

Table of Contents

Volume 1

PART I. INTRODUCTION— GOVERNANCE

CHAPTER 1. HISTORICAL PERSPECTIVE

- § 1:1 The new republic and the idea of universal education
- § 1:2 Northwest Territory and school lands
- § 1:3 First schools in Ohio
- § 1:4 Ohio Constitution of 1802
- § 1:5 Inadequacy of school lands income and advent of school taxes
- § 1:6 Early education for the disabled
- § 1:7 Horace Mann and the common school movement
- § 1:8 Common school movement in Ohio
- § 1:9 Ohio Constitution of 1851
- § 1:10 Secondary education and completion of the public school framework

CHAPTER 2. OHIO'S SCHOOL SYSTEM—AN OVERVIEW

I. OHIO'S SCHOOLS

- § 2:1 Introduction
- § 2:2 Public schools and pupils
- § 2:3 Nonpublic schools and pupils
- § 2:4 School personnel
- § 2:5 Curriculums and special programs

II. FUNDING THE SCHOOL SYSTEM

- § 2:6 Cost of education
- § 2:7 Sources of revenue
- § 2:8 *DeRolph v. State*—School funding system declared unconstitutional

III. GOVERNING THE SCHOOLS

- § 2:9 Role of school districts and boards of education
- § 2:10 Roles of the Department of Education and Workforce, the State Board of Education and their executive officers

§ 2:11 Interaction between Ohio and other states

IV. EDUCATION AND THE FEDERAL GOVERNMENT

§ 2:12 Role of the federal government—In general
§ 2:13 Federal aid
§ 2:14 —Every Student Succeeds Act
§ 2:15 Conditions of federal aid, nondiscrimination

V. SCHOOL LAW AND ITS SOURCES

§ 2:16 Constitutional mandates
§ 2:17 Statutes
§ 2:18 Court decisions—State courts
§ 2:19 —Federal courts
§ 2:20 Attorney general opinions

CHAPTER 3. STATE ADMINISTRATION OF ELEMENTARY AND SECONDARY EDUCATION

§ 3:1 Introduction to state administration of elementary and secondary education
§ 3:2 Director of Education and Workforce
§ 3:3 —Powers and duties
§ 3:4 —Policy-making and administration
§ 3:5 —Prescribing standards
§ 3:6 Department of Education and Workforce
§ 3:7 —Innovative education pilot programs
§ 3:8 —Statewide education management information system (EMIS)
§ 3:9 State Board of Education
§ 3:10 —Business of board, vacancies
§ 3:11 Superintendent of Public Instruction; Appointment, qualifications and duties
§ 3:12 Educational regional service system

CHAPTER 4. SCHOOL DISTRICTS

§ 4:1 Introduction
§ 4:2 School districts and boundaries of other political subdivisions

I. CLASSIFICATION OF SCHOOL DISTRICTS

§ 4:3 Classification of school districts
§ 4:4 —City school district
§ 4:5 —Educational service center
§ 4:6 —Local school district
§ 4:7 —Joint vocational school district
§ 4:8 —Exempted village school district
§ 4:9 —Cooperative education school district
§ 4:10 —Community schools

TABLE OF CONTENTS

- § 4:11 —Municipal school districts
- § 4:12 —Science, technology, engineering (arts) and mathematics schools
- § 4:13 —College-preparatory boarding schools

II. CREATION AND REORGANIZATION OF SCHOOL DISTRICTS

- § 4:14 Authority to create or reorganize school districts
- § 4:15 Factors in creating or reorganizing school districts
- § 4:16 —Efficiency of school system: Maintenance of kindergarten through grade twelve
- § 4:17 —Geography: Contiguous territory, neighborhood schools
- § 4:18 —Demography: Population shifts
- § 4:19 —Finances: Transfer of territory because of eroded tax base
- § 4:20 Reclassification of school districts without transfer of territory
- § 4:21 —Change from city school district to local school district when city reduced to village
- § 4:22 —Change from exempted village school district to local school district
- § 4:23 —Change from local or exempted village school district to city school district
- § 4:24 —Change to city school district on incorporation as municipality

III. REORGANIZATIONS INVOLVING TRANSFERS OF TERRITORY

- § 4:25 Transfer of territory, in general
- § 4:26 —Types of transfers, initiation, and approval
- § 4:27 —Agreements among school districts as to boundaries
- § 4:28 —Requirement of acceptance by transferee board
- § 4:29 Territorial transfers initiated by State Board of Education
- § 4:30 —Study of possible consolidation or transfer—Scope
- § 4:31 —Proposed reorganization
- § 4:32 —Election
- § 4:33 —Dissolution on failure to meet standards
- § 4:34 Transfer of territory from local school districts—Creation of new districts initiated by State Board
- § 4:35 Transfers of territory from local school districts initiated by the ESC or voter petition—In general
- § 4:36 —Initiating proposals, governing board resolution, voter petition
- § 4:37 —Procedure on proposals, referendum
- § 4:38 —Effect of consolidation, challenge
- § 4:39 Transfers from city, local and exempted village school districts—Proposal to transfer territory, hearing
- § 4:40 —Approval of State Board, completion of transfer

IV. DIVISION OF ASSETS AND LIABILITIES ON REORGANIZATION; GOVERNANCE

- § 4:41 Fair division of assets and liabilities
- § 4:42 Effect of reorganization on tax levies—In general
- § 4:43 —Annexation
- § 4:44 Board of education in reorganized district—Abolition of board or membership on board
- § 4:45 —Board of new local district
- § 4:46 —Board of new city district

CHAPTER 5. BOARDS OF EDUCATION

I. NATURE AND COMPOSITION OF BOARDS OF EDUCATION; MEMBERS

- § 5:1 Introduction
- § 5:2 Composition of board of education—Local and exempted village school districts, and educational service centers
- § 5:3 —Boards of city school districts
- § 5:4 Members of board of education—Nomination and election
- § 5:5 —Term, oath of office
- § 5:6 —Filling vacancies
- § 5:7 —Appointed members of educational service center governing board
- § 5:8 Compensation and expenses of board members—Compensation and retirement
- § 5:9 —Reimbursement for expenses
- § 5:10 Removal from office

II. POWERS OF BOARD OF EDUCATION

- § 5:11 General powers of board of education—Statutory origin of powers
 - Construing powers of board
 - § 5:13 —Board discretion in exercising powers
 - § 5:14 Capacity to sue and be sued
 - § 5:15 Rule-making and regulatory power—Management of schools
 - § 5:16 —Regulations affecting pupils and teachers
 - § 5:17 —Administrative due process
 - § 5:18 Miscellaneous powers—Employing consultants
 - § 5:19 —Contracting for mechanical, clerical, or record-keeping services
 - § 5:20 —Operating preschool programs
 - § 5:21 —Cooperation with other agencies
 - § 5:22 —Membership in associations
 - § 5:23 —Disseminating information
 - § 5:24 —Agreements with educational service center governing boards for services
 - § 5:25 —Agreements with educational service center governing boards for supplies and equipment

TABLE OF CONTENTS

- § 5:26 —Teacher education loan programs
- § 5:27 —Other powers
- § 5:28 Board of education members: Training board members and personnel

III. MEETINGS AND PROCEDURES

- § 5:29 Board meetings in general—Organizational meeting
- § 5:30 —Regular and special meetings
- § 5:31 —Quorum
- § 5:32 —Minutes
- § 5:33 Open meetings—The Sunshine Law
- § 5:34 ——Notification
- § 5:35 ——Executive sessions
- § 5:36 ——Public comment at board meetings
- § 5:37 ——Consequences of violation
- § 5:38 Board action, resolutions—In general, roll call
- § 5:39 —Vote required for passage
- § 5:40 —Dispensing with resolutions in certain cases

IV. FORMS

A. COMPOSITION OF BOARD; OFFICERS

- § 5:41 Oath or affirmation of office of board member
- § 5:42 Nomination and election of president and vice president
- § 5:43 Certificate of names of board members and officers
- § 5:44 Resolution of appointment to fill vacancy

B. MEETINGS

- § 5:45 Fixing time and place of regular meetings
- § 5:46 Notice of special meeting
- § 5:47 Treasurer's certification of special meeting notice to board members
- § 5:48 Written notice of special meeting pursuant to open meeting law
- § 5:49 Sample open meeting rule
- § 5:50 Minute entry of compliance with open meeting law
- § 5:51 Affidavit of board member-shareholder in conjunction with doing business with board of education

PART II. PERSONNEL

CHAPTER 6. TREASURER OF THE BOARD OF EDUCATION, BUSINESS MANAGER, LEGAL COUNSEL

I. TREASURER AND BUSINESS MANAGER OF THE BOARD OF EDUCATION

- § 6:1 Introduction

- § 6:2 Appointment of treasurer, qualifications—In general, incompatible offices, joint employment
- § 6:3 —Licensure, continuing education
- § 6:4 —Term
- § 6:5 —Bond or insurance
- § 6:6 Removal from office, nonrenewal of contract, resignation—
 - In general
- § 6:7 —Appointment of substitute to make reports
- § 6:8 Absence or incapacity, temporary treasurer
- § 6:9 Compensation, vacation
- § 6:10 Duties of treasurer as board secretary
- § 6:11 Duties of treasurer as fiscal officer—In general
- § 6:12 —Accounts
- § 6:13 —Certifying availability of money
- § 6:14 —Certifying accuracy of reports needed to calculate state funding
- § 6:15 Miscellaneous duties of treasurer
- § 6:16 Duties of treasurer at end of term—Audit
- § 6:17 Position of internal auditor

II. BUSINESS MANAGER

- § 6:18 Business manager, qualifications
- § 6:19 Business manager—Election or appointment, contract, evaluation, bond
- § 6:20 —Powers and duties of business manager

III. LEGAL COUNSEL

- § 6:21 Legal adviser—County prosecutor, city law director, house counsel—In general
- § 6:22 ——Duties of statutory legal advisers
- § 6:23 ——Compensation of statutory legal counsel
- § 6:24 —Outside counsel—In general, authority to employ private counsel
- § 6:25 ——Services

IV. FORMS

A. TREASURER

- § 6:26 Resolution appointing a treasurer
- § 6:27 Resolution to re-employ a treasurer
- § 6:28 Resolution fixing amount of bond for treasurer
- § 6:29 Bond of treasurer
- § 6:30 Resolution approving treasurer's bond
- § 6:31 Oath or affirmation of office
- § 6:32 Resolution adopting a policy that allows use of an employee dishonesty and faithful performance of duty policy rather than a surety bond
- § 6:33 Resolution authorizing entering into employee dishonesty and faithful performance of duty policy

TABLE OF CONTENTS

- § 6:34 Resolution not to re-employ treasurer
- § 6:35 Notice of intention not to re-employ treasurer
- § 6:36 Resolution appointing a treasurer pro tempore
- § 6:37 Treasurer's contract

B. BUSINESS MANAGER

- § 6:38 Resolution appointing a business manager
- § 6:39 Bond of business manager

CHAPTER 7. SCHOOL ADMINISTRATORS

I. SUPERINTENDENT OF SCHOOLS AND OTHER ADMINISTRATORS

- § 7:1 Introduction
- § 7:2 Superintendent of schools as chief executive
- § 7:3 Qualifications of superintendent—Statutory requirement that candidate possess license
 - Requirements for obtaining license
- § 7:5 Appointment of superintendent—Time of appointment, term
- § 7:6 —Reemployment and nonrenewal
- § 7:7 —Vacancy
- § 7:8 Superintendent's contract, compensation—Contract, termination
 - Compensation, expenses
- § 7:10 Duties of superintendent—In general
 - Assignment of personnel
 - Assignment of pupils
- § 7:12 Evaluation of superintendent
- § 7:14 Temporary superintendent

II. OTHER SCHOOL ADMINISTRATORS

- § 7:15 Assistant superintendents, principals, and other administrators—In general, authority to hire
- § 7:16 —Principals and assistant principals
- § 7:17 Administrators' contracts—In general
 - Suspension of contracts
 - Reemployment and nonrenewal
- § 7:20 Evaluation of school administrators—Effect on reemployment and nonrenewal
- § 7:21 Supervisors and special teachers in educational service centers
- § 7:22 Teacher employed as administrator, tenure

III. FORMS

A. SUPERINTENDENT

- § 7:23 Resolution appointing a superintendent

- § 7:24 Resolution to re-employ a superintendent
- § 7:25 Resolution not to re-employ superintendent
- § 7:26 Notice of intention not to re-employ superintendent
- § 7:27 Resolution appointing a superintendent pro tempore
- § 7:28 Superintendent's contract
- § 7:29 Optional clauses for superintendent's contract—
 - Reimbursement for use of private automobile
 - Reimbursement of expenses
 - Reimbursement of expenses for professional meetings
 - Liability insurance
- § 7:33 Amendment to superintendent's contract
- § 7:34 Superintendent as collector of school savings
- § 7:35 Superintendent as collector of school savings; Board payment of premiums
- § 7:36 Bond of superintendent as collector of school savings

B. OTHER ADMINISTRATORS

- § 7:37 Resolution employing an administrator for initial employment
- § 7:38 Resolution directing notification of contract expiration
- § 7:39 Notice of contract expiration
- § 7:40 Resolution re-employing an administrator nominated by the superintendent
- § 7:41 Resolution re-employing an administrator not nominated by the superintendent
- § 7:42 Resolution not to re-employ an administrator
- § 7:43 Notice of intention not to re-employ an administrator
- § 7:44 Administrator's contract

