homes. Each entity operating a head start program 10023  
shall meet the criteria for, and be licensed as, a child day-care 10024  
center. The director is responsible for the enforcement of this 10025  
chapter and of rules promulgated pursuant to this chapter. 10026

No person, firm, organization, institution, or agency shall 10027  
operate, establish, manage, conduct, or maintain a child day-care 10028  
center or type A family day-care home without a license issued 10029  
under section 5104.03 of the Revised Code. The current license 10030  
shall be posted in a conspicuous place in the center or type A 10031  
home that is accessible to parents, custodians, or guardians and 10032  
employees of the center or type A home at all times when the 10033  
center or type A home is in operation. 10034

(B) A person, firm, institution, organization, or agency 10035  
operating any of the following programs is exempt from the 10036  
requirements of this chapter: 10037

(1) A program of child care that operates for two or less 10038  
consecutive weeks; 10039

(2) Child care in places of worship during religious 10040  
activities during which children are cared for while at least one 10041  
parent, guardian, or custodian of each child is participating in 10042

such activities and is readily available;	10043
(3) Religious activities which do not provide child care;	10044
(4) Supervised training, instruction, or activities of	10045
children in specific areas, including, but not limited to: art;	10046
drama; dance; music; gymnastics, swimming, or another athletic	10047
skill or sport; computers; or an educational subject conducted on	10048
an organized or periodic basis no more than one day a week and for	10049
no more than six hours duration;	10050
(5) Programs in which the director determines that at least	10051
one parent, custodian, or guardian of each child is on the	10052
premises of the facility offering child care and is readily	10053
accessible at all times, except that child care provided on the	10054
premises at which a parent, custodian, or guardian is employed	10055
more than two and one-half hours a day shall be licensed in	10056
accordance with division (A) of this section;	10057
(6)(a) Programs that provide child care funded and regulated	10058
or operated and regulated by state departments other than the	10059
department of job and family services or the state board of	10060
education when the director of job and family services has	10061
determined that the rules governing the program are equivalent to	10062
or exceed the rules promulgated pursuant to this chapter.	10063
Notwithstanding any exemption from regulation under this	10064
chapter, each state department shall submit to the director of job	10065
and family services a copy of the rules that govern programs that	10066
provide child care and are regulated or operated and regulated by	10067
the department. Annually, each state department shall submit to	10068
the director a report for each such program it regulates or	10069
operates and regulates that includes the following information:	10070
(i) The site location of the program;	10071
(ii) The maximum number of infants, toddlers, <del>preschool</del>	10072
<del>preschool-age</del> children, or <del>school</del> <u>school-age</u> children served by	10073

the program at one time; 10074

(iii) The number of adults providing child care for the 10075  
number of infants, toddlers, ~~preschool~~ preschool-age children, or 10076  
~~school~~ school-age children; 10077

(iv) Any changes in the rules made subsequent to the time 10078  
when the rules were initially submitted to the director. 10079

The director shall maintain a record of the child care 10080  
information submitted by other state departments and shall provide 10081  
this information upon request to the general assembly or the 10082  
public. 10083

(b) Child care programs conducted by boards of education or 10084  
by chartered nonpublic schools that are conducted in school 10085  
buildings and that provide child care to ~~school~~ school-age 10086  
children only shall be exempt from meeting or exceeding rules 10087  
promulgated pursuant to this chapter. 10088

(7) Any preschool program or school child program, except a 10089  
head start program, that is subject to licensure by the department 10090  
of education under sections 3301.52 to 3301.59 of the Revised 10091  
Code. 10092

(8) Any program providing child care that meets all of the 10093  
following requirements and, on October 20, 1987, was being 10094  
operated by a nonpublic school that holds a charter issued by the 10095  
state board of education for kindergarten only: 10096

(a) The nonpublic school has given the notice to the state 10097  
board and the director of job and family services required by 10098  
Section 4 of Substitute House Bill No. 253 of the 117th general 10099  
assembly; 10100

(b) The nonpublic school continues to be chartered by the 10101  
state board for kindergarten, or receives and continues to hold a 10102  
charter from the state board for kindergarten through grade five; 10103

(c) The program is conducted in a school building;	10104
(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.	10105 10106 10107
(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply:	10108 10109 10110
(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.	10111 10112 10113
(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.	10114 10115 10116
(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.	10117 10118 10119 10120
(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).	10121 10122 10123
<u>Sec. 5104.031. (A) A child day-care center administrator shall show the director of job and family services both of the following:</u>	10124 10125 10126
<u>(1) 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;</u>	10127 10128 10129
<u>(2) Evidence of having at least one of the following:</u>	10130
<u>(a) An associate, bachelor's, master's, doctoral, or other postgraduate degree in child development or early childhood</u>	10131 10132



education, or in a related field approved by the director, from an 10133  
accredited college, university, or technical college; 10134

(b) A license designated as appropriate for teaching in an 10135  
associate teaching position in a preschool setting issued by the 10136  
state board of education pursuant to section 3319.22 of the 10137  
Revised Code; 10138

(c) Designation under the career pathways model as an early 10139  
childhood professional level three; 10140

(d) Two years of experience working as a child-care staff 10141  
member in a licensed child care program, designation under the 10142  
career pathways model as an early childhood professional level 10143  
one, and, not later than one year after being named as 10144  
administrator, designation under the career pathways model as an 10145  
early childhood professional level two; 10146

(e) Two years of experience working as a child-care staff 10147  
member in a licensed child care program and, except as provided in 10148  
division (B) of this section, at least four courses in child 10149  
development or early childhood education from an accredited 10150  
college, university, or technical college; 10151

(f) Two years of experience working as a child-care staff 10152  
member in a licensed child care program and a child development 10153  
associate credential issued by the council for professional 10154  
recognition; 10155

(g) Two years of training, including at least four courses in 10156  
child development or early childhood education from an accredited 10157  
college, university, or technical college; 10158

(h) An infant and toddler or early childhood credential from 10159  
a program accredited by the Montessori accreditation council for 10160  
teacher education. 10161

(B) A person who has two years of experience working as a 10162

child-care staff member in a child day-care center and is promoted 10163  
to or designated as administrator of that center shall have one 10164  
year from the date of the promotion or designation to complete the 10165  
courses required by division (A)(1)(e) of this section. 10166

**Sec. 5104.032.** (A) All child-care staff members of a child 10167  
day-care center shall be at least eighteen years of age, and shall 10168  
furnish the director of job and family services evidence of at 10169  
least high school graduation or certification of high school 10170  
equivalency by the state board of education or the appropriate 10171  
agency of another state or evidence of completion of a training 10172  
program approved by the department of job and family services or 10173  
state board of education, except as follows: 10174

(B) A child-care staff member may be less than eighteen years 10175  
of age if the staff member is either of the following: 10176

(1) A graduate of a two-year vocational child-care training 10177  
program approved by the state board of education; 10178

(2) A student enrolled in the second year of a vocational 10179  
child-care training program approved by the state board of 10180  
education which leads to high school graduation, provided that the 10181  
student performs the student's duties in the child day-care center 10182  
under the continuous supervision of an experienced child-care 10183  
staff member, receives periodic supervision from the vocational 10184  
child-care training program teacher-coordinator in the student's 10185  
high school, and meets all other requirements of this chapter and 10186  
rules adopted pursuant to this chapter. 10187

(C) A child-care staff member shall be exempt from the 10188  
educational requirements of division (A) of this section if the 10189  
staff member: 10190

(1) Prior to January 1, 1972, was employed or designated by a 10191  
child day-care center and has been continuously employed since 10192

either by the same child day-care center employer or at the same 10193  
child day-care center; 10194

(2) Is a student enrolled in the second year of a vocational 10195  
child-care training program approved by the state board of 10196  
education which leads to high school graduation, provided that the 10197  
student performs the student's duties in the child day-care center 10198  
under the continuous supervision of an experienced child-care 10199  
staff member, receives periodic supervision from the vocational 10200  
child-care training program teacher-coordinator in the student's 10201  
high school, and meets all other requirements of this chapter and 10202  
rules adopted pursuant to this chapter; 10203

(3) Is receiving or has completed the final year of 10204  
instruction at home as authorized under section 3321.04 of the 10205  
Revised Code or has graduated from a nonchartered, nonpublic 10206  
school in Ohio. 10207

**Sec. 5104.033.** (A) Except as provided in division (B) of this 10208  
section, each child-care staff member of a child day-care center 10209  
annually shall complete fifteen hours of inservice training that 10210  
includes the following subjects until the staff member has 10211  
completed a total of forty-five hours of training: 10212

(1) Child development or early childhood education; 10213

(2) Child abuse recognition and prevention; 10214

(3) First aid; 10215

(4) Prevention, recognition, and management of communicable 10216  
diseases. 10217

(B) A child-care staff member is exempt from the inservice 10218  
training requirements established by division (A) of this section 10219  
if the staff member furnishes one of the following to the director 10220  
of job and family services: 10221

(1) Evidence of an associate or higher degree in child 10222

development or early childhood education from an accredited college, university, or technical college; 10223  
10224

(2) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education; 10225  
10226  
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(3) Evidence of a child development associate credential; 10228

(4) Evidence of an infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education. 10229  
10230  
10231

(C) For purposes of this section, each hour of inservice training shall consist of sixty minutes of training. 10232  
10233

**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. 10234  
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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: 10240  
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10243

(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; 10244  
10245  
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(2) Supervised training, instruction, or activities of children that is conducted on an organized or periodic basis no more than one day a week and for no more than six hours' duration and that is conducted in specific areas, including, but not limited to, art; drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational 10247  
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subject; 10253

(3) Programs in which the department determines that at least 10254  
one parent, custodian, or guardian of each child attending or 10255  
participating in the child day camp is on the child day camp 10256  
activity site and is readily accessible at all times, except that 10257  
a child day camp on the premises of a parent's, custodian's, or 10258  
guardian's place of employment shall be registered in accordance 10259  
with division (A) of this section; 10260

(4) Child day camps funded and regulated or operated and 10261  
regulated by any state department, other than the department of 10262  
job and family services, when the department of job and family 10263  
services has determined that the rules governing the child day 10264  
camp are equivalent to or exceed the rules adopted pursuant to 10265  
this section and section 5104.22 of the Revised Code. 10266

(C) A person, firm, organization, institution, or agency 10267  
operating a child day camp that is exempt under division (B) of 10268  
this section from registering under division (A) of this section 10269  
may elect to register itself under division (A) of this section. 10270  
All requirements of this section and the rules adopted pursuant to 10271  
this section shall apply to any exempt child day camp that so 10272  
elects to register. 10273

(D) The director of job and family services shall adopt 10274  
pursuant to Chapter 119. of the Revised Code rules prescribing the 10275  
registration form and establishing the procedure for the child day 10276  
camps to register. The form shall not be longer than one 10277  
typewritten page and shall state both of the following: 10278

(1) That the child day camp administrator or the 10279  
administrator's representative agrees to provide the parents of 10280  
each ~~school~~ school-age child who attends or participates in that 10281  
child day camp with the telephone number of the county department 10282  
of health and the public children services agency of the county in 10283

which the child day camp is located; 10284

(2) That the child day camp administrator or the 10285  
administrator's representative agrees to permit a public children 10286  
services agency or the county department of health to review or 10287  
inspect the child day camp if a complaint is made to that 10288  
department or any other state department or public children 10289  
services agency against that child day camp. 10290

(E) The department may charge a fee to register a child day 10291  
camp. The fee for each child day camp shall be twenty-five 10292  
dollars. No organization that operates, or owner of, child day 10293  
camps shall pay a fee that exceeds two hundred fifty dollars for 10294  
all of its child day camps. 10295

(F) If a child day camp that is required to register under 10296  
this section fails to register with the department in accordance 10297  
with this section or the rules adopted pursuant to it or if a 10298  
child day camp that files a registration form under this section 10299  
knowingly provides false or misleading information on the 10300  
registration form, the department shall require the child day camp 10301  
to register or register correctly and to pay a registration fee 10302  
that equals three times the registration fee as set forth in 10303  
division (E) of this section. 10304

(G) A child day camp administrator or the administrator's 10305  
representative shall provide the parents of each ~~school~~ school-age 10306  
child who attends or participates in that child day camp with the 10307  
telephone numbers of the county department of health and the 10308  
county public children services agency of the county in which the 10309  
child day camp is located and a statement that the parents may use 10310  
these telephone numbers to contact or otherwise contact the 10311  
departments or agency to make a complaint regarding the child day 10312  
camp. 10313

**Sec. 5104.30.** (A) The department of job and family services 10314

is hereby designated as the state agency responsible for 10315  
administration and coordination of federal and state funding for 10316  
publicly funded child care in this state. Publicly funded child 10317  
care shall be provided to the following: 10318

(1) Recipients of transitional child care as provided under 10319  
section 5104.34 of the Revised Code; 10320

(2) Participants in the Ohio works first program established 10321  
under Chapter 5107. of the Revised Code; 10322

(3) Individuals who would be participating in the Ohio works 10323  
first program if not for a sanction under section 5107.16 of the 10324  
Revised Code and who continue to participate in a work activity, 10325  
developmental activity, or alternative work activity pursuant to 10326  
an assignment under section 5107.42 of the Revised Code; 10327

(4) A family receiving publicly funded child care on October 10328  
1, 1997, until the family's income reaches one hundred fifty per 10329  
cent of the federal poverty line; 10330

(5) Subject to available funds, other individuals determined 10331  
eligible in accordance with rules adopted under section 5104.38 of 10332  
the Revised Code. 10333

The department shall apply to the United States department of 10334  
health and human services for authority to operate a coordinated 10335  
program for publicly funded child care, if the director of job and 10336  
family services determines that the application is necessary. For 10337  
purposes of this section, the department of job and family 10338  
services may enter into agreements with other state agencies that 10339  
are involved in regulation or funding of child care. The 10340  
department shall consider the special needs of migrant workers 10341  
when it administers and coordinates publicly funded child care and 10342  
shall develop appropriate procedures for accommodating the needs 10343  
of migrant workers for publicly funded child care. 10344

(B) The department of job and family services shall 10345

distribute state and federal funds for publicly funded child care, 10346  
including appropriations of state funds for publicly funded child 10347  
care and appropriations of federal funds available under the child 10348  
care block grant act, Title IV-A, and Title XX. The department may 10349  
use any state funds appropriated for publicly funded child care as 10350  
the state share required to match any federal funds appropriated 10351  
for publicly funded child care. 10352

(C) In the use of federal funds available under the child 10353  
care block grant act, all of the following apply: 10354

(1) The department may use the federal funds to hire staff to 10355  
prepare any rules required under this chapter and to administer 10356  
and coordinate federal and state funding for publicly funded child 10357  
care. 10358

(2) Not more than five per cent of the aggregate amount of 10359  
the federal funds received for a fiscal year may be expended for 10360  
administrative costs. 10361

(3) The department shall allocate and use at least four per 10362  
cent of the federal funds for the following: 10363

(a) Activities designed to provide comprehensive consumer 10364  
education to parents and the public; 10365

(b) Activities that increase parental choice; 10366

(c) Activities, including child care resource and referral 10367  
services, designed to improve the quality, and increase the 10368  
supply, of child care; 10369

(d) Establishing a ~~voluntary child day care center~~ 10370  
~~quality rating program~~ tiered quality rating and improvement 10371  
system in which participation in the program may allow a child 10372  
day-care ~~center~~ providers to be eligible for grants, technical 10373  
assistance, training, or other assistance and become eligible for 10374  
unrestricted monetary awards for maintaining a quality rating. 10375



(4) The department shall ensure that the federal funds will 10376  
be used only to supplement, and will not be used to supplant, 10377  
federal, state, and local funds available on the effective date of 10378  
the child care block grant act for publicly funded child care and 10379  
related programs. If authorized by rules adopted by the department 10380  
pursuant to section 5104.42 of the Revised Code, county 10381  
departments of job and family services may purchase child care 10382  
from funds obtained through any other means. 10383

(D) The department shall encourage the development of 10384  
suitable child care throughout the state, especially in areas with 10385  
high concentrations of recipients of public assistance and 10386  
families with low incomes. The department shall encourage the 10387  
development of suitable child care designed to accommodate the 10388  
special needs of migrant workers. On request, the department, 10389  
through its employees or contracts with state or community child 10390  
care resource and referral service organizations, shall provide 10391  
consultation to groups and individuals interested in developing 10392  
child care. The department of job and family services may enter 10393  
into interagency agreements with the department of education, the 10394  
board of regents, the department of development, and other state 10395  
agencies and entities whenever the cooperative efforts of the 10396  
other state agencies and entities are necessary for the department 10397  
of job and family services to fulfill its duties and 10398  
responsibilities under this chapter. 10399

The department shall develop and maintain a registry of 10400  
persons providing child care. The director shall adopt rules 10401  
pursuant to Chapter 119. of the Revised Code establishing 10402  
procedures and requirements for the registry's administration. 10403

(E)(1) The director shall adopt rules in accordance with 10404  
Chapter 119. of the Revised Code establishing both of the 10405  
following: 10406

(a) Reimbursement ceilings for providers of publicly funded 10407

child care not later than the first day of July in each 10408  
odd-numbered year; 10409

(b) A procedure for reimbursing and paying providers of 10410  
publicly funded child care. 10411

(2) In establishing reimbursement ceilings under division 10412  
(E)(1)(a) of this section, the director shall do all of the 10413  
following: 10414

(a) Use the information obtained under division (B)(3) of 10415  
section 5104.04 of the Revised Code; 10416

(b) Establish an enhanced reimbursement ceiling for providers 10417  
who provide child care for caretaker parents who work 10418  
nontraditional hours; 10419

(c) For a type B family day-care home provider that has 10420  
received limited certification pursuant to rules adopted under 10421  
division (G)(1) of section 5104.011 of the Revised Code, establish 10422  
a reimbursement ceiling that is the following: 10423

(i) If the provider is a person described in division 10424  
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 10425  
per cent of the reimbursement ceiling that applies to a type B 10426  
family day-care home certified by the same county department of 10427  
job and family services pursuant to section 5104.11 of the Revised 10428  
Code; 10429

(ii) If the provider is a person described in division 10430  
(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per 10431  
cent of the reimbursement ceiling that applies to a type B family 10432  
day-care home certified by the same county department pursuant to 10433  
section 5104.11 of the Revised Code. 10434

(d) With regard to the ~~voluntary child day care center~~ 10435  
~~quality rating program~~ tiered quality rating and improvement 10436  
system established pursuant to division (C)(3)(d) of this section, 10437

do both of the following: 10438

(i) Establish enhanced reimbursement ceilings for child 10439  
day-care ~~centers~~ providers that participate in the ~~program~~ system 10440  
and maintain quality ratings under the ~~program~~ system; 10441

(ii) ~~Weigh~~ In the case of child day-care providers that have 10442  
been given access to the system by the department, weigh any 10443  
reduction in reimbursement ceilings more heavily against ~~child~~ 10444  
~~day-care centers~~ those providers that do not participate in the 10445  
~~program~~ system or do not maintain quality ratings under the 10446  
~~program~~ system. 10447

(3) In establishing reimbursement ceilings under division 10448  
(E)(1)(a) of this section, the director may establish different 10449  
reimbursement ceilings based on any of the following: 10450

(a) Geographic location of the provider; 10451

(b) Type of care provided; 10452

(c) Age of the child served; 10453

(d) Special needs of the child served; 10454

(e) Whether the expanded hours of service are provided; 10455

(f) Whether weekend service is provided; 10456

(g) Whether the provider has exceeded the minimum 10457  
requirements of state statutes and rules governing child care; 10458

(h) Any other factors the director considers appropriate. 10459

(F) The director shall adopt rules in accordance with Chapter 10460  
119. of the Revised Code to implement the ~~voluntary child day-care~~ 10461  
~~center quality rating program~~ tiered quality rating and 10462  
improvement system described in division (C)(3)(d) of this 10463  
section. 10464

**Sec. 5104.31.** (A) Publicly funded child care may be provided 10465

only by the following:	10466
(1) A child day-care center or type A family day-care home, including a parent cooperative child day-care center or parent cooperative type A family day-care home, licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code;	10467 10468 10469 10470 10471
(2) A type B family day-care home certified by the county department of job and family services pursuant to section 5104.11 of the Revised Code;	10472 10473 10474
(3) A type B family day-care home that has received a limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code;	10475 10476 10477
(4) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	10478 10479 10480
(5) A child day camp approved pursuant to section 5104.22 of the Revised Code;	10481 10482
(6) A licensed preschool program;	10483
(7) A licensed school child program;	10484
(8) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	10485 10486 10487 10488
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	10489 10490
<u>(C) Beginning July 1, 2020, publicly funded child care may be provided only by a provider that is rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code.</u>	10491 10492 10493 10494

**Sec. 5104.34.** (A)(1) Each county department of job and family 10495  
services shall implement procedures for making determinations of 10496  
eligibility for publicly funded child care. Under those 10497  
procedures, the eligibility determination for each applicant shall 10498  
be made no later than thirty calendar days from the date the 10499  
county department receives a completed application for publicly 10500  
funded child care. Each applicant shall be notified promptly of 10501  
the results of the eligibility determination. An applicant 10502  
aggrieved by a decision or delay in making an eligibility 10503  
determination may appeal the decision or delay to the department 10504  
of job and family services in accordance with section 5101.35 of 10505  
the Revised Code. The due process rights of applicants shall be 10506  
protected. 10507

To the extent permitted by federal law, the county department 10508  
may make all determinations of eligibility for publicly funded 10509  
child care, may contract with child care providers or child care 10510  
resource and referral service organizations for the providers or 10511  
resource and referral service organizations to make all or any 10512  
part of the determinations, and may contract with child care 10513  
providers or child care resource and referral service 10514  
organizations for the providers or resource and referral service 10515  
organizations to collect specified information for use by the 10516  
county department in making determinations. If a county department 10517  
contracts with a child care provider or a child care resource and 10518  
referral service organization for eligibility determinations or 10519  
for the collection of information, the contract shall require the 10520  
provider or resource and referral service organization to make 10521  
each eligibility determination no later than thirty calendar days 10522  
from the date the provider or resource and referral organization 10523  
receives a completed application that is the basis of the 10524  
determination and to collect and transmit all necessary 10525  
information to the county department within a period of time that 10526

enables the county department to make each eligibility 10527  
determination no later than thirty days after the filing of the 10528  
application that is the basis of the determination. 10529

The county department may station employees of the department 10530  
in various locations throughout the county to collect information 10531  
relevant to applications for publicly funded child care and to 10532  
make eligibility determinations. The county department, child care 10533  
provider, and child care resource and referral service 10534  
organization shall make each determination of eligibility for 10535  
publicly funded child care no later than thirty days after the 10536  
filing of the application that is the basis of the determination, 10537  
shall make each determination in accordance with any relevant 10538  
rules adopted pursuant to section 5104.38 of the Revised Code, and 10539  
shall notify promptly each applicant for publicly funded child 10540  
care of the results of the determination of the applicant's 10541  
eligibility. 10542

The director of job and family services shall adopt rules in 10543  
accordance with Chapter 119. of the Revised Code for monitoring 10544  
the eligibility determination process. In accordance with those 10545  
rules, the state department shall monitor eligibility 10546  
determinations made by county departments of job and family 10547  
services and shall direct any entity that is not in compliance 10548  
with this division or any rule adopted under this division to 10549  
implement corrective action specified by the department. 10550

(2) All eligibility determinations for publicly funded child 10551  
care shall be made in accordance with rules adopted pursuant to 10552  
division (A) of section 5104.38 of the Revised Code and, if a 10553  
county department of job and family services specifies, pursuant 10554  
to rules adopted under division (B) of that section, a maximum 10555  
amount of income a family may have to be eligible for publicly 10556  
funded child care, the income maximum specified by the county 10557  
department. Publicly funded child care may be provided only to 10558

eligible infants, toddlers, ~~preschool~~ preschool-age children, and 10559  
~~school~~ school-age children under age thirteen. For an applicant to 10560  
be eligible for publicly funded child care, the caretaker parent 10561  
must be employed or participating in a program of education or 10562  
training for an amount of time reasonably related to the time that 10563  
the parent's children are receiving publicly funded child care. 10564  
This restriction does not apply to families whose children are 10565  
eligible for protective child care. 10566

Subject to available funds, a county department of job and 10567  
family services shall allow a family to receive publicly funded 10568  
child care unless the family's income exceeds the maximum income 10569  
eligibility limit. Initial and continued eligibility for publicly 10570  
funded child care is subject to available funds unless the family 10571  
is receiving child care pursuant to division (A)(1), (2), (3), or 10572  
(4) of section 5104.30 of the Revised Code. If the county 10573  
department must limit eligibility due to lack of available funds, 10574  
it shall give first priority for publicly funded child care to an 10575  
assistance group whose income is not more than the maximum income 10576  
eligibility limit that received transitional child care in the 10577  
previous month but is no longer eligible because the twelve-month 10578  
period has expired. Such an assistance group shall continue to 10579  
receive priority for publicly funded child care until its income 10580  
exceeds the maximum income eligibility limit. 10581

(3) An assistance group that ceases to participate in the 10582  
Ohio works first program established under Chapter 5107. of the 10583  
Revised Code is eligible for transitional child care at any time 10584  
during the immediately following twelve-month period that both of 10585  
the following apply: 10586

(a) The assistance group requires child care due to 10587  
employment; 10588

(b) The assistance group's income is not more than one 10589  
hundred fifty per cent of the federal poverty line. 10590

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.

(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.

(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.

(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, the county department shall offer it to the family. If the county department determines that the family is no longer eligible or no longer needs publicly funded child care, the county department shall remove the family from the waiting list.

(E) A caretaker parent shall not receive full-time publicly



funded child care from more than one child care provider per child 10623  
during any period. 10624

(F) As used in this section, "maximum income eligibility 10625  
limit" means the amount of income specified in rules adopted under 10626  
division (A) of section 5104.38 of the Revised Code or, if a 10627  
county department of job and family services specifies a higher 10628  
amount pursuant to rules adopted under division (B) of that 10629  
section, the amount the county department specifies. 10630

**Sec. 5104.38.** In addition to any other rules adopted under 10631  
this chapter, the director of job and family services shall adopt 10632  
rules in accordance with Chapter 119. of the Revised Code 10633  
governing financial and administrative requirements for publicly 10634  
funded child care and establishing all of the following: 10635

(A) Procedures and criteria to be used in making 10636  
determinations of eligibility for publicly funded child care that 10637  
give priority to children of families with lower incomes and 10638  
procedures and criteria for eligibility for publicly funded 10639  
protective child care. The rules shall specify the maximum amount 10640  
of income a family may have for initial and continued eligibility. 10641  
The maximum amount shall not exceed two hundred per cent of the 10642  
federal poverty line. The rules may specify exceptions to the 10643  
eligibility requirements in the case of a family that previously 10644  
received publicly funded child care and is seeking to have the 10645  
child care reinstated after the family's eligibility was 10646  
terminated. 10647

(B) Procedures under which a county department of job and 10648  
family services may, if the department, under division (A) of this 10649  
section, specifies a maximum amount of income a family may have 10650  
for eligibility for publicly funded child care that is less than 10651  
the maximum amount specified in that division, specify a maximum 10652  
amount of income a family residing in the county the county 10653

department serves may have for initial and continued eligibility 10654  
for publicly funded child care that is higher than the amount 10655  
specified by the department but does not exceed the maximum amount 10656  
specified in division (A) of this section; 10657

(C) A schedule of fees requiring all eligible caretaker 10658  
parents to pay a fee for publicly funded child care according to 10659  
income and family size, which shall be uniform for all types of 10660  
publicly funded child care, except as authorized by rule, and, to 10661  
the extent permitted by federal law, shall permit the use of state 10662  
and federal funds to pay the customary deposits and other advance 10663  
payments that a provider charges all children who receive child 10664  
care from that provider. The schedule of fees may not provide for 10665  
a caretaker parent to pay a fee that exceeds ten per cent of the 10666  
parent's family income. 10667

(D) A formula for determining the amount of state and federal 10668  
funds appropriated for publicly funded child care that may be 10669  
allocated to a county department to use for administrative 10670  
purposes; 10671

(E) Procedures to be followed by the department and county 10672  
departments in recruiting individuals and groups to become 10673  
providers of child care; 10674

(F) Procedures to be followed in establishing state or local 10675  
programs designed to assist individuals who are eligible for 10676  
publicly funded child care in identifying the resources available 10677  
to them and to refer the individuals to appropriate sources to 10678  
obtain child care; 10679

(G) Procedures to deal with fraud and abuse committed by 10680  
either recipients or providers of publicly funded child care; 10681

(H) Procedures for establishing a child care grant or loan 10682  
program in accordance with the child care block grant act; 10683

(I) Standards and procedures for applicants to apply for 10684

grants and loans, and for the department to make grants and loans; 10685

(J) A definition of "person who stands in loco parentis" for 10686  
the purposes of division ~~(JJ)~~(KK)(1) of section 5104.01 of the 10687  
Revised Code; 10688

(K) Procedures for a county department of job and family 10689  
services to follow in making eligibility determinations and 10690  
redeterminations for publicly funded child care available through 10691  
telephone, computer, and other means at locations other than the 10692  
county department; 10693

(L) If the director establishes a different reimbursement 10694  
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 10695  
Code, standards and procedures for determining the amount of the 10696  
higher payment that is to be issued to a child care provider based 10697  
on the special needs of the child being served; 10698

(M) To the extent permitted by federal law, procedures for 10699  
paying for up to thirty days of child care for a child whose 10700  
caretaker parent is seeking employment, taking part in employment 10701  
orientation activities, or taking part in activities in 10702  
anticipation of enrolling in or attending an education or training 10703  
program or activity, if the employment or the education or 10704  
training program or activity is expected to begin within the 10705  
thirty-day period; 10706

(N) Any other rules necessary to carry out sections 5104.30 10707  
to 5104.43 of the Revised Code. 10708

Sec. 5123.022. It is hereby declared to be the policy of this 10709  
state that employment services for individuals with developmental 10710  
disabilities be directed at placement whenever possible of each 10711  
individual in a position in the community in which the individual 10712  
is integrated with the employer's other workers who are not 10713  
developmentally disabled. The departments of developmental 10714

disabilities, education, job and family services, and mental health; the rehabilitation services commission; and each other state agency that provides employment services to individuals with developmental disabilities shall implement this policy and ensure that it is followed whenever employment services are provided to individuals with developmental disabilities. 10715  
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The department of developmental disabilities shall coordinate the actions taken by state agencies to comply with the state's policy. Agencies shall collaborate within their divisions and with each other to ensure that state programs, policies, procedures, and funding support competitive and integrated employment of individuals with developmental disabilities. State agencies shall share information with the department, and the department shall track progress toward full implementation of the policy. The department, in coordination with any task force established by the governor, shall compile data and annually submit to the governor a report on implementation of the policy. 10721  
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The department and state agencies may adopt rules to implement the policy. 10732  
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The policy articulated in this section is intended to promote the right of each individual with a developmental disability to informed choice; however, nothing in this section requires any employer to give preference in hiring to an individual because the individual has a disability. 10734  
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Sec. 5126.0222. As used in this section, "specialized services" has the same meaning as in section 5123.081 of the Revised Code. 10739  
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Notwithstanding any provision of the Revised Code to the contrary, including applicable provisions of sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a 10742  
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county board of developmental disabilities also may be a member of 10745  
the governing board of a political subdivision, including the 10746  
board of education of a school district, or an agency that does 10747  
not provide specialized services. The county board may contract 10748  
with such a governing board even though the governing board 10749  
includes an individual who is an employee of the county board. 10750  
That member of the governing board may not vote on any matter 10751  
before the governing board concerning a contract with the county 10752  
board or participate in any discussion or debate regarding such a 10753  
contract. 10754

**Sec. 5709.83.** (A) Except as otherwise provided in division 10755  
(B) or (C) of this section, prior to taking formal action to adopt 10756  
or enter into any instrument granting a tax exemption under 10757  
section 725.02, 1728.06, 5709.40, 5709.41, 5709.62, 5709.63, 10758  
5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised 10759  
Code or formally approving an agreement under section 3735.671 of 10760  
the Revised Code, or prior to forwarding an application for a tax 10761  
exemption for residential property under section 3735.67 of the 10762  
Revised Code to the county auditor, the legislative authority of 10763  
the political subdivision or housing officer shall notify the 10764  
board of education of each city, local, exempted village, or joint 10765  
vocational school district in which the proposed tax-exempted 10766  
property is located. The notice shall include a copy of the 10767  
instrument or application. The notice shall be delivered not later 10768  
than fourteen days prior to the day the legislative authority 10769  
takes formal action to adopt or enter into the instrument, or not 10770  
later than fourteen days prior to the day the housing officer 10771  
forwards the application to the county auditor. If the board of 10772  
education comments on the instrument or application to the 10773  
legislative authority or housing officer, the legislative 10774  
authority or housing officer shall consider the comments. If the 10775  
board of education of the city, local, exempted village, or joint 10776

vocational school district so requests, the legislative authority 10777  
or the housing officer shall meet in person with a representative 10778  
designated by the board of education to discuss the terms of the 10779  
instrument or application. 10780

(B) The notice otherwise required to be provided to boards of 10781  
education under division (A) of this section is not required if 10782  
the board has adopted a resolution waiving its right to receive 10783  
such notices, and that resolution remains in effect. If a board of 10784  
education adopts such a resolution, the board shall cause a copy 10785  
of the resolution to be certified to the legislative authority. If 10786  
the board of education rescinds such a resolution, it shall 10787  
certify notice of the rescission to the legislative authority. A 10788  
board of education may adopt such a resolution with respect to any 10789  
one or more counties, townships, or municipal corporations 10790  
situated in whole or in part within the school district. 10791

(C) If a legislative authority is required to provide notice 10792  
to a city, local, or exempted village school district of its 10793  
intent to grant such an exemption as required by section 5709.40, 10794  
5709.41, 5709.73, or 5709.78 of the Revised Code, the legislative 10795  
authority, before adopting a resolution or ordinance under that 10796  
section, shall notify the board of education of each joint 10797  
vocational school district in which the property to be exempted is 10798  
located using the same time requirements for the notice that 10799  
applies to notices to city, local, and exempted village school 10800  
districts. The notice shall be delivered not later than forty-five 10801  
days before the day the legislative authority adopts a resolution 10802  
or ordinance under any of those sections. The content of the 10803  
notice and procedures for responding to the notice are the same as 10804  
required in division (A) of this section. 10805

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 10806  
the Revised Code: 10807

(1) "School district," "joint vocational school district," 10808  
"local taxing unit," "recognized valuation," "fixed-rate levy," 10809  
and "fixed-sum levy" have the same meanings as used in section 10810  
5727.84 of the Revised Code. 10811

(2) "State education aid" for a school district means the 10812  
following: 10813

(a) For fiscal years prior to fiscal year 2010, the sum of 10814  
state aid amounts computed for the district under the following 10815  
provisions, as they existed for the applicable fiscal year: 10816  
division (A) of section 3317.022 of the Revised Code, including 10817  
the amounts calculated under sections 3317.029 and 3317.0217 of 10818  
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 10819  
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 10820  
divisions (L) and (N) of section 3317.024; section 3317.0216; and 10821  
any unit payments for gifted student services paid under sections 10822  
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 10823  
for fiscal years 2008 and 2009, the amount computed for the 10824  
district under Section 269.20.80 of H.B. 119 of the 127th general 10825  
assembly and as that section subsequently may be amended shall be 10826  
substituted for the amount computed under division (D) of section 10827  
3317.022 of the Revised Code, and the amount computed under 10828  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 10829  
that section subsequently may be amended shall be included. 10830

(b) For fiscal years 2010 and 2011, the sum of the amounts 10831  
computed under former sections 3306.052, 3306.12, 3306.13, 10832  
3306.19, 3306.191, and 3306.192 of the Revised Code; 10833

(c) For fiscal years 2012 and 2013, the ~~amount~~ sum of the 10834  
amounts paid ~~in accordance with the section under Sections~~ 10835  
267.30.50, 267.30.53, and 267.30.56 of H.B. 153 of the 129th 10836  
general assembly ~~entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND~~ 10837  
~~LOCAL SCHOOL DISTRICTS."~~ 10838

- (3) "State education aid" for a joint vocational school district means the following:
- (a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.
- (b) For fiscal years 2010 and 2011, the amount paid in accordance with ~~the section~~ Section 265.30.50 of H.B. 1 of the 128th general assembly ~~entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."~~
- (c) For fiscal years 2012 and 2013, the amount paid in accordance with ~~the section~~ Section 267.30.60 of H.B. 153 of the 129th general assembly ~~entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."~~
- (4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.
- (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.
- (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.
- (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.
- (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.
- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.
- (10) "Furniture and fixtures fixed-rate levy loss" means the



amount determined under division (D)(3) of this section.	10869
(11) "Total fixed-rate levy loss" means the sum of the	10870
machinery and equipment fixed-rate levy loss, the inventory	10871
fixed-rate levy loss, the furniture and fixtures fixed-rate levy	10872
loss, and the telephone company fixed-rate levy loss.	10873
(12) "Fixed-sum levy loss" means the amount determined under	10874
division (E) of this section.	10875
(13) "Machinery and equipment" means personal property	10876
subject to the assessment rate specified in division (F) of	10877
section 5711.22 of the Revised Code.	10878
(14) "Inventory" means personal property subject to the	10879
assessment rate specified in division (E) of section 5711.22 of	10880
the Revised Code.	10881
(15) "Furniture and fixtures" means personal property subject	10882
to the assessment rate specified in division (G) of section	10883
5711.22 of the Revised Code.	10884
(16) "Qualifying levies" are levies in effect for tax year	10885
2004 or applicable to tax year 2005 or approved at an election	10886
conducted before September 1, 2005. For the purpose of determining	10887
the rate of a qualifying levy authorized by section 5705.212 or	10888
5705.213 of the Revised Code, the rate shall be the rate that	10889
would be in effect for tax year 2010.	10890
(17) "Telephone property" means tangible personal property of	10891
a telephone, telegraph, or interexchange telecommunications	10892
company subject to an assessment rate specified in section	10893
5727.111 of the Revised Code in tax year 2004.	10894
(18) "Telephone property tax value loss" means the amount	10895
determined under division (C)(4) of this section.	10896
(19) "Telephone property fixed-rate levy loss" means the	10897
amount determined under division (D)(4) of this section.	10898

(20) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(21) "Median estate tax collections" means, in the case of a municipal corporation to which revenue from the taxes levied in Chapter 5731. of the Revised Code was distributed in each of calendar years 2006, 2007, 2008, and 2009, the median of those distributions. In the case of a municipal corporation to which no distributions were made in one or more of those years, "median estate tax collections" means zero.

(22) "Total resources," in the case of a school district, means the sum of the amounts in divisions (A)(22)(a) to (h) of this section less any reduction required under division (A)(32) of this section.

(a) The state education aid for fiscal year 2010;

(b) The sum of the payments received by the school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2010 pursuant to division (E)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code for fixed-sum levies imposed for a purpose other than paying debt charges;

(d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008, including taxes charged and payable from emergency levies imposed

under section 5709.194 of the Revised Code and excluding taxes	10930
levied for joint vocational school district purposes;	10931
(e) Fifty per cent of the school district's taxes charged and	10932
payable against all property on the tax list of real and public	10933
utility property for current expenses for tax year 2009, including	10934
taxes charged and payable from emergency levies and excluding	10935
taxes levied for joint vocational school district purposes;	10936
(f) The school district's taxes charged and payable against	10937
all property on the general tax list of personal property for	10938
current expenses for tax year 2009, including taxes charged and	10939
payable from emergency levies;	10940
(g) The amount certified for fiscal year 2010 under division	10941
(A)(2) of section 3317.08 of the Revised Code;	10942
(h) Distributions received during calendar year 2009 from	10943
taxes levied under section 718.09 of the Revised Code.	10944
(23) "Total resources," in the case of a joint vocational	10945
school district, means the sum of amounts in divisions (A)(23)(a)	10946
to (g) of this section less any reduction required under division	10947
(A)(32) of this section.	10948
(a) The state education aid for fiscal year 2010;	10949
(b) The sum of the payments received by the joint vocational	10950
school district in fiscal year 2010 for current expense levy	10951
losses pursuant to division (C)(2) of section 5727.85 and	10952
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	10953
(c) Fifty per cent of the joint vocational school district's	10954
taxes charged and payable against all property on the tax list of	10955
real and public utility property for current expense purposes for	10956
tax year 2008;	10957
(d) Fifty per cent of the joint vocational school district's	10958
taxes charged and payable against all property on the tax list of	10959

real and public utility property for current expenses for tax year 2009;	10960 10961
(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;	10962 10963 10964 10965 10966
(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;	10967 10968 10969 10970 10971
(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.	10972 10973 10974
(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.	10975 10976 10977 10978
(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 <del>division</del> <u>divisions</u> (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;	10979 10980 10981 10982 10983
(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.	10984 10985 10986 10987
(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	10988 10989 10990

under division (A)(32) of this section. 10991

(a) The sum of the payments received by the county for senior 10992  
services related functions in calendar year 2010 under division 10993  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 10994  
5751.22 of the Revised Code as they existed at that time; 10995

(b) With respect to taxes levied by the county for senior 10996  
services related purposes, the taxes charged and payable for such 10997  
purposes against all property on the tax list of real and public 10998  
utility property for tax year 2009. 10999

(26) "Total resources," in the case of county children's 11000  
services related functions, means the sum of the amounts in 11001  
divisions (A)(26)(a) and (b) of this section less any reduction 11002  
required under division (A)(32) of this section. 11003

(a) The sum of the payments received by the county for 11004  
children's services related functions in calendar year 2010 under 11005  
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 11006  
section 5751.22 of the Revised Code as they existed at that time; 11007

(b) With respect to taxes levied by the county for children's 11008  
services related purposes, the taxes charged and payable for such 11009  
purposes against all property on the tax list of real and public 11010  
utility property for tax year 2009. 11011

(27) "Total resources," in the case of county public health 11012  
related functions, means the sum of the amounts in divisions 11013  
(A)(27)(a) and (b) of this section less any reduction required 11014  
under division (A)(32) of this section. 11015

(a) The sum of the payments received by the county for public 11016  
health related functions in calendar year 2010 under division 11017  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 11018  
5751.22 of the Revised Code as they existed at that time; 11019

(b) With respect to taxes levied by the county for public 11020

health related purposes, the taxes charged and payable for such 11021  
purposes against all property on the tax list of real and public 11022  
utility property for tax year 2009. 11023

(28) "Total resources," in the case of all county functions 11024  
not included in divisions (A)(24) to (27) of this section, means 11025  
the sum of the amounts in divisions (A)(28)(a) to (d) of this 11026  
section less any reduction required under division (A)(32) of this 11027  
section. 11028

(a) The sum of the payments received by the county for all 11029  
other purposes in calendar year 2010 under division (A)(1) of 11030  
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 11031  
the Revised Code as they existed at that time; 11032

(b) The county's percentage share of county undivided local 11033  
government fund allocations as certified to the tax commissioner 11034  
for calendar year 2010 by the county auditor under division (J) of 11035  
section 5747.51 of the Revised Code or division (F) of section 11036  
5747.53 of the Revised Code multiplied by the total amount 11037  
actually distributed in calendar year 2010 from the county 11038  
undivided local government fund; 11039

(c) With respect to taxes levied by the county for all other 11040  
purposes, the taxes charged and payable for such purposes against 11041  
all property on the tax list of real and public utility property 11042  
for tax year 2009, excluding taxes charged and payable for the 11043  
purpose of paying debt charges; 11044

(d) The sum of the amounts distributed to the county in 11045  
calendar year 2010 for the taxes levied pursuant to sections 11046  
5739.021 and 5741.021 of the Revised Code. 11047

(29) "Total resources," in the case of a municipal 11048  
corporation, means the sum of the amounts in divisions (A)(29)(a) 11049  
to (g) of this section less any reduction required under division 11050  
(A)(32) of this section. 11051

(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 the Revised Code;

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for current expenses, defined in division (A)(33) of this section, for tax year 2009;

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner;

(f) The amount of income taxes collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner;

(g) The municipal corporation's median estate tax collections.

