

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 126

Senator Manning

A BILL

To amend section 5122.04 of the Revised Code and to
amend Section 265.10 of Am. Sub. H.B. 49 of the
132nd General Assembly and Section 265.210 of
Am. Sub. H.B. 49 of the 132nd General Assembly,
as subsequently amended, to authorize a mental
health professional to provide a crisis
assessment, without parental consent, to a minor
who is or is believed to be suicidal and to make
an appropriation to support the employment of
social workers or mental or behavioral health
professionals at educational service centers.

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

Section 1. That section 5122.04 of the Revised Code be
amended to read as follows:

Sec. 5122.04. (A) Upon the request of a minor fourteen
years of age or older, a mental health professional may provide
outpatient mental health services, excluding the use of
medication, without the consent or knowledge of the minor's
parent or guardian. Except as otherwise provided in this
section, the minor's parent or guardian shall not be informed of

the services without the minor's consent unless the mental 20
health professional treating the minor determines that there is 21
a compelling need for disclosure based on a substantial 22
probability of harm to the minor or to other persons, and if the 23
minor is notified of the mental health professional's intent to 24
inform the minor's parent, or guardian. 25

(B) Services provided to a minor pursuant to this section 26
shall be limited to not more than six sessions or thirty days of 27
services whichever occurs sooner. After the sixth session or 28
thirty days of services the mental health professional shall 29
terminate the services or, with the consent of the minor, notify 30
the parent, or guardian, to obtain consent to provide further 31
outpatient services. 32

(C) The minor's parent or guardian shall not be liable for 33
the costs of services which are received by a minor under 34
division (A). 35

(D) (1) A mental health professional may provide a crisis 36
assessment to a minor without the consent or knowledge of the 37
minor's parent, legal guardian, or custodian if both of the 38
following are the case: 39

(a) The professional believes the minor is suicidal or has 40
received credible information from an adult supervising the 41
minor that the minor is or is believed to be suicidal. 42

(b) The minor's parent, legal guardian, or custodian is 43
not available to provide consent. 44

(2) As soon as practicable after the crisis assessment, 45
the mental health professional shall make a good faith effort to 46
notify the minor's parent, legal guardian, or custodian that the 47
assessment was provided. 48

(E) Nothing in this section relieves a mental health professional from the obligations of section 2151.421 of the Revised Code.

~~(E)~~ (F) As used in this section, "mental health professional" ~~has the same meaning as in section 340.02 means a~~ person qualified to work with mentally ill persons under the standards established by the director of mental health and addiction services pursuant to section 5119.36 of the Revised Code.

Section 2. That existing section 5122.04 of the Revised Code is hereby repealed.

Section 3. That Section 265.10 of Am. Sub. H.B. 49 of the 132nd General Assembly be amended to read as follows:

Sec. 265.10. EDU DEPARTMENT OF EDUCATION
General Revenue Fund

GRF	200321	Operating Expenses	\$ 14,693,536	\$ 14,736,578
GRF	200408	Early Childhood Education	\$ 68,116,789	\$ 68,116,789
GRF	200420	Information Technology Development and Support	\$ 3,770,170	\$ 3,770,170
GRF	200422	School Management Assistance	\$ 2,077,615	\$ 2,113,413
GRF	200424	Policy Analysis	\$ 428,962	\$ 428,962
GRF	200426	Ohio Educational Computer Network	\$ 15,457,000	\$ 15,457,000
GRF	200427	Academic Standards	\$ 3,819,487	\$ 3,819,487