CHAPTER 8. TEACHERS—LICENSURE AND APPOINTMENT

I. INTRODUCTION

- § 8:1 Introduction to teacher licensure and appointment
- § 8:2 Meaning of "teacher"
- § 8:3 Qualifications and licensure in general—Licensure generally mandatory
 - Adopting standards for teacher training and licensure
 - § 8:5 —Interstate licensure
 - § 8:6 Licenses in Ohio—Licensure systems
 - § 8:7 Supplemental and substitute teaching licenses
 - § 8:8 Resident license
 - § 8:9 Professional licenses
 - § 8:10 Alternative educator licenses
 - § 8:11 Registration for professionals licensed in other fields
 - § 8:12 License groupings
 - § 8:13 Local professional development committees

TABLE OF CONTENTS

- § 8:14 —School districts without exclusive representative
- § 8:15 —School districts with exclusive representative
- § 8:16 Effect of criminal convictions on initial license issuance
- § 8:17 Revocation or suspension of certificate or license—In general
 - Criminal convictions
 - § 8:19 —Conflict of interest
 - § 8:20 —Suspension for breach of contract
 - § 8:21 —Suspension for default in child support
 - § 8:22 —Reinstatement
 - § 8:23 Voluntary relinquishment of license or teaching field
 - § 8:24 Nomination and appointment of teachers
 - § 8:25 Criminal background checks
 - § 8:26 Additional hiring due diligence
 - § 8:27 Reemployment of teachers

II. FORMS

- § 8:28 Citizen reporting form

CHAPTER 9. TEACHERS—CONTRACTS AND TENURE

I. INTRODUCTION

- § 9:1 Requirement for contract—Necessity for written contract
- § 9:2 —Terms of contract
- § 9:3 Types of contracts—Continuing, limited, extended limited, and supplemental
- § 9:4 Contract employing relative of board member or superintendent
- § 9:5 Teacher evaluation procedures and policies
- § 9:6 School counselor evaluations

II. CONTINUING CONTRACTS AND TENURED TEACHERS

- § 9:7 Continuing contracts and tenure
- § 9:8 Eligibility for continuing contract—In general
 - Who are “teachers”
 - § 9:10 —Burden on teacher to give notice of eligibility
 - § 9:11 —Certificate or license requirement
 - § 9:12 —Teaching and coursework requirements—Coursework requirements
 - Service requirement—Service in district or elsewhere
 - § 9:14 —Time served, school year, teaching days
 - § 9:15 —Service as substitute teacher
 - § 9:16 —Interrupted service
 - § 9:17 Employment options where teacher is eligible for continuing service status—When continuing contract mandatory

§ 9:18 —Waiver of continuing contract status

III. LIMITED CONTRACTS AND NONTENURED TEACHERS

- § 9:19 Employment options where teacher is not eligible for continuing service status—Duration, automatic reemployment, nonrenewal after evaluation and notice
- § 9:20 Notice of nonrenewal, timeliness, form—Time of notice, actual receipt required, method of service
 - § 9:21 —Form of notice
 - § 9:22 —Burden of proof
 - § 9:23 Statutory evaluation and due process requirements—Mandatory evaluation procedures
 - § 9:24 —Right to written statement of circumstances
 - § 9:25 —Right to hearing
 - § 9:26 Nonrenewal of teacher limited (or extended limited) contract—Time line
 - § 9:27 Supplemental contracts—In general
 - § 9:28 —Reemployment under supplemental contract
 - § 9:29 —Athletics
 - § 9:30 Extended programming
 - § 9:31 Substitute teacher contracts—Compensation, fringe benefits
 - § 9:32 —Nonrenewal, reemployment, conversion to regular contract
 - § 9:33 —Tenure
 - § 9:34 —Regular teacher acting as substitute
 - § 9:35 Exchange teachers

IV. SUSPENSION AND TERMINATION OF CONTRACTS

- § 9:36 Resignation
- § 9:37 Retirement
- § 9:38 Layoff—Reduction in force
 - § 9:39 —Continuing contracts, seniority
 - § 9:40 —Reduction by nonrenewal or termination
 - § 9:41 —Layoff procedure
 - § 9:42 —Recall after layoff
 - § 9:43 Disciplinary suspension
 - § 9:44 Termination for cause—In general
 - § 9:45 —“good and just cause” under the pre-2009 and post-2009 standards
 - § 9:46 —Gross inefficiency, immorality and violation of reasonable board regulations before 2009
 - § 9:47 —Willful and persistent violations of board regulations before 2009
 - § 9:48 —Constitutionally protected conduct
 - § 9:49 —Protection of whistleblowers
 - § 9:50 Termination for cause, procedure

TABLE OF CONTENTS

- § 9:51 —Written charges, temporary suspension
- § 9:52 —Demand for hearing, scheduling hearing
- § 9:53 —Hearing by board or referee
- § 9:54 —Rules of procedure, privacy, record of proceedings
- § 9:55 —Referee's report
- § 9:56 —Decision by board
- § 9:57 Appeal of termination—Perfecting appeal to common pleas court
- § 9:58 —Scope of review
- § 9:59 —Waiver of defects
- § 9:60 Nonrenewal and termination reporting obligations
- § 9:61 Teacher termination—Summary of steps

V. FORMS

A. CONTRACTS

- § 9:62 Limited contract for regular teaching duties
- § 9:63 Continuing contract for regular teaching duties
- § 9:64 Annual salary notice
- § 9:65 Limited contract for supplemental duties
- § 9:66 Limited contract for employment as a casual substitute

B. NONRENEWAL OF CONTRACTS

- § 9:67 Notice of nonrenewal
- § 9:68 Notice of superintendent's intention to recommend an extended limited contract
- § 9:69 Notice of board action affirming superintendent's recommendation of an extended contract

C. TERMINATION OF CONTRACT

- § 9:70 Educator misconduct reporting form
- § 9:71 Citizen reporting form
- § 9:72 Notice of the board's intention to consider termination
- § 9:73 Notice of informal pretermination hearing for use when teacher is to be suspended pending final action to terminate his/her contract
- § 9:74 Teacher's demand for a hearing
- § 9:75 Request for a list of referees
- § 9:76 Request for appointment of a referee
- § 9:77 Appointment of the referee
- § 9:78 Notice of the time, date, and place of the hearing

CHAPTER 10. TEACHERS—COMPENSATION, FRINGE BENEFITS, AND LEAVE

I. COMPENSATION

- § 10:1 Teachers' salaries in general—Salary as mandatory contract provision, annual salary notice

- § 10:2 —Salary decreases
- § 10:3 —Salary increases, bonuses
- § 10:4 Pay scales—Mandatory salary schedule
- § 10:5 —Performance-based salary schedule
- § 10:6 —Traditional salary schedule
- § 10:7 —Service credit under traditional salary schedule
- § 10:8 Training credit for salary purposes—Duty of teacher to inform board of completed training
- § 10:9 Pay scales—Tutor compensation
- § 10:10 Preconditions to payment of salary
- § 10:11 Underpayment and overpayment of salary
- § 10:12 —Recovery of underpayment, statute of limitations, laches, waiver
- § 10:13 —Recovery of overpayment, statute of limitations
- § 10:14 Payroll deductions—In general
- § 10:15 —Union dues checkoff

II. FRINGE BENEFITS, PAID DAYS, AND INSURANCE

- § 10:16 Paid days—Emergency school closings
- § 10:17 —Jury duty
- § 10:18 —Continuing education, professional days
- § 10:19 —Lunch period
- § 10:20 Group insurance—In general
- § 10:21 —Self insurance, consortia
- § 10:22 —Health savings accounts
- § 10:23 —School board member participation
- § 10:24 Payment for continuing health insurance coverage by terminated employees—Federal law
- § 10:25 —Coverage provided under Ohio law

III. SICK LEAVE

- § 10:26 Accumulating sick leave—Annual entitlement, monthly accumulation, rate
- § 10:27 —Part-time employees, substitute teachers
- § 10:28 —Maximum accumulation, transfer of sick leave credit
- § 10:29 —Uniform application of sick leave policy
- § 10:30 Adopting state standards on sick leave, caveat
- § 10:31 Advance of unearned sick leave
- § 10:32 Use of sick leave
- § 10:33 Severance pay on basis of accumulated sick leave—In general, payment on retirement, amount payable
- § 10:34 —Adoption of liberalized severance pay plan
- § 10:35 Enforced leave for certain illnesses

IV. LEAVES OF ABSENCE

- § 10:36 Requested leave—In general, return to service after leave
- § 10:37 —Leave with partial pay for professional growth

TABLE OF CONTENTS

- § 10:38 Unrequested disability leave—In general, hearing
- § 10:39 —Pregnancy and child care
- § 10:40 Miscellaneous leaves of absence—Military leave—Active duty, reserve training
- § 10:41 —Assault leave, injury in line of duty, worker's compensation
- § 10:42 —Personal leave
- § 10:43 —Family and Medical Leave Act
- § 10:44 —Volunteer firefighters and emergency medical service

CHAPTER 11. TEACHERS—RETIREMENT

I. INTRODUCTION

- § 11:1 State teachers retirement system (STRS)
- § 11:2 State teachers retirement board—In general, composition
- § 11:3 —Conflict of interest
- § 11:4 —Powers and duties
- § 11:5 Funds and investments

II. MEMBERS OF SYSTEM

- § 11:6 Membership in STRS—Persons required to be members
- § 11:7 —Exclusion from membership
- § 11:8 STRS membership and teachers' contracts
- § 11:9 Certifying teachers' names and payroll reports to STRS

III. DEFINED BENEFIT PENSION PLAN—CONTRIBUTIONS

- § 11:10 Mandatory contributions by members—Contribution rate, payroll deduction
- § 11:11 —Contributions while on disability leave
- § 11:12 Voluntary contributions by members—Contributions while on leave of absence
- § 11:13 —Extra deposits to increase annuity income
- § 11:14 Mandatory contributions by employers
- § 11:15 Pick-ups of employee contributions
- § 11:16 —Fringe benefit pick-up
- § 11:17 —Pick-up through salary reduction
- § 11:18 Withdrawal of contributions from STRS

IV. DEFINED BENEFIT PENSION PLAN—SERVICE CREDIT

- § 11:19 Importance of service credit, accumulation—In general
- § 11:20 —Combining credits from other public employees retirement systems
- § 11:21 Purchasing service credit—In general
- § 11:22 —Redeposit of withdrawn contributions

- § 11:23 —Payroll deduction plans
- § 11:24 Military service credit—Military service credit acquired without purchase
- § 11:25 —Purchasing service credit
- § 11:26 Leaves of absence
- § 11:27 Transfers of service credit to the Cincinnati Retirement System

V. DEFINED BENEFIT PENSION PLAN—DISABILITY COVERAGE

- § 11:28 Entitlement to disability benefit—Who is eligible
- § 11:29 —Relationship to accrued sick leave
- § 11:30 Termination of disability benefit

VI. DEFINED BENEFIT PENSION PLAN—SERVICE RETIREMENT

- § 11:31 Eligibility for service retirement—In general
- § 11:32 Amount of retirement benefits—Payment options
- § 11:33 —Computation
- § 11:34 —Cost of Living Increases
- § 11:35 —Final average salary
- § 11:36 Health benefits for retirees
- § 11:37 Long-term care benefit
- § 11:38 Early retirement incentive plans—In general
- § 11:39 Employment of retired teachers

VII. DEFINED BENEFIT PENSION PLAN—SURVIVORS' BENEFITS

- § 11:40 Death before retirement—Lump sum payment
- § 11:41 —Monthly benefits
- § 11:42 —Termination of monthly payments
- § 11:43 Death after retirement
- § 11:44 Lump sum burial payment

VIII. DEFINED CONTRIBUTION PLAN

- § 11:45 Eligibility for membership
- § 11:46 Elections for new STRS members
- § 11:47 Contributions
- § 11:48 Benefits

IX. MISCELLANEOUS

- § 11:49 Withholding from payments
- § 11:50 Optional compensation deferral plans

CHAPTER 12. NONTEACHING PERSONNEL—INTRODUCTION

- § 12:1 Authority to hire nonteaching employees

TABLE OF CONTENTS

- § 12:2 Criminal background checks and fraud reporting disclosure
- § 12:3 Using volunteers for unlicensed duties

I. CIVIL SERVICE AND NON-CIVIL SERVICE EMPLOYEES

- § 12:4 Civil service and non-civil service employees
- § 12:5 Civil service commission, sharing cost of administration
- § 12:6 Classified and unclassified civil service—In general
- § 12:7 —School personnel in the unclassified civil service
- § 12:8 —Tenure

II. APPOINTMENT OF EMPLOYEES

- § 12:9 Appointment of classified civil service employees—
 - Competitive classified civil service
- § 12:10 —Classified unskilled labor positions
- § 12:11 Appointing authority for civil service positions
- § 12:12 Probationary period for civil service employees
- § 12:13 Temporary employees
- § 12:14 Hiring independent contractors in lieu of civil service personnel
- § 12:15 Appointment of non-civil service employees—Introduction, limited and continuing contracts for regular employees
 - Who are considered regular employees
 - § 12:16 —Wages and hours
 - § 12:17 —Right to express contract
 - § 12:18 —Reemployment
 - § 12:19 —Supplemental contracts not authorized
 - § 12:20 Employment of nonlicensed persons to direct extracurricular activity—Introduction, preconditions to hiring nonlicensed person
 - § 12:21 —Qualifications
 - § 12:22 —Compensation