(30) "Total resources," in the case of a township, means the 11083  
sum of the amounts in divisions (A)(30)(a) to (c) of this section 11084  
less any reduction required under division (A)(32) of this 11085  
section. 11086

(a) The sum of the payments received by the township in 11087  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 11088  
of the Revised Code and divisions (A)(1) and (2) of section 11089  
5751.22 of the Revised Code as they existed at that time, 11090  
excluding payments received for debt purposes; 11091

(b) The township's percentage share of county undivided local 11092  
government fund allocations as certified to the tax commissioner 11093  
for calendar year 2010 by the county auditor under division (J) of 11094  
section 5747.51 of the Revised Code or division (F) of section 11095  
5747.53 of the Revised Code multiplied by the total amount 11096  
actually distributed in calendar year 2010 from the county 11097  
undivided local government fund; 11098

(c) With respect to taxes levied by the township, the taxes 11099  
charged and payable against all property on the tax list of real 11100  
and public utility property for tax year 2009 excluding taxes 11101  
charged and payable for the purpose of paying debt charges. 11102

(31) "Total resources," in the case of a local taxing unit 11103  
that is not a county, municipal corporation, or township, means 11104  
the sum of the amounts in divisions (A)(31)(a) to (e) of this 11105  
section less any reduction required under division (A)(32) of this 11106  
section. 11107

(a) The sum of the payments received by the local taxing unit 11108  
in calendar year 2010 pursuant to division (A)(1) of section 11109  
5727.86 of the Revised Code and divisions (A)(1) and (2) of 11110  
section 5751.22 of the Revised Code as they existed at that time; 11111

(b) The local taxing unit's percentage share of county 11112  
undivided local government fund allocations as certified to the 11113



tax commissioner for calendar year 2010 by the county auditor 11114  
under division (J) of section 5747.51 of the Revised Code or 11115  
division (F) of section 5747.53 of the Revised Code multiplied by 11116  
the total amount actually distributed in calendar year 2010 from 11117  
the county undivided local government fund; 11118

(c) With respect to taxes levied by the local taxing unit, 11119  
the taxes charged and payable against all property on the tax list 11120  
of real and public utility property for tax year 2009 excluding 11121  
taxes charged and payable for the purpose of paying debt charges; 11122

(d) The amount received from the tax commissioner during 11123  
calendar year 2010 for sales or use taxes authorized under 11124  
sections 5739.023 and 5741.022 of the Revised Code; 11125

(e) For institutions of higher education receiving tax 11126  
revenue from a local levy, as identified in section 3358.02 of the 11127  
Revised Code, the final state share of instruction allocation for 11128  
fiscal year 2010 as calculated by the board of regents and 11129  
reported to the state controlling board. 11130

(32) If a fixed-rate levy that is a qualifying levy is not 11131  
imposed in any year after tax year 2010, "total resources" used to 11132  
compute payments to be made under division (C)(12) of section 11133  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 11134  
Revised Code in the tax years following the last year the levy is 11135  
imposed shall be reduced by the amount of payments attributable to 11136  
the fixed-rate levy loss of that levy as would be computed under 11137  
division (C)(2) of section 5727.85, division (A)(1) of section 11138  
5727.85, divisions (C)(8) and (9) of section 5751.21, or division 11139  
(A)(1) of section 5751.22 of the Revised Code. 11140

(33) "Municipal current expense property tax levies" means 11141  
all property tax levies of a municipality, except those with the 11142  
following levy names: airport resurfacing; bond or any levy name 11143  
including the word "bond"; capital improvement or any levy name 11144

including the word "capital"; debt or any levy name including the 11145  
word "debt"; equipment or any levy name including the word 11146  
"equipment," unless the levy is for combined operating and 11147  
equipment; employee termination fund; fire pension or any levy 11148  
containing the word "pension," including police pensions; 11149  
fireman's fund or any practically similar name; sinking fund; road 11150  
improvements or any levy containing the word "road"; fire truck or 11151  
apparatus; flood or any levy containing the word "flood"; 11152  
conservancy district; county health; note retirement; sewage, or 11153  
any levy containing the words "sewage" or "sewer"; park 11154  
improvement; parkland acquisition; storm drain; street or any levy 11155  
name containing the word "street"; lighting, or any levy name 11156  
containing the word "lighting"; and water. 11157

(34) "Current expense TPP allocation" means, in the case of a 11158  
school district or joint vocational school district, the sum of 11159  
the payments received by the school district in fiscal year 2011 11160  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 11161  
Revised Code to the extent paid for current expense levies. In the 11162  
case of a municipal corporation, "current expense TPP allocation" 11163  
means the sum of the payments received by the municipal 11164  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 11165  
(2) of section 5751.22 of the Revised Code to the extent paid for 11166  
municipal current expense property tax levies as defined in 11167  
division (A)(33) of this section. If a fixed-rate levy that is a 11168  
qualifying levy is not imposed in any year after tax year 2010, 11169  
"current expense TPP allocation" used to compute payments to be 11170  
made under division (C)(12) of section 5751.21 or division 11171  
(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 11172  
years following the last year the levy is imposed shall be reduced 11173  
by the amount of payments attributable to the fixed-rate levy loss 11174  
of that levy as would be computed under divisions (C)(10) and (11) 11175  
of section 5751.21 or division (A)(1) of section 5751.22 of the 11176  
Revised Code. 11177

(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) and (11) and (D) of section 5751.21 of the Revised Code. In the case of a local taxing unit, "total TPP allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1), (2), and (3) 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, "total 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.

(37) "Non-current expense TPP allocation" means the difference of total TPP allocation minus the sum of current expense TPP allocation and the portion of total TPP allocation constituting reimbursement for debt levies, pursuant to division (D) of section 5751.21 of the Revised Code in the case of a school district or joint vocational school district and pursuant to

division (A)(3) of section 5751.22 of the Revised Code in the case 11210  
of a municipal corporation. 11211

(38) "Threshold per cent" means, in the case of a school 11212  
district or joint vocational school district, two per cent for 11213  
fiscal year 2012 and four per cent for fiscal years 2013 and 11214  
thereafter. In the case of a local taxing unit, "threshold per 11215  
cent" means two per cent for tax year 2011, four per cent for tax 11216  
year 2012, and six per cent for tax years 2013 and thereafter. 11217

(B) The commercial activities tax receipts fund is hereby 11218  
created in the state treasury and shall consist of money arising 11219  
from the tax imposed under this chapter. Eighty-five 11220  
one-hundredths of one per cent of the money credited to that fund 11221  
shall be credited to the tax reform system implementation fund, 11222  
which is hereby created in the state treasury, and shall be used 11223  
to defray the costs incurred by the department of taxation in 11224  
administering the tax imposed by this chapter and in implementing 11225  
tax reform measures. The remainder in the commercial activities 11226  
tax receipts fund shall be credited for each fiscal year in the 11227  
following percentages to the general revenue fund, to the school 11228  
district tangible property tax replacement fund, which is hereby 11229  
created in the state treasury for the purpose of making the 11230  
payments described in section 5751.21 of the Revised Code, and to 11231  
the local government tangible property tax replacement fund, which 11232  
is hereby created in the state treasury for the purpose of making 11233  
the payments described in section 5751.22 of the Revised Code, in 11234  
the following percentages: 11235

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	11237
2007	0%	70.0%	30.0%	11238

2008	0%	70.0%	30.0%	11239
2009	0%	70.0%	30.0%	11240
2010	0%	70.0%	30.0%	11241
2011	0%	70.0%	30.0%	11242
2012	25.0%	52.5%	22.5%	11243
2013 and thereafter	50.0%	35.0%	15.0%	11244

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is 11268  
thirteen and one-fourth and the denominator of which is 11269  
twenty-three; 11270

(d) For tax year 2009 and thereafter a fraction, the 11271  
numerator of which is seventeen and the denominator of which is 11272  
twenty-three. 11273

(3) Furniture and fixtures property tax value loss is the 11274  
taxable value of furniture and fixture property as reported by 11275  
taxpayers for tax year 2004 multiplied by: 11276

(a) For tax year 2006, twenty-five per cent; 11277

(b) For tax year 2007, fifty per cent; 11278

(c) For tax year 2008, seventy-five per cent; 11279

(d) For tax year 2009 and thereafter, one hundred per cent. 11280

The taxable value of property reported by taxpayers used in 11281  
divisions (C)(1), (2), and (3) of this section shall be such 11282  
values as determined to be final by the tax commissioner as of 11283  
August 31, 2005. Such determinations shall be final except for any 11284  
correction of a clerical error that was made prior to August 31, 11285  
2005, by the tax commissioner. 11286

(4) Telephone property tax value loss is the taxable value of 11287  
telephone property as taxpayers would have reported that property 11288  
for tax year 2004 if the assessment rate for all telephone 11289  
property for that year were twenty-five per cent, multiplied by: 11290

(a) For tax year 2006, zero per cent; 11291

(b) For tax year 2007, zero per cent; 11292

(c) For tax year 2008, zero per cent; 11293

(d) For tax year 2009, sixty per cent; 11294

(e) For tax year 2010, eighty per cent; 11295

(f) For tax year 2011 and thereafter, one hundred per cent. 11296

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit



multiplied by the sum of the fixed-sum tax rates of qualifying 11360  
levies. For 2006 through 2010, this computation shall include all 11361  
qualifying levies remaining in effect for the current tax year and 11362  
any school district levies imposed under section 5705.194 or 11363  
5705.213 of the Revised Code that are qualifying levies not 11364  
remaining in effect for the current year. For 2011 through 2017 in 11365  
the case of school district levies imposed under section 5705.194 11366  
or 5705.213 of the Revised Code and for all years after 2010 in 11367  
the case of other fixed-sum levies, this computation shall include 11368  
only qualifying levies remaining in effect for the current year. 11369  
For purposes of this computation, a qualifying school district 11370  
levy imposed under section 5705.194 or 5705.213 of the Revised 11371  
Code remains in effect in a year after 2010 only if, for that 11372  
year, the board of education levies a school district levy imposed 11373  
under section 5705.194, 5705.199, 5705.213, or 5705.219 of the 11374  
Revised Code for an annual sum at least equal to the annual sum 11375  
levied by the board in tax year 2004 less the amount of the 11376  
payment certified under this division for 2006. 11377

(2) The total taxable value in tax year 2004 less the sum of 11378  
the machinery and equipment, inventory, furniture and fixtures, 11379  
and telephone property tax value losses in each school district, 11380  
joint vocational school district, and local taxing unit multiplied 11381  
by one-half of one mill per dollar. 11382

(3) For the calculations in divisions (E)(1) and (2) of this 11383  
section, the tax value losses are those that would be calculated 11384  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 11385  
section and for tax year 2011 under division (C)(4) of this 11386  
section. 11387

(4) To facilitate the calculation under divisions (D) and (E) 11388  
of this section, not later than September 1, 2005, any school 11389  
district, joint vocational school district, or local taxing unit 11390  
that has a qualifying levy that was approved at an election 11391

conducted during 2005 before September 1, 2005, shall certify to 11392  
the tax commissioner a copy of the county auditor's certificate of 11393  
estimated property tax millage for such levy as required under 11394  
division (B) of section 5705.03 of the Revised Code, which is the 11395  
rate that shall be used in the calculations under such divisions. 11396

If the amount determined under division (E) of this section 11397  
for any school district, joint vocational school district, or 11398  
local taxing unit is greater than zero, that amount shall equal 11399  
the reimbursement to be paid pursuant to division (E) of section 11400  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 11401  
and the one-half of one mill that is subtracted under division 11402  
(E)(2) of this section shall be apportioned among all contributing 11403  
fixed-sum levies in the proportion that each levy bears to the sum 11404  
of all fixed-sum levies within each school district, joint 11405  
vocational school district, or local taxing unit. 11406

(F) If a school district levies a tax under section 5705.219 11407  
of the Revised Code, the fixed-rate levy loss for qualifying 11408  
levies, to the extent repealed under that section, shall equal the 11409  
sum of the following amounts in lieu of the amounts computed for 11410  
such levies under division (D) of this section: 11411

(1) The sum of the rates of qualifying levies to the extent 11412  
so repealed multiplied by the sum of the machinery and equipment, 11413  
inventory, and furniture and fixtures tax value losses for 2009 as 11414  
determined under that division; 11415

(2) The sum of the rates of qualifying levies to the extent 11416  
so repealed multiplied by the telephone property tax value loss 11417  
for 2011 as determined under that division. 11418

The fixed-rate levy losses for qualifying levies to the 11419  
extent not repealed under section 5705.219 of the Revised Code 11420  
shall be as determined under division (D) of this section. The 11421  
revised fixed-rate levy losses determined under this division and 11422

division (D) of this section first apply in the year following the 11423  
first year the district levies the tax under section 5705.219 of 11424  
the Revised Code. 11425

(G) Not later than October 1, 2005, the tax commissioner 11426  
shall certify to the department of education for every school 11427  
district and joint vocational school district the machinery and 11428  
equipment, inventory, furniture and fixtures, and telephone 11429  
property tax value losses determined under division (C) of this 11430  
section, the machinery and equipment, inventory, furniture and 11431  
fixtures, and telephone fixed-rate levy losses determined under 11432  
division (D) of this section, and the fixed-sum levy losses 11433  
calculated under division (E) of this section. The calculations 11434  
under divisions (D) and (E) of this section shall separately 11435  
display the levy loss for each levy eligible for reimbursement. 11436

(H) Not later than October 1, 2005, the tax commissioner 11437  
shall certify the amount of the fixed-sum levy losses to the 11438  
county auditor of each county in which a school district, joint 11439  
vocational school district, or local taxing unit with a fixed-sum 11440  
levy loss reimbursement has territory. 11441

(I) Not later than the twenty-eighth day of February each 11442  
year beginning in 2011 and ending in 2014, the tax commissioner 11443  
shall certify to the department of education for each school 11444  
district first levying a tax under section 5705.219 of the Revised 11445  
Code in the preceding year the revised fixed-rate levy losses 11446  
determined under divisions (D) and (F) of this section. 11447

**Sec. 6301.01.** As used in this chapter: 11448

(A) "Local area" means any of the following: 11449

(1) A municipal corporation that is authorized to administer 11450  
and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 11451  
29 U.S.C.A. 2801, as amended, under this chapter and is not 11452

joining in partnership with any other political subdivisions in	11453
order to do so;	11454
(2) A single county;	11455
(3) A consortium of any of the following political	11456
subdivisions:	11457
(a) A group of two or more counties in the state;	11458
(b) One or more counties and one municipal corporation in the	11459
state;	11460
(c) One or more counties with or without one municipal	11461
corporation in the state and one or more counties with or without	11462
one municipal corporation in another state, on the condition that	11463
those in another state share a labor market area with those in the	11464
state.	11465
"Local area" does not mean a region for purposes of	11466
determinations concerning administrative incentives.	11467
(B) "Municipal corporation" means a municipal corporation	11468
that is eligible for automatic or temporary designation as a local	11469
workforce investment area pursuant to section 116(a)(2) or (3) of	11470
the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.	11471
2831(a)(2) or (3), but that does not request that the governor	11472
grant such automatic or temporary designation, and that instead	11473
elects to administer and enforce workforce development activities	11474
pursuant to this chapter.	11475
(C) "County" means a county that is eligible to be designated	11476
as a local workforce investment area pursuant to the "Workforce	11477
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as	11478
amended, but that does not request such designation, and instead	11479
elects to administer and enforce workforce development activities	11480
pursuant to this chapter.	11481
(D) "Workforce development agency" means the entity given	11482

responsibility for workforce development activities that is 11483  
designated by the board of county commissioners in accordance with 11484  
section 330.04 of the Revised Code, the chief elected official of 11485  
a municipal corporation in accordance with section 763.05 of the 11486  
Revised Code, or the chief elected officials of a local area 11487  
defined in division (A)(3) of this section. 11488

(E) "Workforce development activity" means a program, grant, 11489  
or other function, the primary goal of which is to do one or more 11490  
of the following: 11491

(1) Help individuals maximize their employment opportunities; 11492

(2) Help employers gain access to skilled workers; 11493

(3) Help employers retain skilled workers; 11494

(4) Help develop or enhance the skills of incumbent workers; 11495

(5) Improve the quality of the state's workforce; 11496

(6) Enhance the productivity and competitiveness of the 11497  
state's economy. 11498

(F) "Chief elected officials," when used in reference to a 11499  
local area, means the board of county commissioners of the county 11500  
or of each county in the local area or, if the county has adopted 11501  
a charter under Section 3 of Article X, Ohio Constitution, the 11502  
chief governing body of that county, and the chief elected 11503  
official of the municipal corporation, if the local area includes 11504  
a municipal corporation, except that when the local area is the 11505  
type defined in division (A)(1) of this section, "chief elected 11506  
officials" means the chief elected official of the municipal 11507  
corporation. 11508

(G) "State board" means the state workforce policy board 11509  
established by section 6301.04 of the Revised Code. 11510

(H) "Local board" means a local workforce policy board 11511  
created pursuant to section 6301.06 of the Revised Code. 11512

**Sec. 6301.02.** The director of job and family services shall 11513  
administer the "Workforce Investment Act of 1998," 112 Stat. 936, 11514  
29 U.S.C.A. 2801, as amended, the "Wagner-Peyser Act," 48 Stat. 11515  
113 (1933), 29 U.S.C.A. 49, as amended, and the funds received 11516  
pursuant to those acts. In administering those acts and funds 11517  
received pursuant to those acts, the director shall ~~establish and~~ 11518  
~~administer~~ assist the state workforce policy board in establishing 11519  
and administering a workforce development system that is designed 11520  
to provide leadership, support, and oversight to locally designed 11521  
workforce development ~~and family services~~ systems ~~and that~~ 11522  
~~provides the maximum amount of flexibility and authority to~~ 11523  
~~counties and municipal corporations, as permitted under the~~ 11524  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 11525  
~~2801, as amended.~~ The director shall conduct investigations and 11526  
hold hearings as necessary for the administration of this chapter. 11527

To the extent permitted by state and federal law, the 11528  
director may adopt rules pursuant to Chapter 119. of the Revised 11529  
Code to establish any program or pilot program for the purposes of 11530  
providing workforce development activities or family services to 11531  
individuals who do not meet eligibility criteria for those 11532  
activities or services under applicable federal law. Prior to the 11533  
initiation of any program of that nature, the director of budget 11534  
and management shall certify to the governor that sufficient funds 11535  
are available to administer a program of that nature. The state 11536  
board shall have final approval of any such program. 11537

Unless otherwise prohibited by state or federal law, every 11538  
state agency, board, or commission shall provide to the state 11539  
board and the director all information and assistance requested by 11540  
the state board and the director in furtherance of workforce 11541  
development activities. 11542

**Sec. 6301.03.** (A) In administering the "Workforce Investment 11543

Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 11544  
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 11545  
amended, the funds received pursuant to those acts, and the 11546  
workforce development system, the director of job and family 11547  
services may, at the direction of the state board, make 11548  
allocations and payment of funds for the local administration of 11549  
the workforce development activities established under this 11550  
chapter. ~~Pursuant to the "Workforce Investment Act of 1998," 112~~ 11551  
~~Stat. 936, 29 U.S.C.A. 2801, as amended, the governor shall~~ 11552  
~~reserve not more than fifteen per cent of the amounts allocated to~~ 11553  
~~the state under Title I of that act for adults, dislocated~~ 11554  
~~workers, and youth for statewide activities, and not more than~~ 11555  
~~twenty five per cent of funds allocated for dislocated workers~~ 11556  
~~under Title I of that act for statewide rapid response activities.~~ 11557

(B) The director shall allocate to local areas all funds 11558  
required to be allocated to local areas pursuant to the "Workforce 11559  
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 11560  
amended. The director shall make allocations only with funds 11561  
available. Local areas, as defined by either section 101 of the 11562  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 11563  
2801, as amended, or section 6301.01 of the Revised Code, and 11564  
subrecipients of a local area shall establish a workforce 11565  
development fund and the entity receiving funds shall deposit all 11566  
funds received under this section into the workforce development 11567  
fund. All expenditures for activities funded under this section 11568  
shall be made from the workforce development fund, including 11569  
reimbursements to a county public assistance fund for expenditures 11570  
made for activities funded under this section. 11571

(C) The use of funds, reporting requirements, and other 11572  
administrative and operational requirements governing the use of 11573  
funds received by the director pursuant to this section shall be 11574  
governed by internal management rules adopted by ~~the director~~ and 11575

approved by the state board pursuant to section 111.15 of the Revised Code. 11576  
11577

(D) To the extent permitted by state or federal law, the 11578  
state board, director, local areas, counties, and municipal 11579  
corporations authorized to administer workforce development 11580  
activities may assess a fee for specialized services requested by 11581  
an employer. The director shall adopt rules pursuant to Chapter 11582  
119. of the Revised Code governing the nature and amount of those 11583  
types of fees. 11584

**Sec. 6301.04.** The governor shall establish a state workforce 11585  
policy board and appoint members to the board, who serve at the 11586  
governor's pleasure, to perform duties under the "Workforce 11587  
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 11588  
amended, as authorized by the governor. The board is not subject 11589  
to sections 101.82 to 101.87 of the Revised Code. ~~The director of~~ 11590  
~~job and family services may~~ All state agencies engaged in 11591  
workforce development activities shall assist the board in the 11592  
performance of its duties. 11593

(A)(1) The governor shall designate nine members of the board 11594  
to be voting members. All other members shall be ex officio, 11595  
nonvoting members. 11596

(2) The governor shall choose the voting members in a way 11597  
that a majority of the voting board members represent business 11598  
interests. 11599

(B) The board shall have the power and authority to do all of 11600  
the following: 11601

(1) Provide oversight and policy direction to ensure that the 11602  
state workforce development activities are aligned and serving the 11603  
needs of the state's employers, incumbent workers, and job 11604  
seekers; 11605



<u>(2) Adopt rules necessary to administer state workforce development activities;</u>	11606
	11607
<u>(3) Adopt rules necessary for the auditing and monitoring of subrecipients of the workforce development system grant funds;</u>	11608
	11609
<u>(4) Designate local workforce investment areas in accordance with 29 U.S.C. 2831;</u>	11610
	11611
<u>(5) Develop a unified budget for all state and federal workforce funds;</u>	11612
	11613
<u>(6) Establish a statewide employment and data collection system;</u>	11614
	11615
<u>(7) Develop statewide performance measures for workforce development and investment;</u>	11616
	11617
<u>(8) Develop a state workforce development plan;</u>	11618
<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>	11619
	11620
	11621
<u>(10) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor.</u>	11622
	11623
<b>Sec. 6301.07.</b> (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>	11624
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	11627
(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>	11628
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	11633
(1) <u>Identify the workforce investment needs of businesses in</u>	11634

the local area, identify projected employment opportunities, and 11635  
identify the job skills and performance character necessary to 11636  
obtain and succeed in those opportunities; 11637

(2) Identify the local area's workforce development needs for 11638  
youth, dislocated workers, adults, displaced homemakers, incumbent 11639  
workers, and any other group of workers identified by the local 11640  
workforce policy board; 11641

(3) Determine the distribution of workforce development 11642  
resources and funding to be distributed for each workforce 11643  
development activity to meet the identified needs, utilizing the 11644  
funds allocated pursuant to the "Workforce Investment Act of 11645  
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended; 11646

(4) Give priority to youth receiving independent living 11647  
services pursuant to sections 2151.81 to 2151.84 of the Revised 11648  
Code when determining distribution of workforce development 11649  
resources and workforce development activity funding; 11650

(5) Review the minimum curriculum required by the state 11651  
workforce policy board for certifying training providers and 11652  
identify any additional curriculum requirements to include in 11653  
contracts between the training providers and the chief elected 11654  
officials of the local area; 11655

(6) Establish performance standards for service providers 11656  
that reflect local workforce development needs; 11657

(7) Describe any other information the chief elected 11658  
officials of the local area require. 11659

~~(B)~~(C) A local workforce policy board may provide policy 11660  
guidance and recommendations to the chief elected officials of a 11661  
local area for any workforce development activities. 11662

~~(C)~~(D) Nothing in this section prohibits the chief elected 11663  
officials of a local area from assigning, through a partnership 11664

agreement, any duties in addition to the duties under this section 11665  
to a local workforce policy board, except that a local workforce 11666  
policy board cannot contract with itself for the direct provision 11667  
of services in its local area. A local workforce policy board may 11668  
consult with the chief elected officials of its local area and 11669  
make recommendations regarding the workforce development 11670  
activities provided in its local area at any time. 11671

**Sec. 6301.08.** Every local area shall participate in a 11672  
one-stop system for workforce development activities. Each board 11673  
of county commissioners and the chief elected official of a 11674  
municipal corporation shall ensure that at least one ~~physical~~ 11675  
location delivery method is available in the local area, either 11676  
through a physical location, or by electronic means approved by 11677  
the state board, for the provision of workforce development 11678  
activities. 11679

A one-stop system may be operated by a private entity or a 11680  
public agency, including a workforce development agency, any 11681  
existing facility or organization that is established to 11682  
administer workforce development activities in the local area, and 11683  
a county family services agency. 11684

A one-stop system shall include representatives of all the 11685  
partners required under the "Workforce Investment Act of 1998," 11686  
112 Stat. 936, 29 U.S.C.A. 2801, as amended. ~~Additionally, at~~ 11687  
~~least one representative from a county department of job and~~ 11688  
~~family services shall staff a one-stop system to represent all of~~ 11689  
~~the county family services agencies within the local area.~~ 11690

**Sec. 6301.10.** Beginning January 1, ~~2001~~ 2013, and each 11691  
calendar ~~quarter~~ year thereafter, the ~~director of job and family~~ 11692  
~~services~~ state board, with the assistance of all state agencies 11693  
engaged in workforce development activities, shall prepare a 11694

report concerning the state of Ohio's workforce. The ~~director~~ 11695  
state board shall distribute the report to the president and 11696  
minority leader of the senate, the speaker and minority leader of 11697  
the house of representatives, ~~the state workforce policy board,~~ 11698  
the governor's office of Appalachian Ohio, the commission on 11699  
Hispanic-Latino affairs, and the commission on African-American 11700  
males. 11701

**Section 101.02.** That existing sections 124.38, 3301.04, 11702  
3301.079, 3301.0710, 3301.0712, 3301.0714, 3301.0715, 3301.0723, 11703  
3301.52, 3301.53, 3301.58, 3301.90, 3301.922, 3302.03, 3302.032, 11704  
3302.042, 3302.12, 3302.20, 3302.21, 3302.25, 3310.03, 3310.08, 11705  
3310.15, 3313.37, 3313.41, 3313.411, 3313.608, 3313.609, 11706  
3313.6013, 3313.674, 3313.813, 3313.816, 3313.842, 3313.843, 11707  
3313.845, 3313.978, 3314.015, 3314.016, 3314.02, 3314.029, 11708  
3314.03, 3314.06, 3314.08, 3314.17, 3314.18, 3314.35, 3314.36, 11709  
3317.01, 3317.11, 3318.034, 3318.36, 3318.37, 3318.371, 3318.70, 11710  
3319.02, 3319.06, 3319.11, 3319.111, 3319.112, 3319.58, 3321.01, 11711  
3323.011, 3323.052, 3323.19, 3326.03, 3326.04, 3326.10, 3326.11, 11712  
3326.17, 3326.21, 3328.15, 3328.24, 3333.0411, 4139.01, 4139.03, 11713  
4139.04, 4139.05, 4141.01, 4141.29, 4301.20, 5104.01, 5104.011, 11714  
5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 5104.38, 5709.83, 11715  
5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 11716  
6301.10 of the Revised Code are hereby repealed. 11717

**Section 105.01.** That section 3319.19 of the Revised Code is 11718  
hereby repealed. 11719

**Section 120.01.** That sections 109.57, 2151.011, 2919.227, 11720  
2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 11721  
3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 11722  
5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 5104.022, 11723  
5104.03, 5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 11724

5104.08, 5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 11725  
5104.36, 5104.38, 5107.60, and 5153.175 be amended, sections 11726  
5104.011 (5104.015), 5104.015 (5104.25), 5104.031 (5104.035), 11727  
5104.032 (5104.036), and 5104.033 (5104.037) be amended for the 11728  
purpose of adopting new section numbers as indicated in 11729  
parentheses, and new sections 5104.032 and 5104.033 and sections 11730  
5104.016, 5104.017, 5104.018, 5104.019, 5104.0110, 5104.0111, 11731  
5104.0112, 5104.034, 5104.038, 5104.039, and 5104.14 of the 11732  
Revised Code be enacted to read as follows: 11733

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 11734  
criminal identification and investigation shall procure from 11735  
wherever procurable and file for record photographs, pictures, 11736  
descriptions, fingerprints, measurements, and other information 11737  
that may be pertinent of all persons who have been convicted of 11738  
committing within this state a felony, any crime constituting a 11739  
misdemeanor on the first offense and a felony on subsequent 11740  
offenses, or any misdemeanor described in division (A)(1)(a), 11741  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 11742  
of all children under eighteen years of age who have been 11743  
adjudicated delinquent children for committing within this state 11744  
an act that would be a felony or an offense of violence if 11745  
committed by an adult or who have been convicted of or pleaded 11746  
guilty to committing within this state a felony or an offense of 11747  
violence, and of all well-known and habitual criminals. The person 11748  
in charge of any county, multicounty, municipal, municipal-county, 11749  
or multicounty-municipal jail or workhouse, community-based 11750  
correctional facility, halfway house, alternative residential 11751  
facility, or state correctional institution and the person in 11752  
charge of any state institution having custody of a person 11753  
suspected of having committed a felony, any crime constituting a 11754  
misdemeanor on the first offense and a felony on subsequent 11755

offenses, or any misdemeanor described in division (A)(1)(a), 11756  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 11757  
having custody of a child under eighteen years of age with respect 11758  
to whom there is probable cause to believe that the child may have 11759  
committed an act that would be a felony or an offense of violence 11760  
if committed by an adult shall furnish such material to the 11761  
superintendent of the bureau. Fingerprints, photographs, or other 11762  
descriptive information of a child who is under eighteen years of 11763  
age, has not been arrested or otherwise taken into custody for 11764  
committing an act that would be a felony or an offense of violence 11765  
who is not in any other category of child specified in this 11766  
division, if committed by an adult, has not been adjudicated a 11767  
delinquent child for committing an act that would be a felony or 11768  
an offense of violence if committed by an adult, has not been 11769  
convicted of or pleaded guilty to committing a felony or an 11770  
offense of violence, and is not a child with respect to whom there 11771  
is probable cause to believe that the child may have committed an 11772  
act that would be a felony or an offense of violence if committed 11773  
by an adult shall not be procured by the superintendent or 11774  
furnished by any person in charge of any county, multicounty, 11775  
municipal, municipal-county, or multicounty-municipal jail or 11776  
workhouse, community-based correctional facility, halfway house, 11777  
alternative residential facility, or state correctional 11778  
institution, except as authorized in section 2151.313 of the 11779  
Revised Code. 11780

(2) Every clerk of a court of record in this state, other 11781  
than the supreme court or a court of appeals, shall send to the 11782  
superintendent of the bureau a weekly report containing a summary 11783  
of each case involving a felony, involving any crime constituting 11784  
a misdemeanor on the first offense and a felony on subsequent 11785  
offenses, involving a misdemeanor described in division (A)(1)(a), 11786  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 11787  
or involving an adjudication in a case in which a child under 11788

eighteen years of age was alleged to be a delinquent child for 11789  
committing an act that would be a felony or an offense of violence 11790  
if committed by an adult. The clerk of the court of common pleas 11791  
shall include in the report and summary the clerk sends under this 11792  
division all information described in divisions (A)(2)(a) to (f) 11793  
of this section regarding a case before the court of appeals that 11794  
is served by that clerk. The summary shall be written on the 11795  
standard forms furnished by the superintendent pursuant to 11796  
division (B) of this section and shall include the following 11797  
information: 11798

(a) The incident tracking number contained on the standard 11799  
forms furnished by the superintendent pursuant to division (B) of 11800  
this section; 11801

(b) The style and number of the case; 11802

(c) The date of arrest, offense, summons, or arraignment; 11803

(d) The date that the person was convicted of or pleaded 11804  
guilty to the offense, adjudicated a delinquent child for 11805  
committing the act that would be a felony or an offense of 11806  
violence if committed by an adult, found not guilty of the 11807  
offense, or found not to be a delinquent child for committing an 11808  
act that would be a felony or an offense of violence if committed 11809  
by an adult, the date of an entry dismissing the charge, an entry 11810  
declaring a mistrial of the offense in which the person is 11811  
discharged, an entry finding that the person or child is not 11812  
competent to stand trial, or an entry of a nolle prosequi, or the 11813  
date of any other determination that constitutes final resolution 11814  
of the case; 11815

(e) A statement of the original charge with the section of 11816  
the Revised Code that was alleged to be violated; 11817

(f) If the person or child was convicted, pleaded guilty, or 11818  
was adjudicated a delinquent child, the sentence or terms of 11819

probation imposed or any other disposition of the offender or the delinquent child.

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.

(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 subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the



state and its political subdivisions. 11852

(4) The superintendent shall carry out Chapter 2950. of the 11853  
Revised Code with respect to the registration of persons who are 11854  
convicted of or plead guilty to a sexually oriented offense or a 11855  
child-victim oriented offense and with respect to all other duties 11856  
imposed on the bureau under that chapter. 11857

(5) The bureau shall perform centralized recordkeeping 11858  
functions for criminal history records and services in this state 11859  
for purposes of the national crime prevention and privacy compact 11860  
set forth in section 109.571 of the Revised Code and is the 11861  
criminal history record repository as defined in that section for 11862  
purposes of that compact. The superintendent or the 11863  
superintendent's designee is the compact officer for purposes of 11864  
that compact and shall carry out the responsibilities of the 11865  
compact officer specified in that compact. 11866

(B) The superintendent shall prepare and furnish to every 11867  
county, multicounty, municipal, municipal-county, or 11868  
multicounty-municipal jail or workhouse, community-based 11869  
correctional facility, halfway house, alternative residential 11870  
facility, or state correctional institution and to every clerk of 11871  
a court in this state specified in division (A)(2) of this section 11872  
standard forms for reporting the information required under 11873  
division (A) of this section. The standard forms that the 11874  
superintendent prepares pursuant to this division may be in a 11875  
tangible format, in an electronic format, or in both tangible 11876  
formats and electronic formats. 11877

(C)(1) The superintendent may operate a center for 11878  
electronic, automated, or other data processing for the storage 11879  
and retrieval of information, data, and statistics pertaining to 11880  
criminals and to children under eighteen years of age who are 11881  
adjudicated delinquent children for committing an act that would 11882  
be a felony or an offense of violence if committed by an adult, 11883

criminal activity, crime prevention, law enforcement, and criminal 11884  
justice, and may establish and operate a statewide communications 11885  
network to be known as the Ohio law enforcement gateway to gather 11886  
and disseminate information, data, and statistics for the use of 11887  
law enforcement agencies and for other uses specified in this 11888  
division. The superintendent may gather, store, retrieve, and 11889  
disseminate information, data, and statistics that pertain to 11890  
children who are under eighteen years of age and that are gathered 11891  
pursuant to sections 109.57 to 109.61 of the Revised Code together 11892  
with information, data, and statistics that pertain to adults and 11893  
that are gathered pursuant to those sections. 11894

(2) The superintendent or the superintendent's designee shall 11895  
gather information of the nature described in division (C)(1) of 11896  
this section that pertains to the offense and delinquency history 11897  
of a person who has been convicted of, pleaded guilty to, or been 11898  
adjudicated a delinquent child for committing a sexually oriented 11899  
offense or a child-victim oriented offense for inclusion in the 11900  
state registry of sex offenders and child-victim offenders 11901  
maintained pursuant to division (A)(1) of section 2950.13 of the 11902  
Revised Code and in the internet database operated pursuant to 11903  
division (A)(13) of that section and for possible inclusion in the 11904  
internet database operated pursuant to division (A)(11) of that 11905  
section. 11906

(3) In addition to any other authorized use of information, 11907  
data, and statistics of the nature described in division (C)(1) of 11908  
this section, the superintendent or the superintendent's designee 11909  
may provide and exchange the information, data, and statistics 11910  
pursuant to the national crime prevention and privacy compact as 11911  
described in division (A)(5) of this section. 11912

(4) The attorney general may adopt rules under Chapter 119. 11913  
of the Revised Code establishing guidelines for the operation of 11914  
and participation in the Ohio law enforcement gateway. The rules 11915

may include criteria for granting and restricting access to 11916  
information gathered and disseminated through the Ohio law 11917  
enforcement gateway. The attorney general shall permit the state 11918  
medical board and board of nursing to access and view, but not 11919  
alter, information gathered and disseminated through the Ohio law 11920  
enforcement gateway. 11921

The attorney general may appoint a steering committee to 11922  
advise the attorney general in the operation of the Ohio law 11923  
enforcement gateway that is comprised of persons who are 11924  
representatives of the criminal justice agencies in this state 11925  
that use the Ohio law enforcement gateway and is chaired by the 11926  
superintendent or the superintendent's designee. 11927

(D)(1) The following are not public records under section 11928  
149.43 of the Revised Code: 11929

(a) Information and materials furnished to the superintendent 11930  
pursuant to division (A) of this section; 11931

(b) Information, data, and statistics gathered or 11932  
disseminated through the Ohio law enforcement gateway pursuant to 11933  
division (C)(1) of this section; 11934

(c) Information and materials furnished to any board or 11935  
person under division (F) or (G) of this section. 11936

(2) The superintendent or the superintendent's designee shall 11937  
gather and retain information so furnished under division (A) of 11938  
this section that pertains to the offense and delinquency history 11939  
of a person who has been convicted of, pleaded guilty to, or been 11940  
adjudicated a delinquent child for committing a sexually oriented 11941  
offense or a child-victim oriented offense for the purposes 11942  
described in division (C)(2) of this section. 11943

(E) The attorney general shall adopt rules, in accordance 11944  
with Chapter 119. of the Revised Code, setting forth the procedure 11945  
by which a person may receive or release information gathered by 11946

the superintendent pursuant to division (A) of this section. A 11947  
reasonable fee may be charged for this service. If a temporary 11948  
employment service submits a request for a determination of 11949  
whether a person the service plans to refer to an employment 11950  
position has been convicted of or pleaded guilty to an offense 11951  
listed in division (A)(1), (3), (4), (5), or (6) of section 11952  
109.572 of the Revised Code, the request shall be treated as a 11953  
single request and only one fee shall be charged. 11954

(F)(1) As used in division (F)(2) of this section, "head 11955  
start agency" means an entity in this state that has been approved 11956  
to be an agency for purposes of subchapter II of the "Community 11957  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 11958  
as amended. 11959

(2)(a) In addition to or in conjunction with any request that 11960  
is required to be made under section 109.572, 2151.86, 3301.32, 11961  
3301.541, division (C) of section 3310.58, or section 3319.39, 11962  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 11963  
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 11964  
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 11965  
Revised Code, the board of education of any school district; the 11966  
director of developmental disabilities; any county board of 11967  
developmental disabilities; any entity under contract with a 11968  
county board of developmental disabilities; the chief 11969  
administrator of any chartered nonpublic school; the chief 11970  
administrator of a registered private provider that is not also a 11971  
chartered nonpublic school; the chief administrator of any home 11972  
health agency; the chief administrator of or person operating any 11973  
child day-care center, type A family day-care home, or type B 11974  
family day-care home licensed ~~or certified~~ under Chapter 5104. of 11975  
the Revised Code; ~~the administrator of any type C family day care~~ 11976  
~~home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st~~ 11977  
~~general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st~~ 11978

~~general assembly;~~ the chief administrator of any head start 11979  
agency; the executive director of a public children services 11980  
agency; a private company described in section 3314.41, 3319.392, 11981  
3326.25, or 3328.20 of the Revised Code; or an employer described 11982  
in division (J)(2) of section 3327.10 of the Revised Code may 11983  
request that the superintendent of the bureau investigate and 11984  
determine, with respect to any individual who has applied for 11985  
employment in any position after October 2, 1989, or any 11986  
individual wishing to apply for employment with a board of 11987  
education may request, with regard to the individual, whether the 11988  
bureau has any information gathered under division (A) of this 11989  
section that pertains to that individual. On receipt of the 11990  
request, the superintendent shall determine whether that 11991  
information exists and, upon request of the person, board, or 11992  
entity requesting information, also shall request from the federal 11993  
bureau of investigation any criminal records it has pertaining to 11994  
that individual. The superintendent or the superintendent's 11995  
designee also may request criminal history records from other 11996  
states or the federal government pursuant to the national crime 11997  
prevention and privacy compact set forth in section 109.571 of the 11998  
Revised Code. Within thirty days of the date that the 11999  
superintendent receives a request, the superintendent shall send 12000  
to the board, entity, or person a report of any information that 12001  
the superintendent determines exists, including information 12002  
contained in records that have been sealed under section 2953.32 12003  
of the Revised Code, and, within thirty days of its receipt, shall 12004  
send the board, entity, or person a report of any information 12005  
received from the federal bureau of investigation, other than 12006  
information the dissemination of which is prohibited by federal 12007  
law. 12008

(b) When a board of education or a registered private 12009  
provider is required to receive information under this section as 12010  
a prerequisite to employment of an individual pursuant to division 12011

(C) of section 3310.58 or section 3319.39 of the Revised Code, it 12012  
may accept a certified copy of records that were issued by the 12013  
bureau of criminal identification and investigation and that are 12014  
presented by an individual applying for employment with the 12015  
district in lieu of requesting that information itself. In such a 12016  
case, the board shall accept the certified copy issued by the 12017  
bureau in order to make a photocopy of it for that individual's 12018  
employment application documents and shall return the certified 12019  
copy to the individual. In a case of that nature, a district or 12020  
provider only shall accept a certified copy of records of that 12021  
nature within one year after the date of their issuance by the 12022  
bureau. 12023

(c) Notwithstanding division (F)(2)(a) of this section, in 12024  
the case of a request under section 3319.39, 3319.391, or 3327.10 12025  
of the Revised Code only for criminal records maintained by the 12026  
federal bureau of investigation, the superintendent shall not 12027  
determine whether any information gathered under division (A) of 12028  
this section exists on the person for whom the request is made. 12029

(3) The state board of education may request, with respect to 12030  
any individual who has applied for employment after October 2, 12031  
1989, in any position with the state board or the department of 12032  
education, any information that a school district board of 12033  
education is authorized to request under division (F)(2) of this 12034  
section, and the superintendent of the bureau shall proceed as if 12035  
the request has been received from a school district board of 12036  
education under division (F)(2) of this section. 12037

(4) When the superintendent of the bureau receives a request 12038  
for information under section 3319.291 of the Revised Code, the 12039  
superintendent shall proceed as if the request has been received 12040  
from a school district board of education and shall comply with 12041  
divisions (F)(2)(a) and (c) of this section. 12042

(5) When a recipient of a classroom reading improvement grant 12043

paid under section 3301.86 of the Revised Code requests, with 12044  
respect to any individual who applies to participate in providing 12045  
any program or service funded in whole or in part by the grant, 12046  
the information that a school district board of education is 12047  
authorized to request under division (F)(2)(a) of this section, 12048  
the superintendent of the bureau shall proceed as if the request 12049  
has been received from a school district board of education under 12050  
division (F)(2)(a) of this section. 12051

(G) In addition to or in conjunction with any request that is 12052  
required to be made under section 3701.881, 3712.09, 3721.121, 12053  
5119.693, or 5119.85 of the Revised Code with respect to an 12054  
individual who has applied for employment in a position that 12055  
involves providing direct care to an older adult or adult 12056  
resident, the chief administrator of a home health agency, hospice 12057  
care program, home licensed under Chapter 3721. of the Revised 12058  
Code, adult day-care program operated pursuant to rules adopted 12059  
under section 3721.04 of the Revised Code, adult foster home, or 12060  
adult care facility may request that the superintendent of the 12061  
bureau investigate and determine, with respect to any individual 12062  
who has applied after January 27, 1997, for employment in a 12063  
position that does not involve providing direct care to an older 12064  
adult or adult resident, whether the bureau has any information 12065  
gathered under division (A) of this section that pertains to that 12066  
individual. 12067

In addition to or in conjunction with any request that is 12068  
required to be made under section 173.27 of the Revised Code with 12069  
respect to an individual who has applied for employment in a 12070  
position that involves providing ombudsperson services to 12071  
residents of long-term care facilities or recipients of 12072  
community-based long-term care services, the state long-term care 12073  
ombudsperson, ombudsperson's designee, or director of health may 12074  
request that the superintendent investigate and determine, with 12075

respect to any individual who has applied for employment in a 12076  
position that does not involve providing such ombudsperson 12077  
services, whether the bureau has any information gathered under 12078  
division (A) of this section that pertains to that applicant. 12079

In addition to or in conjunction with any request that is 12080  
required to be made under section 173.394 of the Revised Code with 12081  
respect to an individual who has applied for employment in a 12082  
position that involves providing direct care to an individual, the 12083  
chief administrator of a community-based long-term care agency may 12084  
request that the superintendent investigate and determine, with 12085  
respect to any individual who has applied for employment in a 12086  
position that does not involve providing direct care, whether the 12087  
bureau has any information gathered under division (A) of this 12088  
section that pertains to that applicant. 12089

On receipt of a request under this division, the 12090  
superintendent shall determine whether that information exists 12091  
and, on request of the individual requesting information, shall 12092  
also request from the federal bureau of investigation any criminal 12093  
records it has pertaining to the applicant. The superintendent or 12094  
the superintendent's designee also may request criminal history 12095  
records from other states or the federal government pursuant to 12096  
the national crime prevention and privacy compact set forth in 12097  
section 109.571 of the Revised Code. Within thirty days of the 12098  
date a request is received, the superintendent shall send to the 12099  
requester a report of any information determined to exist, 12100  
including information contained in records that have been sealed 12101  
under section 2953.32 of the Revised Code, and, within thirty days 12102  
of its receipt, shall send the requester a report of any 12103  
information received from the federal bureau of investigation, 12104  
other than information the dissemination of which is prohibited by 12105  
federal law. 12106