GRF	200437	Student Assessment	\$ 55,959,287	\$ 56,025,042	75
GRF	200439	Accountability/Report Cards	\$ 413,167	\$ 913,167	76 77
GRF	200442	Child Care Licensing	\$ 1,852,200	\$ 1,887,863	78
GRF	200446	Education Management Information System	\$ 7,574,367	\$ 7,620,414	79 80
GRF	200448	Educator Preparation	\$ 1,710,384	\$ 1,710,384	81
GRF	200455	Community Schools and Choice Programs	\$ 4,435,845	\$ 4,585,028	82 83
GRF	200465	Education Technology Resources	\$ 5,179,107	\$ 5,179,107	84 85
GRF	200502	Pupil Transportation	\$ 546,738,753	\$ 527,129,809	86
GRF	200505	School Lunch Match	\$ 8,963,500	\$ 8,963,500	87
GRF	200511	Auxiliary Services	\$ 150,594,178	\$ 150,594,178	88
GRF	200532	Nonpublic Administrative Cost Reimbursement	\$ 68,034,790	\$ 68,034,790	89 90 91
GRF	200540	Special Education Enhancements	\$ 152,350,000	\$ 152,350,000	92 93
GRF	200545	Career-Technical Education Enhancements	\$ 10,665,866	\$ 9,600,892	94 95
GRF	200550	Foundation Funding	\$ 6,799,882,816	\$ 6,937,228,845 <u>6,942,228,845</u>	96 97
GRF	200566	Literacy Improvement	\$ 750,000	\$ 1,250,000	98
GRF	200572	Adult Education	\$ 7,533,216	\$ 8,702,475	99

		Programs				100
GRF	200573	EdChoice Expansion	\$ 38,400,000	\$ 47,700,000		101
GRF	200574	Half-Mill Maintenance	\$ 18,715,000	\$ 18,912,000		102
		Equalization				103
GRF	200576	Adaptive Sports	\$ 50,000	\$ 50,000		104
		Program				105
GRF	200578	Violence Prevention	\$ 250,000	\$ 250,000		106
		and School Safety				107
GRF	657401	Medicaid in Schools	\$ 295,500	\$ 295,500		108
TOTAL GRF	General Revenue Fund		\$ 7,988,711,535	\$ 8,117,425,393		109
				<u>8,122,425,393</u>		110
	Dedicated Purpose Fund Group					111
4520	200638	Charges and	\$ 1,000,000	\$ 1,000,000		112
		Reimbursements				113
4540	200610	High School	\$ 1,187,065	\$ 0		114
		Equivalency				115
4550	200608	Commodity Foods	\$ 16,000,000	\$ 16,000,000		116
4L20	200681	Teacher Certification	\$ 16,002,297	\$ 16,002,297		117
		and Licensure				118
5980	200659	Auxiliary Services	\$ 2,930,000	\$ 2,930,000		119
		Reimbursement				120
5H30	200687	School District	\$ 8,000,000	\$ 8,000,000		121
		Solvency Assistance				122
5KX0	200691	Ohio School	\$ 828,600	\$ 828,600		123
		Sponsorship Program				124

5MM0	200677	Child Nutrition	\$ 550,000	\$ 550,000	125
		Refunds			126
5U20	200685	National Education	\$ 150,000	\$ 150,000	127
		Statistics			128
5UC0	200662	Accountability/Report	\$ 5,000,000	\$ 5,000,000	129
		Cards			130
6200	200615	Educational	\$ 800,000	\$ 600,000	131
		Improvement Grants			132
TOTAL DPF Dedicated Purpose Fund			\$ 52,447,962	\$ 51,060,897	133
Group					134
Internal Service Activity Fund Group					135
1380	200606	Information Technology	\$ 7,047,645	\$ 7,047,645	136
		Development and Support			137
4R70	200695	Indirect Operational	\$ 7,856,766	\$ 7,856,766	138
		Support			139
4V70	200633	Interagency Program	\$ 500,000	\$ 500,000	140
		Support			141
TOTAL ISA Internal Service Activity			\$ 15,404,411	\$ 15,404,411	142
Fund Group					143
State Lottery Fund Group					144
7017	200612	Foundation Funding	\$ 1,086,030,000	\$ 1,087,030,000	145
7017	200629	Community Connectors	\$ 4,000,000	\$ 4,000,000	146
7017	200684	Community School	\$ 16,600,000	\$ 16,600,000	147
		Facilities			148
TOTAL SLF State Lottery Fund Group			\$ 1,106,630,000	\$ 1,107,630,000	149