III. PROMOTION AND TRANSFER

- § 12:24 Promotion
- § 12:25 Transfer

IV. LAYOFF

- § 12:26 Layoff or job elimination—Non-civil service employees
 - Transportation
- § 12:27 —Civil service employees—In general
 - Reasons for layoff
 - § 12:29 —Layoff procedure
 - § 12:30 —Bumping rights
 - § 12:31 —Appeal

V. DEMOTION, REDUCTION, SUSPENSION, TERMINATION, AND RESIGNATION

- § 12:33 Demotion, reduction, and suspension—Demotion or suspension, appeal
- § 12:34 —Suspension for criminal charges
- § 12:35 —Pay reduction, appeal
- § 12:36 Termination—Non-civil service employees—Introduction, grounds for termination
 - Due process, hearing, evidence, board action
- § 12:38 —Civil service employees—Introduction, grounds for termination
 - Pre-termination hearing, notice to employee, removal order
- § 12:40 —Appeal to civil service commission
- § 12:41 —Appeal to common pleas court
- § 12:42 Resignation

VI. EDUCATIONAL ASSISTANTS

- § 12:43 Employment of educational assistants

VII. FORMS

A. CONTRACTS (DISTRICTS NOT COVERED BY CIVIL SERVICE)

- § 12:44 Limited contract for regular nonteaching employee
- § 12:45 Continuing contract for regular nonteaching employee
- § 12:46 Annual salary notice

B. CONTRACTS TO DIRECT, SUPERVISE, OR COACH A PUPIL ACTIVITY PROGRAM (CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS)

- § 12:47 Limited contract for nonlicensed employee to direct, supervise, or coach a pupil activity program

C. NONRENEWAL OF CONTRACT (DISTRICTS NOT COVERED BY CIVIL SERVICE)

- § 12:48 Notice of nonrenewal

D. TERMINATION OR SUSPENSION OF CONTRACT (DISTRICTS NOT COVERED BY CIVIL SERVICE)

- § 12:49 Notice of intent to consider termination or suspension
- § 12:50 Notice of termination or suspension

E. REMOVAL, SUSPENSION, OR REDUCTION FROM/IN EMPLOYMENT (DISTRICTS COVERED BY CIVIL SERVICE)

- § 12:51 Notice of informal preremoval or presuspension hearing (districts covered by civil service)

TABLE OF CONTENTS

- § 12:52 Notice of suspension, removal, or reduction in pay or position
- § 12:53 Employee's notice of appeal to civil service commission

CHAPTER 13. NONTEACHING PERSONNEL—COMPENSATION, FRINGE BENEFITS, AND LEAVE

I. COMPENSATION

- § 13:1 Pay scales and job classifications—In general
- § 13:2 —Notice of job classification and pay scale
- § 13:3 —Duty of civil service commission
- § 13:4 Work week—Overtime and compensatory time
- § 13:5 Holiday pay
- § 13:6 Vacation pay
- § 13:7 Other paid days
- § 13:8 Payroll deductions

II. INSURANCE AND LEAVE

- § 13:9 Insurance
- § 13:10 Sick leave—In general
- § 13:11 —Use of sick leave
- § 13:12 Severance pay on basis of accumulated sick leave
- § 13:13 Personal leave
- § 13:14 Other leaves of absence

III. FORMS

- § 13:15 Request for leave of absence—Nonteaching employees
- § 13:16 Justification for use of sick leave—Nonteaching employees

CHAPTER 14. NONTEACHING PERSONNEL—RETIREMENT

I. INTRODUCTION

- § 14:1 School employees retirement system (SERS)
- § 14:2 School employees retirement board—In general, composition
- § 14:3 —Conflict of interest
- § 14:4 —Powers and duties
- § 14:5 Sources and purposes of separate funds

II. MEMBERS OF SYSTEM

- § 14:6 Membership in SERS

III. DEFINED BENEFIT PLAN—CONTRIBUTIONS TO SYSTEM

- § 14:7 Mandatory contributions by members

- § 14:8 Voluntary contributions by members—Contributions while on leave
- § 14:9 —Extra deposits to increase annuity income
- § 14:10 Mandatory contributions by employers
- § 14:11 Pick-ups of employee contributions by employers
- § 14:12 Pick-ups of employee contributions—Fringe benefit pick-ups
- § 14:13 —Pick-up through salary reduction
- § 14:14 Withdrawal of contributions from SERS

IV. DEFINED BENEFIT PLAN—SERVICE CREDIT

- § 14:15 Service credit: Definition
- § 14:16 Purchasing service credit—In general
- § 14:17 —Redeposit of withdrawn contributions
- § 14:18 —Payroll deduction plans
- § 14:19 Transfers of service credit to the Cincinnati Retirement System

V. DEFINED BENEFIT PLAN—BENEFITS

- § 14:20 Disability coverage
- § 14:21 Service retirement
- § 14:22 Early retirement incentive plans
- § 14:23 Employment of retired members
- § 14:24 Survivor benefits
- § 14:25 Health care benefits for retirees
- § 14:26 Long-term care benefits

VI. DEFINED CONTRIBUTION PLAN

- § 14:27 In general
- § 14:28 Eligibility for membership
- § 14:29 Elections for new SERS members
- § 14:30 Elections for current SERS members
- § 14:31 Contributions
- § 14:32 Benefits

VII. MISCELLANEOUS

- § 14:33 Optional compensation deferral plans
- § 14:34 Withholding from payments

CHAPTER 15. UNEMPLOYMENT COMPENSATION

- § 15:1 School participation in unemployment compensation system
- § 15:2 Eligibility for unemployment compensation benefits—In general
- § 15:3 —Unemployment

TABLE OF CONTENTS

- § 15:4 —Actively seeking suitable work
- § 15:5 —Minimum employment prior to separation
- § 15:6 —Disqualifications
- § 15:7 Benefits
- § 15:8 Student eligibility for unemployment compensation
- § 15:9 Work gap between school terms not considered
 unemployment—In general
- § 15:10 —Reasonable assurance of work in succeeding term
- § 15:11 —Employee with two jobs
- § 15:12 Unemployment arising from labor dispute
- § 15:13 Voluntary resignation
- § 15:14 Suspension or discharge for cause—Grounds for discipline
 or discharge
- § 15:15 —Standard of proof, procedure and effect of
 determinations

CHAPTER 16. WORKERS' COMPENSATION, OCCUPATIONAL SAFETY AND HEALTH

- § 16:1 Introduction
- § 16:2 School district's choices for coverage under workers
 compensation
- § 16:3 Employees covered by workers' compensation
- § 16:4 Compensable injuries—In general
- § 16:5 —Injury arising out of employment
- § 16:6 —Injury in course of employment
- § 16:7 —Exclusions
- § 16:8 Compensable occupational diseases
- § 16:9 Compensation and benefits—In general
- § 16:10 —Temporary total disability
- § 16:11 —Wage loss
- § 16:12 —Permanent partial disability
- § 16:13 —Impairment of earning capacity
- § 16:14 —Permanent total disability
- § 16:15 —Funeral expenses, payment to dependents
- § 16:16 —Additional awards for violation of specific safety
 requirements
- § 16:17 Filing claims
- § 16:18 Disputed claims—In general
- § 16:19 —Administrative appeals
- § 16:20 —Appeals to common pleas court
- § 16:21 Employer immunity from suit, exception for intentional
 torts
- § 16:22 Public employee risk reduction, occupational safety and
 health—In general
- § 16:23 —Good faith refusals to work under dangerous conditions
- § 16:24 —Retaliation prohibited
- § 16:25 —Information
- § 16:26 —No-fault inspection

CHAPTER 17. EQUAL EMPLOYMENT OPPORTUNITY, FAMILY AND MEDICAL LEAVE

I. NONDISCRIMINATION, EQUAL OPPORTUNITY, OR AFFIRMATIVE ACTION IN EMPLOYMENT, GENERALLY

§ 17:1 Introduction

II. KEY ANTIDISCRIMINATION LAWS

- § 17:2 The Thirteenth and Fourteenth Amendments, federal Civil Rights Acts of 1866 and 1871—In general
- § 17:3 Title VII, federal Civil Rights Act of 1964
 - Race, color, religion, sex, or national origin
 - § 17:5 —Exceptions
 - § 17:6 —“Disparate treatment” and “disparate impact”
 - § 17:7 —Enforcement by Equal Employment Opportunity Commission (EEOC)
 - Actions, remedies
 - § 17:9 —Proof of discrimination
 - § 17:10 Ohio Fair Employment Practices Act—Race, color, religion, sex, national origin, disability, age, or ancestry
 - § 17:11 —Parallels between Ohio and federal law
 - § 17:12 —Enforcement by Ohio Civil Rights Commission (OCRC); remedies
 - § 17:13 —Appeals of Ohio Civil Rights Commission (OCRC) orders; standards of review
 - § 17:14 —Lawsuits in Ohio courts
 - § 17:15 Antidiscrimination requirements for contractors dealing with schools—Mandatory contract provisions

III. PARTICULAR APPLICATIONS

- § 17:16 Age discrimination—Alternative procedures
- § 17:17 —Proof of discrimination
- § 17:18 —Retirement
- § 17:19 Hiring and promotion practices—Using tests for selection
 - § 17:20 —Uniform Guidelines on Employee Selection
- § 17:21 Equal pay—In general
- § 17:22 Pregnancy—In general
- § 17:23 —Treatment as other temporary disability
- § 17:24 —Commencement and duration of maternity leave
- § 17:25 Discrimination on the basis of sex and by sexual harassment
- § 17:26 Discrimination against disabled persons—Ohio and pre-ADA federal standards
- § 17:27 —Americans with Disabilities Act of 1990
- § 17:28 Religious discrimination
- § 17:29 Retaliation for asserting antidiscrimination rights

TABLE OF CONTENTS

IV. FAMILY AND MEDICAL LEAVE

§ 17:30 Family and Medical Leave Act of 1993

V. RECORDS

§ 17:31 Notices, record-keeping, and reports

VI. AFFIRMATIVE ACTION

§ 17:32 Affirmative action and reverse discrimination

VII. WAIVERS

§ 17:33 Waiver of claims not prohibited

CHAPTER 18. COLLECTIVE BARGAINING

I. INTRODUCTION TO COLLECTIVE BARGAINING

§ 18:1 Historical background
§ 18:2 —Ferguson Act
§ 18:3 —Early denial of collective bargaining rights
§ 18:4 —Recognition of unions
§ 18:5 —Public Employees' Collective Bargaining Act
§ 18:6 State Employment Relations Board (SERB)

II. COVERAGE

§ 18:7 Public employers
§ 18:8 Employee organizations and bargaining rights—In general
§ 18:9 —Bargaining with excluded employees
§ 18:10 Excluded employees—Management level—In general
§ 18:11 ——Educational supervisors
§ 18:12 ——Other managerial employees
§ 18:13 —Confidential employees
§ 18:14 —Casual and seasonal workers, students, Ohio Works
First participants
§ 18:15 Professional and nonprofessional employees in same
bargaining unit

III. EMPLOYEE RIGHTS

§ 18:16 Employee rights in general
§ 18:17 Collective bargaining

IV. BARGAINING UNIT

§ 18:18 Statutory guidelines for determining bargaining unit—
Authority of SERB
§ 18:19 —Factors used in determining unit
§ 18:20 Teacher bargaining units

§ 18:21 Nonteaching employee bargaining units

V. CERTIFICATION OF BARGAINING REPRESENTATIVE

- § 18:22 Recognition of exclusive bargaining representative
- § 18:23 Representation elections—Petition for election
- § 18:24 —Consent election agreement
- § 18:25 —Election to settle representation question, results
- § 18:26 —Challenge to election
- § 18:27 —Appealability of SERB orders
- § 18:28 Voluntary recognition—In general
- § 18:29 —Procedure
- § 18:30 —Rival employee organization, objection, election
- § 18:31 Challenges to incumbent representative—In general, when challenge may be made
- § 18:32 —Election petition by rival organization
- § 18:33 —Union affiliation votes
- § 18:34 Decertification
- § 18:35 Community and STEM schools and the representation process

VI. COLLECTIVE BARGAINING AGREEMENTS

- § 18:36 Requirements for contract—In general
- § 18:37 —Modification for innovative school plans
- § 18:38 —Peer review plan
- § 18:39 Supremacy of contract over certain laws
- § 18:40 Agency shop—“Fair share” union dues for nonmembers
- § 18:41 Grievance procedure and arbitration—In general
- § 18:42 —Arbitration and unfair labor practice proceedings
- § 18:43 Expiration of contracts

VII. UNFAIR LABOR PRACTICES

- § 18:44 Unfair labor practices by employer—In general
- § 18:45 —Interference and coercion
- § 18:46 —Refusal to bargain
- § 18:47 —Direct dealing
- § 18:48 —Employer domination of union
- § 18:49 —Discrimination
- § 18:50 —Failure to process grievances
- § 18:51 Unfair labor practices by union—In general
- § 18:52 —Restraint and coercion
- § 18:53 —Refusal to bargain
- § 18:54 —Duty to provide fair representation
- § 18:55 Procedure on unfair labor practices
- § 18:56 —Filing charges
- § 18:57 —Remedies
- § 18:58 —Appeals

TABLE OF CONTENTS

VIII. NEGOTIATIONS AND DISPUTES

- § 18:59 Privacy of negotiations, conflict of interest
- § 18:60 Scope of bargaining—In general
- § 18:61 —Mandatory, permissive, and prohibited subjects
- § 18:62 —Mid-term bargaining and waiver of negotiations
- § 18:63 —Role of past practice
- § 18:64 —Tentative agreements
- § 18:65 Procedures for resolving disputes—In general, “time line”
- § 18:66 —Notice to negotiate, duty to bargain
- § 18:67 —Procedures for resolving deadlock
- § 18:68 —Right to strike
- § 18:69 —Bargaining procedure after “opt-in” elections

