



Ohio Administrative Code

Rule 3301-15-02 Exemptions from state statutory provisions and rules.

Effective: December 23, 2017

(A) Pursuant to section 3302.05 of the Revised Code, the board of education of any school or district that meets the requirements set-forth in section 3302.03 of the Revised Code and wishes to be exempt from certain statutes and/or rules that pertain to state education requirements shall submit to the state board of education a resolution that identifies the specific education statutes and/or rules from which the school or district is exempt. The resolution shall be sent to the state department of education for informational purposes only.

The following limitations apply to these exemptions:

(1) If the district employs teachers under a collective bargaining agreement adopted pursuant to Chapter 4117. of the Revised Code, written consent of the teachers' employee representative designated under division (B) of section 4117.04 of the Revised Code shall accompany the resolution;

(2) The resolution shall be limited to the provisions of Title XXXIII of the Revised Code or to any rule of the state board of education adopted pursuant to that title, except that no exemption shall be made from the provisions of, or rule adopted pursuant to Chapter 3306., 3307. or 3309. of the Revised Code, sections 3319.07 to 3319.21 of the Revised Code, or Chapter 3323. of the Revised Code, or from any operating standard adopted under division (D)(2) or (D)(3) of section 3301.07 of the Revised Code and Chapter 3301-35 of the Administrative Code;

(3) Any exemption shall be limited to a period not to exceed five years;

(4) If any school or district that has granted itself an exemption fails to meet the criteria provided in division (B)(1) or (B)(2) of section 3302.03 of the Revised Code, the school or district shall no longer be eligible for the exemption and the board of education of the school district shall revoke the resolution that identifies the specific education statutes and rules and send a copy of the revocation to the state department of education for informational purposes; and



(5) Exemptions for innovative pilot programs must be submitted via application to the state board of education for its approval in accordance with section 3302.07 of the Revised Code.

(B) Notwithstanding paragraph (A)(2) of this rule, the following additional statutes and rules are not subject to exemption via this process:

(1) Statutes or rules that ensure the health and/or safety of pupils, including, but not limited to, sections 3313.50 (records of hearing and vision tests of school children); 3313.536 (school safety plan); 3313.643 (eye protection devices); 3313.67 (immunization of pupils); 3313.672 (new pupil to present school records); 3313.673 (screening of beginning pupils for special learning needs); 3313.69 (hearing and vision tests); 3313.71 (examinations and diagnoses by school physician); 3313.713 (administration of medication); 3313.719 (peanut or other food allergy); 3313.96 (informational programs relative to missing children); Chapter 3327. (relating to transportation of pupils and qualifications of drivers); and section 3737.73 (emergency preparedness plan) of the Revised Code;

(2) Statutes or rules for the implementation of the education management information system (EMIS), including section 3301.0714 of the Revised Code and Chapters 3301-14 and 3301-17 of the Administrative Code. (Districts must participate in EMIS.);

(3) Statutes or rules for the implementation of the proficiency or achievement tests, including sections 3301.0710 and 3301.0711 of the Revised Code and Chapter 3301-13 of the Administrative Code. (Districts must participate in and follow the requirements for proficiency or achievement testing.);

(4) Section 3313.608 of the Revised Code related to fourth-grade reading capability;

(5) Section 3313.603 of the Revised Code related to requirements for graduation and credit flexibility;

(6) Statutes or rules for the identification of gifted children, including section 3324.03 of the Revised Code. (Districts must identify gifted children and report the number to the department for funding



purposes.);

(7) Statutes or rules relating to school finance and the calculation of funds for school districts;

(8) Section 3321.01 of the Revised Code relating to compulsory school age; and, statutes or rules that grant rights to parents, as "parent" is defined in section 3321.01 of the Revised Code;

(9) Statutes or rules relating to suspension, expulsion or permanent exclusion of pupils, including sections 3313.66, 3313.661, and 3313.662 of the Revised Code;

(10) Statutes or rules relating to the following sections of the Revised Code, including sections 3313.201 (purchase of liability insurance); 3313.80 (display of national flag); 3319.321 (confidentiality of student information); 3319.39 (criminal records check for applicants responsible for children); and 3319.391 (criminal records checks for applicants for positions not requiring licensure and not involving operation of a pupil transportation vehicle) of the Revised Code;

(11) Sections 3319.22 to 3319.31 of the Revised Code relating to licensure of school personnel except that a district may engage non-certificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;

(12) Sections 3313.48 and 3313.481 of the Revised Code relating to minimum school year except that the minimum school year may be based on the provision of learning opportunities for a minimum of nine hundred twenty hours per school year;

(13) Sections 3313.61 and 3313.611 of the Revised Code relating to granting of diplomas and adult education diplomas; and

(14) Performance indicators created by the state board of education under section 3302.02 of the Revised Code.