(H) Information obtained by a government entity or person 12107



under this section is confidential and shall not be released or  
disseminated. 12108  
12109

(I) The superintendent may charge a reasonable fee for 12110  
providing information or criminal records under division (F)(2) or 12111  
(G) of this section. 12112

(J) As used in this section: 12113

(1) "Sexually oriented offense" and "child-victim oriented 12114  
offense" have the same meanings as in section 2950.01 of the 12115  
Revised Code. 12116

(2) "Registered private provider" means a nonpublic school or 12117  
entity registered with the superintendent of public instruction 12118  
under section 3310.41 of the Revised Code to participate in the 12119  
autism scholarship program or section 3310.58 of the Revised Code 12120  
to participate in the Jon Peterson special needs scholarship 12121  
program. 12122

**Sec. 2151.011.** (A) As used in the Revised Code: 12123

(1) "Juvenile court" means whichever of the following is 12124  
applicable that has jurisdiction under this chapter and Chapter 12125  
2152. of the Revised Code: 12126

(a) The division of the court of common pleas specified in 12127  
section 2101.022 or 2301.03 of the Revised Code as having 12128  
jurisdiction under this chapter and Chapter 2152. of the Revised 12129  
Code or as being the juvenile division or the juvenile division 12130  
combined with one or more other divisions; 12131

(b) The juvenile court of Cuyahoga county or Hamilton county 12132  
that is separately and independently created by section 2151.08 or 12133  
Chapter 2153. of the Revised Code and that has jurisdiction under 12134  
this chapter and Chapter 2152. of the Revised Code; 12135

(c) If division (A)(1)(a) or (b) of this section does not 12136  
apply, the probate division of the court of common pleas. 12137

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	12138 12139
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	12140 12141 12142 12143 12144
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	12145 12146 12147 12148 12149
(a) Receives and cares for children for two or more consecutive weeks;	12150 12151
(b) Participates in the placement of children in certified foster homes;	12152 12153
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	12154 12155
(B) As used in this chapter:	12156
(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.	12157 12158 12159 12160 12161 12162
(2) "Adult" means an individual who is eighteen years of age or older.	12163 12164
(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	12165 12166 12167

services agency or a private child placing agency. 12168

(4) "Alternative response" means the public children services 12169  
agency's response to a report of child abuse or neglect that 12170  
engages the family in a comprehensive evaluation of child safety, 12171  
risk of subsequent harm, and family strengths and needs and that 12172  
does not include a determination as to whether child abuse or 12173  
neglect occurred. 12174

(5) "Certified foster home" means a foster home, as defined 12175  
in section 5103.02 of the Revised Code, certified under section 12176  
5103.03 of the Revised Code. 12177

(6) "Child" means a person who is under eighteen years of 12178  
age, except that the juvenile court has jurisdiction over any 12179  
person who is adjudicated an unruly child prior to attaining 12180  
eighteen years of age until the person attains twenty-one years of 12181  
age, and, for purposes of that jurisdiction related to that 12182  
adjudication, a person who is so adjudicated an unruly child shall 12183  
be deemed a "child" until the person attains twenty-one years of 12184  
age. 12185

(7) "Child day camp," "child care," "child day-care center," 12186  
"part-time child day-care center," "type A family day-care home," 12187  
"~~certified~~ licensed type B family day-care home," "type B family 12188  
day-care home," "administrator of a child day-care center," 12189  
"administrator of a type A family day-care home," and "in-home 12190  
aide," ~~and "authorized provider"~~ have the same meanings as in 12191  
section 5104.01 of the Revised Code. 12192

(8) "Child care provider" means an individual who is a 12193  
child-care staff member or administrator of a child day-care 12194  
center, a type A family day-care home, or a type B family day-care 12195  
home, or an in-home aide or an individual who is licensed, is 12196  
regulated, is approved, operates under the direction of, or 12197  
otherwise is certified by the department of job and family 12198

services, department of developmental disabilities, or the early	12199
childhood programs of the department of education.	12200
(9) "Chronic truant" has the same meaning as in section	12201
2152.02 of the Revised Code.	12202
(10) "Commit" means to vest custody as ordered by the court.	12203
(11) "Counseling" includes both of the following:	12204
(a) General counseling services performed by a public	12205
children services agency or shelter for victims of domestic	12206
violence to assist a child, a child's parents, and a child's	12207
siblings in alleviating identified problems that may cause or have	12208
caused the child to be an abused, neglected, or dependent child.	12209
(b) Psychiatric or psychological therapeutic counseling	12210
services provided to correct or alleviate any mental or emotional	12211
illness or disorder and performed by a licensed psychiatrist,	12212
licensed psychologist, or a person licensed under Chapter 4757. of	12213
the Revised Code to engage in social work or professional	12214
counseling.	12215
(12) "Custodian" means a person who has legal custody of a	12216
child or a public children services agency or private child	12217
placing agency that has permanent, temporary, or legal custody of	12218
a child.	12219
(13) "Delinquent child" has the same meaning as in section	12220
2152.02 of the Revised Code.	12221
(14) "Detention" means the temporary care of children pending	12222
court adjudication or disposition, or execution of a court order,	12223
in a public or private facility designed to physically restrict	12224
the movement and activities of children.	12225
(15) "Developmental disability" has the same meaning as in	12226
section 5123.01 of the Revised Code.	12227
(16) "Differential response approach" means an approach that	12228

a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(17) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(18) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and

is attending another public or nonpublic school in this or another state; 12260  
12261

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code; 12262  
12263  
12264

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code. 12265  
12266  
12267

(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code. 12268  
12269  
12270

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care. 12271  
12272  
12273  
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12275

(25) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 12276  
12277

(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 12278  
12279  
12280  
12281

(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 12282  
12283

(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 12284  
12285  
12286  
12287  
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12289

(29) "Out-of-home care" means detention facilities, shelter 12290  
facilities, certified children's crisis care facilities, certified 12291  
foster homes, placement in a prospective adoptive home prior to 12292  
the issuance of a final decree of adoption, organizations, 12293  
certified organizations, child day-care centers, type A family 12294  
day-care homes, type B family day-care homes, child care provided 12295  
by ~~type B family day care home providers and by~~ in-home aides, 12296  
group home providers, group homes, institutions, state 12297  
institutions, residential facilities, residential care facilities, 12298  
residential camps, day camps, public schools, chartered nonpublic 12299  
schools, educational service centers, hospitals, and medical 12300  
clinics that are responsible for the care, physical custody, or 12301  
control of children. 12302

(30) "Out-of-home care child abuse" means any of the 12303  
following when committed by a person responsible for the care of a 12304  
child in out-of-home care: 12305

(a) Engaging in sexual activity with a child in the person's 12306  
care; 12307

(b) Denial to a child, as a means of punishment, of proper or 12308  
necessary subsistence, education, medical care, or other care 12309  
necessary for a child's health; 12310

(c) Use of restraint procedures on a child that cause injury 12311  
or pain; 12312

(d) Administration of prescription drugs or psychotropic 12313  
medication to the child without the written approval and ongoing 12314  
supervision of a licensed physician; 12315

(e) Commission of any act, other than by accidental means, 12316  
that results in any injury to or death of the child in out-of-home 12317  
care or commission of any act by accidental means that results in 12318  
an injury to or death of a child in out-of-home care and that is 12319  
at variance with the history given of the injury or death. 12320

(31) "Out-of-home care child neglect" means any of the	12321
following when committed by a person responsible for the care of a	12322
child in out-of-home care:	12323
(a) Failure to provide reasonable supervision according to	12324
the standards of care appropriate to the age, mental and physical	12325
condition, or other special needs of the child;	12326
(b) Failure to provide reasonable supervision according to	12327
the standards of care appropriate to the age, mental and physical	12328
condition, or other special needs of the child, that results in	12329
sexual or physical abuse of the child by any person;	12330
(c) Failure to develop a process for all of the following:	12331
(i) Administration of prescription drugs or psychotropic	12332
drugs for the child;	12333
(ii) Assuring that the instructions of the licensed physician	12334
who prescribed a drug for the child are followed;	12335
(iii) Reporting to the licensed physician who prescribed the	12336
drug all unfavorable or dangerous side effects from the use of the	12337
drug.	12338
(d) Failure to provide proper or necessary subsistence,	12339
education, medical care, or other individualized care necessary	12340
for the health or well-being of the child;	12341
(e) Confinement of the child to a locked room without	12342
monitoring by staff;	12343
(f) Failure to provide ongoing security for all prescription	12344
and nonprescription medication;	12345
(g) Isolation of a child for a period of time when there is	12346
substantial risk that the isolation, if continued, will impair or	12347
retard the mental health or physical well-being of the child.	12348
(32) "Permanent custody" means a legal status that vests in a	12349
public children services agency or a private child placing agency,	12350



all parental rights, duties, and obligations, including the right 12351  
to consent to adoption, and divests the natural parents or 12352  
adoptive parents of all parental rights, privileges, and 12353  
obligations, including all residual rights and obligations. 12354

(33) "Permanent surrender" means the act of the parents or, 12355  
if a child has only one parent, of the parent of a child, by a 12356  
voluntary agreement authorized by section 5103.15 of the Revised 12357  
Code, to transfer the permanent custody of the child to a public 12358  
children services agency or a private child placing agency. 12359

(34) "Person" means an individual, association, corporation, 12360  
or partnership and the state or any of its political subdivisions, 12361  
departments, or agencies. 12362

(35) "Person responsible for a child's care in out-of-home 12363  
care" means any of the following: 12364

(a) Any foster caregiver, in-home aide, or provider; 12365

(b) Any administrator, employee, or agent of any of the 12366  
following: a public or private detention facility; shelter 12367  
facility; certified children's crisis care facility; organization; 12368  
certified organization; child day-care center; type A family 12369  
day-care home; ~~certified~~ licensed type B family day-care home; 12370  
group home; institution; state institution; residential facility; 12371  
residential care facility; residential camp; day camp; school 12372  
district; community school; chartered nonpublic school; 12373  
educational service center; hospital; or medical clinic; 12374

(c) Any person who supervises or coaches children as part of 12375  
an extracurricular activity sponsored by a school district, public 12376  
school, or chartered nonpublic school; 12377

(d) Any other person who performs a similar function with 12378  
respect to, or has a similar relationship to, children. 12379

(36) "Physically impaired" means having one or more of the 12380

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:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an

adjudication that a child is an unruly child that is described in 12411  
division (A)(4) of section 2152.19 of the Revised Code. 12412

(42) "Protective supervision" means an order of disposition 12413  
pursuant to which the court permits an abused, neglected, 12414  
dependent, or unruly child to remain in the custody of the child's 12415  
parents, guardian, or custodian and stay in the child's home, 12416  
subject to any conditions and limitations upon the child, the 12417  
child's parents, guardian, or custodian, or any other person that 12418  
the court prescribes, including supervision as directed by the 12419  
court for the protection of the child. 12420

(43) "Psychiatrist" has the same meaning as in section 12421  
5122.01 of the Revised Code. 12422

(44) "Psychologist" has the same meaning as in section 12423  
4732.01 of the Revised Code. 12424

(45) "Residential camp" means a program in which the care, 12425  
physical custody, or control of children is accepted overnight for 12426  
recreational or recreational and educational purposes. 12427

(46) "Residential care facility" means an institution, 12428  
residence, or facility that is licensed by the department of 12429  
mental health under section 5119.22 of the Revised Code and that 12430  
provides care for a child. 12431

(47) "Residential facility" means a home or facility that is 12432  
licensed by the department of developmental disabilities under 12433  
section 5123.19 of the Revised Code and in which a child with a 12434  
developmental disability resides. 12435

(48) "Residual parental rights, privileges, and 12436  
responsibilities" means those rights, privileges, and 12437  
responsibilities remaining with the natural parent after the 12438  
transfer of legal custody of the child, including, but not 12439  
necessarily limited to, the privilege of reasonable visitation, 12440  
consent to adoption, the privilege to determine the child's 12441

religious affiliation, and the responsibility for support. 12442

(49) "School day" means the school day established by the 12443  
state board of education pursuant to section 3313.48 of the 12444  
Revised Code. 12445

(50) "School month" and "school year" have the same meanings 12446  
as in section 3313.62 of the Revised Code. 12447

(51) "Secure correctional facility" means a facility under 12448  
the direction of the department of youth services that is designed 12449  
to physically restrict the movement and activities of children and 12450  
used for the placement of children after adjudication and 12451  
disposition. 12452

(52) "Sexual activity" has the same meaning as in section 12453  
2907.01 of the Revised Code. 12454

(53) "Shelter" means the temporary care of children in 12455  
physically unrestricted facilities pending court adjudication or 12456  
disposition. 12457

(54) "Shelter for victims of domestic violence" has the same 12458  
meaning as in section 3113.33 of the Revised Code. 12459

(55) "Temporary custody" means legal custody of a child who 12460  
is removed from the child's home, which custody may be terminated 12461  
at any time at the discretion of the court or, if the legal 12462  
custody is granted in an agreement for temporary custody, by the 12463  
person who executed the agreement. 12464

(56) "Traditional response" means a public children services 12465  
agency's response to a report of child abuse or neglect that 12466  
encourages engagement of the family in a comprehensive evaluation 12467  
of the child's current and future safety needs and a fact-finding 12468  
process to determine whether child abuse or neglect occurred and 12469  
the circumstances surrounding the alleged harm or risk of harm. 12470

(C) For the purposes of this chapter, a child shall be 12471

presumed abandoned when the parents of the child have failed to 12472  
visit or maintain contact with the child for more than ninety 12473  
days, regardless of whether the parents resume contact with the 12474  
child after that period of ninety days. 12475

**Sec. 2919.227.** (A)(1) No child care center licensee shall 12476  
accept a child into that center without first providing to the 12477  
parent, guardian, custodian, or other person responsible for the 12478  
care of that child the following information, if the parent, 12479  
guardian, custodian, or other person responsible for the care of 12480  
the child requests the information: 12481

(a) The types of injuries to children, as reported in 12482  
accordance with rules adopted under section ~~5104.011~~ 5104.015 of 12483  
the Revised Code, that occurred at the center on or after April 1, 12484  
2003, or the date that is two years before the date the 12485  
information is requested, whichever date is more recent; 12486

(b) The number of each type of injury to children that 12487  
occurred at the center during that period. 12488

(2) If a death described in division (A)(2)(a) or (A)(2)(b) 12489  
of this section occurred during the fifteen-year period 12490  
immediately preceding the date that the parent, guardian, 12491  
custodian, or other person responsible for the care of a child 12492  
seeks to enroll that child, no child care center licensee shall 12493  
accept that child into that center without first providing to the 12494  
parent, guardian, custodian, or other person responsible for the 12495  
care of that child a notice that states that the death occurred. 12496

(a) A child died while under the care of the center or while 12497  
receiving child care from the owner, provider, or administrator of 12498  
the center; 12499

(b) A child died as a result of injuries suffered while under 12500  
the care of the center or while receiving child care from the 12501

owner, provider, or administrator of the center. 12502

(3) Each child care center licensee shall keep on file at the 12503  
center a copy of the information provided under this division for 12504  
at least three years after providing the information. 12505

(B)(1) No child care center licensee shall fail to provide 12506  
notice in accordance with division (B)(3) of this section to the 12507  
persons and entities specified in division (B)(2) of this section 12508  
if a child who is under the care of the center or is receiving 12509  
child care from the owner, provider, or administrator of the 12510  
center dies while under the care of the center or while receiving 12511  
child care from the owner, provider, or administrator or dies as a 12512  
result of injuries suffered while under the care of the center or 12513  
while receiving child care from the owner, provider, or 12514  
administrator. 12515

(2) A child care center licensee shall provide the notice 12516  
required under division (B)(1) of this section to all of the 12517  
following: 12518

(a) The parent, guardian, custodian, or other person 12519  
responsible for the care of each child who, at the time of the 12520  
death for which notice is required, is receiving or is enrolled to 12521  
receive child care from the center; 12522

(b) The public children services agency of the county in 12523  
which the center is located or the child care was given; 12524

(c) A municipal or county peace officer in the county in 12525  
which the child resides or in which the center is located or the 12526  
child care was given; 12527

(d) The child fatality review board appointed under section 12528  
307.621 of the Revised Code that serves the county in which the 12529  
center is located or the child care was given. 12530

(3) A child care center licensee shall provide the notice 12531

required by division (B)(1) of this section not later than 12532  
forty-eight hours after the child dies. The notice shall state 12533  
that the death occurred. 12534

(C) Whoever violates division (A) or (B) of this section is 12535  
guilty of failure of a child care center to disclose the death or 12536  
serious injury of a child, a misdemeanor of the fourth degree. 12537

**Sec. 2923.124.** As used in sections 2923.124 to 2923.1213 of 12538  
the Revised Code: 12539

(A) "Application form" means the application form prescribed 12540  
pursuant to division (A)(1) of section 109.731 of the Revised Code 12541  
and includes a copy of that form. 12542

(B) "Competency certification" and "competency certificate" 12543  
mean a document of the type described in division (B)(3) of 12544  
section 2923.125 of the Revised Code. 12545

(C) "Detention facility" has the same meaning as in section 12546  
2921.01 of the Revised Code. 12547

(D) "Licensee" means a person to whom a license to carry a 12548  
concealed handgun has been issued under section 2923.125 of the 12549  
Revised Code and, except when the context clearly indicates 12550  
otherwise, includes a person to whom a temporary emergency license 12551  
to carry a concealed handgun has been issued under section 12552  
2923.1213 of the Revised Code. 12553

(E) "License fee" or "license renewal fee" means the fee for 12554  
a license to carry a concealed handgun or the fee to renew that 12555  
license that is prescribed pursuant to division (C) of section 12556  
109.731 of the Revised Code and that is to be paid by an applicant 12557  
for a license of that type. 12558

(F) "Peace officer" has the same meaning as in section 12559  
2935.01 of the Revised Code. 12560

(G) "State correctional institution" has the same meaning as 12561

in section 2967.01 of the Revised Code. 12562

(H) "Valid license" means a license or temporary emergency 12563  
license to carry a concealed handgun that has been issued under 12564  
section 2923.125 or 2923.1213 of the Revised Code, that is 12565  
currently valid, that is not under a suspension under division 12566  
(A)(1) of section 2923.128 or under section 2923.1213 of the 12567  
Revised Code, and that has not been revoked under division (B)(1) 12568  
of section 2923.128 or under section 2923.1213 of the Revised 12569  
Code. 12570

(I) "Civil protection order" means a protection order issued, 12571  
or consent agreement approved, under section 2903.214 or 3113.31 12572  
of the Revised Code. 12573

(J) "Temporary protection order" means a protection order 12574  
issued under section 2903.213 or 2919.26 of the Revised Code. 12575

(K) "Protection order issued by a court of another state" has 12576  
the same meaning as in section 2919.27 of the Revised Code. 12577

(L) "Child day-care center," "type A family day-care home" 12578  
and "type B family day-care home" have the same meanings as in 12579  
section 5104.01 of the Revised Code. 12580

~~(M) "Type C family day care home" means a family day care 12581  
home authorized to provide child care by Sub. H.B. 62 of the 121st 12582  
general assembly, as amended by Am. Sub. S.B. 160 of the 121st 12583  
general assembly and Sub. H.B. 407 of the 123rd general assembly. 12584~~

~~(N)~~ "Foreign air transportation," "interstate air 12585  
transportation," and "intrastate air transportation" have the same 12586  
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 12587

~~(O)~~(N) "Commercial motor vehicle" has the same meaning as in 12588  
division (A) of section 4506.25 of the Revised Code. 12589

~~(P)~~(O) "Motor carrier enforcement unit" has the same meaning 12590  
as in section 2923.16 of the Revised Code. 12591



**Sec. 2923.126.** (A) A license to carry a concealed handgun 12592  
that is issued under section 2923.125 of the Revised Code on or 12593  
after March 14, 2007, shall expire five years after the date of 12594  
issuance, and a license that is so issued prior to March 14, 2007, 12595  
shall expire four years after the date of issuance. A licensee who 12596  
has been issued a license under that section shall be granted a 12597  
grace period of thirty days after the licensee's license expires 12598  
during which the licensee's license remains valid. Except as 12599  
provided in divisions (B) and (C) of this section, a licensee who 12600  
has been issued a license under section 2923.125 or 2923.1213 of 12601  
the Revised Code may carry a concealed handgun anywhere in this 12602  
state if the licensee also carries a valid license and valid 12603  
identification when the licensee is in actual possession of a 12604  
concealed handgun. The licensee shall give notice of any change in 12605  
the licensee's residence address to the sheriff who issued the 12606  
license within forty-five days after that change. 12607

If a licensee is the driver or an occupant of a motor vehicle 12608  
that is stopped as the result of a traffic stop or a stop for 12609  
another law enforcement purpose and if the licensee is 12610  
transporting or has a loaded handgun in the motor vehicle at that 12611  
time, the licensee shall promptly inform any law enforcement 12612  
officer who approaches the vehicle while stopped that the licensee 12613  
has been issued a license or temporary emergency license to carry 12614  
a concealed handgun and that the licensee currently possesses or 12615  
has a loaded handgun; the licensee shall not knowingly disregard 12616  
or fail to comply with lawful orders of a law enforcement officer 12617  
given while the motor vehicle is stopped, knowingly fail to remain 12618  
in the motor vehicle while stopped, or knowingly fail to keep the 12619  
licensee's hands in plain sight after any law enforcement officer 12620  
begins approaching the licensee while stopped and before the 12621  
officer leaves, unless directed otherwise by a law enforcement 12622  
officer; and the licensee shall not knowingly remove, attempt to 12623

remove, grasp, or hold the loaded handgun or knowingly have 12624  
contact with the loaded handgun by touching it with the licensee's 12625  
hands or fingers, in any manner in violation of division (E) of 12626  
section 2923.16 of the Revised Code, after any law enforcement 12627  
officer begins approaching the licensee while stopped and before 12628  
the officer leaves. Additionally, if a licensee is the driver or 12629  
an occupant of a commercial motor vehicle that is stopped by an 12630  
employee of the motor carrier enforcement unit for the purposes 12631  
defined in section 5503.04 of the Revised Code and if the licensee 12632  
is transporting or has a loaded handgun in the commercial motor 12633  
vehicle at that time, the licensee shall promptly inform the 12634  
employee of the unit who approaches the vehicle while stopped that 12635  
the licensee has been issued a license or temporary emergency 12636  
license to carry a concealed handgun and that the licensee 12637  
currently possesses or has a loaded handgun. 12638

If a licensee is stopped for a law enforcement purpose and if 12639  
the licensee is carrying a concealed handgun at the time the 12640  
officer approaches, the licensee shall promptly inform any law 12641  
enforcement officer who approaches the licensee while stopped that 12642  
the licensee has been issued a license or temporary emergency 12643  
license to carry a concealed handgun and that the licensee 12644  
currently is carrying a concealed handgun; the licensee shall not 12645  
knowingly disregard or fail to comply with lawful orders of a law 12646  
enforcement officer given while the licensee is stopped or 12647  
knowingly fail to keep the licensee's hands in plain sight after 12648  
any law enforcement officer begins approaching the licensee while 12649  
stopped and before the officer leaves, unless directed otherwise 12650  
by a law enforcement officer; and the licensee shall not knowingly 12651  
remove, attempt to remove, grasp, or hold the loaded handgun or 12652  
knowingly have contact with the loaded handgun by touching it with 12653  
the licensee's hands or fingers, in any manner in violation of 12654  
division (B) of section 2923.12 of the Revised Code, after any law 12655  
enforcement officer begins approaching the licensee while stopped 12656

and before the officer leaves. 12657

(B) A valid license issued under section 2923.125 or 12658  
2923.1213 of the Revised Code does not authorize the licensee to 12659  
carry a concealed handgun in any manner prohibited under division 12660  
(B) of section 2923.12 of the Revised Code or in any manner 12661  
prohibited under section 2923.16 of the Revised Code. A valid 12662  
license does not authorize the licensee to carry a concealed 12663  
handgun into any of the following places: 12664

(1) A police station, sheriff's office, or state highway 12665  
patrol station, premises controlled by the bureau of criminal 12666  
identification and investigation, a state correctional 12667  
institution, jail, workhouse, or other detention facility, an 12668  
airport passenger terminal, or an institution that is maintained, 12669  
operated, managed, and governed pursuant to division (A) of 12670  
section 5119.02 of the Revised Code or division (A)(1) of section 12671  
5123.03 of the Revised Code; 12672

(2) A school safety zone if the licensee's carrying the 12673  
concealed handgun is in violation of section 2923.122 of the 12674  
Revised Code; 12675

(3) A courthouse or another building or structure in which a 12676  
courtroom is located, in violation of section 2923.123 of the 12677  
Revised Code; 12678

(4) Any premises or open air arena for which a D permit has 12679  
been issued under Chapter 4303. of the Revised Code if the 12680  
licensee's carrying the concealed handgun is in violation of 12681  
section 2923.121 of the Revised Code; 12682

(5) Any premises owned or leased by any public or private 12683  
college, university, or other institution of higher education, 12684  
unless the handgun is in a locked motor vehicle or the licensee is 12685  
in the immediate process of placing the handgun in a locked motor 12686  
vehicle; 12687

(6) Any church, synagogue, mosque, or other place of worship, 12688  
unless the church, synagogue, mosque, or other place of worship 12689  
posts or permits otherwise; 12690

(7) A child day-care center, a type A family day-care home, 12691  
~~or a type B family day-care home, or a type C family day-care~~ 12692  
~~home,~~ except that this division does not prohibit a licensee who 12693  
resides in a type A family day-care home, or a type B family 12694  
day-care home, ~~or a type C family day-care home~~ from carrying a 12695  
concealed handgun at any time in any part of the home that is not 12696  
dedicated or used for day-care purposes, or from carrying a 12697  
concealed handgun in a part of the home that is dedicated or used 12698  
for day-care purposes at any time during which no children, other 12699  
than children of that licensee, are in the home; 12700

(8) An aircraft that is in, or intended for operation in, 12701  
foreign air transportation, interstate air transportation, 12702  
intrastate air transportation, or the transportation of mail by 12703  
aircraft; 12704

(9) Any building that is a government facility of this state 12705  
or a political subdivision of this state and that is not a 12706  
building that is used primarily as a shelter, restroom, parking 12707  
facility for motor vehicles, or rest facility and is not a 12708  
courthouse or other building or structure in which a courtroom is 12709  
located that is subject to division (B)(3) of this section; 12710

(10) A place in which federal law prohibits the carrying of 12711  
handguns. 12712

(C)(1) Nothing in this section shall negate or restrict a 12713  
rule, policy, or practice of a private employer that is not a 12714  
private college, university, or other institution of higher 12715  
education concerning or prohibiting the presence of firearms on 12716  
the private employer's premises or property, including motor 12717  
vehicles owned by the private employer. Nothing in this section 12718

shall require a private employer of that nature to adopt a rule, 12719  
policy, or practice concerning or prohibiting the presence of 12720  
firearms on the private employer's premises or property, including 12721  
motor vehicles owned by the private employer. 12722

(2)(a) A private employer shall be immune from liability in a 12723  
civil action for any injury, death, or loss to person or property 12724  
that allegedly was caused by or related to a licensee bringing a 12725  
handgun onto the premises or property of the private employer, 12726  
including motor vehicles owned by the private employer, unless the 12727  
private employer acted with malicious purpose. A private employer 12728  
is immune from liability in a civil action for any injury, death, 12729  
or loss to person or property that allegedly was caused by or 12730  
related to the private employer's decision to permit a licensee to 12731  
bring, or prohibit a licensee from bringing, a handgun onto the 12732  
premises or property of the private employer. As used in this 12733  
division, "private employer" includes a private college, 12734  
university, or other institution of higher education. 12735

(b) A political subdivision shall be immune from liability in 12736  
a civil action, to the extent and in the manner provided in 12737  
Chapter 2744. of the Revised Code, for any injury, death, or loss 12738  
to person or property that allegedly was caused by or related to a 12739  
licensee bringing a handgun onto any premises or property owned, 12740  
leased, or otherwise under the control of the political 12741  
subdivision. As used in this division, "political subdivision" has 12742  
the same meaning as in section 2744.01 of the Revised Code. 12743

(3)(a) Except as provided in division (C)(3)(b) of this 12744  
section, the owner or person in control of private land or 12745  
premises, and a private person or entity leasing land or premises 12746  
owned by the state, the United States, or a political subdivision 12747  
of the state or the United States, may post a sign in a 12748  
conspicuous location on that land or on those premises prohibiting 12749  
persons from carrying firearms or concealed firearms on or onto 12750

that land or those premises. Except as otherwise provided in this 12751  
division, a person who knowingly violates a posted prohibition of 12752  
that nature is guilty of criminal trespass in violation of 12753  
division (A)(4) of section 2911.21 of the Revised Code and is 12754  
guilty of a misdemeanor of the fourth degree. If a person 12755  
knowingly violates a posted prohibition of that nature and the 12756  
posted land or premises primarily was a parking lot or other 12757  
parking facility, the person is not guilty of criminal trespass in 12758  
violation of division (A)(4) of section 2911.21 of the Revised 12759  
Code and instead is subject only to a civil cause of action for 12760  
trespass based on the violation. 12761

(b) A landlord may not prohibit or restrict a tenant who is a 12762  
licensee and who on or after ~~the effective date of this amendment~~ 12763  
September 9, 2008, enters into a rental agreement with the 12764  
landlord for the use of residential premises, and the tenant's 12765  
guest while the tenant is present, from lawfully carrying or 12766  
possessing a handgun on those residential premises. 12767

(c) As used in division (C)(3) of this section: 12768

(i) "Residential premises" has the same meaning as in section 12769  
5321.01 of the Revised Code, except "residential premises" does 12770  
not include a dwelling unit that is owned or operated by a college 12771  
or university. 12772

(ii) "Landlord," "tenant," and "rental agreement" have the 12773  
same meanings as in section 5321.01 of the Revised Code. 12774

(D) A person who holds a license to carry a concealed handgun 12775  
that was issued pursuant to the law of another state that is 12776  
recognized by the attorney general pursuant to a reciprocity 12777  
agreement entered into pursuant to section 109.69 of the Revised 12778  
Code has the same right to carry a concealed handgun in this state 12779  
as a person who was issued a license to carry a concealed handgun 12780  
under section 2923.125 of the Revised Code and is subject to the 12781

same restrictions that apply to a person who carries a license 12782  
issued under that section. 12783

(E) A peace officer has the same right to carry a concealed 12784  
handgun in this state as a person who was issued a license to 12785  
carry a concealed handgun under section 2923.125 of the Revised 12786  
Code. For purposes of reciprocity with other states, a peace 12787  
officer shall be considered to be a licensee in this state. 12788

(F)(1) A qualified retired peace officer who possesses a 12789  
retired peace officer identification card issued pursuant to 12790  
division (F)(2) of this section and a valid firearms 12791  
requalification certification issued pursuant to division (F)(3) 12792  
of this section has the same right to carry a concealed handgun in 12793  
this state as a person who was issued a license to carry a 12794  
concealed handgun under section 2923.125 of the Revised Code and 12795  
is subject to the same restrictions that apply to a person who 12796  
carries a license issued under that section. For purposes of 12797  
reciprocity with other states, a qualified retired peace officer 12798  
who possesses a retired peace officer identification card issued 12799  
pursuant to division (F)(2) of this section and a valid firearms 12800  
requalification certification issued pursuant to division (F)(3) 12801  
of this section shall be considered to be a licensee in this 12802  
state. 12803

(2)(a) Each public agency of this state or of a political 12804  
subdivision of this state that is served by one or more peace 12805  
officers shall issue a retired peace officer identification card 12806  
to any person who retired from service as a peace officer with 12807  
that agency, if the issuance is in accordance with the agency's 12808  
policies and procedures and if the person, with respect to the 12809  
person's service with that agency, satisfies all of the following: 12810

(i) The person retired in good standing from service as a 12811  
peace officer with the public agency, and the retirement was not 12812  
for reasons of mental instability. 12813

(ii) Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law



enforcement officers who serve the agency, the agency may comply 12846  
with division (F)(2)(a) of this section by issuing the same 12847  
credentials to persons who retired from service as a peace officer 12848  
with the agency and who satisfy the criteria set forth in 12849  
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 12850  
credentials so issued to retired peace officers are stamped with 12851  
the word "RETIRED." 12852

(c) A public agency of this state or of a political 12853  
subdivision of this state may charge persons who retired from 12854  
service as a peace officer with the agency a reasonable fee for 12855  
issuing to the person a retired peace officer identification card 12856  
pursuant to division (F)(2)(a) of this section. 12857

(3) If a person retired from service as a peace officer with 12858  
a public agency of this state or of a political subdivision of 12859  
this state and the person satisfies the criteria set forth in 12860  
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 12861  
may provide the retired peace officer with the opportunity to 12862  
attend a firearms requalification program that is approved for 12863  
purposes of firearms requalification required under section 12864  
109.801 of the Revised Code. The retired peace officer may be 12865  
required to pay the cost of the course. 12866

If a retired peace officer who satisfies the criteria set 12867  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 12868  
firearms requalification program that is approved for purposes of 12869  
firearms requalification required under section 109.801 of the 12870  
Revised Code, the retired peace officer's successful completion of 12871  
the firearms requalification program requalifies the retired peace 12872  
officer for purposes of division (F) of this section for five 12873  
years from the date on which the program was successfully 12874  
completed, and the requalification is valid during that five-year 12875  
period. If a retired peace officer who satisfies the criteria set 12876  
forth in divisions (F)(2)(a)(i) to (iv) of this section 12877

satisfactorily completes such a firearms requalification program, 12878  
the retired peace officer shall be issued a firearms 12879  
requalification certification that identifies the retired peace 12880  
officer by name, identifies the entity that taught the program, 12881  
specifies that the retired peace officer successfully completed 12882  
the program, specifies the date on which the course was 12883  
successfully completed, and specifies that the requalification is 12884  
valid for five years from that date of successful completion. The 12885  
firearms requalification certification for a retired peace officer 12886  
may be included in the retired peace officer identification card 12887  
issued to the retired peace officer under division (F)(2) of this 12888  
section. 12889

A retired peace officer who attends a firearms 12890  
requalification program that is approved for purposes of firearms 12891  
requalification required under section 109.801 of the Revised Code 12892  
may be required to pay the cost of the program. 12893

(G) As used in this section: 12894

(1) "Qualified retired peace officer" means a person who 12895  
satisfies all of the following: 12896

(a) The person satisfies the criteria set forth in divisions 12897  
(F)(2)(a)(i) to (v) of this section. 12898

(b) The person is not under the influence of alcohol or 12899  
another intoxicating or hallucinatory drug or substance. 12900

(c) The person is not prohibited by federal law from 12901  
receiving firearms. 12902

(2) "Retired peace officer identification card" means an 12903  
identification card that is issued pursuant to division (F)(2) of 12904  
this section to a person who is a retired peace officer. 12905

(3) "Government facility of this state or a political 12906  
subdivision of this state" means any of the following: 12907

(a) A building or part of a building that is owned or leased 12908  
by the government of this state or a political subdivision of this 12909  
state and where employees of the government of this state or the 12910  
political subdivision regularly are present for the purpose of 12911  
performing their official duties as employees of the state or 12912  
political subdivision; 12913

(b) The office of a deputy registrar serving pursuant to 12914  
Chapter 4503. of the Revised Code that is used to perform deputy 12915  
registrar functions. 12916

**Sec. 2923.1212.** (A) The following persons, boards, and 12917  
entities, or designees, shall post in the following locations a 12918  
sign that contains a statement in substantially the following 12919  
form: "Unless otherwise authorized by law, pursuant to the Ohio 12920  
Revised Code, no person shall knowingly possess, have under the 12921  
person's control, convey, or attempt to convey a deadly weapon or 12922  
dangerous ordnance onto these premises.": 12923

(1) The director of public safety or the person or board 12924  
charged with the erection, maintenance, or repair of police 12925  
stations, municipal jails, and the municipal courthouse and 12926  
courtrooms in a conspicuous location at all police stations, 12927  
municipal jails, and municipal courthouses and courtrooms; 12928

(2) The sheriff or sheriff's designee who has charge of the 12929  
sheriff's office in a conspicuous location in that office; 12930

(3) The superintendent of the state highway patrol or the 12931  
superintendent's designee in a conspicuous location at all state 12932  
highway patrol stations; 12933

(4) Each sheriff, chief of police, or person in charge of 12934  
every county, multicounty, municipal, municipal-county, or 12935  
multicounty-municipal jail or workhouse, community-based 12936  
correctional facility, halfway house, alternative residential 12937

facility, or other local or state correctional institution or 12938  
detention facility within the state, or that person's designee, in 12939  
a conspicuous location at that facility under that person's 12940  
charge; 12941

(5) The board of trustees of a regional airport authority, 12942  
chief administrative officer of an airport facility, or other 12943  
person in charge of an airport facility in a conspicuous location 12944  
at each airport facility under that person's control; 12945

(6) The officer or officer's designee who has charge of a 12946  
courthouse or the building or structure in which a courtroom is 12947  
located in a conspicuous location in that building or structure; 12948

(7) The superintendent of the bureau of criminal 12949  
identification and investigation or the superintendent's designee 12950  
in a conspicuous location in all premises controlled by that 12951  
bureau; 12952

(8) The owner, administrator, or operator of a child day-care 12953  
center, a type A family day-care home, or a type B family day-care 12954  
home, ~~or a type C family day care home;~~ 12955

(9) The officer of this state or of a political subdivision 12956  
of this state, or the officer's designee, who has charge of a 12957  
building that is a government facility of this state or the 12958  
political subdivision of this state, as defined in section 12959  
2923.126 of the Revised Code, and that is not a building that is 12960  
used primarily as a shelter, restroom, parking facility for motor 12961  
vehicles, or rest facility and is not a courthouse or other 12962  
building or structure in which a courtroom is located that is 12963  
subject to division (B)(3) of that section. 12964

(B) The following boards, bodies, and persons, or designees, 12965  
shall post in the following locations a sign that contains a 12966  
statement in substantially the following form: "Unless otherwise 12967  
authorized by law, pursuant to Ohio Revised Code section 2923.122, 12968

no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone.":

(1) A board of education of a city, local, exempted village, or joint vocational school district or that board's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the board;

(2) A governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code or that body's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the school;

(3) The principal or chief administrative officer of a nonpublic school in a conspicuous location on property owned or controlled by that nonpublic school.

**Sec. 2950.11.** (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff 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, within the period of time

specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D)(3) of this section applies regarding notices required under this division.

(b) If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and that shares a common hallway with the offender or delinquent child. For purposes of this division, an occupant's unit shares a common hallway with the offender or delinquent child if the entrance door into the occupant's unit is located on the same floor and opens into the same hallway as the entrance door to the unit the offender or delinquent child occupies. Division (D)(3) of this section applies regarding notices required under this division.