IX. STRIKES

- § 18:70 Legal strikes
- § 18:71 Unauthorized strikes
- § 18:72 Temporary injunction against strikes presenting clear and present danger
- § 18:73 Public records issues
- § 18:74 Defamation in connection with labor disputes

PART III. PUPILS

CHAPTER 19. PUPILS—DESEGREGATION AND NONDISCRIMINATION

I. EVOLUTION OF DESEGREGATION CONCEPTS

- § 19:1 Introduction
- § 19:2 School segregation to desegregation, 1867–1954
- § 19:3 Dismantling school segregation in the South—Demise of “freedom of choice” plans
- § 19:4 —Court-ordered desegregation plans, busing
- § 19:5 —Funding court-ordered desegregation plans
- § 19:6 Extension of desegregation to urban centers in the North and West
- § 19:7 Urban segregation and suburban school districts
- § 19:8 System-wide school desegregation

II. DESEGREGATION IN OHIO

- § 19:9 The decline of school desegregation cases
- § 19:10 Use of race in school building assignments
- § 19:11 Early demise of “separate but equal” doctrine in Ohio
- § 19:12 Neighborhood schools—Neighborhood school concept
- § 19:13 —Use of neighborhood schools to foster segregation
- § 19:14 State liability for local segregation—In general

- § 19:15 —State control
- § 19:16 Other desegregation litigation in Ohio

III. DESEGREGATION STATUTES

- § 19:17 Federal desegregation statutes
- § 19:18 —Civil Rights Act of 1964
- § 19:19 —Equal Educational Opportunities Act of 1974
- § 19:20 State desegregation statutes

IV. OTHER NONDISCRIMINATION REQUIREMENTS

- § 19:21 Discrimination by recipients of federal financial assistance
- § 19:22 Race discrimination—Other equal protection violations
- § 19:23 Sex discrimination in education—Title IX in general
- § 19:24 —Single-sex schools
- § 19:25 —Sexual harassment as discrimination
- § 19:26 —Scope of extracurricular activities and athletics
- § 19:27 —Transgender Students
- § 19:28 —Damages and retaliation
- § 19:29 —Sex discrimination and the Fourteenth Amendment
- § 19:30 Bilingual education
- § 19:31 Aliens

CHAPTER 20. PUPILS—COMPULSORY EDUCATION AND SCHOOL ATTENDANCE

I. COMPULSORY SCHOOL ATTENDANCE LAW

- § 20:1 Compulsory school age and free education—In general
- § 20:2 —Age of entrance into school
- § 20:3 Compulsory school attendance—In general
- § 20:4 —Attendance at private or parochial school or special high school
- § 20:5 —Attendance at special programs by children with disabilities
- § 20:6 Excuse from compulsory attendance—Constitutionally compelled excuses
- § 20:7 —Statutory reasons for excuse
- § 20:8 —Home-based education
- § 20:9 —Daily excuses
- § 20:10 Attendance of married and pregnant pupils

II. SCHOOL DAY AND YEAR

- § 20:11 Regular school day and year—In general
- § 20:12 —Emergency closings
- § 20:13 Holidays and commemorative days

III. TRUANCY

- § 20:14 Duty to enforce school attendance and adopt school attendance policies

TABLE OF CONTENTS

- § 20:15 Enforcement procedures—Court filings
- § 20:16 —Consequences
- § 20:17 —Liability of employer of school-age child
- § 20:18 Attendance and withdrawal reports, including reports to the motor vehicles registrar
- § 20:19 Attendance officers—Appointment
- § 20:20 —Compensation and expenses
- § 20:21 —Powers and duties

IV. AGE AND SCHOOLING CERTIFICATES AND EMPLOYMENT OF SCHOOL-AGE CHILDREN

- § 20:22 Schooling and the child labor laws—In general
- § 20:23 —Restrictions on employment of minors
- § 20:24 —Summer employment
- § 20:25 Hours and terms of employment of minors
- § 20:26 Age and schooling certificates—In general, duties of superintendent of schools
 - § 20:27 —Requirements for certificate
 - § 20:28 —Filing and recordkeeping requirements
 - § 20:29 —Revocation of certificate
 - § 20:30 Special age and schooling certificates—Limited certificate
 - § 20:31 —Conditional certificate
 - § 20:32 Part-time day school for certificate holders
 - § 20:33 Employer responsibility respecting minors—In general
 - § 20:34 —Records
 - § 20:35 —Agreement as to compensation
 - § 20:36 —Notice of nonuse of the certificate
 - § 20:37 Enforcement, penalties

V. FORMS

A. IN GENERAL

- § 20:38 Certificate of attendance

B. ABSENCE

- § 20:39 Application for absence excuse
- § 20:40 Application for absence excuse with home instruction
- § 20:41 Notification of home education
- § 20:42 Permit for absence
- § 20:43 Explanation of past absence

C. ATTENDANCE

- § 20:44 Principal's (teacher's) annual report to the board of education
- § 20:45 Principal's (teacher's) monthly report to the treasurer of the board of education

D. WITHDRAWAL

- § 20:46 Withdrawal of child from school

§ 20:47 Notice of change of residence

E. ENFORCEMENT

§ 20:48 Release of jurisdiction

F. ATTENDANCE OFFICER

§ 20:49 Certificate of appointment

§ 20:50 Oath of office

G. APPLICATION FOR EMPLOYMENT CERTIFICATE

§ 20:51 Application for employment certificate

§ 20:52 Parent consent for work permit

§ 20:53 Pledge of employer

§ 20:54 School record of applicant for employment certificate

§ 20:55 Physician's certificate

§ 20:56 Application for physician's certificate to establish sufficiency of child's age

§ 20:57 Physician's certificate of age

§ 20:58 Facts and pledge for conditional certificate

§ 20:59 Office record of age and schooling certificate

CHAPTER 21. PUPILS—HEALTH AND SAFETY

I. HEALTH SERVICES

§ 21:1 Responsibilities of board of education

§ 21:2 Employment of health care professionals—Physicians and dentists

§ 21:3 —Nurses

§ 21:4 Medical examinations—In general

§ 21:5 —Examination by family physician

§ 21:6 —Tuberculosis testing

§ 21:7 —Children or staff found to have communicable disease

§ 21:8 —AIDS

§ 21:9 —Early screening for health or developmental disorders

§ 21:10 —Weight and body mass index

§ 21:11 Medical treatment—In general, parental consent, emergencies, over-the-counter medications

§ 21:12 —Administration of prescription drugs

§ 21:13 —Students requiring treatment for specific conditions—Diabetes

§ 21:14 ——Seizure disorders

§ 21:15 Immunizations—Required immunizations generally

§ 21:16 —Exclusion of students not immunized

§ 21:17 —Parental objections

§ 21:18 Dental examinations and treatment

§ 21:19 Health records—Examination records

TABLE OF CONTENTS

- § 21:20 —Immunization records
- § 21:21 —Emergency treatment authorization
- § 21:22 Duties of board of health—Delegation of duties to board of health
- § 21:23 —Building inspection, disease prevention
- § 21:24 Volunteer medical services at athletic events, nonliability

II. SAFETY MEASURES AND PROGRAMS

- § 21:25 School resource officers
- § 21:26 Threat assessment teams
- § 21:27 School Emergency Management plan requirement
- § 21:28 Emergency response mutual aid compact
- § 21:29 Personal Health Emergencies—Automated external defibrillators (AED) and Overdose Reversal Medications
- § 21:30 School building requirements—Safety and sanitation in general
 - Asbestos removal
 - § 21:32 —Lead hazard control
 - § 21:33 —Protective door assemblies
 - § 21:34 —Architectural barriers to persons with disabilities
 - § 21:35 Traffic protection for students—Crossing guards
 - § 21:36 —Duties of local government in traffic control
 - § 21:37 —School zones and signs
 - § 21:38 Eye protection
 - § 21:39 Choking prevention and food allergies
 - § 21:40 School safety drills
 - § 21:41 Safety instruction
 - § 21:42 Fostering a drug-free environment—Safe and Drug-Free Schools and Communities Act
 - § 21:43 —Drug-Free Workplace Act
 - § 21:44 —Confidentiality requirements for drug counseling programs
 - § 21:45 —Anabolic steroid warnings in athletic facilities
 - § 21:46 Weapons at school—Weapons, in general
 - § 21:47 —Persons permitted to carry weapons at schools
 - § 21:48 —Bomb threats
 - § 21:49 Anonymous public safety tip lines

III. FORMS

- § 21:50 Record of immunizations
- § 21:51 Evidence of immunization
- § 21:52 Emergency medical authorization
- § 21:53 Permission form; Medication to be administered by school personnel

CHAPTER 22. TRANSPORTATION OF PUPILS

- § 22:1 Introduction
- § 22:2 Transportation coordinators and supervisors

I. PROVIDING TRANSPORTATION

- § 22:3 Transportation of pupils generally—Pupils in kindergarten through eighth grade
- § 22:4 —High school and joint vocational school students
- § 22:5 —Private, parochial and community school students
- § 22:6 —Payment in lieu of providing transportation
- § 22:7 Transportation of nonresident pupils
- § 22:8 Transportation of students with disabilities
- § 22:9 When transportation need not be provided

II. TRANSPORTATION COSTS

- § 22:10 Financing transportation—Reimbursement of school districts
- § 22:11 —Penalties and payments to parents for noncompliance
- § 22:12 Insurance
- § 22:13 Purchase of school buses

III. EQUIPMENT STANDARDS

- § 22:14 Duties of Department of Education and Workforce and Director of Public Safety
- § 22:15 School bus markings and equipment
- § 22:16 Vehicles transporting preschool children
- § 22:17 Use of vehicles other than school buses to transport students

IV. SCHOOL BUS DRIVERS

- § 22:18 Driver qualifications—In general
- § 22:19 —Drug and alcohol testing
- § 22:20 Medical disqualification of school bus drivers
- § 22:21 School bus driver training

V. OPERATION OF SCHOOL BUSES

- § 22:22 Bus routes, stops and depots
- § 22:23 Driver responsibilities and pupil behavior—Driver's responsibilities generally
 - § 22:24 —Driver's duty to maintain order
 - § 22:25 —Pupil behavior
- § 22:26 Traffic laws and operation of school buses—
 - § 22:27 —Responsibilities of other drivers
 - § 22:28 —Accident reports

VI. PUPIL SAFETY PROGRAMS

- § 22:29 Instructing children in safety
- § 22:30 Emergency plans and drills
- § 22:31 Volunteer rider assistance programs

TABLE OF CONTENTS

VII. USE OF SCHOOL BUSES

- § 22:32 Routine and nonroutine use of school buses
- § 22:33 Leasing school buses for senior citizens and adult education
- § 22:34 Leasing school buses to nonpublic schools

VIII. INDEPENDENT CONTRACTORS AND MASS TRANSIT

- § 22:35 Contracts for transportation of pupils—Pre-existing contracts
- § 22:36 —Mandatory provisions, violation
- § 22:37 Use of mass transit systems for school conveyance

IX. ENFORCEMENT, PENALTIES

- § 22:38 Violation of state rules on pupil transportation, penalties

X. FORMS

- § 22:39 Resolution finding transportation is impractical
- § 22:40 Notice that transportation by school conveyance is impractical
- § 22:41 School bus driver's certificate
- § 22:42 Report of violation of school bus red lights

CHAPTER 23. PUPILS—TUITION AND FEES

I. TUITION

- § 23:1 Introduction
- § 23:2 Admission requirements and tuition liability—Statutory requirements in general
 - § 23:3 —Determining residence
 - § 23:4 —Special tuition exemptions and waivers
 - § 23:5 —Computation and payment
 - § 23:6 —Special programs
 - § 23:7 Intra-district open enrollment policies
 - § 23:8 Open enrollment of students in adjacent districts and other districts

II. ACTIVITY FEES AND FUNDS

- § 23:9 Student activity programs, fees, and funds—In general
 - § 23:10 —Limitation on expenditures
 - § 23:11 —Board policies
 - § 23:12 Expenditures from student activity funds
 - § 23:13 Failure to pay activity or school fees

III. NEEDY CHILDREN

- § 23:14 Poverty and compulsory attendance

- § 23:15 Special programs for needy children—Free meals
- § 23:16 —Dental care, immunizations
- § 23:17 —Instructional materials
- § 23:18 —Preschool programs

IV. FORMS

- § 23:19 Caretaker authorization affidavit—Form
- § 23:20 Grandparent power of attorney—Form

CHAPTER 24. CARE AND PROTECTION OF PUPILS, OFFENSES AGAINST MINORS

I. DUTIES OF SCHOOL PERSONNEL TOWARD PUPILS

- § 24:1 Introduction
- § 24:2 Teachers and parental duties and authority, in loco parentis
- § 24:3 Duty to implement technology protection measures—Internet safety
- § 24:4 Duty to report suspected child abuse or neglect—In general
 - Recognizing child abuse and neglect
 - Definition of child abuse
 - Definition of child neglect
- § 24:8 Duty to report crimes—General duty with respect to felonies
- § 24:9 —Principal's duty with respect to certain offenses
- § 24:10 Notice to board of certain crimes committed by employees, students, or others—Notice to board of employee crimes
- § 24:11 —Notice to board of student crimes
- § 24:12 —Notice of sealed records
- § 24:13 —Notice of sexual predators