Federal Fund Group					150
3670	200607	School Food Services	\$ 10,080,635	\$ 10,280,635	151
3700	200624	Education of	\$ 2,000,000	\$ 2,000,000	152
		Exceptional Children			153
3AF0	657601	Schools Medicaid	\$ 750,000	\$ 750,000	154
		Administrative Claims			155
3AN0	200671	School Improvement	\$ 25,000,000	\$ 25,000,000	156
		Grants			157
3C50	200661	Early Childhood	\$ 12,555,000	\$ 12,555,000	158
		Education			159
3D20	200667	Math Science	\$ 7,000,000	\$ 7,000,000	160
		Partnerships			161
3EH0	200620	Migrant Education	\$ 2,500,000	\$ 2,500,000	162
3EJ0	200622	Homeless Children	\$ 2,600,000	\$ 2,600,000	163
		Education			164
3GE0	200674	Summer Food Service	\$ 14,856,635	\$ 14,856,635	165
		Program			166
3GG0	200676	Fresh Fruit and	\$ 4,677,340	\$ 4,677,340	167
		Vegetable Program			168
3HF0	200649	Federal Education	\$ 6,364,327	\$ 6,364,327	169
		Grants			170
3L60	200617	Federal School Lunch	\$ 394,612,000	\$ 406,450,000	171
3L70	200618	Federal School	\$ 142,688,750	\$ 154,103,850	172
		Breakfast			173
3L80	200619	Child/Adult Food	\$ 106,913,755	\$ 106,913,755	174
		Programs			175

3L90	200621	Career-Technical	\$ 44,663,900	\$ 44,663,900	176
		Education Basic Grant			177
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000	178
3M20	200680	Individuals with	\$ 445,000,000	\$ 445,000,000	179
		Disabilities Education			180
		Act			181
3T40	200613	Public Charter Schools	\$ 14,200,000	\$ 14,200,000	182
3Y20	200688	21st Century Community	\$ 47,500,000	\$ 47,500,000	183
		Learning Centers			184
3Y60	200635	Improving Teacher	\$ 85,000,000	\$ 85,000,000	185
		Quality			186
3Y70	200689	English Language	\$ 10,101,411	\$ 10,101,411	187
		Acquisition			188
3Y80	200639	Rural and Low Income	\$ 3,300,000	\$ 3,300,000	189
		Technical Assistance			190
3Z20	200690	State Assessments	\$ 11,500,000	\$ 11,500,000	191
3Z30	200645	Consolidated Federal	\$ 10,168,964	\$ 10,168,964	192
		Grant Administration			193
TOTAL FED	Federal Fund Group		\$ 2,004,032,717	\$ 2,027,485,817	194
TOTAL ALL BUDGET FUND GROUPS			\$ 11,167,226,625	\$ 11,319,006,518	195
				<u>11,324,006,518</u>	196

Section 4. That existing Section 265.10 of Am. Sub. H.B. 197
49 of the 132nd General Assembly is hereby repealed. 198

Section 5. That Section 265.210 of Am. Sub. H.B. 49 of the 199
132nd General Assembly, as amended by Sub. H.B. 98 of the 132nd 200
General Assembly, be amended to read as follows: 201

Sec. 265.210. FOUNDATION FUNDING 202

Of the foregoing appropriation item 200550, Foundation 203
Funding, up to \$40,000,000 in each fiscal year shall be used to 204
provide additional state aid to school districts, joint 205
vocational school districts, community schools, and STEM schools 206
for special education students under division (C) (3) of section 207
3314.08, section 3317.0214, division (B) of section 3317.16, and 208
section 3326.34 of the Revised Code, except that the Controlling 209
Board may increase these amounts if presented with such a 210
request from the Department of Education at the final meeting of 211
the fiscal year. 212