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the offender's or delinquent child's residential premises, including a multi-unit building in

which the offender or delinquent child resides, and that is 13032  
located within the county served by the sheriff. In addition to 13033  
notifying the building manager or the person authorized to 13034  
exercise management and control in the multi-unit building under 13035  
this division, the sheriff shall post a copy of the notice 13036  
prominently in each common entryway in the building and any other 13037  
location in the building the sheriff determines appropriate. The 13038  
manager or person exercising management and control of the 13039  
building shall permit the sheriff to post copies of the notice 13040  
under this division as the sheriff determines appropriate. In lieu 13041  
of posting copies of the notice as described in this division, a 13042  
sheriff may provide notice to all occupants of the multi-unit 13043  
building by mail or personal contact; if the sheriff so notifies 13044  
all the occupants, the sheriff is not required to post copies of 13045  
the notice in the common entryways to the building. Division 13046  
(D)(3) of this section applies regarding notices required under 13047  
this division. 13048

(d) All additional persons who are within any category of 13049  
neighbors of the offender or delinquent child that the attorney 13050  
general by rule adopted under section 2950.13 of the Revised Code 13051  
requires to be provided the notice and who reside within the 13052  
county served by the sheriff; 13053

(2) The executive director of the public children services 13054  
agency that has jurisdiction within the specified geographical 13055  
notification area and that is located within the county served by 13056  
the sheriff; 13057

(3)(a) The superintendent of each board of education of a 13058  
school district that has schools within the specified geographical 13059  
notification area and that is located within the county served by 13060  
the sheriff; 13061

(b) The principal of the school within the specified 13062  
geographical notification area and within the county served by the 13063

sheriff that the delinquent child attends; 13064

(c) If the delinquent child attends a school outside of the 13065  
specified geographical notification area or outside of the school 13066  
district where the delinquent child resides, the superintendent of 13067  
the board of education of a school district that governs the 13068  
school that the delinquent child attends and the principal of the 13069  
school that the delinquent child attends. 13070

(4)(a) The appointing or hiring officer of each chartered 13071  
nonpublic school located within the specified geographical 13072  
notification area and within the county served by the sheriff or 13073  
of each other school located within the specified geographical 13074  
notification area and within the county served by the sheriff and 13075  
that is not operated by a board of education described in division 13076  
(A)(3) of this section; 13077

(b) Regardless of the location of the school, the appointing 13078  
or hiring officer of a chartered nonpublic school that the 13079  
delinquent child attends. 13080

(5) The director, head teacher, elementary principal, or site 13081  
administrator of each preschool program governed by Chapter 3301. 13082  
of the Revised Code that is located within the specified 13083  
geographical notification area and within the county served by the 13084  
sheriff; 13085

(6) The administrator of each child day-care center or type A 13086  
family day-care home that is located within the specified 13087  
geographical notification area and within the county served by the 13088  
sheriff, ~~and the provider of each certified holder of a license to~~ 13089  
operate a type B family day-care home that is located within the 13090  
specified geographical notification area and within the county 13091  
served by the sheriff. As used in this division, "child day-care 13092  
center," "type A family day-care home," and "~~certified~~ type B 13093  
family day-care home" have the same meanings as in section 5104.01 13094



of the Revised Code. 13095

(7) The president or other chief administrative officer of 13096  
each institution of higher education, as defined in section 13097  
2907.03 of the Revised Code, that is located within the specified 13098  
geographical notification area and within the county served by the 13099  
sheriff, and the chief law enforcement officer of the state 13100  
university law enforcement agency or campus police department 13101  
established under section 3345.04 or 1713.50 of the Revised Code, 13102  
if any, that serves that institution; 13103

(8) The sheriff of each county that includes any portion of 13104  
the specified geographical notification area; 13105

(9) If the offender or delinquent child resides within the 13106  
county served by the sheriff, the chief of police, marshal, or 13107  
other chief law enforcement officer of the municipal corporation 13108  
in which the offender or delinquent child resides or, if the 13109  
offender or delinquent child resides in an unincorporated area, 13110  
the constable or chief of the police department or police district 13111  
police force of the township in which the offender or delinquent 13112  
child resides; 13113

(10) Volunteer organizations in which contact with minors or 13114  
other vulnerable individuals might occur or any organization, 13115  
company, or individual who requests notification as provided in 13116  
division (J) of this section. 13117

(B) The notice required under division (A) of this section 13118  
shall include all of the following information regarding the 13119  
subject offender or delinquent child: 13120

(1) The offender's or delinquent child's name; 13121

(2) The address or addresses of the offender's or public 13122  
registry-qualified juvenile offender registrant's residence, 13123  
school, institution of higher education, or place of employment, 13124  
as applicable, or the residence address or addresses of a 13125

delinquent child who is not a public registry-qualified juvenile 13126  
offender registrant; 13127

(3) The sexually oriented offense or child-victim oriented 13128  
offense of which the offender was convicted, to which the offender 13129  
pleaded guilty, or for which the child was adjudicated a 13130  
delinquent child; 13131

(4) A statement that identifies the category specified in 13132  
division (F)(1)(a), (b), or (c) of this section that includes the 13133  
offender or delinquent child and that subjects the offender or 13134  
delinquent child to this section; 13135

(5) The offender's or delinquent child's photograph. 13136

(C) If a sheriff with whom an offender or delinquent child 13137  
registers under section 2950.04, 2950.041, or 2950.05 of the 13138  
Revised Code or to whom the offender or delinquent child most 13139  
recently sent a notice of intent to reside under section 2950.04 13140  
or 2950.041 of the Revised Code is required by division (A) of 13141  
this section to provide notices regarding an offender or 13142  
delinquent child and if, pursuant to that requirement, the sheriff 13143  
provides a notice to a sheriff of one or more other counties in 13144  
accordance with division (A)(8) of this section, the sheriff of 13145  
each of the other counties who is provided notice under division 13146  
(A)(8) of this section shall provide the notices described in 13147  
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 13148  
each person or entity identified within those divisions that is 13149  
located within the specified geographical notification area and 13150  
within the county served by the sheriff in question. 13151

(D)(1) A sheriff required by division (A) or (C) of this 13152  
section to provide notices regarding an offender or delinquent 13153  
child shall provide the notice to the neighbors that are described 13154  
in division (A)(1) of this section and the notices to law 13155  
enforcement personnel that are described in divisions (A)(8) and 13156

(9) of this section as soon as practicable, but no later than five 13157  
days after the offender sends the notice of intent to reside to 13158  
the sheriff and again no later than five days after the offender 13159  
or delinquent child registers with the sheriff or, if the sheriff 13160  
is required by division (C) of this section to provide the 13161  
notices, no later than five days after the sheriff is provided the 13162  
notice described in division (A)(8) of this section. 13163

A sheriff required by division (A) or (C) of this section to 13164  
provide notices regarding an offender or delinquent child shall 13165  
provide the notices to all other specified persons that are 13166  
described in divisions (A)(2) to (7) and (A)(10) of this section 13167  
as soon as practicable, but not later than seven days after the 13168  
offender or delinquent child registers with the sheriff or, if the 13169  
sheriff is required by division (C) of this section to provide the 13170  
notices, no later than five days after the sheriff is provided the 13171  
notice described in division (A)(8) of this section. 13172

(2) If an offender or delinquent child in relation to whom 13173  
division (A) of this section applies verifies the offender's or 13174  
delinquent child's current residence, school, institution of 13175  
higher education, or place of employment address, as applicable, 13176  
with a sheriff pursuant to section 2950.06 of the Revised Code, 13177  
the sheriff may provide a written notice containing the 13178  
information set forth in division (B) of this section to the 13179  
persons identified in divisions (A)(1) to (10) of this section. If 13180  
a sheriff provides a notice pursuant to this division to the 13181  
sheriff of one or more other counties in accordance with division 13182  
(A)(8) of this section, the sheriff of each of the other counties 13183  
who is provided the notice under division (A)(8) of this section 13184  
may provide, but is not required to provide, a written notice 13185  
containing the information set forth in division (B) of this 13186  
section to the persons identified in divisions (A)(1) to (7) and 13187  
(A)(9) and (10) of this section. 13188

(3) A sheriff may provide notice under division (A)(1)(a) or 13189  
(b) of this section, and may provide notice under division 13190  
(A)(1)(c) of this section to a building manager or person 13191  
authorized to exercise management and control of a building, by 13192  
mail, by personal contact, or by leaving the notice at or under 13193  
the entry door to a residential unit. For purposes of divisions 13194  
(A)(1)(a) and (b) of this section, and the portion of division 13195  
(A)(1)(c) of this section relating to the provision of notice to 13196  
occupants of a multi-unit building by mail or personal contact, 13197  
the provision of one written notice per unit is deemed as 13198  
providing notice to all occupants of that unit. 13199

(E) All information that a sheriff possesses regarding an 13200  
offender or delinquent child who is in a category specified in 13201  
division (F)(1)(a), (b), or (c) of this section that is described 13202  
in division (B) of this section and that must be provided in a 13203  
notice required under division (A) or (C) of this section or that 13204  
may be provided in a notice authorized under division (D)(2) of 13205  
this section is a public record that is open to inspection under 13206  
section 149.43 of the Revised Code. 13207

The sheriff shall not cause to be publicly disseminated by 13208  
means of the internet any of the information described in this 13209  
division that is provided by a delinquent child unless that child 13210  
is in a category specified in division (F)(1)(a), (b), or (c) of 13211  
this section. 13212

(F)(1) Except as provided in division (F)(2) of this section, 13213  
the duties to provide the notices described in divisions (A) and 13214  
(C) of this section apply regarding any offender or delinquent 13215  
child who is in any of the following categories: 13216

(a) The offender is a tier III sex offender/child-victim 13217  
offender, or the delinquent child is a public registry-qualified 13218  
juvenile offender registrant, and a juvenile court has not removed 13219  
pursuant to section 2950.15 of the Revised Code the delinquent 13220

child's duty to comply with sections 2950.04, 2950.041, 2950.05, 13221  
and 2950.06 of the Revised Code. 13222

(b) The delinquent child is a tier III sex 13223  
offender/child-victim offender who is not a ~~public registry~~ 13224  
~~qualified public registry-qualified~~ juvenile offender registrant, 13225  
the delinquent child was subjected to this section prior to ~~the~~ 13226  
~~effective date of this amendment~~ January 1, 2008, as a sexual 13227  
predator, habitual sex offender, child-victim predator, or 13228  
habitual child-victim offender, as those terms were defined in 13229  
section 2950.01 of the Revised Code as it existed prior to ~~the~~ 13230  
~~effective date of this amendment~~ January 1, 2008, and a juvenile 13231  
court has not removed pursuant to section 2152.84 or 2152.85 of 13232  
the Revised Code the delinquent child's duty to comply with 13233  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 13234  
Code. 13235

(c) The delinquent child is a tier III sex 13236  
offender/child-victim offender who is not a public 13237  
registry-qualified juvenile offender registrant, the delinquent 13238  
child was classified a juvenile offender registrant on or after 13239  
~~the effective date of this amendment~~ January 1, 2008, the court 13240  
has imposed a requirement under section 2152.82, 2152.83, or 13241  
2152.84 of the Revised Code subjecting the delinquent child to 13242  
this section, and a juvenile court has not removed pursuant to 13243  
section 2152.84 or 2152.85 of the Revised Code the delinquent 13244  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 13245  
and 2950.06 of the Revised Code. 13246

(2) The notification provisions of this section do not apply 13247  
to a person described in division (F)(1)(a), (b), or (c) of this 13248  
section if a court finds at a hearing after considering the 13249  
factors described in this division that the person would not be 13250  
subject to the notification provisions of this section that were 13251  
in the version of this section that existed immediately prior to 13252

~~the effective date of this amendment~~ January 1, 2008. In making 13253  
the determination of whether a person would have been subject to 13254  
the notification provisions under prior law as described in this 13255  
division, the court shall consider the following factors: 13256

(a) The offender's or delinquent child's age; 13257

(b) The offender's or delinquent child's prior criminal or 13258  
delinquency record regarding all offenses, including, but not 13259  
limited to, all sexual offenses; 13260

(c) The age of the victim of the sexually oriented offense 13261  
for which sentence is to be imposed or the order of disposition is 13262  
to be made; 13263

(d) Whether the sexually oriented offense for which sentence 13264  
is to be imposed or the order of disposition is to be made 13265  
involved multiple victims; 13266

(e) Whether the offender or delinquent child used drugs or 13267  
alcohol to impair the victim of the sexually oriented offense or 13268  
to prevent the victim from resisting; 13269

(f) If the offender or delinquent child previously has been 13270  
convicted of or pleaded guilty to, or been adjudicated a 13271  
delinquent child for committing an act that if committed by an 13272  
adult would be, a criminal offense, whether the offender or 13273  
delinquent child completed any sentence or dispositional order 13274  
imposed for the prior offense or act and, if the prior offense or 13275  
act was a sex offense or a sexually oriented offense, whether the 13276  
offender or delinquent child participated in available programs 13277  
for sexual offenders; 13278

(g) Any mental illness or mental disability of the offender 13279  
or delinquent child; 13280

(h) The nature of the offender's or delinquent child's sexual 13281  
conduct, sexual contact, or interaction in a sexual context with 13282

the victim of the sexually oriented offense and whether the sexual 13283  
conduct, sexual contact, or interaction in a sexual context was 13284  
part of a demonstrated pattern of abuse; 13285

(i) Whether the offender or delinquent child, during the 13286  
commission of the sexually oriented offense for which sentence is 13287  
to be imposed or the order of disposition is to be made, displayed 13288  
cruelty or made one or more threats of cruelty; 13289

(j) Whether the offender or delinquent child would have been 13290  
a habitual sex offender or a habitual child victim offender under 13291  
the definitions of those terms set forth in section 2950.01 of the 13292  
Revised Code as that section existed prior to ~~the effective date~~ 13293  
~~of this amendment~~ January 1, 2008; 13294

(k) Any additional behavioral characteristics that contribute 13295  
to the offender's or delinquent child's conduct. 13296

(G)(1) The department of job and family services shall 13297  
compile, maintain, and update in January and July of each year, a 13298  
list of all agencies, centers, or homes of a type described in 13299  
division (A)(2) or (6) of this section that contains the name of 13300  
each agency, center, or home of that type, the county in which it 13301  
is located, its address and telephone number, and the name of an 13302  
administrative officer or employee of the agency, center, or home. 13303

(2) The department of education shall compile, maintain, and 13304  
update in January and July of each year, a list of all boards of 13305  
education, schools, or programs of a type described in division 13306  
(A)(3), (4), or (5) of this section that contains the name of each 13307  
board of education, school, or program of that type, the county in 13308  
which it is located, its address and telephone number, the name of 13309  
the superintendent of the board or of an administrative officer or 13310  
employee of the school or program, and, in relation to a board of 13311  
education, the county or counties in which each of its schools is 13312  
located and the address of each such school. 13313

(3) The Ohio board of regents shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of job and family services, department of education, or Ohio board of regents, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(H)(1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge 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 offender. 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,



and the judge shall consider all of the factors set forth in 13346  
division (K) of this section. If, at the conclusion of the 13347  
hearing, the judge finds that the offender has proven by clear and 13348  
convincing evidence that the offender is unlikely to commit in the 13349  
future a sexually oriented offense or a child-victim oriented 13350  
offense and if the judge finds that suspending the community 13351  
notification requirement is in the interests of justice, the judge 13352  
may suspend the application of this section in relation to the 13353  
offender. The order shall contain both of these findings. 13354

The judge promptly shall serve a copy of the order upon the 13355  
sheriff with whom the offender most recently registered under 13356  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 13357  
the bureau of criminal identification and investigation. 13358

An order suspending the community notification requirement 13359  
does not suspend or otherwise alter an offender's duties to comply 13360  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 13361  
Revised Code and does not suspend the victim notification 13362  
requirement under section 2950.10 of the Revised Code. 13363

(2) A prosecuting attorney, a sentencing judge or that 13364  
judge's successor in office, and an offender who is subject to the 13365  
community notification requirement under this section may 13366  
initially make a motion under division (H)(1) of this section upon 13367  
the expiration of twenty years after the offender's duty to comply 13368  
with division (A)(2), (3), or (4) of section 2950.04, division 13369  
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 13370  
2950.06 of the Revised Code begins in relation to the offense for 13371  
which the offender is subject to community notification. After the 13372  
initial making of a motion under division (H)(1) of this section, 13373  
thereafter, the prosecutor, judge, and offender may make a 13374  
subsequent motion under that division upon the expiration of five 13375  
years after the judge has entered an order denying the initial 13376  
motion or the most recent motion made under that division. 13377

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.	13378 13379 13380
(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:	13381 13382
(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;	13383 13384 13385 13386
(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code;	13387 13388 13389 13390 13391 13392 13393
(c) A person who is convicted of or pleads guilty to a sexually oriented offense that is attempted rape committed on or after January 2, 2007, and who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;	13394 13395 13396 13397 13398
(d) A person who is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and who is sentenced for that offense pursuant to that division;	13399 13400 13401 13402
(e) An offender who is in a category specified in division (F)(1)(a), (b), or (c) of this section and who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense.	13403 13404 13405 13406 13407
(I) If a person is convicted of, pleads guilty to, has been	13408

convicted of, or has pleaded guilty to a sexually oriented offense 13409  
or a child-victim oriented offense or a person is or has been 13410  
adjudicated a delinquent child for committing a sexually oriented 13411  
offense or a child-victim oriented offense and is classified a 13412  
juvenile offender registrant or is an out-of-state juvenile 13413  
offender registrant based on that adjudication, and if the 13414  
offender or delinquent child is not in any category specified in 13415  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 13416  
whom the offender or delinquent child has most recently registered 13417  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 13418  
and the sheriff to whom the offender or delinquent child most 13419  
recently sent a notice of intent to reside under section 2950.04 13420  
or 2950.041 of the Revised Code, within the period of time 13421  
specified in division (D) of this section, shall provide a written 13422  
notice containing the information set forth in division (B) of 13423  
this section to the executive director of the public children 13424  
services agency that has jurisdiction within the specified 13425  
geographical notification area and that is located within the 13426  
county served by the sheriff. 13427

(J) Each sheriff shall allow a volunteer organization or 13428  
other organization, company, or individual who wishes to receive 13429  
the notice described in division (A)(10) of this section regarding 13430  
a specific offender or delinquent child or notice regarding all 13431  
offenders and delinquent children who are located in the specified 13432  
geographical notification area to notify the sheriff by electronic 13433  
mail or through the sheriff's web site of this election. The 13434  
sheriff shall promptly inform the bureau of criminal 13435  
identification and investigation of these requests in accordance 13436  
with the forwarding procedures adopted by the attorney general 13437  
pursuant to section 2950.13 of the Revised Code. 13438

(K) In making a determination under division (H)(1) of this 13439  
section as to whether to suspend the community notification 13440

requirement under this section for an offender, the judge shall 13441  
consider all relevant factors, including, but not limited to, all 13442  
of the following: 13443

(1) The offender's age; 13444

(2) The offender's prior criminal or delinquency record 13445  
regarding all offenses, including, but not limited to, all 13446  
sexually oriented offenses or child-victim oriented offenses; 13447

(3) The age of the victim of the sexually oriented offense or 13448  
child-victim oriented offense the offender committed; 13449

(4) Whether the sexually oriented offense or child-victim 13450  
oriented offense the offender committed involved multiple victims; 13451

(5) Whether the offender used drugs or alcohol to impair the 13452  
victim of the sexually oriented offense or child-victim oriented 13453  
offense the offender committed or to prevent the victim from 13454  
resisting; 13455

(6) If the offender previously has been convicted of, pleaded 13456  
guilty to, or been adjudicated a delinquent child for committing 13457  
an act that if committed by an adult would be a criminal offense, 13458  
whether the offender completed any sentence or dispositional order 13459  
imposed for the prior offense or act and, if the prior offense or 13460  
act was a sexually oriented offense or a child-victim oriented 13461  
offense, whether the offender or delinquent child participated in 13462  
available programs for sex offenders or child-victim offenders; 13463

(7) Any mental illness or mental disability of the offender; 13464

(8) The nature of the offender's sexual conduct, sexual 13465  
contact, or interaction in a sexual context with the victim of the 13466  
sexually oriented offense the offender committed or the nature of 13467  
the offender's interaction in a sexual context with the victim of 13468  
the child-victim oriented offense the offender committed, 13469  
whichever is applicable, and whether the sexual conduct, sexual 13470

contact, or interaction in a sexual context was part of a 13471  
demonstrated pattern of abuse; 13472

(9) Whether the offender, during the commission of the 13473  
sexually oriented offense or child-victim oriented offense the 13474  
offender committed, displayed cruelty or made one or more threats 13475  
of cruelty; 13476

(10) Any additional behavioral characteristics that 13477  
contribute to the offender's conduct. 13478

(L) As used in this section, "specified geographical 13479  
notification area" means the geographic area or areas within which 13480  
the attorney general, by rule adopted under section 2950.13 of the 13481  
Revised Code, requires the notice described in division (B) of 13482  
this section to be given to the persons identified in divisions 13483  
(A)(2) to (8) of this section. 13484

**Sec. 2950.13.** (A) The attorney general shall do all of the 13485  
following: 13486

(1) No later than July 1, 1997, establish and maintain a 13487  
state registry of sex offenders and child-victim offenders that is 13488  
housed at the bureau of criminal identification and investigation 13489  
and that contains all of the registration, change of residence, 13490  
school, institution of higher education, or place of employment 13491  
address, and verification information the bureau receives pursuant 13492  
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 13493  
Code regarding each person who is convicted of, pleads guilty to, 13494  
has been convicted of, or has pleaded guilty to a sexually 13495  
oriented offense or a child-victim oriented offense and each 13496  
person who is or has been adjudicated a delinquent child for 13497  
committing a sexually oriented offense or a child-victim oriented 13498  
offense and is classified a juvenile offender registrant or is an 13499  
out-of-state juvenile offender registrant based on that 13500  
adjudication, all of the information the bureau receives pursuant 13501

to section 2950.14 of the Revised Code, and any notice of an order 13502  
terminating or modifying an offender's or delinquent child's duty 13503  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 13504  
the Revised Code the bureau receives pursuant to section 2152.84, 13505  
2152.85, or 2950.15 of the Revised Code. For a person who was 13506  
convicted of or pleaded guilty to the sexually oriented offense or 13507  
child-victim related offense, the registry also shall indicate 13508  
whether the person was convicted of or pleaded guilty to the 13509  
offense in a criminal prosecution or in a serious youthful 13510  
offender case. The registry shall not be open to inspection by the 13511  
public or by any person other than a person identified in division 13512  
(A) of section 2950.08 of the Revised Code. In addition to the 13513  
information and material previously identified in this division, 13514  
the registry shall include all of the following regarding each 13515  
person who is listed in the registry: 13516

(a) A citation for, and the name of, all sexually oriented 13517  
offenses or child-victim oriented offenses of which the person was 13518  
convicted, to which the person pleaded guilty, or for which the 13519  
person was adjudicated a delinquent child and that resulted in a 13520  
registration duty, and the date on which those offenses were 13521  
committed; 13522

(b) The text of the sexually oriented offenses or 13523  
child-victim oriented offenses identified in division (A)(1)(a) of 13524  
this section as those offenses existed at the time the person was 13525  
convicted of, pleaded guilty to, or was adjudicated a delinquent 13526  
child for committing those offenses, or a link to a database that 13527  
sets forth the text of those offenses; 13528

(c) A statement as to whether the person is a tier I sex 13529  
offender/child-victim offender, a tier II sex 13530  
offender/child-victim offender, or a tier III sex 13531  
offender/child-victim offender for the sexually oriented offenses 13532  
or child-victim oriented offenses identified in division (A)(1)(a) 13533

of this section;	13534
(d) The community supervision status of the person,	13535
including, but not limited to, whether the person is serving a	13536
community control sanction and the nature of any such sanction,	13537
whether the person is under supervised release and the nature of	13538
the release, or regarding a juvenile, whether the juvenile is	13539
under any type of release authorized under Chapter 2152. or 5139.	13540
of the Revised Code and the nature of any such release;	13541
(e) The offense and delinquency history of the person, as	13542
determined from information gathered or provided under sections	13543
109.57 and 2950.14 of the Revised Code;	13544
(f) The bureau of criminal identification and investigation	13545
tracking number assigned to the person if one has been so	13546
assigned, the federal bureau of investigation number assigned to	13547
the person if one has been assigned and the bureau of criminal	13548
identification and investigation is aware of the number, and any	13549
other state identification number assigned to the person of which	13550
the bureau is aware;	13551
(g) Fingerprints and palmprints of the person;	13552
(h) A DNA specimen, as defined in section 109.573 of the	13553
Revised Code, from the person;	13554
(i) Whether the person has any outstanding arrest warrants;	13555
(j) Whether the person is in compliance with the person's	13556
duties under this chapter.	13557
(2) In consultation with local law enforcement	13558
representatives and no later than July 1, 1997, adopt rules that	13559
contain guidelines necessary for the implementation of this	13560
chapter;	13561
(3) In consultation with local law enforcement	13562
representatives, adopt rules for the implementation and	13563

administration of the provisions contained in section 2950.11 of 13564  
the Revised Code that pertain to the notification of neighbors of 13565  
an offender or a delinquent child who has committed a sexually 13566  
oriented offense or a child-victim oriented offense and ~~and~~ is in 13567  
a category specified in division (F)(1) of that section and rules 13568  
that prescribe a manner in which victims of a sexually oriented 13569  
offense or a child-victim oriented offense committed by an 13570  
offender or a delinquent child who is in a category specified in 13571  
division (B)(1) of section 2950.10 of the Revised Code may make a 13572  
request that specifies that the victim would like to be provided 13573  
the notices described in divisions (A)(1) and (2) of section 13574  
2950.10 of the Revised Code; 13575

(4) In consultation with local law enforcement 13576  
representatives and through the bureau of criminal identification 13577  
and investigation, prescribe the forms to be used by judges and 13578  
officials pursuant to section 2950.03 or 2950.032 of the Revised 13579  
Code to advise offenders and delinquent children of their duties 13580  
of filing a notice of intent to reside, registration, notification 13581  
of a change of residence, school, institution of higher education, 13582  
or place of employment address and registration of the new, 13583  
school, institution of higher education, or place of employment 13584  
address, as applicable, and address verification under sections 13585  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 13586  
prescribe the forms to be used by sheriffs relative to those 13587  
duties of filing a notice of intent to reside, registration, 13588  
change of residence, school, institution of higher education, or 13589  
place of employment address notification, and address 13590  
verification; 13591

(5) Make copies of the forms prescribed under division (A)(4) 13592  
of this section available to judges, officials, and sheriffs; 13593

(6) Through the bureau of criminal identification and 13594  
investigation, provide the notifications, the information and 13595



materials, and the documents that the bureau is required to 13596  
provide to appropriate law enforcement officials and to the 13597  
federal bureau of investigation pursuant to sections 2950.04, 13598  
2950.041, 2950.05, and 2950.06 of the Revised Code; 13599

(7) Through the bureau of criminal identification and 13600  
investigation, maintain the verification forms returned under the 13601  
address verification mechanism set forth in section 2950.06 of the 13602  
Revised Code; 13603

(8) In consultation with representatives of the officials, 13604  
judges, and sheriffs, adopt procedures for officials, judges, and 13605  
sheriffs to use to forward information, photographs, and 13606  
fingerprints to the bureau of criminal identification and 13607  
investigation pursuant to the requirements of sections 2950.03, 13608  
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 13609  
Code; 13610

(9) In consultation with the director of education, the 13611  
director of job and family services, and the director of 13612  
rehabilitation and correction, adopt rules that contain guidelines 13613  
to be followed by boards of education of a school district, 13614  
chartered nonpublic schools or other schools not operated by a 13615  
board of education, preschool programs, child day-care centers, 13616  
type A family day-care homes, ~~certified~~ licensed type B family 13617  
day-care homes, and institutions of higher education regarding the 13618  
proper use and administration of information received pursuant to 13619  
section 2950.11 of the Revised Code relative to an offender or 13620  
delinquent child who has committed a sexually oriented offense or 13621  
a child-victim oriented offense and is in a category specified in 13622  
division (F)(1) of that section; 13623

(10) In consultation with local law enforcement 13624  
representatives and no later than July 1, 1997, adopt rules that 13625  
designate a geographic area or areas within which the notice 13626  
described in division (B) of section 2950.11 of the Revised Code 13627

must be given to the persons identified in divisions (A)(2) to (8) 13628  
and (A)(10) of that section; 13629

(11) Through the bureau of criminal identification and 13630  
investigation, not later than January 1, 2004, establish and 13631  
operate on the internet a sex offender and child-victim offender 13632  
database that contains information for every offender who has 13633  
committed a sexually oriented offense or a child-victim oriented 13634  
offense and registers in any county in this state pursuant to 13635  
section 2950.04 or 2950.041 of the Revised Code and for every 13636  
delinquent child who has committed a sexually oriented offense, is 13637  
a public registry-qualified juvenile offender registrant, and 13638  
registers in any county in this state pursuant to either such 13639  
section. The bureau shall not include on the database the identity 13640  
of any offender's or public registry-qualified juvenile offender 13641  
registrant's victim, any offender's or public registry-qualified 13642  
juvenile offender registrant's social security number, the name of 13643  
any school or institution of higher education attended by any 13644  
offender or public registry-qualified juvenile offender 13645  
registrant, the name of the place of employment of any offender or 13646  
public registry-qualified juvenile offender registrant, any 13647  
tracking or identification number described in division (A)(1)(f) 13648  
of this section, or any information described in division (C)(7) 13649  
of section 2950.04 or 2950.041 of the Revised Code. The bureau 13650  
shall provide on the database, for each offender and each public 13651  
registry-qualified juvenile offender registrant, at least the 13652  
information specified in divisions (A)(11)(a) to (h) of this 13653  
section. Otherwise, the bureau shall determine the information to 13654  
be provided on the database for each offender and public 13655  
registry-qualified juvenile offender registrant and shall obtain 13656  
that information from the information contained in the state 13657  
registry of sex offenders and child-victim offenders described in 13658  
division (A)(1) of this section, which information, while in the 13659  
possession of the sheriff who provided it, is a public record open 13660

for inspection as described in section 2950.081 of the Revised Code. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by offender or public registry-qualified juvenile offender registrant name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders and public registry-qualified juvenile offender registrants who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code, with the link being a direct link to the sex offender and child-victim offender database for the sheriff. The bureau shall provide on the database, for each offender and public registry-qualified juvenile offender registrant, at least the following information:

(a) The information described in divisions (A)(1)(a), (b), (c), and (d) of this section relative to the offender or public registry-qualified juvenile offender registrant;

(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form;

(c) The information described in division (C)(6) of section 2950.04 or 2950.041 of the Revised Code;

(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender;

(e) Fingerprints and ~~palm prints~~ palmprints of the offender or public registry-qualified juvenile offender registrant and a

DNA specimen from the offender or public registry-qualified	13692
juvenile offender registrant;	13693
(f) The information set forth in division (B) of section	13694
2950.11 of the Revised Code;	13695
(g) Any outstanding arrest warrants for the offender or	13696
public registry-qualified juvenile offender registrant;	13697
(h) The offender's or public registry-qualified juvenile	13698
offender registrant's compliance status with duties under this	13699
chapter.	13700
(12) Develop software to be used by sheriffs in establishing	13701
on the internet a sex offender and child-victim offender database	13702
for the public dissemination of some or all of the information and	13703
materials described in division (A) of section 2950.081 of the	13704
Revised Code that are public records under that division, that are	13705
not prohibited from inclusion by division (B) of that section, and	13706
that pertain to offenders and public registry-qualified juvenile	13707
offender registrants who register in the sheriff's county pursuant	13708
to section 2950.04 or 2950.041 of the Revised Code and for the	13709
public dissemination of information the sheriff receives pursuant	13710
to section 2950.14 of the Revised Code and, upon the request of	13711
any sheriff, provide technical guidance to the requesting sheriff	13712
in establishing on the internet such a database;	13713
(13) Through the bureau of criminal identification and	13714
investigation, not later than January 1, 2004, establish and	13715
operate on the internet a database that enables local law	13716
enforcement representatives to remotely search by electronic means	13717
the state registry of sex offenders and child-victim offenders	13718
described in division (A)(1) of this section and any information	13719
and materials the bureau receives pursuant to sections 2950.04,	13720
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The	13721
database shall enable local law enforcement representatives to	13722

obtain detailed information regarding each offender and delinquent 13723  
child who is included in the registry, including, but not limited 13724  
to the offender's or delinquent child's name, aliases, residence 13725  
address, name and address of any place of employment, school, 13726  
institution of higher education, if applicable, license plate 13727  
number of each vehicle identified in division (C)(5) of section 13728  
2950.04 or 2950.041 of the Revised Code to the extent applicable, 13729  
victim preference if available, date of most recent release from 13730  
confinement if applicable, fingerprints, and palmprints, all of 13731  
the information and material described in ~~division~~ divisions 13732  
(A)(1)(a) to (h) of this section regarding the offender or 13733  
delinquent child, and other identification parameters the bureau 13734  
considers appropriate. The database is not a public record open 13735  
for inspection under section 149.43 of the Revised Code and shall 13736  
be available only to law enforcement representatives as described 13737  
in this division. Information obtained by local law enforcement 13738  
representatives through use of this database is not open to 13739  
inspection by the public or by any person other than a person 13740  
identified in division (A) of section 2950.08 of the Revised Code. 13741

(14) Through the bureau of criminal identification and 13742  
investigation, maintain a list of requests for notice about a 13743  
specified offender or delinquent child or specified geographical 13744  
notification area made pursuant to division (J) of section 2950.11 13745  
of the Revised Code and, when an offender or delinquent child 13746  
changes residence to another county, forward any requests for 13747  
information about that specific offender or delinquent child to 13748  
the appropriate sheriff; 13749

(15) Through the bureau of criminal identification and 13750  
investigation, establish and operate a system for the immediate 13751  
notification by electronic means of the appropriate officials in 13752  
other states specified in this division each time an offender or 13753  
delinquent child registers a residence, school, institution of 13754

higher education, or place of employment address under section 13755  
2950.04 or 2950.041 of the ~~revised~~ Revised Code or provides a 13756  
notice of a change of address or registers a new address under 13757  
division (A) or (B) of section 2950.05 of the Revised Code. The 13758  
immediate notification by electronic means shall be provided to 13759  
the appropriate officials in each state in which the offender or 13760  
delinquent child is required to register a residence, school, 13761  
institution of higher education, or place of employment address. 13762  
The notification shall contain the offender's or delinquent 13763  
child's name and all of the information the bureau receives from 13764  
the sheriff with whom the offender or delinquent child registered 13765  
the address or provided the notice of change of address or 13766  
registered the new address. 13767

(B) The attorney general in consultation with local law 13768  
enforcement representatives, may adopt rules that establish one or 13769  
more categories of neighbors of an offender or delinquent child 13770  
who, in addition to the occupants of residential premises and 13771  
other persons specified in division (A)(1) of section 2950.11 of 13772  
the Revised Code, must be given the notice described in division 13773  
(B) of that section. 13774

(C) No person, other than a local law enforcement 13775  
representative, shall knowingly do any of the following: 13776

(1) Gain or attempt to gain access to the database 13777  
established and operated by the attorney general, through the 13778  
bureau of criminal identification and investigation, pursuant to 13779  
division (A)(13) of this section. 13780

(2) Permit any person to inspect any information obtained 13781  
through use of the database described in division (C)(1) of this 13782  
section, other than as permitted under that division. 13783

(D) As used in this section, "local law enforcement 13784  
representatives" means representatives of the sheriffs of this 13785

state, representatives of the municipal chiefs of police and 13786  
marshals of this state, and representatives of the township 13787  
constables and chiefs of police of the township police departments 13788  
or police district police forces of this state. 13789

**Sec. 3109.051.** (A) If a divorce, dissolution, legal 13790  
separation, or annulment proceeding involves a child and if the 13791  
court has not issued a shared parenting decree, the court shall 13792  
consider any mediation report filed pursuant to section 3109.052 13793  
of the Revised Code and, in accordance with division (C) of this 13794  
section, shall make a just and reasonable order or decree 13795  
permitting each parent who is not the residential parent to have 13796  
parenting time with the child at the time and under the conditions 13797  
that the court directs, unless the court determines that it would 13798  
not be in the best interest of the child to permit that parent to 13799  
have parenting time with the child and includes in the journal its 13800  
findings of fact and conclusions of law. Whenever possible, the 13801  
order or decree permitting the parenting time shall ensure the 13802  
opportunity for both parents to have frequent and continuing 13803  
contact with the child, unless frequent and continuing contact by 13804  
either parent with the child would not be in the best interest of 13805  
the child. The court shall include in its final decree a specific 13806  
schedule of parenting time for that parent. Except as provided in 13807  
division (E)(6) of section 3113.31 of the Revised Code, if the 13808  
court, pursuant to this section, grants parenting time to a parent 13809  
or companionship or visitation rights to any other person with 13810  
respect to any child, it shall not require the public children 13811  
services agency to provide supervision of or other services 13812  
related to that parent's exercise of parenting time or that 13813  
person's exercise of companionship or visitation rights with 13814  
respect to the child. This section does not limit the power of a 13815  
juvenile court pursuant to Chapter 2151. of the Revised Code to 13816  
issue orders with respect to children who are alleged to be 13817

abused, neglected, or dependent children or to make dispositions 13818  
of children who are adjudicated abused, neglected, or dependent 13819  
children or of a common pleas court to issue orders pursuant to 13820  
section 3113.31 of the Revised Code. 13821

(B)(1) In a divorce, dissolution of marriage, legal 13822  
separation, annulment, or child support proceeding that involves a 13823  
child, the court may grant reasonable companionship or visitation 13824  
rights to any grandparent, any person related to the child by 13825  
consanguinity or affinity, or any other person other than a 13826  
parent, if all of the following apply: 13827

(a) The grandparent, relative, or other person files a motion 13828  
with the court seeking companionship or visitation rights. 13829

(b) The court determines that the grandparent, relative, or 13830  
other person has an interest in the welfare of the child. 13831

(c) The court determines that the granting of the 13832  
companionship or visitation rights is in the best interest of the 13833  
child. 13834

(2) A motion may be filed under division (B)(1) of this 13835  
section during the pendency of the divorce, dissolution of 13836  
marriage, legal separation, annulment, or child support proceeding 13837  
or, if a motion was not filed at that time or was filed at that 13838  
time and the circumstances in the case have changed, at any time 13839  
after a decree or final order is issued in the case. 13840

(C) When determining whether to grant parenting time rights 13841  
to a parent pursuant to this section or section 3109.12 of the 13842  
Revised Code or to grant companionship or visitation rights to a 13843  
grandparent, relative, or other person pursuant to this section or 13844  
section 3109.11 or 3109.12 of the Revised Code, when establishing 13845  
a specific parenting time or visitation schedule, and when 13846  
determining other parenting time matters under this section or 13847



section 3109.12 of the Revised Code or visitation matters under 13848  
this section or section 3109.11 or 3109.12 of the Revised Code, 13849  
the court shall consider any mediation report that is filed 13850  
pursuant to section 3109.052 of the Revised Code and shall 13851  
consider all other relevant factors, including, but not limited 13852  
to, all of the factors listed in division (D) of this section. In 13853  
considering the factors listed in division (D) of this section for 13854  
purposes of determining whether to grant parenting time or 13855  
visitation rights, establishing a specific parenting time or 13856  
visitation schedule, determining other parenting time matters 13857  
under this section or section 3109.12 of the Revised Code or 13858  
visitation matters under this section or under section 3109.11 or 13859  
3109.12 of the Revised Code, and resolving any issues related to 13860  
the making of any determination with respect to parenting time or 13861  
visitation rights or the establishment of any specific parenting 13862  
time or visitation schedule, the court, in its discretion, may 13863  
interview in chambers any or all involved children regarding their 13864  
wishes and concerns. If the court interviews any child concerning 13865  
the child's wishes and concerns regarding those parenting time or 13866  
visitation matters, the interview shall be conducted in chambers, 13867  
and no person other than the child, the child's attorney, the 13868  
judge, any necessary court personnel, and, in the judge's 13869  
discretion, the attorney of each parent shall be permitted to be 13870  
present in the chambers during the interview. No person shall 13871  
obtain or attempt to obtain from a child a written or recorded 13872  
statement or affidavit setting forth the wishes and concerns of 13873  
the child regarding those parenting time or visitation matters. A 13874  
court, in considering the factors listed in division (D) of this 13875  
section for purposes of determining whether to grant any parenting 13876  
time or visitation rights, establishing a parenting time or 13877  
visitation schedule, determining other parenting time matters 13878  
under this section or section 3109.12 of the Revised Code or 13879  
visitation matters under this section or under section 3109.11 or 13880

3109.12 of the Revised Code, or resolving any issues related to 13881  
the making of any determination with respect to parenting time or 13882  
visitation rights or the establishment of any specific parenting 13883  
time or visitation schedule, shall not accept or consider a 13884  
written or recorded statement or affidavit that purports to set 13885  
forth the child's wishes or concerns regarding those parenting 13886  
time or visitation matters. 13887

(D) In determining whether to grant parenting time to a 13888  
parent pursuant to this section or section 3109.12 of the Revised 13889  
Code or companionship or visitation rights to a grandparent, 13890  
relative, or other person pursuant to this section or section 13891  
3109.11 or 3109.12 of the Revised Code, in establishing a specific 13892  
parenting time or visitation schedule, and in determining other 13893  
parenting time matters under this section or section 3109.12 of 13894  
the Revised Code or visitation matters under this section or 13895  
section 3109.11 or 3109.12 of the Revised Code, the court shall 13896  
consider all of the following factors: 13897

(1) The prior interaction and interrelationships of the child 13898  
with the child's parents, siblings, and other persons related by 13899  
consanguinity or affinity, and with the person who requested 13900  
companionship or visitation if that person is not a parent, 13901  
sibling, or relative of the child; 13902

(2) The geographical location of the residence of each parent 13903  
and the distance between those residences, and if the person is 13904  
not a parent, the geographical location of that person's residence 13905  
and the distance between that person's residence and the child's 13906  
residence; 13907

(3) The child's and parents' available time, including, but 13908  
not limited to, each parent's employment schedule, the child's 13909  
school schedule, and the child's and the parents' holiday and 13910  
vacation schedule; 13911

(4) The age of the child;	13912
(5) The child's adjustment to home, school, and community;	13913
(6) If the court has interviewed the child in chambers,	13914
pursuant to division (C) of this section, regarding the wishes and	13915
concerns of the child as to parenting time by the parent who is	13916
not the residential parent or companionship or visitation by the	13917
grandparent, relative, or other person who requested companionship	13918
or visitation, as to a specific parenting time or visitation	13919
schedule, or as to other parenting time or visitation matters, the	13920
wishes and concerns of the child, as expressed to the court;	13921
(7) The health and safety of the child;	13922
(8) The amount of time that will be available for the child	13923
to spend with siblings;	13924
(9) The mental and physical health of all parties;	13925
(10) Each parent's willingness to reschedule missed parenting	13926
time and to facilitate the other parent's parenting time rights,	13927
and with respect to a person who requested companionship or	13928
visitation, the willingness of that person to reschedule missed	13929
visitation;	13930
(11) In relation to parenting time, whether either parent	13931
previously has been convicted of or pleaded guilty to any criminal	13932
offense involving any act that resulted in a child being an abused	13933
child or a neglected child; whether either parent, in a case in	13934
which a child has been adjudicated an abused child or a neglected	13935
child, previously has been determined to be the perpetrator of the	13936
abusive or neglectful act that is the basis of the adjudication;	13937
and whether there is reason to believe that either parent has	13938
acted in a manner resulting in a child being an abused child or a	13939
neglected child;	13940
(12) In relation to requested companionship or visitation by	13941

a person other than a parent, whether the person previously has 13942  
been convicted of or pleaded guilty to any criminal offense 13943  
involving any act that resulted in a child being an abused child 13944  
or a neglected child; whether the person, in a case in which a 13945  
child has been adjudicated an abused child or a neglected child, 13946  
previously has been determined to be the perpetrator of the 13947  
abusive or neglectful act that is the basis of the adjudication; 13948  
whether either parent previously has been convicted of or pleaded 13949  
guilty to a violation of section 2919.25 of the Revised Code 13950  
involving a victim who at the time of the commission of the 13951  
offense was a member of the family or household that is the 13952  
subject of the current proceeding; whether either parent 13953  
previously has been convicted of an offense involving a victim who 13954  
at the time of the commission of the offense was a member of the 13955  
family or household that is the subject of the current proceeding 13956  
and caused physical harm to the victim in the commission of the 13957  
offense; and whether there is reason to believe that the person 13958  
has acted in a manner resulting in a child being an abused child 13959  
or a neglected child; 13960

(13) Whether the residential parent or one of the parents 13961  
subject to a shared parenting decree has continuously and 13962  
willfully denied the other parent's right to parenting time in 13963  
accordance with an order of the court; 13964

(14) Whether either parent has established a residence or is 13965  
planning to establish a residence outside this state; 13966

(15) In relation to requested companionship or visitation by 13967  
a person other than a parent, the wishes and concerns of the 13968  
child's parents, as expressed by them to the court; 13969

(16) Any other factor in the best interest of the child. 13970

(E) The remarriage of a residential parent of a child does 13971  
not affect the authority of a court under this section to grant 13972

parenting time rights with respect to the child to the parent who 13973  
is not the residential parent or to grant reasonable companionship 13974  
or visitation rights with respect to the child to any grandparent, 13975  
any person related by consanguinity or affinity, or any other 13976  
person. 13977

(F)(1) If the court, pursuant to division (A) of this 13978  
section, denies parenting time to a parent who is not the 13979  
residential parent or denies a motion for reasonable companionship 13980  
or visitation rights filed under division (B) of this section and 13981  
the parent or movant files a written request for findings of fact 13982  
and conclusions of law, the court shall state in writing its 13983  
findings of fact and conclusions of law in accordance with Civil 13984  
Rule 52. 13985

(2) On or before July 1, 1991, each court of common pleas, by 13986  
rule, shall adopt standard parenting time guidelines. A court 13987  
shall have discretion to deviate from its standard parenting time 13988  
guidelines based upon factors set forth in division (D) of this 13989  
section. 13990

(G)(1) If the residential parent intends to move to a 13991  
residence other than the residence specified in the parenting time 13992  
order or decree of the court, the parent shall file a notice of 13993  
intent to relocate with the court that issued the order or decree. 13994  
Except as provided in divisions (G)(2), (3), and (4) of this 13995  
section, the court shall send a copy of the notice to the parent 13996  
who is not the residential parent. Upon receipt of the notice, the 13997  
court, on its own motion or the motion of the parent who is not 13998  
the residential parent, may schedule a hearing with notice to both 13999  
parents to determine whether it is in the best interest of the 14000  
child to revise the parenting time schedule for the child. 14001

(2) When a court grants parenting time rights to a parent who 14002  
is not the residential parent, the court shall determine whether 14003  
that parent has been convicted of or pleaded guilty to a violation 14004

of section 2919.25 of the Revised Code involving a victim who at 14005  
the time of the commission of the offense was a member of the 14006  
family or household that is the subject of the proceeding, has 14007  
been convicted of or pleaded guilty to any other offense involving 14008  
a victim who at the time of the commission of the offense was a 14009  
member of the family or household that is the subject of the 14010  
proceeding and caused physical harm to the victim in the 14011  
commission of the offense, or has been determined to be the 14012  
perpetrator of the abusive act that is the basis of an 14013  
adjudication that a child is an abused child. If the court 14014  
determines that that parent has not been so convicted and has not 14015  
been determined to be the perpetrator of an abusive act that is 14016  
the basis of a child abuse adjudication, the court shall issue an 14017  
order stating that a copy of any notice of relocation that is 14018  
filed with the court pursuant to division (G)(1) of this section 14019  
will be sent to the parent who is given the parenting time rights 14020  
in accordance with division (G)(1) of this section. 14021

If the court determines that the parent who is granted the 14022  
parenting time rights has been convicted of or pleaded guilty to a 14023  
violation of section 2919.25 of the Revised Code involving a 14024  
victim who at the time of the commission of the offense was a 14025  
member of the family or household that is the subject of the 14026  
proceeding, has been convicted of or pleaded guilty to any other 14027  
offense involving a victim who at the time of the commission of 14028  
the offense was a member of the family or household that is the 14029  
subject of the proceeding and caused physical harm to the victim 14030  
in the commission of the offense, or has been determined to be the 14031  
perpetrator of the abusive act that is the basis of an 14032  
adjudication that a child is an abused child, it shall issue an 14033  
order stating that that parent will not be given a copy of any 14034  
notice of relocation that is filed with the court pursuant to 14035  
division (G)(1) of this section unless the court determines that 14036  
it is in the best interest of the children to give that parent a 14037

copy of the notice of relocation, issues an order stating that 14038  
that parent will be given a copy of any notice of relocation filed 14039  
pursuant to division (G)(1) of this section, and issues specific 14040  
written findings of fact in support of its determination. 14041

(3) If a court, prior to April 11, 1991, issued an order 14042  
granting parenting time rights to a parent who is not the 14043  
residential parent and did not require the residential parent in 14044  
that order to give the parent who is granted the parenting time 14045  
rights notice of any change of address and if the residential 14046  
parent files a notice of relocation pursuant to division (G)(1) of 14047  
this section, the court shall determine if the parent who is 14048  
granted the parenting time rights has been convicted of or pleaded 14049  
guilty to a violation of section 2919.25 of the Revised Code 14050  
involving a victim who at the time of the commission of the 14051  
offense was a member of the family or household that is the 14052  
subject of the proceeding, has been convicted of or pleaded guilty 14053  
to any other offense involving a victim who at the time of the 14054  
commission of the offense was a member of the family or household 14055  
that is the subject of the proceeding and caused physical harm to 14056  
the victim in the commission of the offense, or has been 14057  
determined to be the perpetrator of the abusive act that is the 14058  
basis of an adjudication that a child is an abused child. If the 14059  
court determines that the parent who is granted the parenting time 14060  
rights has not been so convicted and has not been determined to be 14061  
the perpetrator of an abusive act that is the basis of a child 14062  
abuse adjudication, the court shall issue an order stating that a 14063  
copy of any notice of relocation that is filed with the court 14064  
pursuant to division (G)(1) of this section will be sent to the 14065  
parent who is granted parenting time rights in accordance with 14066  
division (G)(1) of this section. 14067