II. OFFENSES AGAINST MINORS

- § 24:14 Offenses against minors generally
- § 24:15 Endangering children—In general
 - Violating duty of care, protection, or support
 - Physical abuse, improper discipline
 - Sexually oriented violations
 - Transporting children while under the influence
 - Allowing children in the presence of drug-related acts
- § 24:21 —Riot
- § 24:22 —Improperly discharging firearm at or into school
- § 24:23 Hazing; recklessly participating or permitting hazing
- § 24:24 Contributing to the delinquency or unruliness of a minor
- § 24:25 Disseminating matter harmful to juveniles
- § 24:26 Sex offenses in general
- § 24:27 Drug abuse offenses in general

TABLE OF CONTENTS

- § 24:28 Alcohol and tobacco offenses involving minors—Alcohol offenses
- § 24:29 —Tobacco offenses

III. MISSING CHILDREN

- § 24:30 Missing children informational programs—In general
- § 24:31 —Fingerprinting
- § 24:32 —Photographs
- § 24:33 Missing children—Record keeping

CHAPTER 25. CONDUCT AND DISCIPLINE OF PUPILS

I. STANDARDS OF CONDUCT

- § 25:1 Introduction
- § 25:2 Statutory standards for student conduct
- § 25:3 Policy on student conduct—Requirement for policy, scope
- § 25:4 —Interpretation and application
- § 25:5 Dress and appearance codes
- § 25:6 Prohibition of tobacco
- § 25:7 Policy on phones, and other electronic communications devices
- § 25:8 Prohibition on bullying, harassment and intimidation
- § 25:9 Disciplinary Sanctions for Truancy
- § 25:10 Regulating student expression

II. DUTY TO MAINTAIN DISCIPLINE

- § 25:11 Duties of teachers to maintain discipline
- § 25:12 Duties of nonteaching employees to maintain order

III. DISCIPLINARY MEASURES

- § 25:13 Serious disciplinary measures
- § 25:14 Due process requirements for serious disciplinary measures—Fundamental fairness
- § 25:15 —Criminal law standards not applicable
- § 25:16 —Violation of constitutional rights
- § 25:17 Suspension and expulsion—Authority to suspend or expel student
- § 25:18 —Authority to expel student for more than 80 days
- § 25:19 —Special rules for pre-k through third grade
- § 25:20 —Suspension—Procedure
- § 25:21 —Expulsion—Procedure
- § 25:22 —Community service alternative
- § 25:23 —Permanent exclusion for certain offenses
- § 25:24 —Denial of admission to expelled students and students who withdraw

- § 25:25 —Additional notification requirements
- § 25:26 Emergency removal
- § 25:27 Review of suspension or expulsion—Appeal to board
- § 25:28 —Appeal to court of common pleas
- § 25:29 Disciplinary transfers
- § 25:30 Removal from extracurricular activities—In general
- § 25:31 —Question of due process
- § 25:32 Removal from school bus transportation
- § 25:33 Corporal punishment

IV. FORMS

- § 25:34 Notice of intention to suspend
- § 25:35 Notice of suspension
- § 25:36 Notice of intention to expel
- § 25:37 Notice of expulsion

Volume 2

PART IV. PROGRAMS

CHAPTER 26. CURRICULUM AND EDUCATIONAL PROGRAMS

I. STANDARDS FOR ELEMENTARY AND SECONDARY EDUCATION

- § 26:1 Minimum standards—Faculty and staff
- § 26:2 Evaluation of district education performance—In general
- § 26:3 —District and building report cards
- § 26:4 —Value-added progress dimension
- § 26:5 —Academic distress commissions
- § 26:6 —Other effects of performance status
- § 26:7 District comparison rankings and their effects

II. GENERAL CURRICULUM

- § 26:8 Requirement and content of curriculum
- § 26:9 Curriculum for kindergarten
- § 26:10 Curriculum for grades one through eight
- § 26:11 Curriculum with health and sexual content
- § 26:12 High school curriculum—Curriculum requirements for graduation
- § 26:13 Curriculum options
- § 26:14 Post-secondary enrollment options and advanced standing program

III. SPECIAL COURSES AND PROGRAMS

- § 26:15 Online learning

TABLE OF CONTENTS

- § 26:16 Career exploration internships
- § 26:17 Extracurricular activities and participation of non-enrolled students
- § 26:18 Alternative disciplinary schools
- § 26:19 Innovation schools and zones
- § 26:20 Programs for gifted children
- § 26:21 Special instruction, adult education—In general
 - Evening schools
 - Part-time classes for employed children
 - Adult high school continuation programs
 - Adult education diplomas
 - Dropout Prevention, GED and industry credentials or certificates
 - Competency-based educational programs
 - § 26:28 Parental education and training programs
 - § 26:29 Other special courses and programs—Technical and vocational training, advanced studies
 - Vocational training
 - Religious instruction conducted off school property
 - Assessing skills of students with visual disabilities
 - Cultural enrichment
 - Child care centers
 - Latchkey/Enrichment programs
 - Americanization schools
 - Healthcheck programs and Medicaid component programs
 - Community service education programs
 - Community Learning Center
 - Vacation period activities
 - Educational broadcasting network, educational computer network
 - Business advisory councils
 - scholarship programs
 - Career planning

IV. DRIVER TRAINING

- § 26:45 Driver training programs—In general
- § 26:46 —Standard course, teachers, fees
- § 26:47 —Vehicles
- § 26:48 —Commercial driver training courses

V. ACADEMIC ACHIEVEMENT, PROMOTION, REMEDIATION AND GRADUATION

- § 26:49 Criteria for student performance and promotion—In general
- § 26:50 Awarding high school diploma—In general
- § 26:51 —Graduation planning
- § 26:52 —Graduation diploma seals

- § 26:53 —Guaranteed competency of district's high school graduates
- § 26:54 Statewide achievement assessments
- § 26:55 Achievement assessment—Diagnostic assessments
- § 26:56 —Promotion, graduation, scholarships, and remediation— Requirements
- § 26:57 —Remediation and intervention requirements

VI. REVIEW AND EVALUATION, ENFORCEMENT OF STANDARDS

- § 26:58 Requirements for review and evaluation
- § 26:59 Accreditation evaluations
- § 26:60 School charter, revocation
- § 26:61 Parent and student rights in research, experimental activities, and testing
- § 26:62 Policy and notification requirements regarding surveys and curriculum

VII. FORMS

- § 26:63 Model notification of rights under the Protection of Pupil Rights Amendment (PPRA)

CHAPTER 27. CAREER-TECHNICAL EDUCATION AND PROGRAMS

I. CAREER-TECHNICAL TRAINING PROGRAMS

- § 27:1 State and federal emphasis on vocational education
- § 27:2 Providing career-technical education
- § 27:3 Career-technical course offerings
- § 27:4 Implementation of career-technical education program, federal funding
- § 27:5 Production of goods in career-technical education programs
- § 27:6 Eligibility for wages and benefits in career-technical occupational work
- § 27:7 Career technical cooperative education district

II. JOINT VOCATIONAL SCHOOL DISTRICT

- § 27:8 Formation of joint vocational school district—In general
- § 27:9 —Expansion of district
- § 27:10 —Consolidation of districts
- § 27:11 —Dissolution of districts
- § 27:12 Administration of joint vocational school district—Board of education of joint vocational district
- § 27:13 —Evaluation by state
- § 27:14 Vocational school facilities—In general
- § 27:15 —Cooperation with technical college district

TABLE OF CONTENTS

- § 27:16 Funding joint vocational school districts
- § 27:17 Pupils, special education, transportation

III. VOCATIONAL REHABILITATION

- § 27:18 Opportunities for Ohioans with disabilities council and agency

CHAPTER 28. EDUCATION FOR CHILDREN WITH DISABILITIES

I. THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AND RELATED STATE LAW

- § 28:1 Legislation on special education for children with disabilities—Federal and Ohio laws
- § 28:2 —Definitions
- § 28:3 Individualized education program
- § 28:4 “Free appropriate public education” (FAPE)
- § 28:5 Extended school year services
- § 28:6 Least restrictive environment—Preference for mainstreaming
- § 28:7 —Need for special programs or facilities
- § 28:8 Scholarship programs for alternative special education providers—General program
- § 28:9 —Autism scholarship program
- § 28:10 Residential placement
- § 28:11 Related services for children with disabilities
- § 28:12 Comprehensive eye exams
- § 28:13 Special education and related services for students choosing private schools—Regulatory/statutory framework
- § 28:14 —Services provided in private parochial schools
- § 28:15 Bringing education to children with disabilities—Home instruction, tuition, and boarding
- § 28:16 Discipline of children with disabilities—In general
- § 28:17 —Manifestation determination
- § 28:18 —Functional behavioral assessment and behavior intervention plans
- § 28:19 —Conduct involving drugs, weapons, or serious bodily injury
- § 28:20 —Dangerous behavior not involving drugs, weapons or serious bodily injury
- § 28:21 —Children with disabilities not yet identified as eligible under IDEA
- § 28:22 —Reporting crimes
- § 28:23 Use of aversive behavioral interventions, restraint and seclusion
- § 28:24 Achievement assessment for children with disabilities
- § 28:25 Grades for children with disabilities

- § 28:26 Graduation for children with disabilities
- § 28:27 Extracurricular activities

II. PARENTAL RIGHTS AND PROCEDURAL SAFEGUARDS

- § 28:28 Parental involvement in educational decisions affecting a child with a disability—In general
- § 28:29 —Right to notice of matters affecting identification, evaluation, placement, programs, or services
- § 28:30 —Hearing
- § 28:31 —Burden and degree of proof
- § 28:32 —Costs of hearing
- § 28:33 —Decision, appeal

III. ACTIONS AND REMEDIES UNDER FEDERAL LAW

- § 28:34 Causes of action for violations—In general
- § 28:35 Relief, damages, compensatory education, attorney fees—Remedies for violations
- § 28:36 —Compensatory education
- § 28:37 —Damages
- § 28:38 —Attorney fees

IV. ADMINISTRATION OF EDUCATION FOR CHILDREN WITH DISABILITIES IN OHIO

- § 28:39 Planning and evaluation—State and district plans
- § 28:40 —Reports on programs and services
- § 28:41 —Assessments
- § 28:42 Funding, sharing facilities and costs—Foundation program
- § 28:43 —Cooperative agreements among school districts and with educational service centers
- § 28:44 —Creation of student special services district
- § 28:45 —Residency requirements and tuition reimbursement
- § 28:46 Special classes, requirements for facilities—Special classes or special instruction
- § 28:47 Special classes or special instructions—Eliminating architectural barriers
- § 28:48 Assisting deaf, hard of hearing, and visually impaired children and their parents
- § 28:49 State schools for the deaf and blind—In general, control and supervision, personnel
- § 28:50 —Admission, return of child to parents
- § 28:51 Role of county DD boards
- § 28:52 Ohio Center for Autism and Low Incidence
- § 28:53 Section 504 and The Americans With Disabilities Act—Overview of the statutory framework
- § 28:54 —Comparisons between Section 504/ADA and the IDEA
- § 28:55 Section 504 and The Americans With Disabilities Act—Bullying and harassment

TABLE OF CONTENTS

V. FORMS

- § 28:56 Cover letter for notice of IEP team meeting for discipline
- § 28:57 Notice of suspension for student receiving special education
- § 28:58 Notice of expulsion for student receiving special education

CHAPTER 29. CHILDREN WITH DEVELOPMENTAL DISABILITIES

- § 29:1 County DD boards—In general, purpose and role
- § 29:2 Powers and duties of board—In general
- § 29:3 —Complaints
- § 29:4 Compliance with state regulations
- § 29:5 Quality of life standards
- § 29:6 Coordinating with boards of education—Eligibility for services, IEPs and tuition
- § 29:7 Transportation of pupils

CHAPTER 30. PHYSICAL EDUCATION, ATHLETICS, AND RECREATION

I. PHYSICAL EDUCATION AND RELATED ACTIVITIES

- § 30:1 Introduction to athletics, sports, and related activities
- § 30:2 Curriculum requirements for physical education
- § 30:3 Physical education and interscholastic athletics distinguished
- § 30:4 Physical education facilities
- § 30:5 Physical education teachers, coaches, and trainers

II. INTERSCHOLASTIC ATHLETICS

- § 30:6 Interscholastic sports, introduction
- § 30:7 Ohio High School Athletic Association (OHSAA)—Purposes
- § 30:8 —Membership
- § 30:9 —Government and administration
- § 30:10 —National federation affiliation
- § 30:11 Legal status of OHSAA—OHSAA as unincorporated association
- § 30:12 —OHSAA as quasi-governmental agency
- § 30:13 Recognized sports, equality of athletic opportunity—Individual and team sports recognized by OHSAA
- § 30:14 —Boys' and girls' sports, participation by both sexes
- § 30:15 —Recognition of sport by individual school
- § 30:16 Funding interscholastic athletics
- § 30:17 —OHSAA policy on financing athletics
- § 30:18 —School board authority to fund costs of athletic programs
- § 30:19 —Other sources of funding, pupil activity fund
- § 30:20 —Club sports

- § 30:21 —Rulings on use of sports funds
- § 30:22 OHSAA rules, enforcement—Scope of rules
- § 30:23 —Penalties for violation, imposition, appeal to court
- § 30:24 —Enforceability of rules and penalties
- § 30:25 Concussions, other head injuries, sudden cardiac arrest symptoms, heat index restrictions and emergency planning
- § 30:26 Sports injuries, OHSAA insurance program