Of the foregoing appropriation item 200550, Foundation 213
Funding, up to \$3,800,000 in each fiscal year shall be used to 214
fund gifted education at educational service centers. The 215
Department shall distribute the funding through the unit-based 216
funding methodology in place under division (L) of section 217
3317.024, division (E) of section 3317.05, and divisions (A), 218
(B), and (C) of section 3317.053 of the Revised Code as they 219
existed prior to fiscal year 2010. 220

Of the foregoing appropriation item 200550, Foundation 221
Funding, up to \$40,000,000 in each fiscal year shall be reserved 222
to fund the state reimbursement of educational service centers 223
under the section of ~~this act~~ Am. Sub. H.B. 49 of the 132nd 224
General Assembly entitled "EDUCATIONAL SERVICE CENTERS FUNDING." 225

Of the foregoing appropriation item 200550, Foundation 226
Funding, up to \$3,500,000 in each fiscal year shall be 227
distributed to educational service centers for School 228
Improvement Initiatives and for the provision of technical 229
assistance to schools and districts. The Department may 230
distribute these funds through a competitive grant process. 231

Of the foregoing appropriation item 200550, Foundation 232
Funding, up to \$5,000,000 in fiscal year 2019 shall be used to 233
distribute to each educational service center an amount equal to 234
\$3.25 times the center's student count to support the employment 235
of one or more social workers, mental health professionals, or 236
behavioral health professionals at the center. As used in this 237
paragraph, "student count" means the count calculated under 238
division (G) (1) of section 3313.843 of the Revised Code. 239

Of the foregoing appropriation item 200550, Foundation 240
Funding, up to \$10,000,000 in fiscal year 2018 and up to 241
\$7,000,000 in fiscal year 2019 shall be reserved for payments 242
under sections 3317.028 and 3317.029 of the Revised Code. If 243
this amount is not sufficient, the Superintendent of Public 244
Instruction may reallocate excess funds for other purposes 245
supported by this appropriation item in order to fully pay the 246
amounts required by those sections, provided that the aggregate 247
amount appropriated in appropriation item 200550, Foundation 248
Funding, is not exceeded. 249

Of the foregoing appropriation item 200550, Foundation 250
Funding, up to \$28,600,000 in fiscal year 2018 and up to 251
\$26,400,000 in fiscal year 2019 shall be used to support school 252
choice programs. 253

Of the portion of the funds distributed to the Cleveland 254
Municipal School District under this section, up to \$15,400,000 255
in fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be 256
used to operate the school choice program in the Cleveland 257
Municipal School District under sections 3313.974 to 3313.979 of 258
the Revised Code. Notwithstanding divisions (B) and (C) of 259
section 3313.978 and division (C) of section 3313.979 of the 260
Revised Code, up to \$1,000,000 in each fiscal year of this 261

amount shall be used by the Cleveland Municipal School District 262
to provide tutorial assistance as provided in division (H) of 263
section 3313.974 of the Revised Code. The Cleveland Municipal 264
School District shall report the use of these funds in the 265
district's three-year continuous improvement plan as described 266
in section 3302.04 of the Revised Code in a manner approved by 267
the Department. 268

Of the foregoing appropriation item 200550, Foundation 269
Funding, up to \$1,500,000 in each fiscal year may be used for 270
payment of the College Credit Plus Program for students 271
instructed at home pursuant to section 3321.04 of the Revised 272
Code. 273

Of the foregoing appropriation item 200550, Foundation 274
Funding, an amount shall be available in each fiscal year to be 275
paid to joint vocational school districts in accordance with 276
division (A) of section 3317.16 of the Revised Code, and the 277
section of ~~this act~~ Am. Sub. H.B. 49 of the 132nd General 278
Assembly entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 279
VOCATIONAL SCHOOL DISTRICTS." 280

Of the foregoing appropriation item 200550, Foundation 281
Funding, up to \$700,000 in each fiscal year shall be used by the 282
Department for a program to pay for educational services for 283
youth who have been assigned by a juvenile court or other 284
authorized agency to any of the facilities described in division 285
(A) of the section of ~~this act~~ Am. Sub. H.B. 49 of the 132nd 286
General Assembly entitled "PRIVATE TREATMENT FACILITY PROJECT." 287