If the court determines that the parent who is granted the 14068  
parenting time rights has been convicted of or pleaded guilty to a 14069

violation of section 2919.25 of the Revised Code involving a 14070  
victim who at the time of the commission of the offense was a 14071  
member of the family or household that is the subject of the 14072  
proceeding, has been convicted of or pleaded guilty to any other 14073  
offense involving a victim who at the time of the commission of 14074  
the offense was a member of the family or household that is the 14075  
subject of the proceeding and caused physical harm to the victim 14076  
in the commission of the offense, or has been determined to be the 14077  
perpetrator of the abusive act that is the basis of an 14078  
adjudication that a child is an abused child, it shall issue an 14079  
order stating that that parent will not be given a copy of any 14080  
notice of relocation that is filed with the court pursuant to 14081  
division (G)(1) of this section unless the court determines that 14082  
it is in the best interest of the children to give that parent a 14083  
copy of the notice of relocation, issues an order stating that 14084  
that parent will be given a copy of any notice of relocation filed 14085  
pursuant to division (G)(1) of this section, and issues specific 14086  
written findings of fact in support of its determination. 14087

(4) If a parent who is granted parenting time rights pursuant 14088  
to this section or any other section of the Revised Code is 14089  
authorized by an order issued pursuant to this section or any 14090  
other court order to receive a copy of any notice of relocation 14091  
that is filed pursuant to division (G)(1) of this section or 14092  
pursuant to court order, if the residential parent intends to move 14093  
to a residence other than the residence address specified in the 14094  
parenting time order, and if the residential parent does not want 14095  
the parent who is granted the parenting time rights to receive a 14096  
copy of the relocation notice because the parent with parenting 14097  
time rights has been convicted of or pleaded guilty to a violation 14098  
of section 2919.25 of the Revised Code involving a victim who at 14099  
the time of the commission of the offense was a member of the 14100  
family or household that is the subject of the proceeding, has 14101  
been convicted of or pleaded guilty to any other offense involving 14102



a victim who at the time of the commission of the offense was a 14103  
member of the family or household that is the subject of the 14104  
proceeding and caused physical harm to the victim in the 14105  
commission of the offense, or has been determined to be the 14106  
perpetrator of the abusive act that is the basis of an 14107  
adjudication that a child is an abused child, the residential 14108  
parent may file a motion with the court requesting that the parent 14109  
who is granted the parenting time rights not receive a copy of any 14110  
notice of relocation. Upon the filing of the motion, the court 14111  
shall schedule a hearing on the motion and give both parents 14112  
notice of the date, time, and location of the hearing. If the 14113  
court determines that the parent who is granted the parenting time 14114  
rights has been so convicted or has been determined to be the 14115  
perpetrator of an abusive act that is the basis of a child abuse 14116  
adjudication, the court shall issue an order stating that the 14117  
parent who is granted the parenting time rights will not be given 14118  
a copy of any notice of relocation that is filed with the court 14119  
pursuant to division (G)(1) of this section or that the 14120  
residential parent is no longer required to give that parent a 14121  
copy of any notice of relocation unless the court determines that 14122  
it is in the best interest of the children to give that parent a 14123  
copy of the notice of relocation, issues an order stating that 14124  
that parent will be given a copy of any notice of relocation filed 14125  
pursuant to division (G)(1) of this section, and issues specific 14126  
written findings of fact in support of its determination. If it 14127  
does not so find, it shall dismiss the motion. 14128

(H)(1) Subject to section 3125.16 and division (F) of section 14129  
3319.321 of the Revised Code, a parent of a child who is not the 14130  
residential parent of the child is entitled to access, under the 14131  
same terms and conditions under which access is provided to the 14132  
residential parent, to any record that is related to the child and 14133  
to which the residential parent of the child legally is provided 14134  
access, unless the court determines that it would not be in the 14135

best interest of the child for the parent who is not the 14136  
residential parent to have access to the records under those same 14137  
terms and conditions. If the court determines that the parent of a 14138  
child who is not the residential parent should not have access to 14139  
records related to the child under the same terms and conditions 14140  
as provided for the residential parent, the court shall specify 14141  
the terms and conditions under which the parent who is not the 14142  
residential parent is to have access to those records, shall enter 14143  
its written findings of facts and opinion in the journal, and 14144  
shall issue an order containing the terms and conditions to both 14145  
the residential parent and the parent of the child who is not the 14146  
residential parent. The court shall include in every order issued 14147  
pursuant to this division notice that any keeper of a record who 14148  
knowingly fails to comply with the order or division (H) of this 14149  
section is in contempt of court. 14150

(2) Subject to section 3125.16 and division (F) of section 14151  
3319.321 of the Revised Code, subsequent to the issuance of an 14152  
order under division (H)(1) of this section, the keeper of any 14153  
record that is related to a particular child and to which the 14154  
residential parent legally is provided access shall permit the 14155  
parent of the child who is not the residential parent to have 14156  
access to the record under the same terms and conditions under 14157  
which access is provided to the residential parent, unless the 14158  
residential parent has presented the keeper of the record with a 14159  
copy of an order issued under division (H)(1) of this section that 14160  
limits the terms and conditions under which the parent who is not 14161  
the residential parent is to have access to records pertaining to 14162  
the child and the order pertains to the record in question. If the 14163  
residential parent presents the keeper of the record with a copy 14164  
of that type of order, the keeper of the record shall permit the 14165  
parent who is not the residential parent to have access to the 14166  
record only in accordance with the most recent order that has been 14167  
issued pursuant to division (H)(1) of this section and presented 14168

to the keeper by the residential parent or the parent who is not 14169  
the residential parent. Any keeper of any record who knowingly 14170  
fails to comply with division (H) of this section or with any 14171  
order issued pursuant to division (H)(1) of this section is in 14172  
contempt of court. 14173

(3) The prosecuting attorney of any county may file a 14174  
complaint with the court of common pleas of that county requesting 14175  
the court to issue a protective order preventing the disclosure 14176  
pursuant to division (H)(1) or (2) of this section of any 14177  
confidential law enforcement investigatory record. The court shall 14178  
schedule a hearing on the motion and give notice of the date, 14179  
time, and location of the hearing to all parties. 14180

(I) A court that issues a parenting time order or decree 14181  
pursuant to this section or section 3109.12 of the Revised Code 14182  
shall determine whether the parent granted the right of parenting 14183  
time is to be permitted access, in accordance with section 14184  
~~5104.011~~ 5104.039 of the Revised Code, to any child day-care 14185  
center that is, or that in the future may be, attended by the 14186  
children with whom the right of parenting time is granted. Unless 14187  
the court determines that the parent who is not the residential 14188  
parent should not have access to the center to the same extent 14189  
that the residential parent is granted access to the center, the 14190  
parent who is not the residential parent and who is granted 14191  
parenting time rights is entitled to access to the center to the 14192  
same extent that the residential parent is granted access to the 14193  
center. If the court determines that the parent who is not the 14194  
residential parent should not have access to the center to the 14195  
same extent that the residential parent is granted such access 14196  
under ~~division (C) of section 5104.011~~ 5104.039 of the Revised 14197  
Code, the court shall specify the terms and conditions under which 14198  
the parent who is not the residential parent is to have access to 14199  
the center, provided that the access shall not be greater than the 14200

access that is provided to the residential parent under ~~division~~ 14201  
~~(C)~~ of section ~~5104.011~~ 5104.039 of the Revised Code, the court 14202  
shall enter its written findings of fact and opinions in the 14203  
journal, and the court shall include the terms and conditions of 14204  
access in the parenting time order or decree. 14205

(J)(1) Subject to division (F) of section 3319.321 of the 14206  
Revised Code, when a court issues an order or decree allocating 14207  
parental rights and responsibilities for the care of a child, the 14208  
parent of the child who is not the residential parent of the child 14209  
is entitled to access, under the same terms and conditions under 14210  
which access is provided to the residential parent, to any student 14211  
activity that is related to the child and to which the residential 14212  
parent of the child legally is provided access, unless the court 14213  
determines that it would not be in the best interest of the child 14214  
to grant the parent who is not the residential parent access to 14215  
the student activities under those same terms and conditions. If 14216  
the court determines that the parent of the child who is not the 14217  
residential parent should not have access to any student activity 14218  
that is related to the child under the same terms and conditions 14219  
as provided for the residential parent, the court shall specify 14220  
the terms and conditions under which the parent who is not the 14221  
residential parent is to have access to those student activities, 14222  
shall enter its written findings of facts and opinion in the 14223  
journal, and shall issue an order containing the terms and 14224  
conditions to both the residential parent and the parent of the 14225  
child who is not the residential parent. The court shall include 14226  
in every order issued pursuant to this division notice that any 14227  
school official or employee who knowingly fails to comply with the 14228  
order or division (J) of this section is in contempt of court. 14229

(2) Subject to division (F) of section 3319.321 of the 14230  
Revised Code, subsequent to the issuance of an order under 14231  
division (J)(1) of this section, all school officials and 14232

employees shall permit the parent of the child who is not the residential parent to have access to any student activity under the same terms and conditions under which access is provided to the residential parent of the child, unless the residential parent has presented the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of an order issued under division (J)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to student activities related to the child and the order pertains to the student activity in question. If the residential parent presents the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of that type of order, the school official or employee shall permit the parent who is not the residential parent to have access to the student activity only in accordance with the most recent order that has been issued pursuant to division (J)(1) of this section and presented to the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school by the residential parent or the parent who is not the residential parent. Any school official or employee who knowingly fails to comply with division (J) of this section or with any order issued pursuant to division (J)(1) of this section is in contempt of court.

(K) If any person is found in contempt of court for failing to comply with or interfering with any order or decree granting parenting time rights issued pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights issued pursuant to this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the

contempt proceeding against the person and require the person to 14266  
pay any reasonable attorney's fees of any adverse party, as 14267  
determined by the court, that arose in relation to the act of 14268  
contempt, and may award reasonable compensatory parenting time or 14269  
visitation to the person whose right of parenting time or 14270  
visitation was affected by the failure or interference if such 14271  
compensatory parenting time or visitation is in the best interest 14272  
of the child. Any compensatory parenting time or visitation 14273  
awarded under this division shall be included in an order issued 14274  
by the court and, to the extent possible, shall be governed by the 14275  
same terms and conditions as was the parenting time or visitation 14276  
that was affected by the failure or interference. 14277

(L) Any parent who requests reasonable parenting time rights 14278  
with respect to a child under this section or section 3109.12 of 14279  
the Revised Code or any person who requests reasonable 14280  
companionship or visitation rights with respect to a child under 14281  
this section, section 3109.11 or 3109.12 of the Revised Code, or 14282  
any other provision of the Revised Code may file a motion with the 14283  
court requesting that it waive all or any part of the costs that 14284  
may accrue in the proceedings. If the court determines that the 14285  
movant is indigent and that the waiver is in the best interest of 14286  
the child, the court, in its discretion, may waive payment of all 14287  
or any part of the costs of those proceedings. 14288

(M)(1) A parent who receives an order for active military 14289  
service in the uniformed services and who is subject to a 14290  
parenting time order may apply to the court for any of the 14291  
following temporary orders for the period extending from the date 14292  
of the parent's departure to the date of return: 14293

(a) An order delegating all or part of the parent's parenting 14294  
time with the child to a relative or to another person who has a 14295  
close and substantial relationship with the child if the 14296  
delegation is in the child's best interest; 14297

(b) An order that the other parent make the child reasonably available for parenting time with the parent when the parent is on leave from active military service;

(c) An order that the other parent facilitate contact, including telephone and electronic contact, between the parent and child while the parent is on active military service.

(2)(a) Upon receipt of an order for active military service, a parent who is subject to a parenting time order and seeks an order under division (M)(1) of this section shall notify the other parent who is subject to the parenting time order and apply to the court as soon as reasonably possible after receipt of the order for active military service. The application shall include the date on which the active military service begins.

(b) The court shall schedule a hearing upon receipt of an 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 14329  
a proceeding pertaining to a parenting time order or pertaining to 14330  
a request for companionship rights or visitation with a child, the 14331  
court shall permit the parent to participate in the proceeding and 14332  
present evidence by electronic means, including communication by 14333  
telephone, video, or internet to the extent permitted by rules of 14334  
the supreme court of Ohio. 14335

(N) The juvenile court has exclusive jurisdiction to enter 14336  
the orders in any case certified to it from another court. 14337

(O) As used in this section: 14338

(1) "Abused child" has the same meaning as in section 14339  
2151.031 of the Revised Code, and "neglected child" has the same 14340  
meaning as in section 2151.03 of the Revised Code. 14341

(2) "Active military service" and "uniformed services" have 14342  
the same meanings as in section 3109.04 of the Revised Code. 14343

(3) "Confidential law enforcement investigatory record" has 14344  
the same meaning as in section 149.43 of the Revised Code. 14345

(4) "Parenting time order" means an order establishing the 14346  
amount of time that a child spends with the parent who is not the 14347  
residential parent or the amount of time that the child is to be 14348  
physically located with a parent under a shared parenting order. 14349

(5) "Record" means any record, document, file, or other 14350  
material that contains information directly related to a child, 14351  
including, but not limited to, any of the following: 14352

(a) Records maintained by public and nonpublic schools; 14353

(b) Records maintained by facilities that provide child care, 14354  
as defined in section 5104.01 of the Revised Code, publicly funded 14355  
child care, as defined in section 5104.01 of the Revised Code, or 14356  
pre-school services operated by or under the supervision of a 14357  
school district board of education or a nonpublic school; 14358



(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child; 14359  
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(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code. 14362  
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**Sec. 3701.63.** (A) As used in this section and section 3701.64 of the Revised Code: 14368  
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(1) "Child day-care center," "type A family day-care home," and "~~certified~~ licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 14370  
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(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. 14373  
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(3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code. 14376  
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(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. 14378  
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(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. 14381  
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(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 14386  
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residential parent and legal custodian of the child. "Parent" also 14389  
means a prospective adoptive parent with whom a child is placed. 14390

(7) "~~Shaken Baby Syndrome~~ baby syndrome" means signs and 14391  
symptoms, including, but not limited to, retinal hemorrhages in 14392  
one or both eyes, subdural hematoma, or brain swelling, resulting 14393  
from the violent shaking or the shaking and impacting of the head 14394  
of an infant or small child. 14395

(B) The director of health shall establish the shaken baby 14396  
syndrome education program by doing all of the following: 14397

(1) By not later than one year after February 29, 2008, 14398  
developing educational materials that present readily 14399  
comprehensible information on shaken baby syndrome; 14400

(2) Making available on the department of health web site in 14401  
an easily accessible format the educational materials developed 14402  
under division (B)(1) of this section; 14403

(3) Beginning in 2009, annually assessing the effectiveness 14404  
of the shaken baby syndrome education program by evaluating the 14405  
reports received pursuant to section 5101.135 of the Revised Code. 14406

(C) In meeting the requirements under division (B) of this 14407  
section, the director shall not develop educational materials that 14408  
will impose an administrative or financial burden on any of the 14409  
entities or persons listed in section 3701.64 of the Revised Code. 14410

**Sec. 3737.22.** (A) The fire marshal shall do all of the 14411  
following: 14412

(1) Adopt the state fire code under sections 3737.82 to 14413  
3737.86 of the Revised Code; 14414

(2) Enforce the state fire code; 14415

(3) Appoint assistant fire marshals who are authorized to 14416  
enforce the state fire code; 14417

(4) Conduct investigations into the cause, origin, and	14418
circumstances of fires and explosions, and assist in the	14419
prosecution of persons believed to be guilty of arson or a similar	14420
crime;	14421
(5) Compile statistics concerning loss due to fire and	14422
explosion as the fire marshal considers necessary, and consider	14423
the compatibility of the fire marshal's system of compilation with	14424
the systems of other state and federal agencies and fire marshals	14425
of other states;	14426
(6) Engage in research on the cause and prevention of losses	14427
due to fire and explosion;	14428
(7) Engage in public education and informational activities	14429
which will inform the public of fire safety information;	14430
(8) Operate a fire training academy and forensic laboratory;	14431
(9) Conduct other fire safety and fire fighting training	14432
activities for the public and groups as will further the cause of	14433
fire safety;	14434
(10) Conduct licensing examinations, and issue permits,	14435
licenses, and certificates, as authorized by the Revised Code;	14436
(11) Conduct tests of fire protection systems and devices,	14437
and fire fighting equipment to determine compliance with the state	14438
fire code, unless a building is insured against the hazard of	14439
fire, in which case such tests may be performed by the company	14440
insuring the building;	14441
(12) Establish and collect fees for conducting licensing	14442
examinations and for issuing permits, licenses, and certificates;	14443
(13) Make available for the prosecuting attorney and an	14444
assistant prosecuting attorney from each county of this state, in	14445
accordance with section 3737.331 of the Revised Code, a seminar	14446
program, attendance at which is optional, that is designed to	14447

provide current information, data, training, and techniques 14448  
relative to the prosecution of arson cases; 14449

(14) Administer and enforce Chapter 3743. of the Revised 14450  
Code; 14451

(15) Develop a uniform standard for the reporting of 14452  
information required to be filed under division (E)(4) of section 14453  
2921.22 of the Revised Code, and accept the reports of the 14454  
information when they are filed. 14455

(B) The fire marshal shall appoint a chief deputy fire 14456  
marshal, and shall employ professional and clerical assistants as 14457  
the fire marshal considers necessary. The chief deputy shall be a 14458  
competent former or current member of a fire agency and possess 14459  
five years of recent, progressively more responsible experience in 14460  
fire inspection, fire code enforcement, and fire code management. 14461  
The chief deputy, with the approval of the director of commerce, 14462  
shall temporarily assume the duties of the fire marshal when the 14463  
fire marshal is absent or temporarily unable to carry out the 14464  
duties of the office. When there is a vacancy in the office of 14465  
fire marshal, the chief deputy, with the approval of the director 14466  
of commerce, shall temporarily assume the duties of the fire 14467  
marshal until a new fire marshal is appointed under section 14468  
3737.21 of the Revised Code. 14469

All employees, other than the fire marshal; the chief deputy 14470  
fire marshal; the superintendent of the Ohio fire academy; the 14471  
grants administrator; the fiscal officer; the executive secretary 14472  
to the fire marshal; legal counsel; the pyrotechnics 14473  
administrator, the chief of the forensic laboratory; the person 14474  
appointed by the fire marshal to serve as administrator over 14475  
functions concerning testing, license examinations, and the 14476  
issuance of permits and certificates; and the chiefs of the 14477  
bureaus of fire prevention, of fire and explosion investigation, 14478  
of code enforcement, and of underground storage tanks shall be in 14479

the classified civil service. The fire marshal shall authorize the 14480  
chief deputy and other employees under the fire marshal's 14481  
supervision to exercise powers granted to the fire marshal by law 14482  
as may be necessary to carry out the duties of the fire marshal's 14483  
office. 14484

(C) The fire marshal shall create, in and as a part of the 14485  
office of fire marshal, a fire and explosion investigation bureau 14486  
consisting of a chief of the bureau and additional assistant fire 14487  
marshals as the fire marshal determines necessary for the 14488  
efficient administration of the bureau. The chief shall be 14489  
experienced in the investigation of the cause, origin, and 14490  
circumstances of fires, and in administration, including the 14491  
supervision of subordinates. The chief, among other duties 14492  
delegated to the chief by the fire marshal, shall be responsible, 14493  
under the direction of the fire marshal, for the investigation of 14494  
the cause, origin, and circumstances of fires and explosions in 14495  
the state, and for assistance in the prosecution of persons 14496  
believed to be guilty of arson or a similar crime. 14497

(D)(1) The fire marshal shall create, as part of the office 14498  
of fire marshal, a bureau of code enforcement consisting of a 14499  
chief of the bureau and additional assistant fire marshals as the 14500  
fire marshal determines necessary for the efficient administration 14501  
of the bureau. The chief shall be qualified, by education or 14502  
experience, in fire inspection, fire code development, fire code 14503  
enforcement, or any other similar field determined by the fire 14504  
marshal, and in administration, including the supervision of 14505  
subordinates. The chief is responsible, under the direction of the 14506  
fire marshal, for fire inspection, fire code development, fire 14507  
code enforcement, and any other duties delegated to the chief by 14508  
the fire marshal. 14509

(2) The fire marshal, the chief deputy fire marshal, the 14510  
chief of the bureau of code enforcement, or any assistant fire 14511

marshal under the direction of the fire marshal, the chief deputy 14512  
fire marshal, or the chief of the bureau of code enforcement may 14513  
cause to be conducted the inspection of all buildings, structures, 14514  
and other places, the condition of which may be dangerous from a 14515  
fire safety standpoint to life or property, or to property 14516  
adjacent to the buildings, structures, or other places. 14517

(E) The fire marshal shall create, as a part of the office of 14518  
fire marshal, a bureau of fire prevention consisting of a chief of 14519  
the bureau and additional assistant fire marshals as the fire 14520  
marshal determines necessary for the efficient administration of 14521  
the bureau. The chief shall be qualified, by education or 14522  
experience, to promote programs for rural and urban fire 14523  
prevention and protection. The chief, among other duties delegated 14524  
to the chief by the fire marshal, is responsible, under the 14525  
direction of the fire marshal, for the promotion of rural and 14526  
urban fire prevention and protection through public information 14527  
and education programs. 14528

(F) The fire marshal shall cooperate with the director of job 14529  
and family services when the director adopts rules under section 14530  
5104.052 of the Revised Code regarding fire prevention and fire 14531  
safety in ~~certified~~ licensed type B family day-care homes, as 14532  
defined in section 5104.01 of the Revised Code, recommend 14533  
procedures for inspecting type B homes to determine whether they 14534  
are in compliance with those rules, and provide training and 14535  
technical assistance to the director and county directors of job 14536  
and family services on the procedures for determining compliance 14537  
with those rules. 14538

(G) The fire marshal, upon request of a provider of child 14539  
care in a type B home that is not ~~certified~~ licensed by the ~~county~~ 14540  
director of job and family services, as a precondition of approval 14541  
by the state board of education under section 3313.813 of the 14542  
Revised Code for receipt of United States department of 14543

agriculture child and adult care food program funds established 14544  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 14545  
U.S.C. 1751, as amended, shall inspect the type B home to 14546  
determine compliance with rules adopted under section 5104.052 of 14547  
the Revised Code regarding fire prevention and fire safety in 14548  
~~certified~~ licensed type B homes. In municipal corporations and in 14549  
townships where there is a certified fire safety inspector, the 14550  
inspections shall be made by that inspector under the supervision 14551  
of the fire marshal, according to rules adopted under section 14552  
5104.052 of the Revised Code. In townships outside municipal 14553  
corporations where there is no certified fire safety inspector, 14554  
inspections shall be made by the fire marshal. 14555

**Sec. 3742.01.** As used in this chapter: 14556

(A) "Board of health" means the board of health of a city or 14557  
general health district or the authority having the duties of a 14558  
board of health under section 3709.05 of the Revised Code. 14559

(B) "Child care facility" means each area of any of the 14560  
following in which child care, as defined in section 5104.01 of 14561  
the Revised Code, is provided to children under six years of age: 14562

(1) A child day-care center, type A family day-care home, or 14563  
type B family day-care home as defined in section 5104.01 of the 14564  
Revised Code; 14565

(2) ~~A type C family day care home authorized to provide child 14566  
care by Sub. H.B. 62 of the 121st general assembly, as amended by 14567  
Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 14568  
of the 123rd general assembly;~~ 14569

~~(3) A preschool program or school child program as defined in 14570  
section 3301.52 of the Revised Code. 14571~~

(C) "Clearance examination" means an examination to determine 14572  
whether the lead hazards in a residential unit, child care 14573

facility, or school have been sufficiently controlled. A clearance 14574  
examination includes a visual assessment, collection, and analysis 14575  
of environmental samples. 14576

(D) "Clearance technician" means a person, other than a 14577  
licensed lead inspector or licensed lead risk assessor, who 14578  
performs a clearance examination. 14579

(E) "Clinical laboratory" means a facility for the 14580  
biological, microbiological, serological, chemical, 14581  
immunohematological, hematological, biophysical, cytological, 14582  
pathological, or other examination of substances derived from the 14583  
human body for the purpose of providing information for the 14584  
diagnosis, prevention, or treatment of any disease, or in the 14585  
assessment or impairment of the health of human beings. "Clinical 14586  
laboratory" does not include a facility that only collects or 14587  
prepares specimens, or serves as a mailing service, and does not 14588  
perform testing. 14589

(F) "Encapsulation" means the coating and sealing of surfaces 14590  
with durable surface coating specifically formulated to be 14591  
elastic, able to withstand sharp and blunt impacts, long-lasting, 14592  
and resilient, while also resistant to cracking, peeling, algae, 14593  
fungus, and ultraviolet light, so as to prevent any part of 14594  
lead-containing paint from becoming part of house dust or 14595  
otherwise accessible to children. 14596

(G) "Enclosure" means the resurfacing or covering of surfaces 14597  
with durable materials such as wallboard or paneling, and the 14598  
sealing or caulking of edges and joints, so as to prevent or 14599  
control chalking, flaking, peeling, scaling, or loose 14600  
lead-containing substances from becoming part of house dust or 14601  
otherwise accessible to children. 14602

(H) "Environmental lead analytical laboratory" means a 14603  
facility that analyzes air, dust, soil, water, paint, film, or 14604



other substances, other than substances derived from the human body, for the presence and concentration of lead. 14605  
14606

(I) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter, which is a filter capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency. 14607  
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(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs. 14612  
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(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following: 14618  
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14620

(a) Removal of lead-based paint and lead-contaminated dust; 14621

(b) Permanent enclosure or encapsulation of lead-based paint; 14622

(c) Replacement of surfaces or fixtures painted with lead-based paint; 14623  
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(d) Removal or permanent covering of lead-contaminated soil; 14625

(e) Preparation, cleanup, and disposal activities associated with lead abatement. 14626  
14627

(2) "Lead abatement" does not include any of the following: 14628

(a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code; 14629  
14630

(b) Implementation of interim controls; 14631

(c) Activities performed by a property owner on a residential unit to which both of the following apply: 14632  
14633

(i) It is a freestanding single-family home used as the property owner's private residence.	14634 14635
(ii) No child under six years of age who has lead poisoning resides in the unit.	14636 14637
(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.	14638 14639 14640 14641 14642
(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.	14643 14644 14645
(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.	14646 14647 14648
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.	14649 14650 14651
(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.	14652 14653 14654 14655 14656
(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.	14657 14658 14659 14660
(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	14661 14662 14663

3742.50 of the Revised Code. 14664

(S) "Lead hazard" means material that is likely to cause lead 14665  
exposure and endanger an individual's health as determined by the 14666  
public health council in rules adopted under section 3742.50 of 14667  
the Revised Code. "Lead hazard" includes lead-based paint, 14668  
lead-contaminated dust, lead-contaminated soil, and 14669  
lead-contaminated water pipes. 14670

(T) "Lead inspection" means a surface-by-surface 14671  
investigation to determine the presence of lead-based paint. The 14672  
inspection shall use a sampling or testing technique approved by 14673  
the public health council in rules adopted by the council under 14674  
section 3742.03 of the Revised Code. A licensed lead inspector or 14675  
laboratory approved under section 3742.09 of the Revised Code 14676  
shall certify in writing the precise results of the inspection. 14677

(U) "Lead inspector" means any individual who conducts a lead 14678  
inspection, provides professional advice regarding a lead 14679  
inspection, or prepares a report explaining the results of a lead 14680  
inspection. 14681

(V) "Lead poisoning" means the level of lead in human blood 14682  
that is hazardous to human health, as specified in rules adopted 14683  
under section 3742.50 of the Revised Code. 14684

(W) "Lead risk assessment" means an on-site investigation to 14685  
determine and report the existence, nature, severity, and location 14686  
of lead hazards in a residential unit, child care facility, or 14687  
school, including information gathering from the unit, facility, 14688  
or school's current owner's knowledge regarding the age and 14689  
painting history of the unit, facility, or school and occupancy by 14690  
children under six years of age, visual inspection, limited wipe 14691  
sampling or other environmental sampling techniques, and any other 14692  
activity as may be appropriate. 14693

(X) "Lead risk assessor" means a person who is responsible 14694

for developing a written inspection, risk assessment, and analysis 14695  
plan; conducting inspections for lead hazards in a residential 14696  
unit, child care facility, or school; interpreting results of 14697  
inspections and risk assessments; identifying hazard control 14698  
strategies to reduce or eliminate lead exposures; and completing a 14699  
risk assessment report. 14700

(Y) "Lead-safe renovation" means the supervision or 14701  
performance of services for the general improvement of all or part 14702  
of an existing structure, including a residential unit, child care 14703  
facility, or school, when the services are supervised or performed 14704  
by a lead-safe renovator. 14705

(Z) "Lead-safe renovator" means a person who has successfully 14706  
completed a training program in lead-safe renovation approved 14707  
under section 3742.47 of the Revised Code. 14708

(AA) "Manager" means a person, who may be the same person as 14709  
the owner, responsible for the daily operation of a residential 14710  
unit, child care facility, or school. 14711

(BB) "Permanent" means an expected design life of at least 14712  
twenty years. 14713

(CC) "Replacement" means an activity that entails removing 14714  
components such as windows, doors, and trim that have lead hazards 14715  
on their surfaces and installing components free of lead hazards. 14716

(DD) "Residential unit" means a dwelling or any part of a 14717  
building being used as an individual's private residence. 14718

(EE) "School" means a public or nonpublic school in which 14719  
children under six years of age receive education. 14720

**Sec. 3797.06.** (A) As used in this section, "specified 14721  
geographical notification area" means the geographic area or areas 14722  
within which the attorney general requires by rule adopted under 14723  
section 3797.08 of the Revised Code the notice described in 14724

division (B) of this section to be given to the persons identified 14725  
in divisions (A)(1) to (9) of this section. If a court enters a 14726  
declaratory judgment against a registrant under section 2721.21 of 14727  
the Revised Code, the sheriff with whom the registrant has most 14728  
recently registered under section 3797.02 or 3797.03 of the 14729  
Revised Code and the sheriff to whom the registrant most recently 14730  
sent a notice of intent to reside under section 3797.03 of the 14731  
Revised Code shall provide within the period of time specified in 14732  
division (C) of this section a written notice containing the 14733  
information set forth in division (B) of this section to all of 14734  
the persons described in divisions (A)(1) to (9) of this section. 14735  
If the sheriff has sent a notice to the persons described in those 14736  
divisions as a result of receiving a notice of intent to reside 14737  
and if the registrant registers a residence address that is the 14738  
same residence address described in the notice of intent to 14739  
reside, the sheriff is not required to send an additional notice 14740  
when the registrant registers. The sheriff shall provide the 14741  
notice to all of the following persons: 14742

(1)(a) Any occupant of each residential unit that is located 14743  
within one thousand feet of the registrant's residential premises, 14744  
that is located within the county served by the sheriff, and that 14745  
is not located in a multi-unit building. Division (D)(3) of this 14746  
section applies regarding notices required under this division. 14747

(b) If the registrant resides in a multi-unit building, any 14748  
occupant of each residential unit that is located in that 14749  
multi-unit building and that shares a common hallway with the 14750  
registrant. For purposes of this division, an occupant's unit 14751  
shares a common hallway with the registrant if the entrance door 14752  
into the occupant's unit is located on the same floor and opens 14753  
into the same hallway as the entrance door to the unit the 14754  
registrant occupies. Division (D)(3) of this section applies 14755  
regarding notices required under this division. 14756

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the registrant's residential premises, including a multi-unit building in which the registrant resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact. If the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 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) 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; 14789  
14790

(4) The appointing or hiring officer of each 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 notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; 14791  
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(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff; 14798  
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(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, and ~~the provider of each certified holder of a license to operate a~~ type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care center," "type A family day-care home," and "~~certified~~ type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 14803  
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(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution; 14813  
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(8) The sheriff of each county that includes any portion of 14821  
the specified geographical notification area; 14822

(9) If the registrant resides within the county served by the 14823  
sheriff, the chief of police, marshal, or other chief law 14824  
enforcement officer of the municipal corporation in which the 14825  
registrant resides or, if the registrant resides in an 14826  
unincorporated area, the constable or chief of the police 14827  
department or police district police force of the township in 14828  
which the registrant resides. 14829

(B) The notice required under division (A) of this section 14830  
shall include the registrant's name, residence or employment 14831  
address, as applicable, and a statement that the registrant has 14832  
been found liable for childhood sexual abuse in a civil action and 14833  
is listed on the civil registry established by the attorney 14834  
general pursuant to section 3797.08 of the Revised Code. 14835

(C) If a sheriff with whom a registrant registers under 14836  
section 3797.02 or 3797.03 of the Revised Code or to whom the 14837  
registrant most recently sent a notice of intent to reside under 14838  
section 3797.03 of the Revised Code is required by division (A) of 14839  
this section to provide notices regarding a registrant and if the 14840  
sheriff provides a notice pursuant to that requirement the sheriff 14841  
provides a notice to a sheriff of one or more other counties in 14842  
accordance with division (A)(8) of this section, the sheriff of 14843  
each of the other counties who is provided notice under division 14844  
(A)(8) of this section shall provide the notices described in 14845  
divisions (A)(1) to (7) and (A)(9) of this section to each person 14846  
or entity identified within those divisions that is located within 14847  
the specified geographical notification area and within the county 14848  
served by the sheriff in question. 14849

(D)(1) A sheriff required by division (A) or (C) of this 14850  
section to provide notices regarding a registrant shall provide 14851  
the notice to the neighbors that are described in division (A)(1) 14852



of this section and the notices to law enforcement personnel that 14853  
are described in divisions (A)(8) and (9) of this section as soon 14854  
as practicable, but not later than five days after the registrant 14855  
sends the notice of intent to reside to the sheriff, and again not 14856  
later than five days after the registrant registers with the 14857  
sheriff or, if the sheriff is required by division (C) to provide 14858  
the notices, not later than five days after the sheriff is 14859  
provided the notice described in division (A)(8) of this section. 14860

A sheriff required by division (A) or (C) of this section to 14861  
provide notices regarding a registrant shall provide the notices 14862  
to all other specified persons that are described in divisions 14863  
(A)(2) to (7) of this section as soon as practicable, but not 14864  
later than seven days after the registrant registers with the 14865  
sheriff, or, if the sheriff is required by division (C) to provide 14866  
the notices, not later than five days after the sheriff is 14867  
provided the notice described in division (A)(8) of this section. 14868

(2) If a registrant in relation to whom division (A) of this 14869  
section applies verifies the registrant's current residence 14870  
address with a sheriff pursuant to section 3797.04 of the Revised 14871  
Code, the sheriff may provide a written notice containing the 14872  
information set forth in division (B) of this section to the 14873  
persons identified in divisions (A)(1) to (9) of this section. If 14874  
a sheriff provides a notice pursuant to this division to the 14875  
sheriff of one or more other counties in accordance with division 14876  
(A)(8) of this section, the sheriff of each of the other counties 14877  
who is provided the notice under division (A)(8) of this section 14878  
may provide, but is not required to provide, a written notice 14879  
containing the information set forth in division (B) of this 14880  
section to the persons identified in divisions (A)(1) to (7) and 14881  
(A)(9) of this section. 14882

(3) A sheriff may provide notice under division (A)(1)(a) or 14883  
(b) of this section, and may provide notice under division 14884

(A)(1)(c) of this section to a building manager or person 14885  
authorized to exercise management and control of a building, by 14886  
mail, by personal contact, or by leaving the notice at or under 14887  
the entry door to a residential unit. For purposes of divisions 14888  
(A)(1)(a) and (b) of this section and of the portion of division 14889  
(A)(1)(c) of this section relating to the provision of notice to 14890  
occupants of a multi-unit building by mail or personal contact, 14891  
the provision of one written notice per unit is deemed providing 14892  
notice to all occupants of that unit. 14893

(E) All information that a sheriff possesses regarding a 14894  
registrant that is described in division (B) of this section and 14895  
that must be provided in a notice required under division (A) or 14896  
(C) of this section or that may be provided in a notice authorized 14897  
under division (D)(2) of this section is a public record that is 14898  
open to inspection under section 149.43 of the Revised Code. 14899

(F) A sheriff required by division (A) or (C) of this 14900  
section, or authorized by division (D)(2) of this section, to 14901  
provide notices regarding a registrant may request the department 14902  
of job and family services, department of education, or Ohio board 14903  
of regents, by telephone, in registrant, or by mail, to provide 14904  
the sheriff with the names, addresses, and telephone numbers of 14905  
the appropriate persons and entities to whom the notices described 14906  
in divisions (A)(2) to (7) of this section are to be provided. 14907  
Upon receipt of a request, the department or board shall provide 14908  
the requesting sheriff with the names, addresses, and telephone 14909  
numbers of the appropriate persons and entities to whom those 14910  
notices are to be provided. 14911

(G)(1) Upon the motion of the registrant or the judge that 14912  
entered a declaratory judgment pursuant to section 2721.21 of the 14913  
Revised Code or that judge's successor in office, the judge may 14914  
schedule a hearing to determine whether the interests of justice 14915  
would be served by suspending the community notification 14916

requirement under this section in relation to the registrant. The 14917  
judge may dismiss the motion without a hearing but may not issue 14918  
an order suspending the community notification requirement without 14919  
a hearing. At the hearing, all parties are entitled to be heard. 14920  
If, at the conclusion of the hearing, the judge finds that the 14921  
registrant has proven by clear and convincing evidence that the 14922  
registrant is unlikely to commit childhood sexual abuse in the 14923  
future and that suspending the community notification requirement 14924  
is in the interests of justice, the judge may issue an order 14925  
suspending the application of this section in relation to the 14926  
registrant. The order shall contain both of these findings. 14927

The judge promptly shall serve a copy of the order upon the 14928  
sheriff with whom the registrant most recently registered a 14929  
residence address and the sheriff with whom the registrant most 14930  
recently registered an employment address under section 3797.02 of 14931  
the Revised Code. 14932

An order suspending the community notification requirement 14933  
does not suspend or otherwise alter a registrant's duties to 14934  
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 14935  
Code. 14936

(2) A registrant has the right to appeal an order denying a 14937  
motion made under division (G)(1) of this section. 14938

**Sec. 4511.81.** (A) When any child who is in either or both of 14939  
the following categories is being transported in a motor vehicle, 14940  
other than a taxicab or public safety vehicle as defined in 14941  
section 4511.01 of the Revised Code, that is required by the 14942  
United States department of transportation to be equipped with 14943  
seat belts at the time of manufacture or assembly, the operator of 14944  
the motor vehicle shall have the child properly secured in 14945  
accordance with the manufacturer's instructions in a child 14946  
restraint system that meets federal motor vehicle safety 14947

standards:	14948
(1) A child who is less than four years of age;	14949
(2) A child who weighs less than forty pounds.	14950
(B) When any child who is in either or both of the following	14951
categories is being transported in a motor vehicle, other than a	14952
taxicab, that is owned, leased, or otherwise under the control of	14953
a nursery school or day-care center, the operator of the motor	14954
vehicle shall have the child properly secured in accordance with	14955
the manufacturer's instructions in a child restraint system that	14956
meets federal motor vehicle safety standards:	14957
(1) A child who is less than four years of age;	14958
(2) A child who weighs less than forty pounds.	14959
(C) When any child who is less than eight years of age and	14960
less than four feet nine inches in height, who is not required by	14961
division (A) or (B) of this section to be secured in a child	14962
restraint system, is being transported in a motor vehicle, other	14963
than a taxicab or public safety vehicle as defined in section	14964
4511.01 of the Revised Code or a vehicle that is regulated under	14965
section <del>5104.011</del> <u>5104.015</u> of the Revised Code, that is required by	14966
the United States department of transportation to be equipped with	14967
seat belts at the time of manufacture or assembly, the operator of	14968
the motor vehicle shall have the child properly secured in	14969
accordance with the manufacturer's instructions on a booster seat	14970
that meets federal motor vehicle safety standards.	14971
(D) When any child who is at least eight years of age but not	14972
older than fifteen years of age, and who is not otherwise required	14973
by division (A), (B), or (C) of this section to be secured in a	14974
child restraint system or booster seat, is being transported in a	14975
motor vehicle, other than a taxicab or public safety vehicle as	14976
defined in section 4511.01 of the Revised Code, that is required	14977
by the United States department of transportation to be equipped	14978

with seat belts at the time of manufacture or assembly, the 14979  
operator of the motor vehicle shall have the child properly 14980  
restrained either in accordance with the manufacturer's 14981  
instructions in a child restraint system that meets federal motor 14982  
vehicle safety standards or in an occupant restraining device as 14983  
defined in section 4513.263 of the Revised Code. 14984

(E) Notwithstanding any provision of law to the contrary, no 14985  
law enforcement officer shall cause an operator of a motor vehicle 14986  
being operated on any street or highway to stop the motor vehicle 14987  
for the sole purpose of determining whether a violation of 14988  
division (C) or (D) of this section has been or is being committed 14989  
or for the sole purpose of issuing a ticket, citation, or summons 14990  
for a violation of division (C) or (D) of this section or causing 14991  
the arrest of or commencing a prosecution of a person for a 14992  
violation of division (C) or (D) of this section, and absent 14993  
another violation of law, a law enforcement officer's view of the 14994  
interior or visual inspection of a motor vehicle being operated on 14995  
any street or highway may not be used for the purpose of 14996  
determining whether a violation of division (C) or (D) of this 14997  
section has been or is being committed. 14998

(F) The director of public safety shall adopt such rules as 14999  
are necessary to carry out this section. 15000

(G) The failure of an operator of a motor vehicle to secure a 15001  
child in a child restraint system, a booster seat, or an occupant 15002  
restraining device as required by this section is not negligence 15003  
imputable to the child, is not admissible as evidence in any civil 15004  
action involving the rights of the child against any other person 15005  
allegedly liable for injuries to the child, is not to be used as a 15006  
basis for a criminal prosecution of the operator of the motor 15007  
vehicle other than a prosecution for a violation of this section, 15008  
and is not admissible as evidence in any criminal action involving 15009  
the operator of the motor vehicle other than a prosecution for a 15010

violation of this section. 15011

(H) This section does not apply when an emergency exists that 15012  
threatens the life of any person operating or occupying a motor 15013  
vehicle that is being used to transport a child who otherwise 15014  
would be required to be restrained under this section. This 15015  
section does not apply to a person operating a motor vehicle who 15016  
has an affidavit signed by a physician licensed to practice in 15017  
this state under Chapter 4731. of the Revised Code or a 15018  
chiropractor licensed to practice in this state under Chapter 15019  
4734. of the Revised Code that states that the child who otherwise 15020  
would be required to be restrained under this section has a 15021  
physical impairment that makes use of a child restraint system, 15022  
booster seat, or an occupant restraining device impossible or 15023  
impractical, provided that the person operating the vehicle has 15024  
safely and appropriately restrained the child in accordance with 15025  
any recommendations of the physician or chiropractor as noted on 15026  
the affidavit. 15027

(I) There is hereby created in the state treasury the child 15028  
highway safety fund, consisting of fines imposed pursuant to 15029  
division (K)(1) of this section for violations of divisions (A), 15030  
(B), (C), and (D) of this section. The money in the fund shall be 15031  
used by the department of health only to defray the cost of 15032  
designating hospitals as pediatric trauma centers under section 15033  
3727.081 of the Revised Code and to establish and administer a 15034  
child highway safety program. The purpose of the program shall be 15035  
to educate the public about child restraint systems and booster 15036  
seats and the importance of their proper use. The program also 15037  
shall include a process for providing child restraint systems and 15038  
booster seats to persons who meet the eligibility criteria 15039  
established by the department, and a toll-free telephone number 15040  
the public may utilize to obtain information about child restraint 15041  
systems and booster seats, and their proper use. 15042

(J) The director of health, in accordance with Chapter 119. 15043  
of the Revised Code, shall adopt any rules necessary to carry out 15044  
this section, including rules establishing the criteria a person 15045  
must meet in order to receive a child restraint system or booster 15046  
seat under the department's child highway safety program; provided 15047  
that rules relating to the verification of pediatric trauma 15048  
centers shall not be adopted under this section. 15049

(K) Nothing in this section shall be construed to require any 15050  
person to carry with the person the birth certificate of a child 15051  
to prove the age of the child, but the production of a valid birth 15052  
certificate for a child showing that the child was not of an age 15053  
to which this section applies is a defense against any ticket, 15054  
citation, or summons issued for violating this section. 15055

(L)(1) Whoever violates division (A), (B), (C), or (D) of 15056  
this section shall be punished as follows, provided that the 15057  
failure of an operator of a motor vehicle to secure more than one 15058  
child in a child restraint system, booster seat, or occupant 15059  
restraining device as required by this section that occurred at 15060  
the same time, on the same day, and at the same location is deemed 15061  
to be a single violation of this section: 15062

(a) Except as otherwise provided in division (L)(1)(b) of 15063  
this section, the offender is guilty of a minor misdemeanor and 15064  
shall be fined not less than twenty-five dollars nor more than 15065  
seventy-five dollars. 15066

(b) If the offender previously has been convicted of or 15067  
pleaded guilty to a violation of division (A), (B), (C), or (D) of 15068  
this section or of a municipal ordinance that is substantially 15069  
similar to any of those divisions, the offender is guilty of a 15070  
misdemeanor of the fourth degree. 15071

(2) All fines imposed pursuant to division (L)(1) of this 15072  
section shall be forwarded to the treasurer of state for deposit 15073

in the child highway safety fund created by division (I) of this section. 15074  
15075

**Sec. 5101.29.** When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code: 15076  
15077  
15078  
15079

(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure, ~~certification~~, or registration under Chapter 5104. of the Revised Code; 15080  
15081  
15082  
15083

(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code; 15084  
15085  
15086

(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure, ~~certification~~, or registration to the department or other state or county entity responsible for enforcing Chapter 5103. or 5104. of the Revised Code; 15087  
15088  
15089  
15090  
15091  
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(D)(1) Except as otherwise provided in division (D)(2) of this section, names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under section 5103.03 of the Revised Code and the home study conducted pursuant to section 5103.0324 of the Revised Code. 15093  
15094  
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(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, a county agency, or other 15100  
15101  
15102  
15103



governmental entity:	15104
(a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been convicted of, pleaded guilty to, or indicted or otherwise charged with any offense described in division (C)(1) of section 2151.86 of the Revised Code:	15105 15106 15107 15108 15109 15110 15111
(i) The foster caregiver's name, date of birth, and county of residence;	15112 15113
(ii) The date of the foster caregiver's certification;	15114
(iii) The date of each placement of a foster child into the foster caregiver's home;	15115 15116
(iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;	15117 15118 15119 15120 15121
(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.	15122 15123 15124 15125
(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.	15126 15127 15128
<b>Sec. 5103.03.</b> (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process	15129 15130 15131 15132 15133

with any home study content, time period, and process required by 15134  
rules adopted under section 3107.033 of the Revised Code. 15135

(B)(1) Except for facilities under the control of the 15136  
department of youth services, places of detention for children 15137  
established and maintained pursuant to sections 2152.41 to 2152.44 15138  
of the Revised Code, and child day-care centers subject to Chapter 15139  
5104. of the Revised Code, the department of job and family 15140  
services every two years shall pass upon the fitness of every 15141  
institution and association that receives, or desires to receive 15142  
and care for children, or places children in private homes. 15143

(2) When the department of job and family services is 15144  
satisfied as to the care given such children, and that the 15145  
requirements of the statutes and rules covering the management of 15146  
such institutions and associations are being complied with, it 15147  
shall issue to the institution or association a certificate to 15148  
that effect. A certificate is valid for two years, unless sooner 15149  
revoked by the department. When determining whether an institution 15150  
or association meets a particular requirement for certification, 15151  
the department may consider the institution or association to have 15152  
met the requirement if the institution or association shows to the 15153  
department's satisfaction that it has met a comparable requirement 15154  
to be accredited by a nationally recognized accreditation 15155  
organization. 15156

(3) The department may issue a temporary certificate valid 15157  
for less than one year authorizing an institution or association 15158  
to operate until minimum requirements have been met. 15159

(4) An institution or association that knowingly makes a 15160  
false statement that is included as a part of certification under 15161  
this section is guilty of the offense of falsification under 15162  
section 2921.13 of the Revised Code and the department shall not 15163  
certify that institution or association. 15164

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that the institution or association is in violation of law or rule. No juvenile court shall commit a child to an association or institution that is required to be certified under this section if its certificate has been revoked or, if after revocation, the date of reissue is less than fifteen months prior to the proposed commitment.