III. RECREATIONAL PROGRAMS

- § 30:27 Recreational programs
- § 30:28 Joint recreational facilities and districts
- § 30:29 Joint recreation board

CHAPTER 31. SCHOOLS, PARENTS, AND COMMUNITY AFFAIRS

I. PUBLIC PARTICIPATION IN SCHOOL AFFAIRS

- § 31:1 Public meetings
- § 31:2 Annual report of school progress
- § 31:3 Stakeholder involvement in school affairs
- § 31:4 Parental and family involvement policies under state and federal law
- § 31:5 Parent-educator relations
- § 31:6 School volunteers
- § 31:7 Public use of school facilities
- § 31:8 Equal access to recruiting on campus for higher education, employment and armed forces

II. SCHOOL PARTICIPATION IN COMMUNITY AFFAIRS

- § 31:9 Contracts and cooperation with public institutions
- § 31:10 Providing meals for the elderly
- § 31:11 Field trips
- § 31:12 Soliciting funds for charities
- § 31:13 Registering persons to vote
- § 31:14 Display of the U.S. and Ohio flags and mottoes

CHAPTER 32. RELIGION AND THE PUBLIC SCHOOLS

- § 32:1 Introduction, tests under First Amendment religion clauses
- § 32:2 Free exercise of religion, in general
- § 32:3 Free exercise of religion and the Religious Freedom Restoration Act
- § 32:4 Free exercise of religion and compulsory state educational standards

TABLE OF CONTENTS

- § 32:5 Free exercise limits on compelled patriotic observances
- § 32:6 Establishment restrictions on released time for religious instruction
- § 32:7 Establishment through prayer and similar activity
- § 32:8 Establishment of religion and school funding
- § 32:9 Establishment of religion and the use of facilities
- § 32:10 Establishment problems from the use of public schools for religious purposes—Equal access
- § 32:11 —Traditional observances
- § 32:12 Curriculum decisions

PART V. TEXTBOOKS—LIBRARIES—SUPPLIES—SERVICES—PROPERTY

CHAPTER 33. TEXTBOOKS

- § 33:1 Introduction
- § 33:2 Textbooks and workbooks to be furnished free—Books included
- § 33:3 —Purchase by pupil or parent
- § 33:4 Selection and adoption of textbooks—Procedure
- § 33:5 Discretion of board in choosing books, constitutional limitations
- § 33:6 Administrator or teacher acting as sales agent for publisher
- § 33:7 Copyright considerations—In general
- § 33:8 —Fair use
- § 33:9 —Works made for hire

CHAPTER 34. LIBRARIES

I. LIBRARIES SERVING SCHOOLS

- § 34:1 Introduction to school libraries
- § 34:2 School board's authority to provide library service, in general
- § 34:3 School district public libraries
- § 34:4 Community library service for schools—Other libraries in school districts
- § 34:5 —Public library service for schools

II. STATE LIBRARY

- § 34:6 Role of state library board
- § 34:7 Composition of state library board
- § 34:8 State librarian

III. LIBRARY TRUSTEES AND STAFF

- § 34:9 Library boards—Board members, officers
- § 34:10 —Board of trustees as an entity

- § 34:11 —Quorum, open meetings
- § 34:12 Powers of library board—In general
- § 34:13 —Specific applications
- § 34:14 Financial transactions of library boards
- § 34:15 Library employees—Compensation and fringe benefits
- § 34:16 —Library board fiscal officer

IV. BUDGET AND REVENUE

- § 34:17 Library budget, annual appropriation
- § 34:18 Income tax
- § 34:19 Tax levies, in general—School board tax levy for library purposes
 - § 34:20 —Tax levies by community libraries
 - § 34:21 —No requirement to levy
 - § 34:22 Ten-mill limitation, special levies—Special levy within ten-mill limitation
 - § 34:23 —Property tax in excess of ten-mill limitation
 - § 34:24 Bond issues

V. FORMS

A. IN GENERAL

- § 34:25 Procedural steps and documentation required for tax levies and bond election proceedings, generally

B. TAX LEVY PROCEEDINGS

- § 34:26 Library district resolution of necessity for additional tax levy
- § 34:27 Library district resolution to proceed with the question of an additional tax levy
- § 34:28 Board of Election's resolution of necessity and submitting to the electors the question of an additional tax levy
- § 34:29 Director of elections receipt
- § 34:30 Notice of election on tax levy in excess of ten-mill limitation
- § 34:31 Sample form ballot

C. BOND ELECTION PROCEEDINGS

- § 34:32 Treasurer's certificate
- § 34:33 Director of elections receipt

CHAPTER 35. SCHOOL SUPPLIES AND FOOD SERVICE

I. SUPPLIES

- § 35:1 Purchase of school supplies

TABLE OF CONTENTS

- § 35:2 Charging pupils for items other than textbooks
- § 35:3 Vending machines, use of proceeds

II. FOOD SERVICES

- § 35:4 Operation of food service by school district—In general
- § 35:5 —Meals for the elderly
- § 35:6 —Use of facilities by outside groups
- § 35:7 Cooperative food service operations among districts
- § 35:8 Sanitation and safety of food service operations
- § 35:9 Breakfast and lunch programs
- § 35:10 Nutrition standards, dietary guidelines and beverage limitations

CHAPTER 36. ACQUIRING AND DISPOSING OF PROPERTY

I. ACQUIRING PROPERTY

- § 36:1 Authority of board to acquire, possess, and use property
- § 36:2 Purchase of real property—In general
- § 36:3 —Incidental costs, terms of purchase
- § 36:4 —Option to purchase
- § 36:5 Eminent domain and appropriation of real property
- § 36:6 Purchase of personal property—In general
- § 36:7 Purchase of property—Competitive bidding
- § 36:8 —Specific property or equipment
- § 36:9 Lease, trade, or exchange of real or personal property
- § 36:10 Acquisition of property by gift, devise, bequest, or transfer—Real property
- § 36:11 —Personal property
- § 36:12 —Surplus computers and computer equipment
- § 36:13 Acquisition of property by educational service centers
- § 36:14 Joint acquisition of property
- § 36:15 Non-discrimination/equal opportunity

II. DISPOSING OF SCHOOL PROPERTY

- § 36:16 Power to dispose of property
- § 36:17 Lease of property—In general
- § 36:18 —Mineral leases
- § 36:19 Sale of real or personal property—In general
- § 36:20 —Procedure
- § 36:21 Sale or lease of unused school property
- § 36:22 Granting option to purchase
- § 36:23 Donation of school property
- § 36:24 Other methods for selling or leasing school district property
- § 36:25 Reversion of school district title to real property
- § 36:26 Use of sale proceeds and rentals

§ 36:27 Tax implications on sale of school property

III. FORMS

- § 36:28 Resolution authorizing purchase of real estate
- § 36:29 Resolution authorizing temporary leasing of certain property
- § 36:30 Resolution to sell property that does not exceed \$10,000 in value
- § 36:31 Resolution to sell real property to another public body
- § 36:32 Resolution to sell property that exceeds \$10,000 in value
- § 36:33 Notice of public auction of real property
- § 36:34 Notice of public auction of personal property
- § 36:35 Conditions of sale of certain real property
- § 36:36 Conditions of sale of certain personal property
- § 36:37 Bid and offer to purchase and acceptance
- § 36:38 Resolution accepting highest bid for property
- § 36:39 Resolution to make school district property available to nonprofit organizations

CHAPTER 37. CONSTRUCTION AND REPAIR OF SCHOOL BUILDINGS

I. IN GENERAL

- § 37:1 Authority of board—In general, board discretion
- § 37:2 —Contracting procedures
- § 37:3 —Building standards
- § 37:4 Storm Shelters
- § 37:5 Zoning and building codes and fees
- § 37:6 Plans and specifications—Preparation of plans, specifications, and cost estimates, changes—Competitive bidding
 - § 37:7 —Contracting for professional design services
 - § 37:8 Employing design-build firm—Best value selection method
 - § 37:9 Insurance of professional design and design-build firms
 - § 37:10 Indemnity provisions in design contracts
 - § 37:11 Exception to selection process for professional design and design-build firms
 - § 37:12 Plans and specifications—Approval by building department
 - § 37:13 Labor organizations
 - § 37:14 Competitive bidding requirement—In general
 - § 37:15 —Exceptions
 - § 37:16 —Procedure
 - § 37:17 —Form of bids, bidder's security for performance
 - § 37:18 —Examination, acceptance, and rejection of bids—In general
 - § 37:19 ——Award of contract, performance bonds, notice to surety on performance bonds
 - § 37:20 Costs of construction—Availability of funds, certification

TABLE OF CONTENTS

- § 37:21 —Funds from which payment may be made
- § 37:22 Restrictions on awarding contracts for goods, services or construction
- § 37:23 Construction, progress payments—Detailed estimates
- § 37:24 —Progress payments
- § 37:25 Construction and maintenance: Safety and sanitation standards, supervision and inspection
- § 37:26 Employing construction manager as advisor
- § 37:27 Employing construction manager at risk
- § 37:28 Selection Committee—Construction Manager at Risk and Design-Build
- § 37:29 Subcontract form
- § 37:30 Non-applicability of prevailing wage laws
- § 37:31 Notice of commencement
- § 37:32 Lien on funds of principal contractor/Lien affidavit

II. FORMS

- § 37:33 Advertisement for bids
- § 37:34 Bid form
- § 37:35 Form of bid guaranty and performance/ payment bond
- § 37:36 Resolution accepting bid and awarding contract
- § 37:37 Form of performance bond
- § 37:38 Certification of funds
- § 37:39 Resolution declaring urgent necessity
- § 37:40 Resolution regarding single source exemption from competitive bidding

CHAPTER 38. MANAGEMENT AND USE OF SCHOOL PROPERTY

I. PUBLIC SCHOOL PROPERTY GENERALLY

- § 38:1 Introduction

II. MAINTENANCE

- § 38:2 Maintenance of school property—Generally
- § 38:3 —Snow removal by township

III. SECURITY

- § 38:4 Restricting access to school property, trespass—Rules on access and use, posting
- § 38:5 —Criminal trespass
- § 38:6 Offenses against school property—Arson and related offenses
- § 38:7 —Disrupting public services
- § 38:8 —Vandalism and lesser offenses
- § 38:9 —Computer hacking and computer viruses

- § 38:10 —Theft offenses
- § 38:11 Disorderly conduct near school property
- § 38:12 Rewards posted by boards of education for certain violations of law
- § 38:13 Parental liability for property damage, theft, or assault by children—Statutory liability
- § 38:14 —Common-law liability
- § 38:15 Sexual offenders establishing residence near a school

IV. USE OF SCHOOL PROPERTY

- § 38:16 Primary use of school property for school purposes
- § 38:17 Use of school property by others, in general—Discretion of board
 - § 38:18 —Equal access requirement
 - § 38:19 —Liability insurance
 - § 38:20 —Fees
- § 38:21 Use of school property for educational and recreational purposes—Use by “responsible” organizations
- § 38:22 Use of school property for nonschool purposes—Duty of board to adopt rules on use
- § 38:23 Use of school property for public meetings and entertainments—Generally
 - § 38:24 —Use subject to rules and payment of fees
 - § 38:25 —Parochial school students
 - § 38:26 —Tax levy and bond issue committees
 - § 38:27 Use of school property for political purposes
 - § 38:28 Use of school property for religious purposes
 - § 38:29 Payment for use of school property, expenses, damages

V. REGULATION OF SMOKING

- § 38:30 Bans on indoor smoking

PART VI. FINANCES—RECORDS

CHAPTER 39. SOURCES OF REVENUE

- § 39:1 Introduction, sources of revenue

I. LOCAL PROPERTY TAX REVENUES

- § 39:2 Taxing power, authority of board to levy taxes
- § 39:3 Ten-mill limitation, voted and unvoted levies
- § 39:4 Changes in property valuations, tax exemptions, notice to board, tax abatement
- § 39:5 Collection of taxes

II. SCHOOL FUNDING SYSTEM

- § 39:6 State aid for school operating expenses

TABLE OF CONTENTS

- § 39:7 —New funding formula
- § 39:8 —Administration of school funding system, appropriations
- § 39:9 Prerequisites for participation in school funding system—
 - Minimum school year hours
- § 39:10 —Minimum tax levy
- § 39:11 Nonoperating uses for school funding system—Funding for special education
- § 39:12 —Vocational education
- § 39:13 Records and reports—In general
- § 39:14 —Formula ADM, average daily membership, and other required student counts
- § 39:15 —Information on licensed employees
- § 39:16 —Information on tax values and rates
- § 39:17 —Information on uncollectable taxes and tax abatement payments

III. MISCELLANEOUS SOURCES OF REVENUE

- § 39:18 Fines and forfeitures
- § 39:19 Estate and inheritance taxes
- § 39:20 Income tax; school district
- § 39:21 Income tax; shared municipal
- § 39:22 Bequests and gifts, school foundations
- § 39:23 Tuition
- § 39:24 Income from athletic events, activity fees, miscellaneous income

CHAPTER 40. TAX BUDGET, TAX LEVIES, AND APPROPRIATIONS

I. TAX BUDGET

- § 40:1 Duty to prepare annual tax budget
- § 40:2 Fiscal year and school year
- § 40:3 Tax budget timetable
- § 40:4 Form of tax budget—Required contents
- § 40:5 —Contingent expenses and reserve
- § 40:6 —Reserve balance account
- § 40:7 County budget commission—Powers and duties of commission
 - Reviewing need for each tax
- § 40:8 —Levies approved by voters
- § 40:9 —Appeal from decision of budget commission