Of the foregoing appropriation item 200550, Foundation 288
Funding, a portion may be used to pay college-preparatory 289
boarding schools the per pupil boarding amount pursuant to 290
section 3328.34 of the Revised Code. 291

Of the foregoing appropriation item 200550, Foundation 292
Funding, up to \$1,500,000 in each fiscal year shall be used for 293
the Bright New Leaders for Ohio Schools Program created and 294
implemented by the nonprofit corporation incorporated pursuant 295
to section 3319.271 of the Revised Code, to provide an 296
alternative path for individuals to receive training and 297
development in the administration of primary and secondary 298
education and leadership, enable those individuals to earn 299
degrees and obtain licenses in public school administration, and 300
promote the placement of those individuals in public schools 301
that have a poverty percentage greater than fifty per cent. 302

Of the foregoing appropriation item 200550, Foundation 303
Funding, a portion in each fiscal year shall be used to pay 304
community schools and STEM schools the amounts calculated for 305
the graduation and third-grade reading bonuses under sections 306
3314.085 and 3326.41 of the Revised Code. 307

Of the foregoing appropriation item 200550, Foundation 308
Funding, up to \$600,000 in each fiscal year may be used by the 309
Department for duties and activities related to the 310
establishment of academic distress commissions under section 311
3302.10 of the Revised Code. A portion of the funds may be used 312
as matching funds for any monetary contributions made by a 313
school district for which an academic distress commission is 314
established or by the district's local community to support 315
innovative education programs or a high-quality school 316
accelerator as provided for in section 3302.10 of the Revised 317
Code. 318

The remainder of appropriation item 200550, Foundation 319
Funding, shall be used to distribute the amounts calculated for 320
formula aid under section 3317.022 of the Revised Code, the 321

section of ~~this act~~ Am. Sub. H.B. 49 of the 132nd General 322
Assembly entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 323
AND EXEMPTED VILLAGE SCHOOL DISTRICTS," and the section of ~~this~~ 324
~~act~~ Am. Sub. H.B. 49 of the 132nd General Assembly entitled "CAP 325
OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 326
DISTRICTS." 327

Appropriation items 200502, Pupil Transportation, 200540, 328
Special Education Enhancements, and 200550, Foundation Funding, 329
other than specific set-asides, are collectively used in each 330
fiscal year to pay state formula aid obligations for school 331
districts, community schools, STEM schools, college preparatory 332
boarding schools, and joint vocational school districts under 333
~~this act~~ Am. Sub. H.B. 49 of the 132nd General Assembly. The 334
first priority of these appropriation items, with the exception 335
of specific set-asides, is to fund state formula aid 336
obligations. It may be necessary to reallocate funds among these 337
appropriation items or use excess funds from other general 338
revenue fund appropriation items in the Department of 339
Education's budget in each fiscal year in order to meet state 340
formula aid obligations. If it is determined that it is 341
necessary to transfer funds among these appropriation items or 342
to transfer funds from other General Revenue Fund appropriations 343
in the Department's budget to meet state formula aid 344
obligations, the Superintendent of Public Instruction shall seek 345
approval from the Director of Budget and Management to transfer 346
funds as needed. 347

The Superintendent of Public Instruction shall make 348
payments, transfers, and deductions, as authorized by Title 349
XXXVIII of the Revised Code in amounts substantially equal to 350
those made in the prior year, or otherwise, at the discretion of 351
the Superintendent, until at least the effective date of the 352

amendments and enactments made to Title XXXIII by ~~this act~~ Am. Sub. H.B. 49 of the 132nd General Assembly. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in ~~this act~~ Am. Sub. H.B. 49 of the 132nd General Assembly are effective. Upon the effective date of changes made to Title XXXIII in ~~this act~~ Am. Sub. H.B. 49 of the 132nd General Assembly, funds shall be calculated as an annual amount.

Section 6. That existing Section 265.210 of Am. Sub. H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 98 of the 132nd General Assembly, is hereby repealed.