(D) Every two years, on a date specified by the department, each institution or association desiring certification or recertification shall submit to the department a report showing its condition, management, competency to care adequately for the children who have been or may be committed to it or to whom it provides care or services, the system of visitation it employs for children placed in private homes, and other information the department requires+.

(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed

on it by this section to inspect and approve family foster homes 15196  
and specialized foster homes to public children services agencies, 15197  
private child placing agencies, or private noncustodial agencies. 15198

(2) The director shall adopt rules that require a foster 15199  
caregiver or other individual certified to operate a foster home 15200  
under this section to notify the recommending agency that the 15201  
foster caregiver or other individual is ~~certified~~ licensed to 15202  
operate a type B family day-care home under Chapter 5104. of the 15203  
Revised Code. 15204

(H) If the director of job and family services determines 15205  
that an institution or association that cares for children is 15206  
operating without a certificate, the director may petition the 15207  
court of common pleas in the county in which the institution or 15208  
association is located for an order enjoining its operation. The 15209  
court shall grant injunctive relief upon a showing that the 15210  
institution or association is operating without a certificate. 15211

(I) If both of the following are the case, the director of 15212  
job and family services may petition the court of common pleas of 15213  
any county in which an institution or association that holds a 15214  
certificate under this section operates for an order, and the 15215  
court may issue an order, preventing the institution or 15216  
association from receiving additional children into its care or an 15217  
order removing children from its care: 15218

(1) The department has evidence that the life, health, or 15219  
safety of one or more children in the care of the institution or 15220  
association is at imminent risk. 15221

(2) The department has issued a proposed adjudication order 15222  
pursuant to Chapter 119. of the Revised Code to deny renewal of or 15223  
revoke the certificate of the institution or association. 15224

**Sec. 5104.01.** As used in this chapter: 15225

(A) "Administrator" means the person responsible for the daily operation of a center <del>or, type A home, or type B home</del> . The administrator and the owner may be the same person.	15226 15227 15228
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	15229 15230
<del>(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.</del>	15231 15232 15233
<del>(D)</del> "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.	15234 15235 15236 15237
<del>(E)</del> <u>(D)</u> "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:	15238 15239 15240
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	15241 15242 15243
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	15244 15245 15246
<del>(F)</del> <u>(E)</u> "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	15247 15248 15249 15250 15251 15252 15253 15254
<del>(G) "Certified type B family day care home" and "certified</del>	15255

~~type B home" mean a type B family day care home that is certified~~ 15256  
~~by the director of the county department of job and family~~ 15257  
~~services pursuant to section 5104.11 of the Revised Code to~~ 15258  
~~receive public funds for providing child care pursuant to this~~ 15259  
~~chapter and any rules adopted under it.~~ 15260

~~(H)~~(F) "Chartered nonpublic school" means a school that meets 15261  
standards for nonpublic schools prescribed by the state board of 15262  
education for nonpublic schools pursuant to section 3301.07 of the 15263  
Revised Code. 15264

~~(I)~~(G) "Child" includes an infant, toddler, preschool-age 15265  
child, or school-age child. 15266

~~(J)~~(H) "Child care block grant act" means the "Child Care and 15267  
Development Block Grant Act of 1990," established in section 5082 15268  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 15269  
1388-236 (1990), 42 U.S.C. 9858, as amended. 15270

~~(K)~~(I) "Child day camp" means a program in which only 15271  
school-age children attend or participate, that operates for no 15272  
more than seven hours per day, that operates only during one or 15273  
more public school district's regular vacation periods or for no 15274  
more than fifteen weeks during the summer, and that operates 15275  
outdoor activities for each child who attends or participates in 15276  
the program for a minimum of fifty per cent of each day that 15277  
children attend or participate in the program, except for any day 15278  
when hazardous weather conditions prevent the program from 15279  
operating outdoor activities for a minimum of fifty per cent of 15280  
that day. For purposes of this division, the maximum seven hours 15281  
of operation time does not include transportation time from a 15282  
child's home to a child day camp and from a child day camp to a 15283  
child's home. 15284

~~(L)~~(J) "Child care" means administering to the needs of 15285  
infants, toddlers, preschool-age children, and school-age children 15286

outside of school hours by persons other than their parents or 15287  
guardians, custodians, or relatives by blood, marriage, or 15288  
adoption for any part of the twenty-four-hour day in a place or 15289  
residence other than a child's own home. 15290

~~(M)~~(K) "Child day-care center" and "center" mean any place in 15291  
which child care or publicly funded child care is provided for 15292  
thirteen or more children at one time or any place that is not the 15293  
permanent residence of the licensee or administrator in which 15294  
child care or publicly funded child care is provided for seven to 15295  
twelve children at one time. In counting children for the purposes 15296  
of this division, any children under six years of age who are 15297  
related to a licensee, administrator, or employee and who are on 15298  
the premises of the center shall be counted. "Child day-care 15299  
center" and "center" do not include any of the following: 15300

(1) A place located in and operated by a hospital, as defined 15301  
in section 3727.01 of the Revised Code, in which the needs of 15302  
children are administered to, if all the children whose needs are 15303  
being administered to are monitored under the on-site supervision 15304  
of a physician licensed under Chapter 4731. of the Revised Code or 15305  
a registered nurse licensed under Chapter 4723. of the Revised 15306  
Code, and the services are provided only for children who, in the 15307  
opinion of the child's parent, guardian, or custodian, are 15308  
exhibiting symptoms of a communicable disease or other illness or 15309  
are injured; 15310

(2) A child day camp; 15311

(3) A place that provides child care, but not publicly funded 15312  
child care, if all of the following apply: 15313

(a) An organized religious body provides the child care; 15314

(b) A parent, custodian, or guardian of at least one child 15315  
receiving child care is on the premises and readily accessible at 15316  
all times; 15317

(c) The child care is not provided for more than thirty days a year;	15318 15319
(d) The child care is provided only for preschool-age and school-age children.	15320 15321
<del>(N)</del> <u>(L)</u> "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	15322 15323 15324 15325
<del>(O)</del> <u>(M)</u> "Child care resource and referral services" means all of the following services:	15326 15327
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	15328 15329 15330
(2) Provision of individualized consumer education to families seeking child care;	15331 15332
(3) Provision of timely referrals of available child care providers to families seeking child care;	15333 15334
(4) Recruitment of child care providers;	15335
(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;	15336 15337 15338 15339
(6) Collection and analysis of data on the supply of and demand for child care in the community;	15340 15341
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	15342 15343 15344
(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;	15345 15346 15347



(9) Provision of written educational materials to caretaker 15348  
parents and informational resources to child care providers; 15349

(10) Coordination of services among child care resource and 15350  
referral service organizations to assist in developing and 15351  
maintaining a statewide system of child care resource and referral 15352  
services if required by the department of job and family services; 15353

(11) Cooperation with the county department of job and family 15354  
services in encouraging the establishment of parent cooperative 15355  
child care centers and parent cooperative type A family day-care 15356  
homes. 15357

~~(P)~~(N) "Child-care staff member" means an employee of a child 15358  
day-care center or type A family day-care home who is primarily 15359  
responsible for the care and supervision of children. The 15360  
administrator may be a part-time child-care staff member when not 15361  
involved in other duties. 15362

~~(Q)~~(O) "Drop-in child day-care center," "drop-in center," 15363  
"drop-in type A family day-care home," and "drop-in type A home" 15364  
mean a center or type A home that provides child care or publicly 15365  
funded child care for children on a temporary, irregular basis. 15366

~~(R)~~(P) "Employee" means a person who either: 15367

(1) Receives compensation for duties performed in a child 15368  
day-care center or type A family day-care home; 15369

(2) Is assigned specific working hours or duties in a child 15370  
day-care center or type A family day-care home. 15371

~~(S)~~(O) "Employer" means a person, firm, institution, 15372  
organization, or agency that operates a child day-care center or 15373  
type A family day-care home subject to licensure under this 15374  
chapter. 15375

~~(T)~~(R) "Federal poverty line" means the official poverty 15376  
guideline as revised annually in accordance with section 673(2) of 15377

the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

~~(U)~~(S) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.

~~(V)~~(T) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

~~(W)~~(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care ~~center or center's~~ type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

~~(X)~~(V) "Infant" means a child who is less than eighteen months of age.

~~(Y)~~(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

~~(Z)~~(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers ~~and~~ type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and

safety of the children that is used to develop an indicator 15409  
checklist. 15410

~~(AA)~~(Y) "License capacity" means the maximum number in each 15411  
age category of children who may be cared for in a child day-care 15412  
center or type A family day-care home at one time as determined by 15413  
the director of job and family services considering building 15414  
occupancy limits established by the department of commerce, amount 15415  
of available indoor floor space and outdoor play space, and amount 15416  
of available play equipment, materials, and supplies. For the 15417  
purposes of a provisional license issued under this chapter, the 15418  
director shall also consider the number of available child-care 15419  
staff members when determining "license capacity" for the 15420  
provisional license. 15421

~~(BB)~~(Z) "Licensed child care program" means any of the 15422  
following: 15423

(1) A child day-care center licensed by the department of job 15424  
and family services pursuant to this chapter; 15425

(2) A type A family day-care home or type B family day-care 15426  
home licensed by the department of job and family services 15427  
pursuant to this chapter; 15428

~~(3) A type B family day care home certified by a county~~ 15429  
~~department of job and family services pursuant to this chapter;~~ 15430

~~(4)~~ A licensed preschool program or licensed school child 15431  
program. 15432

~~(CC)~~(AA) "Licensed preschool program" or "licensed school 15433  
child program" means a preschool program or school child program, 15434  
as defined in section 3301.52 of the Revised Code, that is 15435  
licensed by the department of education pursuant to sections 15436  
3301.52 to 3301.59 of the Revised Code. 15437

~~(DD)~~(BB) "Licensed type B family day-care home" and "licensed 15438

type B home" mean a type B family day-care home for which there is 15439  
a valid license issued by the director of job and family services 15440  
pursuant to section 5104.03 of the Revised Code. 15441

(CC) "Licensee" means the owner of a child day-care center 15442  
~~or,~~ type A family day-care home, or type B family day-care home 15443  
that is licensed pursuant to this chapter and who is responsible 15444  
for ensuring its compliance with this chapter and rules adopted 15445  
pursuant to this chapter. 15446

~~(EE)~~(DD) "Operate a child day camp" means to operate, 15447  
establish, manage, conduct, or maintain a child day camp. 15448

~~(FF)~~(EE) "Owner" includes a person, as defined in section 15449  
1.59 of the Revised Code, or government entity. 15450

~~(GG)~~(FF) "Parent cooperative child day-care center," "parent 15451  
cooperative center," "parent cooperative type A family day-care 15452  
home," and "parent cooperative type A home" mean a corporation or 15453  
association organized for providing educational services to the 15454  
children of members of the corporation or association, without 15455  
gain to the corporation or association as an entity, in which the 15456  
services of the corporation or association are provided only to 15457  
children of the members of the corporation or association, 15458  
ownership and control of the corporation or association rests 15459  
solely with the members of the corporation or association, and at 15460  
least one parent-member of the corporation or association is on 15461  
the premises of the center or type A home during its hours of 15462  
operation. 15463

~~(HH)~~(GG) "Part-time child day-care center," "part-time 15464  
center," "part-time type A family day-care home," and "part-time 15465  
type A home" mean a center or type A home that provides child care 15466  
or publicly funded child care for no more than four hours a day 15467  
for any child. 15468

~~(II)~~(HH) "Place of worship" means a building where activities 15469

of an organized religious group are conducted and includes the 15470  
grounds and any other buildings on the grounds used for such 15471  
activities. 15472

~~(JJ)~~(II) "Preschool-age child" means a child who is three 15473  
years old or older but is not a school-age child. 15474

~~(KK)~~(JJ) "Protective child care" means publicly funded child 15475  
care for the direct care and protection of a child to whom either 15476  
of the following applies: 15477

(1) A case plan prepared and maintained for the child 15478  
pursuant to section 2151.412 of the Revised Code indicates a need 15479  
for protective care and the child resides with a parent, 15480  
stepparent, guardian, or another person who stands in loco 15481  
parentis as defined in rules adopted under section 5104.38 of the 15482  
Revised Code; 15483

(2) The child and the child's caretaker either temporarily 15484  
reside in a facility providing emergency shelter for homeless 15485  
families or are determined by the county department of job and 15486  
family services to be homeless, and are otherwise ineligible for 15487  
publicly funded child care. 15488

~~(LL)~~(KK) "Publicly funded child care" means administering to 15489  
the needs of infants, toddlers, preschool-age children, and 15490  
school-age children under age thirteen during any part of the 15491  
twenty-four-hour day by persons other than their caretaker parents 15492  
for remuneration wholly or in part with federal or state funds, 15493  
including funds available under the child care block grant act, 15494  
Title IV-A, and Title XX, distributed by the department of job and 15495  
family services. 15496

~~(MM)~~(LL) "Religious activities" means any of the following: 15497  
worship or other religious services; religious instruction; Sunday 15498  
school classes or other religious classes conducted during or 15499  
prior to worship or other religious services; youth or adult 15500

fellowship activities; choir or other musical group practices or 15501  
programs; meals; festivals; or meetings conducted by an organized 15502  
religious group. 15503

~~(NN)~~(MM) "School-age child" means a child who is enrolled in 15504  
or is eligible to be enrolled in a grade of kindergarten or above 15505  
but is less than fifteen years old. 15506

~~(OO)~~(NN) "School-age child care center" and "school-age child 15507  
type A home" mean a center or type A home that provides child care 15508  
for school-age children only and that does either or both of the 15509  
following: 15510

(1) Operates only during that part of the day that 15511  
immediately precedes or follows the public school day of the 15512  
school district in which the center or type A home is located; 15513

(2) Operates only when the public schools in the school 15514  
district in which the center or type A home is located are not 15515  
open for instruction with pupils in attendance. 15516

~~(PP)~~(OO) "Serious risk noncompliance" means a licensure or 15517  
certification rule violation that leads to a great risk of harm 15518  
to, or death of, a child, and is observable, not inferable. 15519

~~(QQ)~~(PP) "State median income" means the state median income 15520  
calculated by the department of development pursuant to division 15521  
(A)(1)(g) of section 5709.61 of the Revised Code. 15522

~~(RR)~~(OO) "Title IV-A" means Title IV-A of the "Social 15523  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 15524

~~(SS)~~(RR) "Title XX" means Title XX of the "Social Security 15525  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 15526

~~(TT)~~(SS) "Toddler" means a child who is at least eighteen 15527  
months of age but less than three years of age. 15528

~~(UU)~~(TT) "Type A family day-care home" and "type A home" mean 15529  
a permanent residence of the administrator in which child care or 15530

publicly funded child care is provided for seven to twelve 15531  
children at one time or a permanent residence of the administrator 15532  
in which child care is provided for four to twelve children at one 15533  
time if four or more children at one time are under two years of 15534  
age. In counting children for the purposes of this division, any 15535  
children under six years of age who are related to a licensee, 15536  
administrator, or employee and who are on the premises of the type 15537  
A home shall be counted. "Type A family day-care home" and "type A 15538  
home" do not include any child day camp. 15539

~~(VV)~~(UU) "Type B family day-care home" and "type B home" mean 15540  
a permanent residence of the provider in which child care is 15541  
provided for one to six children at one time and in which no more 15542  
than three children are under two years of age at one time. In 15543  
counting children for the purposes of this division, any children 15544  
under six years of age who are related to the provider and who are 15545  
on the premises of the type B home shall be counted. "Type B 15546  
family day-care home" and "type B home" do not include any child 15547  
day camp. 15548

**Sec. 5104.012.** (A)(1) At the times specified in this 15549  
division, the administrator of a child day-care center or a type A 15550  
family day-care home shall request the superintendent of the 15551  
bureau of criminal identification and investigation to conduct a 15552  
criminal records check with respect to any applicant who has 15553  
applied to the center or type A home for employment as a person 15554  
responsible for the care, custody, or control of a child. 15555

The administrator shall request a criminal records check 15556  
pursuant to this division at the time of the applicant's initial 15557  
application for employment and every four years thereafter. When 15558  
the administrator requests pursuant to this division a criminal 15559  
records check for an applicant at the time of the applicant's 15560  
initial application for employment, the administrator shall 15561

request that the superintendent obtain information from the 15562  
federal bureau of investigation as a part of the criminal records 15563  
check for the applicant, including fingerprint-based checks of 15564  
national crime information databases as described in 42 U.S.C. 15565  
671, for the person subject to the criminal records check. In all 15566  
other cases in which the administrator requests a criminal records 15567  
check for an applicant pursuant to this division, the 15568  
administrator may request that the superintendent include 15569  
information from the federal bureau of investigation in the 15570  
criminal records check, including fingerprint-based checks of 15571  
national crime information databases as described in 42 U.S.C. 15572  
671. 15573

(2) A person required by division (A)(1) of this section to 15574  
request a criminal records check shall provide to each applicant a 15575  
copy of the form prescribed pursuant to division (C)(1) of section 15576  
109.572 of the Revised Code, provide to each applicant a standard 15577  
impression sheet to obtain fingerprint impressions prescribed 15578  
pursuant to division (C)(2) of section 109.572 of the Revised 15579  
Code, obtain the completed form and impression sheet from each 15580  
applicant, and forward the completed form and impression sheet to 15581  
the superintendent of the bureau of criminal identification and 15582  
investigation at the time the person requests a criminal records 15583  
check pursuant to division (A)(1) of this section. On and after 15584  
August 14, 2008, the administrator of a child day-care center or a 15585  
type A family day-care home shall review the results of the 15586  
criminal records check before the applicant has sole 15587  
responsibility for the care, custody, or control of any child. 15588

(3) An applicant who receives pursuant to division (A)(2) of 15589  
this section a copy of the form prescribed pursuant to division 15590  
(C)(1) of section 109.572 of the Revised Code and a copy of an 15591  
impression sheet prescribed pursuant to division (C)(2) of that 15592  
section and who is requested to complete the form and provide a 15593



set of fingerprint impressions shall complete the form or provide 15594  
all the information necessary to complete the form and shall 15595  
provide the impression sheet with the impressions of the 15596  
applicant's fingerprints. If an applicant, upon request, fails to 15597  
provide the information necessary to complete the form or fails to 15598  
provide impressions of the applicant's fingerprints, the center or 15599  
type A home shall not employ that applicant for any position for 15600  
which a criminal records check is required by division (A)(1) of 15601  
this section. 15602

(B)(1) Except as provided in rules adopted under division (E) 15603  
of this section, no child day-care center or type A family 15604  
day-care home shall employ or contract with another entity for the 15605  
services of a person as a person responsible for the care, 15606  
custody, or control of a child if the person previously has been 15607  
convicted of or pleaded guilty to any of the violations described 15608  
in division (A)(9) of section 109.572 of the Revised Code. 15609

(2) A child day-care center or type A family day-care home 15610  
may employ an applicant conditionally until the criminal records 15611  
check required by this section is completed and the center or home 15612  
receives the results of the criminal records check. If the results 15613  
of the criminal records check indicate that, pursuant to division 15614  
(B)(1) of this section, the applicant does not qualify for 15615  
employment, the center or home shall release the applicant from 15616  
employment. 15617

(C)(1) Each child day-care center and type A family day-care 15618  
home shall pay to the bureau of criminal identification and 15619  
investigation the fee prescribed pursuant to division (C)(3) of 15620  
section 109.572 of the Revised Code for each criminal records 15621  
check conducted in accordance with that section upon the request 15622  
pursuant to division (A)(1) of this section of the administrator 15623  
or provider of the center or home. 15624

(2) A child day-care center and type A family day-care home 15625

may charge an applicant a fee for the costs it incurs in obtaining 15626  
a criminal records check under this section. A fee charged under 15627  
this division shall not exceed the amount of fees the center or 15628  
home pays under division (C)(1) of this section. If a fee is 15629  
charged under this division, the center or home shall notify the 15630  
applicant at the time of the applicant's initial application for 15631  
employment of the amount of the fee and that, unless the fee is 15632  
paid, the center or type A home will not consider the applicant 15633  
for employment. 15634

(D) The report of any criminal records check conducted by the 15635  
bureau of criminal identification and investigation in accordance 15636  
with section 109.572 of the Revised Code and pursuant to a request 15637  
under division (A)(1) of this section is not a public record for 15638  
the purposes of section 149.43 of the Revised Code and shall not 15639  
be made available to any person other than the applicant who is 15640  
the subject of the criminal records check or the applicant's 15641  
representative; the center or type A home requesting the criminal 15642  
records check or its representative; the department of job and 15643  
family services or a county department of job and family services; 15644  
and any court, hearing officer, or other necessary individual 15645  
involved in a case dealing with the denial of employment to the 15646  
applicant. 15647

(E) The director of job and family services shall adopt rules 15648  
pursuant to Chapter 119. of the Revised Code to implement this 15649  
section, including rules specifying circumstances under which a 15650  
center or home may hire a person who has been convicted of an 15651  
offense listed in division (B)(1) of this section but who meets 15652  
standards in regard to rehabilitation set by the department. 15653

(F) Any person required by division (A)(1) of this section to 15654  
request a criminal records check shall inform each person, at the 15655  
time of the person's initial application for employment, that the 15656  
person is required to provide a set of impressions of the person's 15657

fingerprints and that a criminal records check is required to be 15658  
conducted and satisfactorily completed in accordance with section 15659  
109.572 of the Revised Code if the person comes under final 15660  
consideration for appointment or employment as a precondition to 15661  
employment for that position. 15662

(G) As used in this section: 15663

(1) "Applicant" means a person who is under final 15664  
consideration for appointment to or employment in a position with 15665  
a child day-care center or a type A family day-care home as a 15666  
person responsible for the care, custody, or control of a child+ 15667  
~~an in-home aide certified pursuant to section 5104.12 of the~~ 15668  
~~Revised Code;~~ or any person who would serve in any position with a 15669  
child day-care center or a type A family day-care home as a person 15670  
responsible for the care, custody, or control of a child pursuant 15671  
to a contract with another entity. 15672

(2) "Criminal records check" has the same meaning as in 15673  
section 109.572 of the Revised Code. 15674

**Sec. 5104.013.** (A)(1) At the times specified in division 15675  
(A)(3) of this section, the director of job and family services, 15676  
as part of the process of licensure of child day-care centers ~~and,~~ 15677  
type A family day-care homes, and licensed type B family day-care 15678  
homes shall request the superintendent of the bureau of criminal 15679  
identification and investigation to conduct a criminal records 15680  
check with respect to the following persons: 15681

(a) Any owner, licensee, or administrator of a child day-care 15682  
center; 15683

(b) Any owner, licensee, or administrator of a type A family 15684  
day-care home and any person eighteen years of age or older who 15685  
resides in a type A family day-care home-;i 15686

~~(2) At the times specified in division (A)(3) of this~~ 15687

~~section, the director of a county department of job and family services, as part of the process of certification of type B family day care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any authorized provider (c) Any administrator of a certified licensed type B family day-care home and any person eighteen years of age or older who resides in a certified licensed type B family day-care home.~~

(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any in-home aide.

(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every four years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every four years thereafter ~~at the time of a certification renewal~~. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person

subject to the criminal records check. In all other cases in which 15720  
the director of job and family services or the director of a 15721  
county department of job and family services requests a criminal 15722  
records check for an applicant pursuant to division (A)(1) or (2) 15723  
of this section, the director may request that the superintendent 15724  
include information from the federal bureau of investigation in 15725  
the criminal records check, including fingerprint-based checks of 15726  
national crime information databases as described in 42 U.S.C. 15727  
671. 15728

(4) The director of job and family services shall review the 15729  
results of a criminal records check subsequent to a request made 15730  
pursuant to divisions (A)(1) and (3) of this section prior to 15731  
approval of a license. The director of a county department of job 15732  
and family services shall review the results of a criminal records 15733  
check subsequent to a request made pursuant to divisions (A)(2) 15734  
and (3) of this section prior to approval of certification. 15735

(B) The director of job and family services or the director 15736  
of a county department of job and family services shall provide to 15737  
each person for whom a criminal records check is required under 15738  
this section a copy of the form prescribed pursuant to division 15739  
(C)(1) of section 109.572 of the Revised Code and a standard 15740  
impression sheet to obtain fingerprint impressions prescribed 15741  
pursuant to division (C)(2) of that section, obtain the completed 15742  
form and impression sheet from that person, and forward the 15743  
completed form and impression sheet to the superintendent of the 15744  
bureau of criminal identification and investigation. 15745

(C) A person who receives pursuant to division (B) of this 15746  
section a copy of the form and standard impression sheet described 15747  
in that division and who is requested to complete the form and 15748  
provide a set of fingerprint impressions shall complete the form 15749  
or provide all the information necessary to complete the form and 15750  
shall provide the impression sheet with the impressions of the 15751

person's fingerprints. If the person, upon request, fails to 15752  
provide the information necessary to complete the form or fails to 15753  
provide impressions of the person's fingerprints, the director may 15754  
consider the failure as a reason to deny licensure or 15755  
certification. 15756

(D) Except as provided in rules adopted under division (G) of 15757  
this section, the director of job and family services shall not 15758  
grant a license to a child day-care center ~~or~~, type A family 15759  
day-care home ~~and a county director of job and family services~~ 15760  
~~shall not certify a, or~~ type B family day-care home and a county 15761  
director of job and family services shall not certify an in-home 15762  
aide if a person for whom a criminal records check was required in 15763  
connection with the center or home previously has been convicted 15764  
of or pleaded guilty to any of the violations described in 15765  
division (A)(9) of section 109.572 of the Revised Code. 15766

(E) Each child day-care center, type A family day-care home, 15767  
and type B family day-care home shall pay to the bureau of 15768  
criminal identification and investigation the fee prescribed 15769  
pursuant to division (C)(3) of section 109.572 of the Revised Code 15770  
for each criminal records check conducted in accordance with that 15771  
section upon a request made pursuant to division (A) of this 15772  
section. 15773

(F) The report of any criminal records check conducted by the 15774  
bureau of criminal identification and investigation in accordance 15775  
with section 109.572 of the Revised Code and pursuant to a request 15776  
made under division (A) of this section is not a public record for 15777  
the purposes of section 149.43 of the Revised Code and shall not 15778  
be made available to any person other than the person who is the 15779  
subject of the criminal records check or the person's 15780  
representative, the director of job and family services, the 15781  
director of a county department of job and family services, the 15782  
center, type A home, or type B home involved, and any court, 15783

hearing officer, or other necessary individual involved in a case 15784  
dealing with a denial of licensure or certification related to the 15785  
criminal records check. 15786

(G) The director of job and family services shall adopt rules 15787  
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 15788  
implement this section, including rules specifying exceptions to 15789  
the prohibition in division (D) of this section for persons who 15790  
have been convicted of an offense listed in that division but who 15791  
meet standards in regard to rehabilitation set by the ~~department~~ 15792  
director. 15793

(H) As used in this section, "criminal records check" has the 15794  
same meaning as in section 109.572 of the Revised Code. 15795

**Sec. ~~5104.011~~ 5104.015.** ~~(A)~~ The director of job and family 15796  
services shall adopt rules ~~pursuant to~~ in accordance with Chapter 15797  
119. of the Revised Code governing the operation of child day-care 15798  
centers, including, ~~but not limited to,~~ parent cooperative 15799  
centers, part-time centers, drop-in centers, and school-age child 15800  
care centers, ~~which.~~ The rules shall reflect the various forms of 15801  
child care and the needs of children receiving child care or 15802  
publicly funded child care and shall include specific rules for 15803  
school-age child care centers that are developed in consultation 15804  
with the department of education. The rules shall not require an 15805  
existing school facility that is in compliance with applicable 15806  
building codes to undergo an additional building code inspection 15807  
or to have structural modifications. The rules shall include the 15808  
following: 15809

~~(1)~~(A) Submission of a site plan and descriptive plan of 15810  
operation to demonstrate how the center proposes to meet the 15811  
requirements of this chapter and rules adopted pursuant to this 15812  
chapter for the initial license application; 15813

~~(2)~~(B) Standards for ensuring that the physical surroundings 15814

of the center are safe and sanitary including, ~~but not limited to,~~ 15815  
the physical environment, the physical plant, and the equipment of 15816  
the center; 15817

~~(3)~~(C) Standards for the supervision, care, and discipline of 15818  
children receiving child care or publicly funded child care in the 15819  
center; 15820

~~(4)~~(D) Standards for a program of activities, and for play 15821  
equipment, materials, and supplies, to enhance the development of 15822  
each child; however, any educational curricula, philosophies, and 15823  
methodologies that are developmentally appropriate and that 15824  
enhance the social, emotional, intellectual, and physical 15825  
development of each child shall be permissible. As used in this 15826  
division, "program" does not include instruction in religious or 15827  
moral doctrines, beliefs, or values that is conducted at child 15828  
day-care centers owned and operated by churches and does include 15829  
methods of disciplining children at child day-care centers. 15830

~~(5)~~(E) Admissions policies and procedures, health care 15831  
policies and procedures, including, ~~but not limited to,~~ procedures 15832  
for the isolation of children with communicable diseases, first 15833  
aid and emergency procedures, procedures for discipline and 15834  
supervision of children, standards for the provision of nutritious 15835  
meals and snacks, and procedures for screening children and 15836  
employees, that may include any necessary physical examinations 15837  
and immunizations; 15838

~~(6)~~(F) Methods for encouraging parental participation in the 15839  
center and methods for ensuring that the rights of children, 15840  
parents, and employees are protected and that responsibilities of 15841  
parents and employees are met; 15842

~~(7)~~(G) Procedures for ensuring the safety and adequate 15843  
supervision of children traveling off the premises of the center 15844  
while under the care of a center employee; 15845



<del>(8)</del> (H) Procedures for record keeping, organization, and administration;	15846 15847
<del>(9)</del> (I) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	15848 15849 15850
<del>(10)</del> (J) Inspection procedures;	15851
<del>(11)</del> (K) Procedures and standards for setting initial license application fees;	15852 15853
<del>(12)</del> (L) Procedures for receiving, recording, and responding to complaints about centers;	15854 15855
<del>(13)</del> (M) Procedures for enforcing section 5104.04 of the Revised Code;	15856 15857
<del>(14)</del> (N) A standard requiring the inclusion, <del>on and after July 1, 1987,</del> of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	15858 15859 15860 15861 15862 15863
<del>(15)</del> (O) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with <del>divisions (B)(6) and (C)(1) of this section</del> <u>sections 5104.034 and 5104.037 of the Revised Code.</u>	15864 15865 15866 15867 15868 15869 15870
<del>(16)</del> (P) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	15871 15872 15873 15874
<del>(17)</del> (Q) A procedure for reporting of injuries of children	15875

that occur at the center; 15876

~~(18)(R) Standards for licensing child day-care centers for 15877  
children with short-term illnesses and other temporary medical 15878  
conditions; 15879~~

~~(S) Any other procedures and standards necessary to carry out 15880  
the provisions of this chapter regarding child day-care centers. 15881~~

~~(B)(1) The child day care center shall have, for each child 15882  
for whom the center is licensed, at least thirty five square feet 15883  
of usable indoor floor space wall to wall regularly available for 15884  
the child care operation exclusive of any parts of the structure 15885  
in which the care of children is prohibited by law or by rules 15886  
adopted by the board of building standards. The minimum of 15887  
thirty five square feet of usable indoor floor space shall not 15888  
include hallways, kitchens, storage areas, or any other areas that 15889  
are not available for the care of children, as determined by the 15890  
director, in meeting the space requirement of this division, and 15891  
bathrooms shall be counted in determining square footage only if 15892  
they are used exclusively by children enrolled in the center, 15893  
except that the exclusion of hallways, kitchens, storage areas, 15894  
bathrooms not used exclusively by children enrolled in the center, 15895  
and any other areas not available for the care of children from 15896  
the minimum of thirty five square feet of usable indoor floor 15897  
space shall not apply to: 15898~~

~~(a) Centers licensed prior to or on September 1, 1986, that 15899  
continue under licensure after that date; 15900~~

~~(b) Centers licensed prior to or on September 1, 1986, that 15901  
are issued a new license after that date solely due to a change of 15902  
ownership of the center. 15903~~

~~(2) The child day care center shall have on the site a safe 15904  
outdoor play space which is enclosed by a fence or otherwise 15905  
protected from traffic or other hazards. The play space shall 15906~~

~~contain not less than sixty square feet per child using such space 15907  
at any one time, and shall provide an opportunity for supervised 15908  
outdoor play each day in suitable weather. The director may exempt 15909  
a center from the requirement of this division, if an outdoor play 15910  
space is not available and if all of the following are met: 15911~~

~~(a) The center provides an indoor recreation area that has 15912  
not less than sixty square feet per child using the space at any 15913  
one time, that has a minimum of one thousand four hundred forty 15914  
square feet of space, and that is separate from the indoor space 15915  
required under division (B)(1) of this section. 15916~~

~~(b) The director has determined that there is regularly 15917  
available and scheduled for use a conveniently accessible and safe 15918  
park, playground, or similar outdoor play area for play or 15919  
recreation. 15920~~

~~(c) The children are closely supervised during play and while 15921  
traveling to and from the area. 15922~~

~~The director also shall exempt from the requirement of this 15923  
division a child day care center that was licensed prior to 15924  
September 1, 1986, if the center received approval from the 15925  
director prior to September 1, 1986, to use a park, playground, or 15926  
similar area, not connected with the center, for play or 15927  
recreation in lieu of the outdoor space requirements of this 15928  
section and if the children are closely supervised both during 15929  
play and while traveling to and from the area and except if the 15930  
director determines upon investigation and inspection pursuant to 15931  
section 5104.04 of the Revised Code and rules adopted pursuant to 15932  
that section that the park, playground, or similar area, as well 15933  
as access to and from the area, is unsafe for the children. 15934~~

~~(3) The child day care center shall have at least two 15935  
responsible adults available on the premises at all times when 15936  
seven or more children are in the center. The center shall 15937~~

~~organize the children in the center in small groups, shall provide 15938  
child care staff to give continuity of care and supervision to the 15939  
children on a day by day basis, and shall ensure that no child is 15940  
left alone or unsupervised. Except as otherwise provided in 15941  
division (E) of this section, the maximum number of children per 15942  
child care staff member and maximum group size, by age category of 15943  
children, are as follows: 15944~~

	<del>Maximum Number of</del>		
	<del>Children Per</del>	<del>Maximum</del>	
<del>Age Category</del>	<del>Child Care</del>	<del>Group</del>	
<del>of Children</del>	<del>Staff Member</del>	<del>Size</del>	
<del>(a) Infants:</del>			15949
<del>(i) Less than twelve</del>			15950
<del>months old</del>	<del>5:1, or</del>		15951
	<del>12:2 if two</del>		15952
	<del>child care</del>		15953
	<del>staff members</del>		15954
	<del>are in the room</del>	<del>12</del>	15955
<del>(ii) At least twelve</del>			15956
<del>months old, but</del>			15957
<del>less than eighteen</del>			15958
<del>months old</del>	<del>6:1</del>	<del>12</del>	15959
<del>(b) Toddlers:</del>			15960
<del>(i) At least eighteen</del>			15961
<del>months old, but</del>			15962
<del>less than thirty</del>			15963
<del>months old</del>	<del>7:1</del>	<del>14</del>	15964
<del>(ii) At least thirty months</del>			15965
<del>old, but less than</del>			15966
<del>three years old</del>	<del>8:1</del>	<del>16</del>	15967
<del>(c) Preschool</del>			15968
<del>children:</del>			15969
<del>(i) Three years old</del>	<del>12:1</del>	<del>24</del>	15970

<del>(ii) Four years old and</del>			15971
<del>five years old who</del>			15972
<del>are not school</del>			15973
<del>children</del>	<del>14:1</del>	<del>28</del>	15974
<del>(d) School children:</del>			15975
<del>(i) A child who is</del>			15976
<del>enrolled in or is</del>			15977
<del>eligible to be</del>			15978
<del>enrolled in a grade</del>			15979
<del>of kindergarten</del>			15980
<del>or above, but</del>			15981
<del>is less than</del>			15982
<del>eleven years old</del>	<del>18:1</del>	<del>36</del>	15983
<del>(ii) Eleven through fourteen</del>			15984
<del>years old</del>	<del>20:1</del>	<del>40</del>	15985
<del>Except as otherwise provided in division (E) of this section,</del>			15986
<del>the maximum number of children per child care staff member and</del>			15987
<del>maximum group size requirements of the younger age group shall</del>			15988
<del>apply when age groups are combined.</del>			15989
<del>(C)(1) Each child day care center shall have on the center</del>			15990
<del>premises and readily available at all times at least one</del>			15991
<del>child care staff member who has completed a course in first aid,</del>			15992
<del>one staff member who has completed a course in prevention,</del>			15993
<del>recognition, and management of communicable diseases which is</del>			15994
<del>approved by the state department of health, and a staff member who</del>			15995
<del>has completed a course in child abuse recognition and prevention</del>			15996
<del>training which is approved by the department of job and family</del>			15997
<del>services.</del>			15998
<del>(2) The administrator of each child day care center shall</del>			15999
<del>maintain enrollment, health, and attendance records for all</del>			16000
<del>children attending the center and health and employment records</del>			16001
<del>for all center employees. The records shall be confidential,</del>			16002

~~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.~~

~~(3)(a) Any parent who is the residential parent and legal custodian of a child enrolled in a child day care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child day care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (C)(3)(b) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section, section 3109.12 of the Revised Code, or any other provision of the Revised Code.~~

~~(b) If a parent who is the residential parent of a child has~~

~~presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.~~

~~(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.~~

~~(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section and sections 5104.031, 5104.032, and 5104.033 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division (B)(1) or (2) of this section; the maximum number of children per child care staff member and maximum group size requirements of division (B)(3) of this section; the educational and experience requirements of section 5104.031 of the Revised Code; the age, educational, and experience requirements of section 5104.032 of the Revised Code; the number and type of inservice training hours~~

~~required under section 5104.033 of the Revised Code; however, the rules shall provide procedures for determining compliance with those requirements.~~

~~(E)(1) When age groups are combined, the maximum number of children per child care staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in a group in which all the other children are in the next older age group, the maximum number of children per child care staff member and maximum group size requirements of the older age group established under division (B)(3) of this section shall apply.~~

~~(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.~~

~~(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 child type A homes, which~~ 16098  
~~shall reflect the various forms of child care and the needs of~~ 16099  
~~children receiving child care. The rules shall include the~~ 16100  
~~following:~~ 16101

~~(1) Submission of a site plan and descriptive plan of~~ 16102  
~~operation to demonstrate how the type A home proposes to meet the~~ 16103  
~~requirements of this chapter and rules adopted pursuant to this~~ 16104  
~~chapter for the initial license application;~~ 16105

~~(2) Standards for ensuring that the physical surroundings of~~ 16106  
~~the type A home are safe and sanitary, including, but not limited~~ 16107  
~~to, the physical environment, the physical plant, and the~~ 16108  
~~equipment of the type A home;~~ 16109

~~(3) Standards for the supervision, care, and discipline of~~ 16110  
~~children receiving child care or publicly funded child care in the~~ 16111  
~~type A home;~~ 16112

~~(4) Standards for a program of activities, and for play~~ 16113  
~~equipment, materials, and supplies, to enhance the development of~~ 16114  
~~each child; however, any educational curricula, philosophies, and~~ 16115  
~~methodologies that are developmentally appropriate and that~~ 16116  
~~enhance the social, emotional, intellectual, and physical~~ 16117  
~~development of each child shall be permissible;~~ 16118

~~(5) Admissions policies and procedures, health care policies~~ 16119  
~~and procedures, including, but not limited to, procedures for the~~ 16120  
~~isolation of children with communicable diseases, first aid and~~ 16121  
~~emergency procedures, procedures for discipline and supervision of~~ 16122  
~~children, standards for the provision of nutritious meals and~~ 16123  
~~snacks, and procedures for screening children and employees,~~ 16124  
~~including, but not limited to, any necessary physical examinations~~ 16125  
~~and immunizations;~~ 16126

~~(6) Methods for encouraging parental participation in the~~ 16127  
~~type A home and methods for ensuring that the rights of children,~~ 16128

<del>parents, and employees are protected and that the responsibilities</del>	16129
<del>of parents and employees are met;</del>	16130
<del>(7) Procedures for ensuring the safety and adequate</del>	16131
<del>supervision of children traveling off the premises of the type A</del>	16132
<del>home while under the care of a type A home employee;</del>	16133
<del>(8) Procedures for record keeping, organization, and</del>	16134
<del>administration;</del>	16135
<del>(9) Procedures for issuing, denying, and revoking a license</del>	16136
<del>that are not otherwise provided for in Chapter 119. of the Revised</del>	16137
<del>Code;</del>	16138
<del>(10) Inspection procedures;</del>	16139
<del>(11) Procedures and standards for setting initial license</del>	16140
<del>application fees;</del>	16141
<del>(12) Procedures for receiving, recording, and responding to</del>	16142
<del>complaints about type A homes;</del>	16143
<del>(13) Procedures for enforcing section 5104.04 of the Revised</del>	16144
<del>Code;</del>	16145
<del>(14) A standard requiring the inclusion, on or after July 1,</del>	16146
<del>1987, of a current department of job and family services toll free</del>	16147
<del>telephone number on each type A home provisional license or</del>	16148
<del>license which any person may use to report a suspected violation</del>	16149
<del>by the type A home of this chapter or rules adopted pursuant to</del>	16150
<del>this chapter;</del>	16151
<del>(15) Requirements for the training of administrators and</del>	16152
<del>child care staff members in first aid, in prevention, recognition,</del>	16153
<del>and management of communicable diseases, and in child abuse</del>	16154
<del>recognition and prevention;</del>	16155
<del>(16) Standards providing for the special needs of children</del>	16156
<del>who are handicapped or who require treatment for health conditions</del>	16157
<del>while the child is receiving child care or publicly funded child</del>	16158