II. PROPERTY TAX LEVIES

- § 40:11 Basis for tax levies
- § 40:12 Requirement for separate levies
- § 40:13 General and special levies within ten-mill limitation
- § 40:14 Special levies outside ten-mill limitation

- § 40:15 —Single-purpose nonemergency tax levies
- § 40:16 —Multiple-purpose tax levies
- § 40:17 —Emergency tax levies
- § 40:18 —Conversion tax levies
- § 40:19 —Substitute tax levies
- § 40:20 —Incremental tax levies
- § 40:21 —County school financing district tax levies
- § 40:22 —Regional student education district tax levies
- § 40:23 —Partnering community schools
- § 40:24 Renewal tax levies
- § 40:25 Replacement tax levies
- § 40:26 Election on tax levy outside of ten-mill limitation
- § 40:27 Reduction in effective rate of additional tax levy

III. APPROPRIATIONS

- § 40:28 Annual appropriation resolution—Necessity for annual appropriation
- § 40:29 —Certificate of resources
- § 40:30 —Temporary resolution and annual appropriation measure
- § 40:31 —Limitations on amount appropriated
- § 40:32 Amending or supplementing appropriation resolution
- § 40:33 Adoption of spending plan concurrent with adoption of appropriation resolution
- § 40:34 County auditor's certificate that appropriations do not exceed estimate

IV. FISCAL EMERGENCIES

- § 40:35 Fiscal caution, fiscal watch and fiscal emergency determinations for school districts
- § 40:36 Solvency assistance fund

V. FORMS

A. IN GENERAL

- § 40:37 Procedural steps and technical documentation required for tax levies, generally

B. TAX LEVIES—CURRENT EXPENSES

- § 40:38 Resolution declaring necessity pursuant to R.C. 5705.03 and R.C. 5705.21—Tax levy for current expenses (additional levy)
- § 40:39 Resolution of necessity pursuant to R.C. 5705.21—Tax levy for current expenses (additional levy)
- § 40:40 Director of elections receipt—Tax levy for current expenses (additional levy)
- § 40:41 Notice of election—Tax levy for current expenses (additional levy)

TABLE OF CONTENTS

- § 40:42 Ballot Form—Tax levy for current expenses (additional levy)
- C. **TAX LEVIES—EMERGENCY REQUIREMENTS (ADDITIONAL LEVY)**
 - § 40:43 Resolution of necessity—Tax levy for emergency requirements (additional levy)
 - § 40:44 Resolution to proceed with submission of question—Tax levy for emergency requirements (additional levy)
 - § 40:45 Director of elections receipt—Tax levy for emergency requirements (additional levy)
 - § 40:46 Notice of election—Tax levy for emergency requirements (additional levy)
 - § 40:47 Ballot Form—Tax levy for emergency requirements (additional levy)
- D. **TAX LEVIES—OTHER TAX LEVIES—R.C. 5705.21 (ADDITIONAL LEVY)**
 - § 40:48 Resolution of necessity—Other tax levies under R.C. 5705.21 (additional levy)
 - § 40:49 Resolution to proceed with submission of question—Other tax levies under R.C. 5705.21 (additional levy)
 - § 40:50 Director of elections receipt—Other tax levies under R.C. 5705.21 (additional levy)
 - § 40:51 Notice of election—Other tax levies under R.C. 5705.21 (additional levy)
 - § 40:52 Ballot Form—Other tax levies under R.C. 5705.21 (additional levy)
- E. **SCHOOL DISTRICT INCOME TAX**
 - § 40:53 Resolution to commence school district income tax proceedings (new tax)
 - § 40:54 Resolution to place school district income tax on ballot (new tax)
 - § 40:55 Director of elections receipt—School district income tax proceedings (new tax)
 - § 40:56 Notice of election—School district income tax proceedings (new tax)
 - § 40:57 Ballot form—School district income tax proceedings (new tax)
- F. **REPLACEMENT TAX LEVY**
 - § 40:58 Resolution of Necessity—Replacement levy
 - § 40:59 Resolution of to proceed with submission of question—Replacement levy
 - § 40:60 Receipt of director of elections—Replacement levy
 - § 40:61 Notice of election—Replacement levy
 - § 40:62 Form ballot—Replacement levy

G. SUBSTITUTE TAX LEVY

- § 40:63 Resolution of necessity—Substitute levy
- § 40:64 Resolution to proceed with submitting the question—
Substitute levy
- § 40:65 Receipt of director of elections—Substitute levy
- § 40:66 Notice of election—Substitute levy
- § 40:67 Ballot form—Substitute levy

CHAPTER 41. BORROWING MONEY

I. GENERAL AUTHORITY TO BORROW MONEY

- § 41:1 Authority to borrow money
- § 41:2 Other types of borrowing

**II. UNIFORM PUBLIC SECURITIES LAW
RESTRICTIONS ON ISSUING BONDS AND NOTES**

- § 41:3 Uniform Public Securities Law
- § 41:4 Purposes of school borrowing
- § 41:5 Limits on unvoted debt—Statutory limitations
- § 41:6 —Constitutional limitation
- § 41:7 Limits on voted debt
- § 41:8 Special needs district
- § 41:9 Other limits on debt

**III. GENERAL PROCEDURES FOR ISSUING BONDS
AND NOTES**

- § 41:10 Election procedures for voted debt
- § 41:11 Determining estimated life of permanent improvement
- § 41:12 Calculating maturity of bonds, treasurer's certificate—
Calculation generally
- § 41:13 —Weighted average for multiple classes of improvements
- § 41:14 —Transfer of money among classes
- § 41:15 Resolution of necessity—In general
- § 41:16 —Contents
- § 41:17 —Consents required when debt will exceed certain amount
- § 41:18 —Certification of resolution to county auditor
- § 41:19 —Auditor's duties and certificate
- § 41:20 Resolution to proceed—In general
- § 41:21 —Contents
- § 41:22 Election
- § 41:23 —Notice of election
- § 41:24 —Form of ballot
- § 41:25 —Certification of election results
- § 41:26 Tax levy for debt service
- § 41:27 Authorization of bonds or notes—Procedure in general
- § 41:28 —Notes in anticipation of bonds

TABLE OF CONTENTS

- § 41:29 —Resolution authorizing notes
- § 41:30 —Maturity of notes, renewal
- § 41:31 —Resolution authorizing bonds
- § 41:32 —Capitalized interest and other costs included in the bond or note issue
- § 41:33 Sale of bonds or notes—Timing
- § 41:34 —Types of sale
- § 41:35 —Disclosure, official statement
- § 41:36 —Award
- § 41:37 —Proceeds of sale
- § 41:38 —Delivery of bonds or notes
- § 41:39 —Transcript of proceedings
- § 41:40 Refunding and defeasing bonds or notes
- § 41:41 Federal tax law provisions—Tax-exempt obligations and tax-credit obligations
- § 41:42 —Form of bonds, coupons, registration
- § 41:43 —Arbitrage bonds, loss of tax advantage
- § 41:44 —Use of proceeds, rebate
- § 41:45 —Qualified tax-exempt obligations
- § 41:46 Miscellaneous state law provisions—Lost or destroyed bonds
- § 41:47 —Incontestability
- § 41:48 —Validation of questioned securities

IV. BORROWING FOR CURRENT EXPENSES AND TAX ANTICIPATION NOTES

- § 41:49 Borrowing in anticipation of collection of current revenue—In general
- § 41:50 Tax anticipation notes—In general
- § 41:51 —Limits on amount

V. JOINT VOCATIONAL SCHOOL DISTRICT BONDS AND LEVIES

- § 41:52 Borrowing by joint vocational school district—Voted bond issues
- § 41:53 —Tax levy over ten-mill limitation
- § 41:54 —Tax anticipation notes

VI. STATE ASSISTANCE FOR CLASSROOM FACILITIES

- § 41:55 School Facilities Law
- § 41:56 Net bonded indebtedness and conditions of state assistance
- § 41:57 Application for state assistance, approval
- § 41:58 Conditional approval, proceedings to qualify for assistance—In general
- § 41:59 —Basic project cost
- § 41:60 —Segmenting of project

- § 41:61 —Bond issue, approval by voters
- § 41:62 —Lapsed approvals
- § 41:63 Proceedings for election—Resolution declaring necessity
- § 41:64 —Certification of resolution
- § 41:65 —Duties of county auditor
- § 41:66 —Resolution to proceed
- § 41:67 —Election, time, notice
- § 41:68 —Certification of election results
- § 41:69 Agreement for construction and sale of project—General requirements
 - § 41:70 —Supplemental agreement to adjust tax levied
 - § 41:71 Issuance of bonds or notes, proceeds of sale
 - § 41:72 Certification of tax levies
 - § 41:73 Vocational classroom facilities—In general
 - § 41:74 Conditions of state assistance
 - § 41:75 Application for state assistance, approval—Annual assessments
 - § 41:76 Conditional approval, proceedings to qualify for assistance
 - § 41:77 School district portion of basic project cost
 - § 41:78 Issuance of securities
 - § 41:79 Agreement for construction and sale of project

VII. EMERGENCY LOANS

- § 41:80 Emergency loans—Discontinued
- § 41:81 —Restructuring
- § 41:82 —Interest subsidy

VIII. FORMS

A. CURRENT TAX REVENUE NOTES

- § 41:83 Fiscal officer's certificate
- § 41:84 Note resolution
- § 41:85 Current tax revenue note form

B. TAX ANTICIPATION NOTES

- § 41:86 Fiscal officer's certificate
- § 41:87 Resolution authorizing tax anticipation notes
- § 41:88 Tax anticipation note form

C. VOTED BOND ANTICIPATION NOTES

- § 41:89 Resolution requesting fiscal officer to certify
- § 41:90 Fiscal officer's certificate
- § 41:91 Note resolution
- § 41:92 School improvement note form

D. BOND ELECTION PROCEEDINGS

- § 41:93 Resolution declaring the necessity of submitting the question of issuing bonds

TABLE OF CONTENTS

- § 41:94 Resolution to proceed with question
- § 41:95 Director of elections receipt
- § 41:96 Notice of election
- § 41:97 Form of ballot

E. VOTED BOND ISSUANCE PROCEEDINGS

- § 41:98 Fiscal officer's certificate
- § 41:99 Resolution authorizing voted school improvement bonds

CHAPTER 42. DEPOSITS AND INVESTMENTS

I. INTRODUCTION

- § 42:1 Uniform Depository Act, investment policies—In general
- § 42:2 —Requirement for written investment policy, investment restrictions if no written policy
- § 42:3 Liability for undeposited funds and securities
- § 42:4 Cash reserve

II. PUBLIC FUNDS AND ELIGIBLE DEPOSITORYES

- § 42:5 Public funds, types of deposits—"Public moneys," "public deposit," and "public depository"
- § 42:6 —"Active," "inactive," and "interim" deposits
- § 42:7 Eligible depositories—In general
- § 42:8 —Minority banks
- § 42:9 Maximum amount which may be deposited in given institution

III. PROCEDURE FOR DESIGNATING PUBLIC DEPOSITORYES

- § 42:10 Designating depositories, in general
- § 42:11 Separate treatment of active, inactive, and interim deposits
- § 42:12 Resolution estimating inactive deposits, publication
- § 42:13 Application to act as depository
- § 42:14 Award of deposits—Meeting of board of education
- § 42:15 —Award of deposits
- § 42:16 Conflict of interest in award, discrimination in apportioning deposits
- § 42:17 Evidence of deposits
- § 42:18 Transfer of inactive or interim funds to active funds
- § 42:19 Service charges

IV. SECURITY FOR PUBLIC DEPOSITS

- § 42:20 Depositories required to post security
- § 42:21 Securities eligible for pledge
- § 42:22 Public depository elects to secure public deposits

separately, designating qualified trustee, custodial agreement, and sale of pledged securities to recover public funds

§ 42:23 Public depository elects to secure public deposits through Treasurer of State's pooled collateral program, designating qualified trustee, custodial agreement, and sale of pledged securities to recover public funds

§ 42:24 Deposit of pledged securities with trustee—Eligible trustees

§ 42:25 —Compensation of trustee

§ 42:26 Exchange, release, and substitution of securities

V. INTEREST, ALLOCATION

§ 42:27 Interest, payment

§ 42:28 Allocation of interest among funds

VI. INVESTMENT OF PUBLIC FUNDS

§ 42:29 Investment of interim funds—In general

§ 42:30 —Certificate of deposit account registry services

§ 42:31 —Classifying funds as interim

§ 42:32 Duties of treasurer, deposit of investments with trustee

VII. PROHIBITED INVESTMENTS AND PRACTICES—TREASURER TRAINING

§ 42:33 Prohibited investments in derivatives—Other prohibited practices and restrictions—Arbitration clauses—Treasurer training

§ 42:34 Prohibited investments in derivatives; Other prohibited practices and restrictions; Arbitration clauses; Treasurer training—Only nonbinding arbitration clauses permitted in written investment or deposit agreements

§ 42:35 —Continuing education and training programs for treasurers

VIII. FORMS

§ 42:36 Resolution estimating the amount of moneys to be awarded

§ 42:37 Resolution designating depositories of public moneys

§ 42:38 Resolution designating additional depository of public moneys

CHAPTER 43. FINANCIAL TRANSACTIONS AND ACCOUNTING

I. SPENDING PUBLIC MONEY

§ 43:1 General considerations in spending school funds

§ 43:2 Requirement for authorization to spend money—In general

TABLE OF CONTENTS

- § 43:3 —Specific authorization
- § 43:4 —Authorization by necessary implication
- § 43:5 Requirement for public purpose
- § 43:6 Restrictions on earmarked funds
- § 43:7 Examples of authorized and unauthorized expenditures—
 - Influencing vote on levy or bond issue
- § 43:8 —Certain expenses of employees
- § 43:9 —Legal expenses
- § 43:10 —Miscellaneous expenses

II. PROCEDURE FOR EXPENDITURES

- § 43:11 Overview of procedure for expenditures
- § 43:12 Requisition and purchase order—Requisition
- § 43:13 —Purchase order
- § 43:14 —Disposition of purchase order
- § 43:15 Voucher and warrant—Voucher
- § 43:16 —Warrant
- § 43:17 Procedure for payment of purchases and contracts
- § 43:18 Procedure for payment of wages and salaries

III. FINANCIAL RECORDS

- § 43:19 Appropriation ledger
- § 43:20 Receipts and deposits—Receipts
- § 43:21 —Receipts ledger
- § 43:22 —Bank deposit slip
- § 43:23 Cash journal
- § 43:24 Individual payroll record

IV. SCHOOL FUNDS

- § 43:25 School funds—In general
- § 43:26 —Required funds
- § 43:27 —Transfer of money among funds
- § 43:28 Interest earned on funds
- § 43:29 General fund
- § 43:30 Bond funds
- § 43:31 Bond retirement fund
- § 43:32 Replacement fund
- § 43:33 Permanent improvement fund
- § 43:34 Textbook and instructional materials fund
- § 43:35 Capital and maintenance fund
- § 43:36 Budget reserve balance account
- § 43:37 Service fund
- § 43:38 Food service fund
- § 43:39 School supplies fund
- § 43:40 Student activities fund
- § 43:41 Special revenue fund
- § 43:42 Capital projects fund

- § 43:43 Nonexpendable trust fund
- § 43:44 Petty cash account

V. ACCOUNTING

- § 43:45 Uniform system of accounting—Duties of state auditor
- § 43:46 —Annual financial reports by board of education
- § 43:47 Audits—Examination of accounts and financial reports
- § 43:48 —Irregularities found in audit
- § 43:49 Duties of district treasurer
- § 43:50 Data processing
- § 43:51 Retention of records

CHAPTER 44. RECORDS OF EMPLOYEES AND PUPILS

I. PUBLIC RECORDS ACTS

- § 44:1 Introduction
- § 44:2 Public records—Policy and training
- § 44:3 —Definition of public records
- § 44:4 —Statutory exclusions
- § 44:5 —Exclusions from public records particularly relevant to work by school attorneys
- § 44:6 —Personnel records
- § 44:7 —Other applications
- § 44:8 —Procedures
- § 44:9 —Enforcement

II. OHIO PRIVACY ACT

- § 44:10 Introduction
- § 44:11 Scope
- § 44:12 Personal information and personal information systems
- § 44:13 Interconnected or combined personal information systems
- § 44:14 School district responsibility for personal information systems—Introduction
- § 44:15 —Liability and criminal penalties
- § 44:16 —System security and breach of security
- § 44:17 —Ensuring that information is accurate, timely, complete, necessary, and relevant
- § 44:18 Types, uses, and collection of information
- § 44:19 Right to inspect personal information
- § 44:20 Disputing accuracy, relevance, timeliness, or completeness of personal information

III. EMPLOYEE RECORDS

- § 44:21 Required employee records

IV. STUDENT RECORDS

- § 44:22 Required student records

TABLE OF CONTENTS

- § 44:23 Access to and release of student records—Comparison and scope of state and federal law
- § 44:24 —Restrictions
- § 44:25 —Directory information
- § 44:26 —Special circumstances
- § 44:27 —Conditions of release
- § 44:28 —Records of victims of domestic violence
- § 44:29 —Administrative use of student records
- § 44:30 —Other permitted disclosures
- § 44:31 Records made or maintained by technology providers
- § 44:32 Use of records in missing child investigation
- § 44:33 Record of persons requesting or obtaining access to student records
- § 44:34 Student and parent inspection rights
- § 44:35 Federal and state resolution of disputes over the contents of student records—Federal and state rights
- § 44:36 —Hearings
- § 44:37 —School district as final decision-maker
- § 44:38 Policies regarding student privacy rights
- § 44:39 Student health records
- § 44:40 Annual notice of rights to parents and pupils

V. DISPOSAL OF RECORDS

- § 44:41 Records commission
- § 44:42 Procedure for disposal of records

VI. FORMS

A. OHIO PRIVACY ACT

- § 44:43 Authorization to inspect personal information
- § 44:44 Request for investigation

B. STUDENT RECORDS PRIVACY ACTS

- § 44:45 Model notification of rights under FERPA for elementary and secondary schools
- § 44:46 Notice of designation of categories of directory information
- § 44:47 Consent to release of personally identifiable student information
- § 44:48 Notice to persons to whom records are released
- § 44:49 Notice of transfer of records to educational institution
- § 44:50 Notice of disclosure pursuant to judicial order or subpoena

PART VII. PUBLIC DUTY—SEARCH AND SEIZURE—LIABILITY

CHAPTER 45. ETHICS REQUIREMENTS AND EDUCATION PERSONNEL

I. OHIO ETHICS LAW

- § 45:1 Introduction, applicability of ethics laws—In general
- § 45:2 —Ohio ethics commission, advisory opinions
- § 45:3 —Applicability of ethics laws to education personnel
- § 45:4 Financial disclosure
- § 45:5 Restrictions on activities during and after employment
- § 45:6 Soliciting, receiving or providing improper compensation
- § 45:7 Conflict of interest with respect to public contracts—In general
 - Public contract, family members and business associates, interest in contract defined
 - § 45:9 —Business dealings exemption, limited interest as shareholder or creditor
 - § 45:10 —Exemption, arm's length transaction
 - § 45:11 —Exception for contract between public agencies
 - § 45:12 Examples of permitted and prohibited transactions involving public contracts—Nepotism
 - § 45:13 —Contracts with entities employing public officials, employees or family members
 - § 45:14 Conflict of interest with respect to textbooks and publishers
 - § 45:15 Campaign contributions and limits on issuing contracts
 - § 45:16 Compatible and incompatible offices—In general

II. MISCELLANEOUS PROHIBITIONS AFFECTING EDUCATION PERSONNEL

- § 45:17 Theft in office
- § 45:18 Dereliction of duty
- § 45:19 Interfering with civil rights
- § 45:20 Improper diversion of funds for political purposes
- § 45:21 Political activity by classified civil servants
- § 45:22 Duty to report fraud, theft and misuse of public funds

CHAPTER 46. LIABILITY OF SCHOOLS, OFFICERS, AND EMPLOYEES

I. LIABILITY UNDER STATE LAW

- § 46:1 School district liability for tort claims—Sovereign immunity
- § 46:2 —Ohio Public Liability Act

TABLE OF CONTENTS

- § 46:3 —Overview
- § 46:4 —First tier analysis: Governmental and proprietary functions
- § 46:5 —Second tier analysis: Liability of school districts
- § 46:6 —Third tier analysis: Defenses to claims
- § 46:7 Immunity of personnel
- § 46:8 Immunity of personnel under federal law
- § 46:9 School board's duty to defend and indemnify employees
- § 46:10 Negligence standard in the school setting
- § 46:11 Duty to exercise due care toward students—Violations of duty to exercise due care toward students
- § 46:12 Limitation of actions, limits on damages, pleading, appeal
- § 46:13 Damages
- § 46:14 Payment of judgments
- § 46:15 Contract claims
- § 46:16 Qualified immunity for disclosing job performance information
- § 46:17 Injunctive relief
- § 46:18 Liability for hazing
- § 46:19 Liability to recreational users
- § 46:20 Moral obligation doctrine

II. LIABILITY FOR FEDERAL CIVIL RIGHTS VIOLATIONS

- § 46:21 Federal civil rights violations—In general
- § 46:22 —Scope of 42 U.S.C.A. § 1983
- § 46:23 —State and federal claims, limitation of actions, damages
- § 46:24 Violation of constitutional rights giving rise to Section 1983 liability—Procedural due process
- § 46:25 —Substantive due process
- § 46:26 —First Amendment freedoms
- § 46:27 —Freedom from discrimination
- § 46:28 —Right to privacy
- § 46:29 Liability of board members, officers, and employees for civil rights violations—Board members and officers
- § 46:30 —Teachers and employees
- § 46:31 —Qualified immunity
- § 46:32 Recovery of attorney fees

III. INSURANCE AND INDEMNIFICATION

- § 46:33 Authority of school board to provide for insurance—Purchase of insurance
- § 46:34 —Self-insurance
- § 46:35 —Providing for insurance not waiver of immunity or defense
- § 46:36 Joint self-insurance pool—In general
- § 46:37 —Reserves, report to superintendent of insurance
- § 46:38 —Administration of pool

- § 46:39 —Costs and funding, bond issue
- § 46:40 —Property and casualty insurance
- § 46:41 —Effect of collective bargaining agreement
- § 46:42 Liability insurance for personnel
- § 46:43 Automobile insurance
- § 46:44 Student accident insurance

CHAPTER 47. SEARCH AND SEIZURE

- § 47:1 Standards for student searches and seizures by school officials
- § 47:2 Police involvement in search
- § 47:3 Locker searches
- § 47:4 Drug testing of students
- § 47:5 Use of drug-detecting dogs
- § 47:6 Legal effect of unlawful search—Exclusionary rule
- § 47:7 Employee searches and seizures by school officials
- § 47:8 Employee searches by school officials—Drug testing of school employees
- § 47:9 Legal effect of unlawful search—Liability for unlawful searches

PART VIII. NONPUBLIC SCHOOL SYSTEM AND COMMUNITY SCHOOLS

CHAPTER 48. COMMUNITY SCHOOLS

- § 48:1 Community schools—In general
- § 48:2 Forming a community school
- § 48:3 Community school governing authority
- § 48:4 Regulation of community school sponsors
- § 48:5 Minimum contract requirements for community schools
- § 48:6 Regulation of community school operators
- § 48:7 Applicability of general school laws to community schools
- § 48:8 Employment at community schools
- § 48:9 Ethics in community schools
- § 48:10 Funding and fiscal oversight at community schools
- § 48:11 Probation, suspension, renewal and termination of community school sponsor contracts
- § 48:12 Admission procedures and program requirements at community schools
- § 48:13 Internet and computer-based community schools
- § 48:14 Dropout prevention and recovery community schools
- § 48:15 Achievement and quality assessment at community schools and its consequences
- § 48:16 Transportation at community schools

TABLE OF CONTENTS

CHAPTER 49. PRIVATE AND PAROCHIAL SCHOOLS

§ 49:1 Private and parochial schools defined

I. STATE REGULATION

§ 49:2 Right of private and parochial schools to exist
§ 49:3 Minimum state standards for private and parochial schools
§ 49:4 Compulsory school attendance, employment of minors—In general
 —School calendar
§ 49:6 —Report of students in attendance
§ 49:7 —Age and schooling certificates
§ 49:8 Annual progress reports to Department of Education and Workforce

II. STATE AID

§ 49:9 State aid to parochial schools—Constitutional limitations, generally
§ 49:10 —Constitutional limitations and aid for testing, reporting, and teaching on parochial school premises
§ 49:11 —Constitutional limitations and textbooks and instructional materials
§ 49:12 Aid provided in Ohio—Foundation funds
§ 49:13 —“EdChoice” Vouchers
§ 49:14 Transportation of private and parochial school students—Transportation at public expense
§ 49:15 —Transportation by school

III. ADMISSION TO PRIVATE SCHOOLS, RECORDS

§ 49:16 Admission, nondiscrimination—In general
§ 49:17 —Dual enrollment and post-secondary options program
§ 49:18 Records upon admission
§ 49:19 Enrollment contracts—Contents
§ 49:20 —Interpretation
§ 49:21 Tuition: Payment and recovery
§ 49:22 Withholding transcript for nonpayment of tuition and fees
§ 49:23 Inspection and release of student records

IV. CONDUCT AND DISCIPLINE OF STUDENTS

§ 49:24 Conduct and discipline in general
§ 49:25 Private schools and the requirement of due process
§ 49:26 Search and seizure
§ 49:27 Freedom of speech and press

V. EMPLOYMENT

§ 49:28 Employment of teaching and nonteaching personnel, generally

- § 49:29 Verification of identity and work authorization
- § 49:30 Teacher licensure
- § 49:31 Compensation, fringe benefits, retirement
- § 49:32 Unemployment compensation, workers' compensation
- § 49:33 Breach of employment contract
- § 49:34 Dismissal of employees
- § 49:35 Nonrenewal of contract
- § 49:36 Collective bargaining

VI. DISCRIMINATION BY PRIVATE AND PAROCHIAL SCHOOLS

- § 49:37 Discrimination in programs and activities
- § 49:38 Discrimination in employment

VII. TAX EXEMPTION OF PRIVATE AND PAROCHIAL SCHOOLS

- § 49:39 Federal tax-exempt status of nonpublic schools
- § 49:40 Taxation of unrelated business income
- § 49:41 Exemption from state taxes

VIII. LIABILITY

- § 49:42 Tort liability of private schools, officers, and employees—In general
 - Tort liability of private school employees
 - Tort liability of directors of private schools
- § 49:43
- § 49:44

IX. STUDENT ATHLETE ELIGIBILITY

- § 49:45 Ohio High School Athletic Association (OHSAA)

APPENDIX

APPENDIX Calendar for School District Officials

Table of Laws and Rules

Table of Cases

Index