<del>care in the type A home;</del>	16159
<del>(17) Standards for the maximum number of children per child care staff member;</del>	16160
<del>(18) Requirements for the amount of usable indoor floor space for each child;</del>	16161
<del>(19) Requirements for safe outdoor play space;</del>	16162
<del>(20) Qualifications and training requirements for administrators and for child care staff members;</del>	16163
<del>(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;</del>	16164
<del>(22) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</del>	16165
<del>(23) Any other procedures and standards necessary to carry out this chapter.</del>	16166
<del>(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.</del>	16167
<del>(1) The rules shall include all of the following:</del>	16168
<del>(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:</del>	16169
<del>(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;</del>	16170
<del>(ii) Persons who provide child care for eligible children all of whom are the children of the same caretaker parent;</del>	16171
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~~(b) Procedures for the director to ensure, that type B homes that receive a limited certification provide child care to children in a safe and sanitary manner;~~ 16188  
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~~(c) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code.~~ 16191  
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~~With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall remain in effect for no more than sixty calendar days and shall entitle the provider to offer publicly funded child care during the provisional period. Except as otherwise provided in division (C)(1) of this section, section 5104.013 or 5104.09 of the Revised Code, or division (A)(2) of section 5104.11 of the Revised Code, prior to the expiration of the provisional limited certificate, a county department of job and family services shall inspect the home and shall grant limited certification to the provider if the provider meets the requirements of this division. Limited certificates remain valid for two years unless earlier revoked. Except as otherwise provided in division (C)(1) of this section, providers operating under limited certification shall be inspected annually.~~ 16194  
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~~If a provider is a person described in division (C)(1)(a)(i) of this section or a person described in division (C)(1)(a)(ii) of this section who is a friend of the caretaker parent, the provider and the caretaker parent may verify in writing to the county department of job and family services that minimum health and safety requirements are being met in the home. Except as otherwise provided in section 5104.013 or 5104.09 or in division (A)(2) of section 5104.11 of the Revised Code, if such verification is provided, the county shall waive any inspection required by this~~ 16211  
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~~chapter and grant limited certification to the provider.~~ 16220

~~(2) The rules shall provide for safeguarding the health,  
safety, and welfare of children receiving child care or publicly  
funded child care in a certified type B home and shall include the  
following:~~ 16221  
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~~(a) Standards for ensuring that the type B home and the  
physical surroundings of the type B home are safe and sanitary,  
including, but not limited to, physical environment, physical  
plant, and equipment;~~ 16225  
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~~(b) Standards for the supervision, care, and discipline of  
children receiving child care or publicly funded child care in the  
home;~~ 16229  
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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;~~ 16232  
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~~(d) Admission policies and procedures, health care, first aid  
and emergency procedures, procedures for the care of sick  
children, procedures for discipline and supervision of children,  
nutritional standards, and procedures for screening children and  
authorized providers, including, but not limited to, any necessary  
physical examinations and immunizations;~~ 16238  
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~~(e) Methods of encouraging parental participation and  
ensuring that the rights of children, parents, and authorized  
providers are protected and the responsibilities of parents and  
authorized providers are met;~~ 16244  
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~~(f) Standards for the safe transport of children when under  
the care of authorized providers;~~ 16248  
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<del>(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;</del>	16250
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<del>(h) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to certification to ensure that the home is safe and sanitary;</del>	16252
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<del>(i) Procedures for record keeping and evaluation;</del>	16255
<del>(j) Procedures for receiving, recording, and responding to complaints;</del>	16256
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<del>(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;</del>	16258
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<del>(l) Requirements for the amount of usable indoor floor space for each child;</del>	16262
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<del>(m) Requirements for safe outdoor play space;</del>	16264
<del>(n) Qualification and training requirements for authorized providers;</del>	16265
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<del>(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;</del>	16267
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<del>(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;</del>	16270
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<del>(q) Any other procedures and standards necessary to carry out this chapter.</del>	16273
	16274
<del>(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</del>	16275
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~~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:~~

~~(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;~~

~~(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;~~

~~(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;~~

~~(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;~~

~~(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~~

<del>aides are met;</del>	16311
<del>(6) Standards for the safe transport of children when under the care of in-home aides;</del>	16312
<del>(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;</del>	16314
<del>(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;</del>	16316
<del>(9) Procedures for record keeping and evaluation;</del>	16318
<del>(10) Procedures for receiving, recording, and responding to complaints;</del>	16319
<del>(11) Qualifications and training requirements for in-home aides;</del>	16320
<del>(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;</del>	16321
<del>(13) Any other procedures and standards necessary to carry out this chapter.</del>	16322
<del>(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.</del>	16323
<del>(J)(1) The director of job and family services shall do all of the following:</del>	16324
<del>(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;</del>	16325
<del>(b) Give public notice of hearings regarding the rules to</del>	16326
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~~each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;~~ 16340  
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~~(c) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee.~~ 16342  
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~~(2) The director shall do all of the following:~~ 16345

~~(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;~~ 16346  
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~~(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance;~~ 16350  
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~~(c) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty five days prior to the rule's effective date.~~ 16352  
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~~(3) The county director of job and family services shall provide or make available in either paper or electronic form to each authorized provider and in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each authorized provider and in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each authorized provider and in-home aide.~~ 16355  
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~~(4) Additional copies of proposed and adopted rules shall be made available by the director of job and family services to the public on request at no charge.~~ 16366  
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~~(5) The director of job and family services may adopt rules~~ 16369

~~pursuant to Chapter 119. of the Revised Code for imposing 16370  
sanctions on persons and entities that are licensed or certified 16371  
under this chapter. Sanctions may be imposed only for an action or 16372  
omission that constitutes a serious risk noncompliance. The 16373  
sanctions imposed shall be based on the scope and severity of the 16374  
violations. 16375~~

~~The director shall make a dispute resolution process 16376  
available for the implementation of sanctions. The process may 16377  
include an opportunity for appeal pursuant to Chapter 119. of the 16378  
Revised Code. 16379~~

~~(6) The director of job and family services shall adopt rules 16380  
pursuant to Chapter 119. of the Revised Code that establish 16381  
standards for the training of individuals whom any county 16382  
department of job and family services employs, with whom any 16383  
county department of job and family services contracts, or with 16384  
whom the director of job and family services contracts, to inspect 16385  
or investigate type B family day care homes pursuant to section 16386  
5104.11 of the Revised Code. The department shall provide training 16387  
in accordance with those standards for individuals in the 16388  
categories described in this division. 16389~~

~~(K) The director of job and family services shall review all 16390  
rules adopted pursuant to this chapter at least once every seven 16391  
years. 16392~~

~~(L) Notwithstanding any provision of the Revised Code, the 16393  
director of job and family services shall not regulate in any way 16394  
under this chapter or rules adopted pursuant to this chapter, 16395  
instruction in religious or moral doctrines, beliefs, or values. 16396~~

Sec. 5104.016. The director of job and family services, in 16397  
addition to the rules adopted under section 5104.015 of the 16398  
Revised Code, shall adopt rules establishing minimum requirements 16399  
for child day-care centers. The rules shall include the 16400

requirements set forth in sections 5104.032 to 5104.037 of the 16401  
Revised Code. Except as provided in section 5104.07 of the Revised 16402  
Code, the rules shall not change the square footage requirements 16403  
of section 5104.032 of the Revised Code; the maximum number of 16404  
children per child-care staff member and maximum group size 16405  
requirements of section 5104.033 of the Revised Code; the 16406  
educational and experience requirements of section 5104.035 of the 16407  
Revised Code; the age, educational, and experience requirements of 16408  
section 5104.036 of the Revised Code; the number and type of 16409  
inservice training hours required under section 5104.037 of the 16410  
Revised Code; however, the rules shall provide procedures for 16411  
determining compliance with those requirements. 16412

Sec. 5104.017. The director of job and family services shall 16413  
adopt rules pursuant to Chapter 119. of the Revised Code governing 16414  
the operation of type A family day-care homes, including parent 16415  
cooperative type A homes, part-time type A homes, drop-in type A 16416  
homes, and school-age child type A homes. The rules shall reflect 16417  
the various forms of child care and the needs of children 16418  
receiving child care. The rules shall include the following: 16419

(A) Submission of a site plan and descriptive plan of 16420  
operation to demonstrate how the type A home proposes to meet the 16421  
requirements of this chapter and rules adopted pursuant to this 16422  
chapter for the initial license application; 16423

(B) Standards for ensuring that the physical surroundings of 16424  
the type A home are safe and sanitary, including the physical 16425  
environment, the physical plant, and the equipment of the type A 16426  
home; 16427

(C) Standards for the supervision, care, and discipline of 16428  
children receiving child care or publicly funded child care in the 16429  
type A home; 16430

(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible; 16431  
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(E) Admissions policies and procedures, health care policies and procedures, including procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including any necessary physical examinations and immunizations; 16437  
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(F) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met; 16444  
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(G) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee; 16448  
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(H) Procedures for record keeping, organization, and administration; 16451  
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(I) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code; 16453  
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(J) Inspection procedures; 16456

(K) Procedures and standards for setting initial license application fees; 16457  
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(L) Procedures for receiving, recording, and responding to complaints about type A homes; 16459  
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<u>(M) Procedures for enforcing section 5104.04 of the Revised Code;</u>	16461
	16462
<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>	16463
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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>	16468
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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>	16472
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<u>(Q) Standards for the maximum number of children per child-care staff member;</u>	16476
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<u>(R) Requirements for the amount of usable indoor floor space for each child;</u>	16478
	16479
<u>(S) Requirements for safe outdoor play space;</u>	16480
<u>(T) Qualifications and training requirements for administrators and for child-care staff members;</u>	16481
	16482
<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>	16483
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<u>(V) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;</u>	16486
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<u>(W) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.</u>	16488
	16489

Sec. 5104.018. The director of job and family services shall 16490  
adopt rules in accordance with Chapter 119. of the Revised Code 16491  
governing the licensure of type B family day-care homes. The rules 16492  
shall provide for safeguarding the health, safety, and welfare of 16493  
children receiving child care or publicly funded child care in a 16494  
licensed type B family day-care home and shall include all of the 16495  
following: 16496

(A) Requirements for the type B home to notify parents with 16497  
children in the type B home that the type B home is certified as a 16498  
foster home under section 5103.03 of the Revised Code. 16499

(B) Standards for ensuring that the type B home and the 16500  
physical surroundings of the type B home are safe and sanitary, 16501  
including physical environment, physical plant, and equipment; 16502

(C) Standards for the supervision, care, and discipline of 16503  
children receiving child care or publicly funded child care in the 16504  
home; 16505

(D) Standards for a program of activities, and for play 16506  
equipment, materials, and supplies to enhance the development of 16507  
each child; however, any educational curricula, philosophies, and 16508  
methodologies that are developmentally appropriate and that 16509  
enhance the social, emotional, intellectual, and physical 16510  
development of each child shall be permissible; 16511

(E) Admission policies and procedures, health care, first aid 16512  
and emergency procedures, procedures for the care of sick 16513  
children, procedures for discipline and supervision of children, 16514  
nutritional standards, and procedures for screening children and 16515  
administrators, including any necessary physical examinations and 16516  
immunizations; 16517

(F) Methods of encouraging parental participation and 16518  
ensuring that the rights of children, parents, and administrators 16519

<u>are protected and the responsibilities of parents and</u>	16520
<u>administrators are met;</u>	16521
<u>(G) Standards for the safe transport of children when under</u>	16522
<u>the care of administrators;</u>	16523
<u>(H) Procedures for issuing, denying, or revoking licenses;</u>	16524
<u>(I) Procedures for the inspection of type B homes that</u>	16525
<u>require, at a minimum, that each type B home be inspected prior to</u>	16526
<u>licensure to ensure that the home is safe and sanitary;</u>	16527
<u>(J) Procedures for record keeping and evaluation;</u>	16528
<u>(K) Procedures for receiving, recording, and responding to</u>	16529
<u>complaints;</u>	16530
<u>(L) Standards providing for the special needs of children who</u>	16531
<u>are handicapped or who receive treatment for health conditions</u>	16532
<u>while the child is receiving child care or publicly funded child</u>	16533
<u>care in the type B home;</u>	16534
<u>(M) Requirements for the amount of usable indoor floor space</u>	16535
<u>for each child;</u>	16536
<u>(N) Requirements for safe outdoor play space;</u>	16537
<u>(O) Qualification and training requirements for</u>	16538
<u>administrators;</u>	16539
<u>(P) Procedures for granting a parent who is the residential</u>	16540
<u>parent and legal custodian, or a custodian or guardian access to</u>	16541
<u>the type B home during its hours of operation;</u>	16542
<u>(O) Requirements for the type B home to notify parents with</u>	16543
<u>children in the type B home that the type B home is certified as a</u>	16544
<u>foster home under section 5103.03 of the Revised Code;</u>	16545
<u>(R) Any other procedures and standards necessary to carry out</u>	16546
<u>the provisions of this chapter regarding licensure of type B</u>	16547
<u>homes.</u>	16548

Sec. 5104.019. The director of job and family services shall 16549  
adopt rules in accordance with Chapter 119. of the Revised Code 16550  
governing the certification of in-home aides. The rules shall 16551  
provide for safeguarding the health, safety, and welfare of 16552  
children receiving publicly funded child care in their own home 16553  
and shall include the following: 16554

(A) Standards for ensuring that the child's home and the 16555  
physical surroundings of the child's home are safe and sanitary, 16556  
including physical environment, physical plant, and equipment; 16557

(B) Standards for the supervision, care, and discipline of 16558  
children receiving publicly funded child care in their own home; 16559

(C) Standards for a program of activities, and for play 16560  
equipment, materials, and supplies to enhance the development of 16561  
each child; however, any educational curricula, philosophies, and 16562  
methodologies that are developmentally appropriate and that 16563  
enhance the social, emotional, intellectual, and physical 16564  
development of each child shall be permissible; 16565

(D) Health care, first aid, and emergency procedures, 16566  
procedures for the care of sick children, procedures for 16567  
discipline and supervision of children, nutritional standards, and 16568  
procedures for screening children and in-home aides, including any 16569  
necessary physical examinations and immunizations; 16570

(E) Methods of encouraging parental participation and 16571  
ensuring that the rights of children, parents, and in-home aides 16572  
are protected and the responsibilities of parents and in-home 16573  
aides are met; 16574

(F) Standards for the safe transport of children when under 16575  
the care of in-home aides; 16576

(G) Procedures for issuing, renewing, denying, refusing to 16577  
renew, or revoking certificates; 16578



<u>(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;</u>	16579
	16580
<u>(I) Procedures for record keeping and evaluation;</u>	16581
<u>(J) Procedures for receiving, recording, and responding to complaints;</u>	16582
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<u>(K) Qualifications and training requirements for in-home aides;</u>	16584
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<u>(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;</u>	16586
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<u>(M) Any other procedures and standards necessary to carry out the provisions of this chapter regarding certification of in-home aides.</u>	16590
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<b><u>Sec. 5104.0110.</u></b> <u>To the extent that any rules adopted for the purposes of this chapter require a health care professional to perform a physical examination, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.</u>	16593
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<b><u>Sec. 5104.0111.</u></b> <u>(A) The director of job and family services shall do all of the following:</u>	16599
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<u>(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day-care centers, type A homes, and type B homes;</u>	16601
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<u>(2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;</u>	16605
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(3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee; 16608  
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(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed; 16611  
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(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date; 16615  
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(6) Review all rules adopted pursuant to this chapter at least once every seven years. 16618  
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(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each in-home aide. 16620  
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(C) Additional copies of proposed and adopted rules shall be made available by the director of job and family services to the public on request at no charge. 16630  
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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 16633  
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violations. 16639

The director shall make a dispute resolution process 16640  
available for the implementation of sanctions. The process may 16641  
include an opportunity for appeal pursuant to Chapter 119. of the 16642  
Revised Code. 16643

(E) The director of job and family services shall adopt rules 16644  
in accordance with Chapter 119. of the Revised Code that establish 16645  
standards for the training of individuals who inspect or 16646  
investigate type B family day-care homes pursuant to section 16647  
5104.03 of the Revised Code. The department shall provide training 16648  
in accordance with those standards for individuals in the 16649  
categories described in this division. 16650

Sec. 5104.0112. Notwithstanding any provision of the Revised 16651  
Code, the director of job and family services shall not regulate 16652  
in any way under this chapter or rules adopted pursuant to this 16653  
chapter, instruction in religious or moral doctrines, beliefs, or 16654  
values. 16655

Sec. 5104.022. The department In no case shall the director 16656  
of job and family services shall not issue a license to operate a 16657  
prospective type A family day-care home if that prospective family 16658  
day-care the type A home is certified to be as a foster home or 16659  
specialized foster home pursuant to Chapter 5103. of the Revised 16660  
Code. A county department of job and family services In no case 16661  
shall not certify the director issue a license to operate a 16662  
prospective type B family day-care home if that prospective family 16663  
day-care the type B home is certified to be as a specialized 16664  
foster home pursuant to Chapter 5103. of the Revised Code. 16665

Sec. 5104.03. (A) Any person, firm, organization, 16666  
institution, or agency desiring seeking to establish a child 16667  
day-care center or, type A family day-care home, or licensed type 16668

B family day-care home shall apply for a license to the director 16669  
of job and family services on such form as the director 16670  
prescribes. The director shall provide at no charge to each 16671  
applicant for licensure a copy of the child care license 16672  
requirements in this chapter and a copy of the rules adopted 16673  
pursuant to this chapter. The copies may be provided in paper or 16674  
electronic form. 16675

Fees shall be set by the director pursuant to ~~section~~ 16676  
~~5104.011~~ sections 5104.015, 5104.017, and 5104.018 of the Revised 16677  
Code and shall be paid at the time of application for a license to 16678  
operate a center ~~or~~, type A home, or type B home. Fees collected 16679  
under this section shall be paid into the state treasury to the 16680  
credit of the general revenue fund. 16681

(B)(1) Upon filing of the application for a license, the 16682  
director shall investigate and inspect the center ~~or~~, type A home, 16683  
or type B home to determine the license capacity for each age 16684  
category of children of the center ~~or~~, type A home, or type B home 16685  
and to determine whether the center ~~or~~, type A home, or type B 16686  
home complies with this chapter and rules adopted pursuant to this 16687  
chapter. When, after investigation and inspection, the director is 16688  
satisfied that this chapter and rules adopted pursuant to it are 16689  
complied with, subject to division ~~(G)~~(H) of this section, a 16690  
~~provisional~~ license shall be issued as soon as practicable in such 16691  
form and manner as prescribed by the director. The license shall 16692  
be designated as provisional license and shall be valid for twelve 16693  
months from the date of issuance unless revoked. 16694

(2) The director may contract with a government entity or a 16695  
private nonprofit entity for the entity to inspect and license 16696  
type B family day-care homes pursuant to this section. The 16697  
department, government entity, or nonprofit entity shall conduct 16698  
the inspection prior to the issuance of a license for the type B 16699  
home and, as part of that inspection, ensure that the type B home 16700

is safe and sanitary. 16701

(C)(1) On receipt of an application for licensure as a type B family day-care home to provide publicly funded child care, the department shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject. 16702  
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(2) The department shall consider any information it discovers pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the department determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the department shall deny the application for licensure or revoke the license of a type B family day-care home. 16711  
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(D) The director shall investigate and inspect the center or, type A home, or type B home at least once during operation under the a license designated as provisional license. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division ~~(G)~~(H) of this section, the director shall issue a new license to the center or home. 16721  
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~~(D)~~ The (E) Each license or ~~provisional license~~ shall state the name of the licensee, the name of the administrator, the address of the center or, type A home, or licensed type B home, and the license capacity for each age category of children. The license or ~~provisional license~~ shall include thereon, in 16728  
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accordance with ~~section 5104.011~~ sections 5104.015, 5104.017, and 16733  
5104.018 of the Revised Code, the toll-free telephone number to be 16734  
used by persons suspecting that the center ~~or~~, type A home, or 16735  
licensed type B home has violated a provision of this chapter or 16736  
rules adopted pursuant to this chapter. A license ~~or provisional~~ 16737  
~~license~~ is valid only for the licensee, administrator, address, 16738  
and license capacity for each age category of children designated 16739  
on the license. The license capacity specified on the license ~~or~~ 16740  
~~provisional license~~ is the maximum number of children in each age 16741  
category that may be cared for in the center ~~or~~, type A home, or 16742  
licensed type B home at one time. 16743

The center or type A home licensee shall notify the director 16744  
when the administrator of the center or home changes. The director 16745  
shall amend the current license ~~or provisional license~~ to reflect 16746  
a change in an administrator, if the administrator meets the 16747  
requirements of ~~Chapter 5104. of the Revised Code~~ this chapter and 16748  
rules adopted pursuant to ~~Chapter 5104. of the Revised Code~~ this 16749  
chapter, or a change in license capacity for any age category of 16750  
children as determined by the director of job and family services. 16751

~~(E)~~(F) If the director revokes the license of a center ~~or~~, a 16752  
type A home, or a type B home, the director shall not issue 16753  
another license to the owner of the center ~~or~~, type A home, or 16754  
type B home until five years have elapsed from the date the 16755  
license is revoked. 16756

If the director denies an application for a license, the 16757  
director shall not accept another application from the applicant 16758  
until five years have elapsed from the date the application is 16759  
denied. 16760

~~(F)~~(G) If during the application for licensure process the 16761  
director determines that the license of the owner has been 16762  
revoked, the investigation of the center ~~or~~, type A home, or type 16763  
B home shall cease. This action does not constitute denial of the 16764

application and may not be appealed under division ~~(G)~~(H) of this section. 16765  
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~~(G)~~(H) All actions of the director with respect to licensing centers ~~or~~, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of the Revised Code. 16767  
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~~(H)~~(I) In no case shall the director issue a license ~~or provisional license~~ under this section for a ~~type A home or center, type A home, or type B home~~ if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant ~~previously~~ had been certified as a type B family day-care home when such certifications were issued by county departments prior to the effective date of this amendment, that the county department revoked that certification, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children. 16773  
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(J)(1) Except as provided in division (J)(2) of this section, an administrator of a type B family day-care home that receives a license pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the department of job and family services. 16785  
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(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an administrator of a type B family day-care home that receives a license pursuant to this section shall be determined under Chapter 4141. of the Revised Code. 16790  
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**Sec. 5104.032.** (A) The child day-care center shall have, for 16795

each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that are not available for the care of children, as determined by the director, in meeting the space requirement of this division, and bathrooms shall be counted in determining square footage only if they are used exclusively by children enrolled in the center, except that the exclusion of hallways, kitchens, storage areas, bathrooms not used exclusively by children enrolled in the center, and any other areas not available for the care of children from the minimum of thirty-five square feet of usable indoor floor space shall not apply to:

(1) Centers licensed prior to or on September 1, 1986, that continue under licensure after that date;

(2) Centers licensed prior to or on September 1, 1986, that are issued a new license after that date solely due to a change of ownership of the center.

(B) The child day-care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The director may exempt a center from the requirement of this division, if an outdoor play space is not available and if all of the following are met:

(1) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any



one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (A) of this section. 16827  
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(2) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation. 16830  
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(3) The children are closely supervised during play and while traveling to and from the area. 16834  
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The director also shall exempt from the requirement of this division a child day-care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or recreation in lieu of the outdoor space requirements of this section and if the children are closely supervised both during play and while traveling to and from the area and except if the director determines upon investigation and inspection pursuant to section 5104.04 of the Revised Code and rules adopted pursuant to that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children. 16836  
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Sec. 5104.033. A child day-care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child-care staff to give continuity of care and supervision to the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (B) of this section, the maximum number of children per child-care staff member and maximum group size, by age category of children, are as follows: 16848  
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	<u>Maximum Number of</u>		16858
	<u>Children Per</u>	<u>Maximum</u>	16859
<u>Age Category</u>	<u>Child-Care</u>	<u>Group</u>	16860
<u>of Children</u>	<u>Staff Member</u>	<u>Size</u>	16861
<u>(a) Infants:</u>			16862
<u>(i) Less than twelve</u>			16863
<u>months old</u>	<u>5:1, or</u>		16864
	<u>12:2 if two</u>		16865
	<u>child-care</u>		16866
	<u>staff members</u>		16867
	<u>are in the room</u>	<u>12</u>	16868
<u>(ii) At least twelve</u>			16869
<u>months old, but</u>			16870
<u>less than eighteen</u>			16871
<u>months old</u>	<u>6:1</u>	<u>12</u>	16872
<u>(b) Toddlers:</u>			16873
<u>(i) At least eighteen</u>			16874
<u>months old, but</u>			16875
<u>less than thirty</u>			16876
<u>months old</u>	<u>7:1</u>	<u>14</u>	16877
<u>(ii) At least thirty months</u>			16878
<u>old, but less than</u>			16879
<u>three years old</u>	<u>8:1</u>	<u>16</u>	16880
<u>(c) Preschool-age</u>			16881
<u>children:</u>			16882
<u>(i) Three years old</u>	<u>12:1</u>	<u>24</u>	16883
<u>(ii) Four years old and</u>			16884
<u>five years old who</u>			16885
<u>are not school</u>			16886
<u>children</u>	<u>14:1</u>	<u>28</u>	16887
<u>(d) School-age children:</u>			16888
<u>(i) A child who is</u>			16889
<u>enrolled in or is</u>			16890

eligible to be 16891  
enrolled in a grade 16892  
of kindergarten 16893  
or above, but 16894  
is less than 16895  
eleven years old 18:1 36 16896  
(ii) Eleven through fourteen 16897  
years old 20:1 40 16898

Except as otherwise provided in division (B) of this section, 16899  
the maximum number of children per child-care staff member and 16900  
maximum group size requirements of the younger age group shall 16901  
apply when age groups are combined. 16902

(B)(1) When age groups are combined, the maximum number of 16903  
children per child-care staff member shall be determined by the 16904  
age of the youngest child in the group, except that when no more 16905  
than one child thirty months of age or older receives services in 16906  
a group in which all the other children are in the next older age 16907  
group, the maximum number of children per child-care staff member 16908  
and maximum group size requirements of the older age group 16909  
established under division (A) of this section shall apply. 16910

(2) The maximum number of toddlers or preschool-age children 16911  
per child-care staff member in a room where children are napping 16912  
shall be twice the maximum number of children per child-care staff 16913  
member established under division (A) of this section if all the 16914  
following criteria are met: 16915

(a) At least one child-care staff member is present in the 16916  
room. 16917

(b) Sufficient child-care staff members are on the child 16918  
day-care center premises to meet the maximum number of children 16919  
per child-care staff member requirements established under 16920  
division (A) of this section. 16921

(c) Naptime preparations are complete and all napping 16922  
children are resting or sleeping on cots. 16923

(d) The maximum number established under division (B)(2) of 16924  
this section is in effect for no more than two hours during a 16925  
twenty-four-hour day. 16926

Sec. 5104.034. Each child day-care center shall have on the 16927  
center premises and readily available at all times at least one 16928  
child-care staff member who has completed a course in first aid, 16929  
one staff member who has completed a course in prevention, 16930  
recognition, and management of communicable diseases which is 16931  
approved by the state department of health, and a staff member who 16932  
has completed a course in child abuse recognition and prevention 16933  
training which is approved by the department of job and family 16934  
services. 16935

Sec. ~~5104.031~~ 5104.035. (A) A child day-care center 16936  
administrator shall show the director of job and family services 16937  
both of the following: 16938

(1) Evidence of at least high school graduation or 16939  
certification of high school equivalency by the state board of 16940  
education or the appropriate agency of another state; 16941

(2) Evidence of having at least one of the following: 16942

(a) An associate, bachelor's, master's, doctoral, or other 16943  
postgraduate degree in child development or early childhood 16944  
education, or in a related field approved by the director, from an 16945  
accredited college, university, or technical college; 16946

(b) A license designated as appropriate for teaching in an 16947  
associate teaching position in a preschool setting issued by the 16948  
state board of education pursuant to section 3319.22 of the 16949  
Revised Code; 16950

(c) Designation under the career pathways model as an early childhood professional level three; 16951  
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(d) Two years of experience working as a child-care staff member in a licensed child care program, designation under the career pathways model as an early childhood professional level one, and, not later than one year after being named as administrator, designation under the career pathways model as an early childhood professional level two; 16953  
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(e) Two years of experience working as a child-care staff member in a licensed child care program and, except as provided in division (B) of this section, at least four courses in child development or early childhood education from an accredited college, university, or technical college; 16959  
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(f) Two years of experience working as a child-care staff member in a licensed child care program and a child development associate credential issued by the council for professional recognition; 16964  
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(g) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college; 16968  
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(h) An infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education. 16971  
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(B) A person who has two years of experience working as a child-care staff member in a child day-care center and is promoted to or designated as administrator of that center shall have one year from the date of the promotion or designation to complete the courses required by division (A)(1)(e) of this section. 16974  
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**Sec. ~~5104.032~~ 5104.036.** (A) All child-care staff members of a child day-care center shall be at least eighteen years of age, and 16979  
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shall furnish the director of job and family services evidence of 16981  
at least high school graduation or certification of high school 16982  
equivalency by the state board of education or the appropriate 16983  
agency of another state or evidence of completion of a training 16984  
program approved by the department of job and family services or 16985  
state board of education, except as follows: 16986

(B) A child-care staff member may be less than eighteen years 16987  
of age if the staff member is either of the following: 16988

(1) A graduate of a two-year vocational child-care training 16989  
program approved by the state board of education; 16990

(2) A student enrolled in the second year of a vocational 16991  
child-care training program approved by the state board of 16992  
education which leads to high school graduation, provided that the 16993  
student performs the student's duties in the child day-care center 16994  
under the continuous supervision of an experienced child-care 16995  
staff member, receives periodic supervision from the vocational 16996  
child-care training program teacher-coordinator in the student's 16997  
high school, and meets all other requirements of this chapter and 16998  
rules adopted pursuant to this chapter. 16999

(C) A child-care staff member shall be exempt from the 17000  
educational requirements of division (A) of this section if the 17001  
staff member: 17002

(1) Prior to January 1, 1972, was employed or designated by a 17003  
child day-care center and has been continuously employed since 17004  
either by the same child day-care center employer or at the same 17005  
child day-care center; 17006

(2) Is a student enrolled in the second year of a vocational 17007  
child-care training program approved by the state board of 17008  
education which leads to high school graduation, provided that the 17009  
student performs the student's duties in the child day-care center 17010

under the continuous supervision of an experienced child-care 17011  
staff member, receives periodic supervision from the vocational 17012  
child-care training program teacher-coordinator in the student's 17013  
high school, and meets all other requirements of this chapter and 17014  
rules adopted pursuant to this chapter; 17015

(3) Is receiving or has completed the final year of 17016  
instruction at home as authorized under section 3321.04 of the 17017  
Revised Code or has graduated from a nonchartered, nonpublic 17018  
school in Ohio. 17019

**Sec. ~~5104.033~~ 5104.037.** (A) Except as provided in division 17020  
(B) of this section, each child-care staff member of a child 17021  
day-care center annually shall complete fifteen hours of inservice 17022  
training that includes the following subjects until the staff 17023  
member has completed a total of forty-five hours of training: 17024

(1) Child development or early childhood education; 17025

(2) Child abuse recognition and prevention; 17026

(3) First aid; 17027

(4) Prevention, recognition, and management of communicable 17028  
diseases. 17029

(B) A child-care staff member is exempt from the inservice 17030  
training requirements established by division (A) of this section 17031  
if the staff member furnishes one of the following to the director 17032  
of job and family services: 17033

(1) Evidence of an associate or higher degree in child 17034  
development or early childhood education from an accredited 17035  
college, university, or technical college; 17036

(2) A license designated for teaching in an associate 17037  
teaching position in a preschool setting issued by the state board 17038  
of education; 17039

(3) Evidence of a child development associate credential;	17040
(4) Evidence of an infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education.	17041 17042 17043
(C) For purposes of this section, each hour of inservice training shall consist of sixty minutes of training.	17044 17045
<u>Sec. 5104.038. 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.</u>	17046 17047 17048 17049 17050 17051 17052 17053 17054 17055 17056 17057 17058 17059
<u>Sec. 5104.039. (A) Any parent who is the residential parent and legal custodian of a child enrolled in a child day-care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child day-care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the</u>	17060 17061 17062 17063 17064 17065 17066 17067 17068 17069



same terms and conditions under which the residential parent of 17070  
that child is permitted access to the center for those purposes. 17071  
However, the access of the parent who is not the residential 17072  
parent is subject to any agreement between the parents and, to the 17073  
extent described in division (B) of this section, is subject to 17074  
any terms and conditions limiting the right of access of the 17075  
parent who is not the residential parent, as described in division 17076  
(I) of section 3109.051 of the Revised Code, that are contained in 17077  
a parenting time order or decree issued under that section, 17078  
section 3109.12 of the Revised Code, or any other provision of the 17079  
Revised Code. 17080

(B) If a parent who is the residential parent of a child has 17081  
presented the administrator or the administrator's designee with a 17082  
copy of a parenting time order that limits the terms and 17083  
conditions under which the parent who is not the residential 17084  
parent is to have access to the center, as described in division 17085  
(I) of section 3109.051 of the Revised Code, the parent who is not 17086  
the residential parent shall be provided access to the center only 17087  
to the extent authorized in the order. If the residential parent 17088  
has presented such an order, the parent who is not the residential 17089  
parent shall be permitted access to the center only in accordance 17090  
with the most recent order that has been presented to the 17091  
administrator or the administrator's designee by the residential 17092  
parent or the parent who is not the residential parent. 17093

(C) Upon entering the premises pursuant to division (A) or 17094  
(B) of this section, the parent who is the residential parent and 17095  
legal custodian, the parent who is not the residential parent, or 17096  
the custodian or guardian shall notify the administrator or the 17097  
administrator's designee of the parent's, custodian's, or 17098  
guardian's presence. 17099

**Sec. 5104.04.** (A) The department of job and family services 17100

shall establish procedures to be followed in investigating, 17101  
inspecting, and licensing child day-care centers ~~and~~, type A 17102  
family day-care homes, and licensed type B family day-care homes. 17103

(B)(1)(a) The department shall, at least once during every 17104  
twelve-month period of operation of a center ~~or~~, type A home, or 17105  
licensed type B home, inspect the center ~~or~~, type A home, or 17106  
licensed type B home. The department shall inspect a part-time 17107  
center or part-time type A home at least once during every 17108  
twelve-month period of operation. The department shall provide a 17109  
written inspection report to the licensee within a reasonable time 17110  
after each inspection. The licensee shall display ~~all written~~ 17111  
~~reports of inspections conducted during the current licensing~~ 17112  
~~period~~ its most recent inspection report in a conspicuous place in 17113  
the center ~~or~~, type A home, or licensed type B home. 17114

Inspections may be unannounced. No person, firm, 17115  
organization, institution, or agency shall interfere with the 17116  
inspection of a center ~~or~~, type A home, or licensed type B home by 17117  
any state or local official engaged in performing duties required 17118  
of the state or local official by this chapter or rules adopted 17119  
pursuant to this chapter, including inspecting the center ~~or~~, type 17120  
A home, or licensed type B home, reviewing records, or 17121  
interviewing licensees, employees, children, or parents. 17122

(b) Upon receipt of any complaint that a center ~~or~~, type A 17123  
home or licensed type B home is out of compliance with the 17124  
requirements of this chapter or rules adopted pursuant to this 17125  
chapter, the department shall investigate the center or home, and 17126  
both of the following apply: 17127

(i) If the complaint alleges that a child suffered physical 17128  
harm while receiving child care at the center or home or that the 17129  
noncompliance alleged in the complaint involved, resulted in, or 17130  
poses a substantial risk of physical harm to a child receiving 17131  
child care at the center or home, the department shall inspect the 17132

center or home. 17133

(ii) If division (B)(1)(b)(i) of this section does not apply 17134  
regarding the complaint, the department may inspect the center or 17135  
home. 17136

(c) Division (B)(1)(b) of this section does not limit, 17137  
restrict, or negate any duty of the department to inspect a center 17138  
~~or~~ type A home, or licensed type B home that otherwise is imposed 17139  
under this section, or any authority of the department to inspect 17140  
a center ~~or~~ type A home, or licensed type B home that otherwise 17141  
is granted under this section when the department believes the 17142  
inspection is necessary and it is permitted under the grant. 17143

(2) If the department implements an instrument-based program 17144  
monitoring information system, it may use an indicator checklist 17145  
to comply with division (B)(1) of this section. 17146

(3) The department shall contract with a third party by the 17147  
first day of October in each even-numbered year to collect 17148  
information concerning the amounts charged by the center or home 17149  
for providing child care services for use in establishing 17150  
reimbursement ceilings and payment pursuant to section 5104.30 of 17151  
the Revised Code. The third party shall compile the information 17152  
and report the results of the survey to the department not later 17153  
than the first day of December in each even-numbered year. 17154

(C) The department may deny an application or revoke a 17155  
license of a center ~~or~~ type A home, or licensed type B home, if 17156  
the applicant knowingly makes a false statement on the 17157  
application, the center or home does not comply with the 17158  
requirements of this chapter or rules adopted pursuant to this 17159  
chapter, or the applicant or owner has pleaded guilty to or been 17160  
convicted of an offense described in section 5104.09 of the 17161  
Revised Code. 17162

(D) If the department finds, after notice and hearing 17163

pursuant to Chapter 119. of the Revised Code, that any applicant, 17164  
person, firm, organization, institution, or agency applying for 17165  
licensure or licensed under section 5104.03 of the Revised Code is 17166  
in violation of any provision of this chapter or rules adopted 17167  
pursuant to this chapter, the department may issue an order of 17168  
denial to the applicant or an order of revocation to the center 17169  
~~or~~, type A home, or licensed type B home revoking the license 17170  
previously issued by the department. Upon the issuance of such an 17171  
order, the person whose application is denied or whose license is 17172  
revoked may appeal in accordance with section 119.12 of the 17173  
Revised Code. 17174

(E) The surrender of a center ~~or~~, type A home, or licensed 17175  
type B home license to the department or the withdrawal of an 17176  
application for licensure by the owner or administrator of the 17177  
center ~~or~~, type A home, or licensed type B home shall not prohibit 17178  
the department from instituting any of the actions set forth in 17179  
this section. 17180

(F) Whenever the department receives a complaint, is advised, 17181  
or otherwise has any reason to believe that a center or type A 17182  
home is providing child care without a license issued pursuant to 17183  
section 5104.03 and is not exempt from licensing pursuant to 17184  
section 5104.02 of the Revised Code, the department shall 17185  
investigate the center or type A home and may inspect the areas 17186  
children have access to or areas necessary for the care of 17187  
children in the center or type A home during suspected hours of 17188  
operation to determine whether the center or type A home is 17189  
subject to the requirements of this chapter or rules adopted 17190  
pursuant to this chapter. 17191

(G) The department, upon determining that the center or type 17192  
A home is operating without a license, shall notify the attorney 17193  
general, the prosecuting attorney of the county in which the 17194  
center or type A home is located, or the city attorney, village 17195

solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

**Sec. 5104.041.** (A) All type A ~~and type B~~ family day-care homes and licensed type B family day-care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family day-care home against liability arising out of, or in connection with, the operation of the family day-care home. ~~Liability~~ The insurance procured ~~under this division~~ shall cover any cause for which the type A or type B family day-care home would be liable, in the amount of at least

one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate. 17227  
17228

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family day-care home that states all of the following: 17229  
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17231

(a) The family day-care home does not carry liability insurance described in division (A)(1) of this section; 17232  
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(b) If the licensee of a type A family day-care home or ~~the provider of~~ a type B family day-care home is not the owner of the real property where the family day-care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family day-care home. 17234  
17235  
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(B) If the licensee of a type A family day-care home or ~~the provider of~~ a type B family day-care home is not the owner of the real property where the family day-care home is located and the family day-care home procures liability insurance described in division (A)(1) of this section, that licensee ~~or provider~~ shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply: 17240  
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(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party. 17247  
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(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care home. 17250  
17251  
17252

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property. 17253  
17254

(C) Proof of insurance or written statement required under division (A) of this section shall be maintained at the type A or 17255  
17256

type B family day-care home and made available for review during 17257  
inspection or investigation as required under this chapter. 17258

(D) The director of job and family services shall adopt rules 17259  
for the enforcement of this section. 17260

**Sec. 5104.052.** The director of job and family services, in 17261  
cooperation with the fire marshal pursuant to section 3737.22 of 17262  
the Revised Code, shall ~~promulgate~~ adopt rules regarding fire 17263  
prevention and fire safety in ~~certified~~ licensed type B family 17264  
day-care homes. In accordance with those rules, the director shall 17265  
inspect each type B home that applies to be licensed that is 17266  
providing or is to provide publicly funded child care. 17267

**Sec. 5104.053.** As a precondition of approval by the state 17268  
board of education pursuant to section 3313.813 of the Revised 17269  
Code for receipt of United States department of agriculture child 17270  
and adult care food program funds established under the "National 17271  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 17272  
amended, the provider of child care in a type B family day-care 17273  
home that is not ~~certified~~ licensed by the ~~county~~ director of 17274  
~~human~~ job and family services shall request an inspection of the 17275  
type B home by the fire marshal, who shall inspect the type B home 17276  
pursuant to section 3737.22 of the Revised Code to determine that 17277  
it is in compliance with rules established pursuant to section 17278  
5104.052 of the Revised Code for ~~certified~~ licensed type B homes. 17279

**Sec. 5104.054.** Any type B family day-care home, whether 17280  
~~certified~~ licensed or not ~~certified~~ licensed by the ~~county~~ 17281  
director of ~~human~~ job and family services, shall be considered to 17282  
be a residential use of property for purposes of municipal, 17283  
county, and township zoning and shall be a permitted use in all 17284  
zoning districts in which residential uses are permitted. No 17285  
municipal, county, or township zoning regulations shall require a 17286

conditional use permit or any other special exception 17287  
certification for any such type B family day-care home. 17288

**Sec. 5104.06.** (A) The director of job and family services 17289  
shall provide consultation, technical assistance, and training to 17290  
child day-care centers ~~and~~, type A family day-care homes, and type 17291  
B family day-care homes to improve programs and facilities 17292  
providing child care ~~including, but not limited to,~~ As part of 17293  
these activities, the director shall provide assistance in meeting 17294  
the requirements of ~~Chapter 5104. this chapter~~ and rules adopted 17295  
pursuant to ~~Chapter 5104. of the Revised Code this chapter~~ and 17296  
shall furnish information regarding child abuse identification and 17297  
reporting of child abuse. 17298

(B) The director of job and family services shall provide 17299  
consultation and technical assistance to county departments of job 17300  
and family services to assist the departments with the 17301  
implementation of certification of ~~type B family day care home~~ 17302  
~~providers and~~ in-home aides. 17303

**Sec. 5104.08.** (A) There is hereby created in the department 17304  
of job and family services a child care advisory council to advise 17305  
and assist the department in the administration of this chapter 17306  
and in the development of child care. The council shall consist of 17307  
twenty-two voting members appointed by the director of job and 17308  
family services with the approval of the governor. The director of 17309  
job and family services, the director of developmental 17310  
disabilities, the director of mental health, the superintendent of 17311  
public instruction, the director of health, the director of 17312  
commerce, and the state fire marshal shall serve as nonvoting 17313  
members of the council. 17314

Six members shall be representatives of child care centers 17315  
subject to licensing, the members to represent a variety of 17316



centers, including nonprofit and proprietary, from different 17317  
geographical areas of the state. At least three members shall be 17318  
parents, guardians, or custodians of children receiving child care 17319  
or publicly funded child care in the child's own home, a center, a 17320  
type A home, a head start program, a ~~certified~~ licensed type B 17321  
home, or a type B home at the time of appointment. Three members 17322  
shall be representatives of in-home aides, type A homes, ~~certified~~ 17323  
licensed type B homes, or type B homes or head start programs. At 17324  
least six members shall represent county departments of job and 17325  
family services. The remaining members shall be representatives of 17326  
the teaching, child development, and health professions, and other 17327  
individuals interested in the welfare of children. At least six 17328  
members of the council shall not be employees or licensees of a 17329  
child day-care center, head start program, or type A home, or 17330  
providers operating a ~~certified~~ licensed type B home or type B 17331  
home, or in-home aides. 17332

Appointments shall be for three-year terms. Vacancies shall 17333  
be filled for the unexpired terms. A member of the council is 17334  
subject to removal by the director of job and family services for 17335  
a willful and flagrant exercise of authority or power that is not 17336  
authorized by law, for a refusal or willful neglect to perform any 17337  
official duty as a member of the council imposed by law, or for 17338  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 17339  
neglect of duty as a member of the council. 17340

There shall be two co-chairpersons of the council. One 17341  
co-chairperson shall be the director of job and family services or 17342  
the director's designee, and one co-chairperson shall be elected 17343  
by the members of the council. The council shall meet as often as 17344  
is necessary to perform its duties, provided that it shall meet at 17345  
least once in each quarter of each calendar year and at the call 17346  
of the co-chairpersons. The co-chairpersons or their designee 17347  
shall send to each member a written notice of the date, time, and 17348

place of each meeting. 17349

Members of the council shall serve without compensation, but 17350  
shall be reimbursed for necessary expenses. 17351

(B) The child care advisory council shall advise the director 17352  
on matters affecting the licensing of centers ~~and~~, type A homes, 17353  
and type B homes and the certification of ~~type B homes and~~ in-home 17354  
aides. The council shall make an annual report to the director of 17355  
job and family services that addresses the availability, 17356  
affordability, accessibility, and quality of child care and that 17357  
summarizes the recommendations and plans of action that the 17358  
council has proposed to the director during the preceding fiscal 17359  
year. The director of job and family services shall provide copies 17360  
of the report to the governor, speaker and minority leader of the 17361  
house of representatives, and the president and minority leader of 17362  
the senate and, on request, shall make copies available to the 17363  
public. 17364

(C) The director of job and family services shall adopt rules 17365  
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 17366  
implement this section. 17367

**Sec. 5104.09.** (A)(1) Except as provided in rules adopted 17368  
pursuant to division (D) of this section, no individual who has 17369  
been convicted of or pleaded guilty to a violation described in 17370  
division (A)(9) of section 109.572 of the Revised Code, a 17371  
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 17372  
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 17373  
of the Revised Code or a violation of an existing or former law or 17374  
ordinance of any municipal corporation, this state, any other 17375  
state, or the United States that is substantially equivalent to 17376  
any of those violations, or two violations of section 4511.19 of 17377  
the Revised Code during operation of the center or home shall be 17378  
certified as an in-home aide or be employed in any capacity in or 17379

own or operate a child day-care center, type A family day-care 17380  
home, type B family day-care home, or ~~certified~~ licensed type B 17381  
family day-care home. 17382

(2) Each employee of a child day-care center and type A home 17383  
and every person eighteen years of age or older residing in a type 17384  
A home or licensed type B home shall sign a statement on forms 17385  
prescribed by the director of job and family services attesting to 17386  
the fact that the employee or resident person has not been 17387  
convicted of or pleaded guilty to any offense set forth in 17388  
division (A)(1) of this section and that no child has been removed 17389  
from the employee's or resident person's home pursuant to section 17390  
2151.353 of the Revised Code. Each licensee of a type A family 17391  
day-care home or type B family day-care home shall sign a 17392  
statement on a form prescribed by the director attesting to the 17393  
fact that no person who resides at the type A home or licensed 17394  
type B home and who is under the age of eighteen has been 17395  
adjudicated a delinquent child for committing a violation of any 17396  
section listed in division (A)(1) of this section. The statements 17397  
shall be kept on file at the center ~~or~~, type A home, or licensed 17398  
type B home. 17399

(3) Each in-home aide ~~and every person eighteen years of age~~ 17400  
~~or older residing in a certified type B home~~ shall sign a 17401  
statement on forms prescribed by the director of job and family 17402  
services attesting that the aide ~~or resident person~~ has not been 17403  
convicted of or pleaded guilty to any offense set forth in 17404  
division (A)(1) of this section and that no child has been removed 17405  
from the aide's ~~or resident person's~~ home pursuant to section 17406  
2151.353 of the Revised Code. ~~Each authorized provider shall sign~~ 17407  
~~a statement on forms prescribed by the director attesting that the~~ 17408  
~~provider has not been convicted of or pleaded guilty to any~~ 17409  
~~offense set forth in division (A)(1) of this section and that no~~ 17410  
~~child has been removed from the provider's home pursuant to~~ 17411

~~section 2151.353 of the Revised Code. Each authorized provider~~ 17412  
~~shall sign a statement on a form prescribed by the director~~ 17413  
~~attesting to the fact that no person who resides at the certified~~ 17414  
~~type B home and who is under the age of eighteen has been~~ 17415  
~~adjudicated a delinquent child for committing a violation of any~~ 17416  
~~section listed in division (A)(1) of this section. The statements~~ 17417  
statement shall be kept on file at the county department of job 17418  
and family services. 17419

(4) Each administrator and licensee of a center ~~or~~ type A 17420  
home, or licensed type B home shall sign a statement on a form 17421  
prescribed by the director of job and family services attesting 17422  
that the administrator or licensee has not been convicted of or 17423  
pleaded guilty to any offense set forth in division (A)(1) of this 17424  
section and that no child has been removed from the 17425  
administrator's or licensee's home pursuant to section 2151.353 of 17426  
the Revised Code. The statement shall be kept on file at the 17427  
center ~~or~~ type A home, or licensed type B home. 17428

(B) No in-home aide, no administrator, licensee, ~~authorized~~ 17429  
~~provider~~, or employee of a center, type A home, or ~~certified~~ 17430  
licensed type B home, and no person eighteen years of age or older 17431  
residing in a type A home or ~~certified~~ licensed type B home shall 17432  
withhold information from, or falsify information on, any 17433  
statement required pursuant to division (A)(2), (3), or (4) of 17434  
this section. 17435

(C) No administrator, licensee, or child-care staff member 17436  
shall discriminate in the enrollment of children in a child 17437  
day-care center upon the basis of race, color, religion, sex, or 17438  
national origin. 17439

(D) The director of job and family services shall adopt rules 17440  
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code to 17441  
implement this section, including rules specifying exceptions to 17442  
the prohibition in division (A) of this section for persons who 17443

have been convicted of an offense listed in that division but meet 17444  
rehabilitation standards set by the ~~department~~ director. 17445

**Sec. 5104.13.** The department of job and family services shall 17446  
prepare a guide describing the state statutes and rules governing 17447  
the ~~certification~~ licensure of type B family day-care homes. The 17448  
department may publish the guide electronically or otherwise and 17449  
shall do so in a manner that the guide is accessible to the 17450  
public, including type B home providers. 17451

**Sec. 5104.14.** All materials that are supplied by the 17452  
department of job and family services to type A family day-care 17453  
home providers, type B family day-care home providers, in-home 17454  
aides, persons seeking to be type A family day-care home 17455  
providers, type B family day-care home providers, or in-home 17456  
aides, and caretaker parents shall be written at no higher than 17457  
the sixth grade reading level. The department may employ a 17458  
readability expert to verify its compliance with this section. 17459

**~~Sec. 5104.015~~ 5104.25.** (A) Except as otherwise provided in 17460  
division (C) of this section, no child day-care center shall 17461  
permit any person to smoke in any indoor or outdoor space that is 17462  
part of the center. 17463

The administrator of a child day-care center shall post in a 17464  
conspicuous place at the main entrance of the center a notice 17465  
stating that smoking is prohibited in any indoor or outdoor space 17466  
that is part of the center, except under the conditions described 17467  
in division (C) of this section. 17468

(B) Except as otherwise provided in division (C) of this 17469  
section, no type A family day-care home or ~~certified~~ licensed type 17470  
B family day-care home shall permit any person to smoke in any 17471  
indoor or outdoor space that is part of the home during the hours 17472  
the home is in operation. Smoking may be permitted during hours 17473

other than the hours of operation if the administrator ~~or~~ 17474  
~~authorized provider~~ of the home has provided to a parent, 17475  
custodian, or guardian of each child receiving child care at the 17476  
home notice that smoking occurs or may occur at the home when it 17477  
is not in operation. 17478

The administrator of a type A family day-care home or 17479  
~~authorized provider of a certified licensed~~ type B family day-care 17480  
home shall post in a conspicuous place at the main entrance of the 17481  
home a notice specifying the hours the home is in operation and 17482  
stating that smoking is prohibited during those hours in any 17483  
indoor or outdoor space that is part of the home, except under the 17484  
conditions described in division (C) of this section. 17485

(C) A child day-care center, type A family day-care home, or 17486  
~~certified licensed~~ type B family home may allow persons to smoke 17487  
at the center or home during its hours of operation if those 17488  
persons cannot be seen smoking by the children being cared for and 17489  
if they smoke in either of the following: 17490

(1) An indoor area that is separately ventilated from the 17491  
rest of the center or home; 17492

(2) An outdoor area that is so far removed from the children 17493  
being cared for that they cannot inhale any smoke. 17494

(D) The director of job and family services, in consultation 17495  
with the director of health, shall adopt rules in accordance with 17496  
Chapter 119. of the Revised Code to implement the requirements of 17497  
this section. These rules may prohibit smoking in a child day-care 17498  
center, type A family day-care home, or ~~certified licensed~~ type B 17499  
family home if its design and structure do not allow persons to 17500  
smoke under the conditions described in division (C) of this 17501  
section or if repeated violations of division (A) or (B) of this 17502  
section have occurred there. 17503

Sec. 5104.30. (A) The department of job and family services 17504  
is hereby designated as the state agency responsible for 17505  
administration and coordination of federal and state funding for 17506  
publicly funded child care in this state. Publicly funded child 17507  
care shall be provided to the following: 17508

(1) Recipients of transitional child care as provided under 17509  
section 5104.34 of the Revised Code; 17510

(2) Participants in the Ohio works first program established 17511  
under Chapter 5107. of the Revised Code; 17512

(3) Individuals who would be participating in the Ohio works 17513  
first program if not for a sanction under section 5107.16 of the 17514  
Revised Code and who continue to participate in a work activity, 17515  
developmental activity, or alternative work activity pursuant to 17516  
an assignment under section 5107.42 of the Revised Code; 17517

(4) A family receiving publicly funded child care on October 17518  
1, 1997, until the family's income reaches one hundred fifty per 17519  
cent of the federal poverty line; 17520

(5) Subject to available funds, other individuals determined 17521  
eligible in accordance with rules adopted under section 5104.38 of 17522  
the Revised Code. 17523

The department shall apply to the United States department of 17524  
health and human services for authority to operate a coordinated 17525  
program for publicly funded child care, if the director of job and 17526  
family services determines that the application is necessary. For 17527  
purposes of this section, the department of job and family 17528  
services may enter into agreements with other state agencies that 17529  
are involved in regulation or funding of child care. The 17530  
department shall consider the special needs of migrant workers 17531  
when it administers and coordinates publicly funded child care and 17532  
shall develop appropriate procedures for accommodating the needs 17533

of migrant workers for publicly funded child care. 17534

(B) The department of job and family services shall 17535  
distribute state and federal funds for publicly funded child care, 17536  
including appropriations of state funds for publicly funded child 17537  
care and appropriations of federal funds available under the child 17538  
care block grant act, Title IV-A, and Title XX. The department may 17539  
use any state funds appropriated for publicly funded child care as 17540  
the state share required to match any federal funds appropriated 17541  
for publicly funded child care. 17542

(C) In the use of federal funds available under the child 17543  
care block grant act, all of the following apply: 17544

(1) The department may use the federal funds to hire staff to 17545  
prepare any rules required under this chapter and to administer 17546  
and coordinate federal and state funding for publicly funded child 17547  
care. 17548

(2) Not more than five per cent of the aggregate amount of 17549  
the federal funds received for a fiscal year may be expended for 17550  
administrative costs. 17551

(3) The department shall allocate and use at least four per 17552  
cent of the federal funds for the following: 17553

(a) Activities designed to provide comprehensive consumer 17554  
education to parents and the public; 17555

(b) Activities that increase parental choice; 17556

(c) Activities, including child care resource and referral 17557  
services, designed to improve the quality, and increase the 17558  
supply, of child care; 17559

(d) Establishing a tiered quality rating and improvement 17560  
system in which participation in the program may allow child 17561  
day-care providers to be eligible for grants, technical 17562  
assistance, training, or other assistance and become eligible for 17563



unrestricted monetary awards for maintaining a quality rating. 17564

(4) The department shall ensure that the federal funds will 17565  
be used only to supplement, and will not be used to supplant, 17566  
federal, state, and local funds available on the effective date of 17567  
the child care block grant act for publicly funded child care and 17568  
related programs. If authorized by rules adopted by the department 17569  
pursuant to section 5104.42 of the Revised Code, county 17570  
departments of job and family services may purchase child care 17571  
from funds obtained through any other means. 17572

(D) The department shall encourage the development of 17573  
suitable child care throughout the state, especially in areas with 17574  
high concentrations of recipients of public assistance and 17575  
families with low incomes. The department shall encourage the 17576  
development of suitable child care designed to accommodate the 17577  
special needs of migrant workers. On request, the department, 17578  
through its employees or contracts with state or community child 17579  
care resource and referral service organizations, shall provide 17580  
consultation to groups and individuals interested in developing 17581  
child care. The department of job and family services may enter 17582  
into interagency agreements with the department of education, the 17583  
board of regents, the department of development, and other state 17584  
agencies and entities whenever the cooperative efforts of the 17585  
other state agencies and entities are necessary for the department 17586  
of job and family services to fulfill its duties and 17587  
responsibilities under this chapter. 17588

The department shall develop and maintain a registry of 17589  
persons providing child care. The director shall adopt rules 17590  
~~pursuant to~~ in accordance with Chapter 119. of the Revised Code 17591  
establishing procedures and requirements for the registry's 17592  
administration. 17593

(E)(1) The director shall adopt rules in accordance with 17594  
Chapter 119. of the Revised Code establishing both of the 17595

following:	17596
(a) Reimbursement ceilings for providers of publicly funded child care not later than the first day of July in each odd-numbered year;	17597 17598 17599
(b) A procedure for reimbursing and paying providers of publicly funded child care.	17600 17601
(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:	17602 17603 17604
(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;	17605 17606
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	17607 17608 17609
(c) For a <del>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</del> <u>an in-home aide</u> , establish a reimbursement ceiling that is <del>the following:</del>	17610 17611 17612 17613
(i) <del>If the provider is a person described in division (G)(1)(a)(i) of section 5104.011 of the Revised Code,</del> seventy-five per cent of the reimbursement ceiling that applies to a <u>licensed</u> type B family day-care home <del>certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code;</del>	17614 17615 17616 17617 17618 17619
(ii) <del>If the provider is a person described in division (G)(1)(a)(ii) of section 5104.011 of the Revised Code,</del> sixty per cent of the reimbursement ceiling that applies to a type B family day care home <del>certified by the same county department pursuant to section 5104.11 of the Revised Code.</del>	17620 17621 17622 17623 17624
(d) With regard to the tiered quality rating and improvement	17625

system established pursuant to division (C)(3)(d) of this section, 17626  
do both of the following: 17627

(i) Establish enhanced reimbursement ceilings for child 17628  
day-care providers that participate in the system and maintain 17629  
quality ratings under the system; 17630

(ii) ~~Weigh~~ In the case of child day-care providers that have 17631  
been given access to the system by the department, weigh any 17632  
reduction in reimbursement ceilings more heavily against ~~child~~ 17633  
~~day-care~~ those providers that do not participate in the system or 17634  
do not maintain quality ratings under the system. 17635

(3) In establishing reimbursement ceilings under division 17636  
(E)(1)(a) of this section, the director may establish different 17637  
reimbursement ceilings based on any of the following: 17638

(a) Geographic location of the provider; 17639

(b) Type of care provided; 17640

(c) Age of the child served; 17641

(d) Special needs of the child served; 17642

(e) Whether the expanded hours of service are provided; 17643

(f) Whether weekend service is provided; 17644

(g) Whether the provider has exceeded the minimum 17645  
requirements of state statutes and rules governing child care; 17646

(h) Any other factors the director considers appropriate. 17647

(F) The director shall adopt rules in accordance with Chapter 17648  
119. of the Revised Code to implement the tiered quality rating 17649  
and improvement system described in division (C)(3)(d) of this 17650  
section. 17651

**Sec. 5104.31.** (A) Publicly funded child care may be provided 17652  
only by the following: 17653

~~(1) A child day care center or type A family day care home,~~ 17654  
~~including a parent cooperative child day care center or parent~~ 17655  
~~cooperative type A family day care home, Any of the following~~ 17656  
licensed by the department of job and family services pursuant to 17657  
section 5104.03 of the Revised Code ~~or pursuant to rules adopted~~ 17658  
~~under section 5104.018 of the Revised Code:~~ 17659

~~(a) A child day-care center, including a parent cooperative~~ 17660  
~~child day-care center;~~ 17661

~~(b) A type A family day-care home, including a parent~~ 17662  
~~cooperative type A family day-care home;~~ 17663

~~(c) A licensed type B family day-care home.~~ 17664

~~(2) A type B family day care home certified by the county~~ 17665  
~~department of job and family services pursuant to section 5104.11~~ 17666  
~~of the Revised Code;~~ 17667

~~(3) A type B family day care home that has received a limited~~ 17668  
~~certification pursuant to rules adopted under division (G)(1) of~~ 17669  
~~section 5104.011 of the Revised Code;~~ 17670

~~(4) An in-home aide who has been certified by the county~~ 17671  
~~department of job and family services pursuant to section 5104.12~~ 17672  
~~of the Revised Code;~~ 17673

~~(5)(3) A child day camp approved pursuant to section 5104.22~~ 17674  
~~of the Revised Code;~~ 17675

~~(6)(4) A licensed preschool program;~~ 17676

~~(7)(5) A licensed school child program;~~ 17677

~~(8)(6) A border state child care provider, except that a~~ 17678  
~~border state child care provider may provide publicly funded child~~ 17679  
~~care only to an individual who resides in an Ohio county that~~ 17680  
~~borders the state in which the provider is located.~~ 17681

(B) Publicly funded child day-care may be provided in a 17682  
child's own home only by an in-home aide. 17683

(C) Beginning July 1, 2020, publicly funded child care may be provided only by a provider that is rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code.

**Sec. 5104.32.** (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, ~~certified~~ licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child care or the reimbursement ceiling or rate of payment established pursuant to section 5104.30 of the Revised Code;

(2) That, if a provider provides child care to an individual 17715  
potentially eligible for publicly funded child care who is 17716  
subsequently determined to be eligible, the department agrees to 17717  
pay for all child care provided between the date the county 17718  
department of job and family services receives the individual's 17719  
completed application and the date the individual's eligibility is 17720  
determined; 17721

(3) Whether the county department of job and family services, 17722  
the provider, or a child care resource and referral service 17723  
organization will make eligibility determinations, whether the 17724  
provider or a child care resource and referral service 17725  
organization will be required to collect information to be used by 17726  
the county department to make eligibility determinations, and the 17727  
time period within which the provider or child care resource and 17728  
referral service organization is required to complete required 17729  
eligibility determinations or to transmit to the county department 17730  
any information collected for the purpose of making eligibility 17731  
determinations; 17732

(4) That the provider, other than a border state child care 17733  
provider, shall continue to be licensed, approved, or certified 17734  
pursuant to this chapter and shall comply with all standards and 17735  
other requirements in this chapter and in rules adopted pursuant 17736  
to this chapter for maintaining the provider's license, approval, 17737  
or certification; 17738

(5) That, in the case of a border state child care provider, 17739  
the provider shall continue to be licensed, certified, or 17740  
otherwise approved by the state in which the provider is located 17741  
and shall comply with all standards and other requirements 17742  
established by that state for maintaining the provider's license, 17743  
certificate, or other approval; 17744

(6) Whether the provider will be paid by the state department 17745  
of job and family services or in some other manner as prescribed 17746

by rules adopted under section 5104.42 of the Revised Code; 17747

(7) That the contract is subject to the availability of state 17748  
and federal funds. 17749

(C) Unless specifically prohibited by federal law or by rules 17750  
adopted under section 5104.42 of the Revised Code, the county 17751  
department of job and family services shall give individuals 17752  
eligible for publicly funded child care the option of obtaining 17753  
certificates that the individual may use to purchase services from 17754  
any provider qualified to provide publicly funded child care under 17755  
section 5104.31 of the Revised Code. Providers of publicly funded 17756  
child care may present these certificates for payment in 17757  
accordance with rules that the director of job and family services 17758  
shall adopt. Only providers may receive payment for certificates. 17759  
The value of the certificate shall be based on the lower of the 17760  
rate customarily charged by the provider or the rate of payment 17761  
established pursuant to section 5104.30 of the Revised Code. The 17762  
county department may provide the certificates to the individuals 17763  
or may contract with child care providers or child care resource 17764  
and referral service organizations that make determinations of 17765  
eligibility for publicly funded child care pursuant to contracts 17766  
entered into under section 5104.34 of the Revised Code for the 17767  
providers or resource and referral service organizations to 17768  
provide the certificates to individuals whom they determine are 17769  
eligible for publicly funded child care. 17770

For each six-month period a provider of publicly funded child 17771  
care provides publicly funded child care to the child of an 17772  
individual given certificates, the individual shall provide the 17773  
provider certificates for days the provider would have provided 17774  
publicly funded child care to the child had the child been 17775  
present. The maximum number of days providers shall be provided 17776  
certificates shall not exceed ten days in a six-month period 17777  
during which publicly funded child care is provided to the child 17778

regardless of the number of providers that provide publicly funded 17779  
child care to the child during that period. 17780

**Sec. 5104.35.** (A) Each county department of job and family 17781  
services shall do all of the following: 17782

(1) Accept any gift, grant, or other funds from either public 17783  
or private sources offered unconditionally or under conditions 17784  
which are, in the judgment of the department, proper and 17785  
consistent with this chapter and deposit the funds in the county 17786  
public assistance fund established by section 5101.161 of the 17787  
Revised Code; 17788

(2) Recruit individuals and groups interested in 17789  
certification as in-home aides or in developing and operating 17790  
suitable licensed child day-care centers, type A family day-care 17791  
homes, or ~~certified~~ licensed type B family day-care homes, 17792  
especially in areas with high concentrations of recipients of 17793  
public assistance, and for that purpose provide consultation to 17794  
interested individuals and groups on request; 17795

(3) Inform clients of the availability of child care 17796  
services. 17797

(B) A county department of job and family services may, to 17798  
the extent permitted by federal law, use public child care funds 17799  
to extend the hours of operation of the county department to 17800  
accommodate the needs of working caretaker parents and enable 17801  
those parents to apply for publicly funded child care. 17802

**Sec. 5104.36.** The licensee or administrator of a child 17803  
day-care center ~~or~~, type A family day-care home, ~~the authorized~~ 17804  
~~provider of a certified~~ or licensed type B family day-care home, 17805  
an in-home aide providing child care services, the director or 17806  
administrator of an approved child day camp, and a border state 17807  
child care provider shall keep a record for each eligible child, 17808



to be made available to the county department of job and family services or the department of job and family services on request.	17809
The record shall include all of the following:	17810
(A) The name and date of birth of the child;	17811
(B) The name and address of the child's caretaker parent;	17812
(C) The name and address of the caretaker parent's place of employment or program of education or training;	17813
(D) The hours for which child care services have been provided for the child;	17814
(E) Any other information required by the county department of job and family services or the state department of job and family services.	17815
<b>Sec. 5104.38.</b> In addition to any other rules adopted under this chapter, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:	17816
(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed two hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.	17817
(B) Procedures under which a county department of job and	17818

family services may, if the department, under division (A) of this 17839  
section, specifies a maximum amount of income a family may have 17840  
for eligibility for publicly funded child care that is less than 17841  
the maximum amount specified in that division, specify a maximum 17842  
amount of income a family residing in the county the county 17843  
department serves may have for initial and continued eligibility 17844  
for publicly funded child care that is higher than the amount 17845  
specified by the department but does not exceed the maximum amount 17846  
specified in division (A) of this section; 17847

(C) A schedule of fees requiring all eligible caretaker 17848  
parents to pay a fee for publicly funded child care according to 17849  
income and family size, which shall be uniform for all types of 17850  
publicly funded child care, except as authorized by rule, and, to 17851  
the extent permitted by federal law, shall permit the use of state 17852  
and federal funds to pay the customary deposits and other advance 17853  
payments that a provider charges all children who receive child 17854  
care from that provider. The schedule of fees may not provide for 17855  
a caretaker parent to pay a fee that exceeds ten per cent of the 17856  
parent's family income. 17857

(D) A formula for determining the amount of state and federal 17858  
funds appropriated for publicly funded child care that may be 17859  
allocated to a county department to use for administrative 17860  
purposes; 17861

(E) Procedures to be followed by the department and county 17862  
departments in recruiting individuals and groups to become 17863  
providers of child care; 17864

(F) Procedures to be followed in establishing state or local 17865  
programs designed to assist individuals who are eligible for 17866  
publicly funded child care in identifying the resources available 17867  
to them and to refer the individuals to appropriate sources to 17868  
obtain child care; 17869

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	17870 17871
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	17872 17873
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	17874 17875
(J) A definition of "person who stands in loco parentis" for the purposes of division <del>(KK)</del> (JJ)(1) of section 5104.01 of the Revised Code;	17876 17877 17878
(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;	17879 17880 17881 17882 17883
(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;	17884 17885 17886 17887 17888
(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;	17889 17890 17891 17892 17893 17894 17895 17896
(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.	17897 17898
<b>Sec. 5107.60.</b> In accordance with Title IV-A, federal	17899

regulations, state law, the Title IV-A state plan prepared under 17900  
section 5101.80 of the Revised Code, and amendments to the plan, 17901  
county departments of job and family services shall establish and 17902  
administer the following work activities, in addition to the work 17903  
activities established under sections 5107.50, 5107.52, 5107.54, 17904  
and 5107.58 of the Revised Code, for minor heads of households and 17905  
adults participating in Ohio works first: 17906

(A) Unsubsidized employment activities, including activities 17907  
a county department determines are legitimate entrepreneurial 17908  
activities; 17909

(B) On-the-job training activities, including training to 17910  
become an employee of a child day-care center or type A family 17911  
day-care home, ~~authorized provider~~ administrator of a ~~certified~~ 17912  
licensed type B family day-care home, or in-home aide; 17913

(C) Community service activities including a program under 17914  
which a participant of Ohio works first who is the parent, 17915  
guardian, custodian, or specified relative responsible for the 17916  
care of a minor child enrolled in grade twelve or lower is 17917  
involved in the minor child's education on a regular basis; 17918

(D) Vocational educational training activities; 17919

(E) Jobs skills training activities that are directly related 17920  
to employment; 17921

(F) Education activities that are directly related to 17922  
employment for participants who have not earned a high school 17923  
diploma or high school equivalence diploma; 17924

(G) Education activities for participants who have not 17925  
completed secondary school or received a high school equivalence 17926  
diploma under which the participants attend a secondary school or 17927  
a course of study leading to a high school equivalence diploma, 17928  
including LEAP participation by a minor head of household; 17929

(H) Child-care service activities aiding another participant 17930  
assigned to a community service activity or other work activity. A 17931  
county department may provide for a participant assigned to this 17932  
work activity to receive training necessary to provide child-care 17933  
services. 17934

**Sec. 5153.175.** (A) Notwithstanding division (H)(1) of section 17935  
2151.421, section 5153.17, and any other section of the Revised 17936  
Code pertaining to confidentiality, when a public children 17937  
services agency has determined that child abuse or neglect 17938  
occurred and that abuse or neglect involves a person who has 17939  
applied for licensure ~~or renewal of licensure~~ as a type A family 17940  
day-care home or ~~certification or renewal of certification as a~~ 17941  
type B family day-care home, the agency shall promptly provide to 17942  
the department of job and family services ~~or to a county~~ 17943  
~~department of job and family services~~ any information the agency 17944  
determines to be relevant for the purpose of evaluating the 17945  
fitness of the person, including, but not limited to, both of the 17946  
following: 17947

(1) A summary report of the chronology of abuse and neglect 17948  
reports made pursuant to section 2151.421 of the Revised Code of 17949  
which the person is the subject where the agency determined that 17950  
abuse or neglect occurred and the final disposition of the 17951  
investigation of the reports or, if the investigations have not 17952  
been completed, the status of the investigations; 17953

(2) Any underlying documentation concerning those reports. 17954

(B) The agency shall not include in the information provided 17955  
to the department ~~or county department~~ under division (A) of this 17956  
section the name of the person or entity that made the report or 17957  
participated in the making of the report of child abuse or 17958  
neglect. 17959

(C) Upon provision of information under division (A) of this 17960

section, the agency shall notify the department ~~or county~~ 17961  
~~department~~ of both of the following: 17962

(1) That the information is confidential; 17963

(2) That unauthorized dissemination of the information is a 17964  
violation of division (H)(2) of section 2151.421 of the Revised 17965  
Code and any person who permits or encourages unauthorized 17966  
dissemination of the information is guilty of a misdemeanor of the 17967  
fourth degree pursuant to section 2151.99 of the Revised Code. 17968

**Section 120.02.** That existing sections 109.57, 2151.011, 17969  
2919.227, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 17970  
3109.051, 3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 17971  
5103.03, 5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 17972  
5104.022, 5104.03, 5104.031, 5104.032, 5104.033, 5104.04, 17973  
5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 17974  
5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 5104.36, 5104.38, 17975  
5107.60, and 5153.175 of the Revised Code are hereby repealed. 17976

**Section 120.03.** That sections 5104.014 and 5104.11 of the 17977  
Revised Code are hereby repealed. 17978

**Section 120.04.** Sections 120.01, 120.02, and 120.03 of this 17979  
act take effect on January 1, 2014. 17980

**Section 610.10.** That Sections 267.10.90, 267.50.30, and 17981  
283.20 of Am. Sub. H.B. 153 of the 129th General Assembly be 17982  
amended to read as follows: 17983

**Sec. 267.10.90.** (A) Notwithstanding anything to the contrary 17984  
in section 3301.0710, 3301.0711, 3301.0715, or 3313.608 of the 17985  
Revised Code, the administration of the English language arts 17986  
assessments for elementary grades as a replacement for the 17987  
separate reading and writing assessments prescribed by sections 17988

3301.0710 and 3301.0711 of the Revised Code, as those sections 17989  
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 17990  
shall not be required until a date prescribed by rule of the State 17991  
Board of Education. Until that date, the Department of Education 17992  
and school districts and schools shall continue to administer 17993  
separate reading assessments for elementary grades, as prescribed 17994  
by the versions of sections 3301.0710 and 3301.0711 of the Revised 17995  
Code that were in effect prior to the effective date of Section 17996  
265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The 17997  
intent for delaying implementation of the replacement English 17998  
language arts assessment is to provide adequate time for the 17999  
complete development of the new assessment. 18000

(B) Notwithstanding anything to the contrary in section 18001  
3301.0710 of the Revised Code, the State Board shall not prescribe 18002  
the three ranges of scores for the assessments prescribed by 18003  
division (A)(2) of section 3301.0710 of the Revised Code, as 18004  
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until 18005  
the Board adopts the rule required by division (A) of this 18006  
section. Until that date, the Board shall continue to prescribe 18007  
the five ranges of scores required by the version of section 18008  
3301.0710 of the Revised Code in effect prior to the effective 18009  
date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General 18010  
Assembly, and the ~~following apply~~: 18011

~~(1) The range of scores designated by the State Board as a 18012  
proficient level of skill remains the passing score on the Ohio 18013  
Graduation Tests for purposes of sections 3313.61, 3313.611, 18014  
3313.612, and 3325.08 of the Revised Code.~~ 18015

~~(2) The range of scores designated as a limited level of 18016  
skill remains the standard for applying the third grade reading 18017  
guarantee under division (A) of section 3313.608 of the Revised 18018  
Code.~~ 18019

~~(3) The range of scores designated by the State Board as a 18020~~

~~proficient level of skill remains the standard for the summer  
remediation requirement of division (B)(2) of section 3313.608 of  
the Revised Code.~~ 18021  
18022  
18023

(C) Not later than December 31, 2013, the State Board shall  
submit to the General Assembly recommended changes to divisions  
(A)(2) and (3) of section 3301.0710 of the Revised Code necessary  
to successfully implement the common core curriculum and  
assessments in the 2014-2015 school year. 18024  
18025  
18026  
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(D) This section is not subject to expiration after June 30,  
2013, under Section 809.10 of this act. 18029  
18030

**Sec. 267.50.30. PROHIBITION FROM OPERATING FROM HOME** 18031

~~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. 18032  
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18034  
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**Sec. 283.20. STATEHOUSE NEWS BUREAU** 18038

The foregoing appropriation item 935401, Statehouse News  
Bureau, shall be used solely to support the operations of the Ohio  
Statehouse News Bureau. 18039  
18040  
18041

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 18042

The foregoing appropriation item 935402, Ohio Government  
Telecommunications Services, shall be used solely to support the  
operations of Ohio Government Telecommunications Services which  
include providing multimedia support to the state government and  
its affiliated organizations and broadcasting the activities of  
the legislative, judicial, and executive branches of state  
government, among its other functions. 18043  
18044  
18045  
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TECHNOLOGY OPERATIONS 18050

The foregoing appropriation item 935409, Technology 18051  
Operations, shall be used by eTech Ohio to pay expenses of eTech 18052  
Ohio's network infrastructure, which includes the television and 18053  
radio transmission infrastructure and infrastructure that shall 18054  
link all public K-12 classrooms to each other and to the Internet, 18055  
and provide access to voice, video, other communication services, 18056  
and data educational resources for students and teachers. The 18057  
foregoing appropriation item 935409, Technology Operations, may 18058  
also be used to cover student costs for taking advanced placement 18059  
courses and courses that the Chancellor of the Board of Regents 18060  
has determined to be eligible for postsecondary credit through the 18061  
OhioLearns Gateway. To the extent that funds remain available for 18062  
this purpose, students who are enrolled in public school students 18063  
and chartered nonpublic schools, and students who are instructed 18064  
at home pursuant to section 3321.04 of the Revised Code, who are 18065  
taking advanced placement or postsecondary courses through the 18066  
OhioLearns Gateway shall be eligible to receive a fee waiver to 18067  
cover the cost of participating in one course. The fee waivers 18068  
shall be distributed until the funds appropriated to support the 18069  
waivers have been exhausted. 18070

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 18071

The foregoing appropriation item 935410, Content Development, 18072  
Acquisition, and Distribution, shall be used for the development, 18073  
acquisition, and distribution of information resources by public 18074  
media and radio reading services and for educational use in the 18075  
classroom and online. 18076

Of the foregoing appropriation item 935410, Content 18077  
Development, Acquisition, and Distribution, up to \$658,099 in each 18078  
fiscal year shall be allocated equally among the 12 Ohio 18079  
educational television stations and used with the advice and 18080  
approval of eTech Ohio. Funds shall be used for the production of 18081

interactive instructional programming series with priority given 18082  
to resources aligned with state academic content standards in 18083  
consultation with the Ohio Department of Education and for 18084  
teleconferences to support eTech Ohio. The programming shall be 18085  
targeted to the needs of the poorest two hundred school districts 18086  
as determined by the district's adjusted valuation per pupil as 18087  
defined in former section 3317.0213 of the Revised Code as that 18088  
section existed prior to June 30, 2005. 18089

Of the foregoing appropriation item 935410, Content 18090  
Development, Acquisition, and Distribution, up to \$1,749,283 in 18091  
each fiscal year shall be distributed by eTech Ohio to Ohio's 18092  
qualified public educational television stations and educational 18093  
radio stations to support their operations. The funds shall be 18094  
distributed pursuant to an allocation formula used by the Ohio 18095  
Educational Telecommunications Network Commission unless a 18096  
substitute formula is developed by eTech Ohio in consultation with 18097  
Ohio's qualified public educational television stations and 18098  
educational radio stations. 18099

Of the foregoing appropriation item 935410, Content 18100  
Development, Acquisition, and Distribution, up to \$199,712 in each 18101  
fiscal year shall be distributed by eTech Ohio to Ohio's qualified 18102  
radio reading services to support their operations. The funds 18103  
shall be distributed pursuant to an allocation formula used by the 18104  
Ohio Educational Telecommunications Network Commission unless a 18105  
substitute formula is developed by eTech Ohio in consultation with 18106  
Ohio's qualified radio reading services. 18107

**Section 610.11.** That existing Sections 267.10.90, 267.50.30, 18108  
and 283.20 of Am. Sub. H.B. 153 of the 129th General Assembly are 18109  
hereby repealed. 18110

**Section 610.20.** That Section 267.60.23 of Am. Sub. H.B. 153 18111

of the 129th General Assembly and Section 265.20.15 of Am. Sub. 18112  
H.B. 1 of the 128th General Assembly are hereby repealed. 18113

**Section 733.10.** Not later than June 20, 2013, the Department 18114  
of Education shall conduct a study of the licensure requirements 18115  
for educational staff responsible for the development of 18116  
informational sources for the support of curriculum and literacy 18117  
development in schools. The Department and the State Board of 18118  
Education shall use the study to make any necessary updates or 18119  
revisions to the licensure requirements for those staff. 18120

**Section 733.15.** Not later than ninety days after the 18121  
effective date of this section, the Department of Education shall 18122  
make available on its web site a copy of every approved, executed 18123  
contract that was filed with the Superintendent of Public 18124  
Instruction under section 3314.03 of the Revised Code before the 18125  
effective date of this section. 18126

**Section 733.30.** The State Board of Education and the Early 18127  
Childhood Advisory Council, in consultation with the Governor's 18128  
Office of 21st Century Education, jointly shall develop 18129  
legislative recommendations regarding the state's policies on 18130  
literacy education for individuals from birth through third grade, 18131  
with the goal of increasing kindergarten readiness, reading 18132  
proficiency in kindergarten through third grade, and increasing 18133  
school success and college- and career-readiness for Ohio's 18134  
children. The State Board of Education and the Early Childhood 18135  
Advisory Council shall submit the recommendations to the Governor 18136  
and the General Assembly, in accordance with section 101.68 of the 18137  
Revised Code, not later than February 28, 2013. The 18138  
recommendations shall address all of the following: 18139

(A) Alignment of the state's policies and resources for 18140

reading readiness and proficiency from birth through third grade, 18141  
including literacy standards, evidence-based curricula, 18142  
professional development, instructional practices, and assessments 18143  
to reduce early learning difficulties and to ensure third grade 18144  
reading proficiency; 18145

(B) Identification of birth through kindergarten entry 18146  
strategies that reduce the kindergarten readiness gap, increase 18147  
literacy success throughout the K-12 continuum, and increase 18148  
college- and career-readiness; 18149

(C) Recommendations for implementing reading proficiency 18150  
strategies. 18151

**Section 733.40.** Not later than December 31, 2012, the 18152  
Superintendent of Public Instruction and the Governor's Director 18153  
of 21st Century Education shall issue a report to the Governor and 18154  
the General Assembly, in accordance with section 101.68 of the 18155  
Revised Code, on the ability of the Ohio Department of Education 18156  
to reprioritize state and federal funds appropriated or allocated 18157  
to the Department, in order to identify additional funds that may 18158  
be used to support the assessments and interventions associated 18159  
with the third grade reading guarantee prescribed by section 18160  
3313.608 of the Revised Code. The Superintendent and the Director 18161  
shall examine all available sources of funding, including Title I 18162  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 18163  
6301 et seq.; Title III, Part A, of the "No Child Left Behind Act 18164  
of 2001," 20 U.S.C. 6811, et seq.; and the "Enhancing Education 18165  
Through Technology Act of 2001," 20 U.S.C. 6751. 18166

**Section 733.60.** The General Assembly intends to enact a law, 18167  
not later than December 31, 2012, that establishes a battery of 18168  
measures to be used to rate the performance of the sponsors of 18169  
community schools established under Chapter 3314. of the Revised 18170

Code and to determine whether an entity may sponsor additional 18171  
community schools under that chapter. 18172

**Section 733.70.** The Department of Education shall conduct a 18173  
second Educational Choice Scholarship application period for the 18174  
2012-2013 school year to award scholarships to eligible students 18175  
who were enrolled in a nonpublic school in the 2011-2012 school 18176  
year that was granted a charter by the State Board of Education 18177  
during the 2011-2012 school year. The second application period 18178  
shall commence on the effective date of this section and shall end 18179  
at the close of business of the first business day that is at 18180  
least thirty days after the effective date of this section. A 18181  
student is an eligible student if an application is timely 18182  
submitted under this section and the student meets the eligibility 18183  
standards of division (B) of section 3310.031 of the Revised Code. 18184  
Notwithstanding section 3310.10 of the Revised Code, a scholarship 18185  
awarded during the second application period shall be used in the 18186  
2012-2013 school year only to pay tuition at the nonpublic school 18187  
in which the eligible student was enrolled in the 2011-2012 school 18188  
year. 18189

**Section 733.81.** Notwithstanding the deadline prescribed in 18190  
division (G)(2) of section 3301.0711 of the Revised Code, for the 18191  
achievement assessments administered under that section for the 18192  
2012-2013 school year, the Department of Education, or an entity 18193  
with which the Department contracts for the scoring of the 18194  
assessments, shall send to each school district board a list of 18195  
the individual scores of all persons taking an assessment 18196  
prescribed by division (A)(1) or (B)(1) of section 3301.0710 of 18197  
the Revised Code within seventy-five days after its 18198  
administration, but in no case shall the scores be returned later 18199  
than June 15, 2013. 18200

**Section 733.91.** The Department of Education shall notify each school district and community school established under Chapter 3314. of the Revised Code of the requirement of section 3323.19 of the Revised Code that students with disabilities undergo a comprehensive eye examination.

Not later than December 31, 2013, the Department shall issue a report on the compliance of school districts and community schools with the requirement to have students with disabilities undergo a comprehensive eye examination in accordance with section 3323.19 of the Revised Code. For the report, the Department shall collect data from each school district and community school for the 2012-2013 school year on the total number of students enrolled in the district or school who were subject to the requirement to undergo a comprehensive eye examination and the total number of those students who received the examination, as verified by documentation received by the district or school. The Department shall provide copies of the report to the Governor, the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the chairpersons and ranking minority members of the House and Senate education committees.

**Section 751.10.** The Revised Code section cited in the Administrative Code as the authority for any rules adopted under Chapter 5104. of the Revised Code shall be deemed to be the Revised Code section as renumbered by Section 101.01 of this act. The Director of Job and Family Services is not required to amend any rule previously adopted under Chapter 5104. of the Revised Code for the sole purpose of changing the citation of the Revised Code section that authorizes the rule.

**Section 751.20.** The Revised Code sections cited in the

Administrative Code as the authority for any rules adopted under 18231  
Chapter 5104. of the Revised Code shall be deemed to be the 18232  
Revised Code sections as renumbered by Section 120.01 of this act. 18233  
The Director of Job and Family Services is not required to amend 18234  
any rules previously adopted under Chapter 5104. of the Revised 18235  
Code for the sole purpose of changing the citation of the Revised 18236  
Code section that authorizes the rule. 18237

**Section 751.30.** On January 1, 2014, a person who is operating 18238  
a type B family day-care home certified pursuant to section 18239  
5104.11 of the Revised Code, as that section existed on December 18240  
31, 2013, shall be issued a license to operate a type B family 18241  
day-care home pursuant to section 5104.03 of the Revised Code as 18242  
amended by this act. The Department of Job and Family Services 18243  
shall adopt rules establishing a plan to facilitate the transition 18244  
of type B homes from certification to licensure. The rules shall 18245  
be adopted in accordance with Chapter 119. of the Revised Code. 18246  
18247

**Section 763.10.** The Office of Workforce Transformation is 18248  
authorized to create a web site to help link energy companies with 18249  
trained workers and to provide information on industry compatible 18250  
curriculum and training. The Office of Workforce Transformation is 18251  
also authorized to work with veterans to match training and skills 18252  
to needed jobs in industries, including to the oil and gas 18253  
industry. 18254

**Section 806.10.** The items of law contained in this act, and 18255  
their applications, are severable. If any item of law contained in 18256  
this act, or if any application of any item of law contained in 18257  
this act, is held invalid, the invalidity does not affect other 18258  
items of law contained in this act and their applications that can 18259  
be given effect without the invalid item of law or application. 18260

**Section 812.10. Sections subject to referendum: general** 18261  
**effective date.** Except as otherwise provided in this act, the 18262  
amendment, enactment, or repeal by this act of a section is 18263  
subject to the referendum under Ohio Constitution, Article II, 18264  
Section 1c and therefore takes effect on the ninety-first day 18265  
after this act is filed with the Secretary of State. 18266

**Section 812.11. Sections subject to referendum: special** 18267  
**effective dates.** The amendment, enactment, or repeal by this act 18268  
of the following sections is subject to the referendum under Ohio 18269  
Constitution, Article II, Section 1c and therefore takes effect on 18270  
the ninety-first day after this act is filed with the Secretary of 18271  
State or on the date specified below, whichever is later: 18272

Section 751.20 of this act takes effect January 1, 2014. 18273

**Section 815.10.** Section 4301.20 of the Revised Code is 18274  
presented in this act as a composite of the section as amended by 18275  
both Am. Sub. H.B. 114 and S.B. 73 of the 129th General Assembly. 18276  
The General Assembly, applying the principle stated in division 18277  
(B) of section 1.52 of the Revised Code that amendments are to be 18278  
harmonized if reasonably capable of simultaneous operation, finds 18279  
that the composite is the resulting version of the section in 18280  
effect prior to the effective date of the section as presented in 18281  
this act. 18282