OCG Bill Review — S.B. 311 (School Operations Omnibus)

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Bill Review No. 002 · RL-2026-042 · 11/15/26 · Version 1.0

Bottom line: S.B. 311 is an education omnibus covering at least ten separate topics. Its widest-reaching provisions would require districts to offer underused buildings to charter and private schools at their value as schools, bar local zoning from blocking school locations, make a juvenile-court truancy complaint mandatory after any further unexcused absence, and create civil penalties for paid "cheating" services. The Senate passed it 24–9 on June 10, 2026; its first House hearing is Tuesday, November 17, in the lame-duck session.[1] Section 7 identifies eight drafting issues, most in the facilities, cheating and truancy provisions. LSC's analysis describes the building-capacity test differently from both the bill text and the sponsor's testimony.

Item	Detail
Bill	Sub. S.B. 311, 136th General Assembly — "regarding the operation of public and chartered nonpublic schools"
Sponsor	Sen. Andrew Brenner (R-Delaware), Senate Education Committee chair; cosponsors Sens. Jerry Cirino and Theresa Gavarone
Senate action	Six Education Committee hearings (Feb 10–Jun 10, 2026); reported 5–2 and passed 24–9 on June 10, 2026
House status	Introduced June 16, 2026; referred to House Education; 1st hearing Nov 17, 2026
Version reviewed	As Passed by the Senate, with LSC's As Passed analysis and fiscal note (June 11, 2026) and Occupational Regulation Report
Lame-duck flag	Yes. The bill needs House passage and Senate concurrence before the General Assembly ends.
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1. What the bill does, in plain language

S.B. 311 bundles changes to school buildings, local zoning, truancy, academic cheating, educator licensing, testing and school-board liability. The seven with the broadest reach:

1. **Underused school buildings.** A district building with enrollment under 60% of its certified capacity, or of its peak enrollment in the last ten years, counts as "unused." The district must offer it first to high-

[1] Ohio House of Representatives, "Education Committee: Meetings," accessed November 15, 2026, https://ohiohouse.gov/committees/education/meetings. The November 17, 2:45 p.m. agenda lists Sub. S.B. 311.

performing charter schools inside and then outside the district, then to other charter, STEM, boarding and private schools, at its appraised value as a school rather than its highest market value. Buyers must use it as a school for ten years. A district that demolishes such a building without first offering it faces a state fine of at least its appraised value. LBO estimates 15 to 20 buildings statewide qualify on the peak-enrollment test alone.[2] That is not a full count: LBO did not apply the capacity test and says the number may be higher. It also counts buildings that would qualify, not buildings likely to be sold or leased.

2. **Zoning.** Counties, townships and cities may not bar or restrict the location of any public or private school, or deny a land-use application solely because the applicant is a school.
3. **Truancy.** A student becomes a habitual truant after unexcused absences of 30 consecutive hours, 42 hours in a school month or 72 hours in a school year (R.C. 2151.011). Once a student crosses that threshold, any further unexcused absence that school year requires the attendance officer to file a juvenile-court complaint. The district's judgment on whether the family is making progress no longer stops the filing. Anyone whose conduct contributes to a child's habitual truancy commits a first-degree misdemeanor, with no court finding against the child required. A mandatory complaint opens a juvenile-court case; it does not decide it. The court still determines whether the child is unruly and what order, if any, follows.
4. **Cheating services.** Selling, preparing or completing coursework or exams for a student for pay, or selling confidential exam content, becomes a civil violation. The Attorney General can seek $5,000 per violation; universities and licensing bodies can sue for $2,500 or actual damages, plus fees and punitive damages.
5. **Superintendents and school boards.** The State Board may discipline a superintendent who knowingly violates education law, unless acting at the school board's direction. A district and its board members are not immune from damages in a civil action when the board or a majority knowingly instructs the superintendent to violate state law. Members who did not join the instruction or voted against it are exempt, and the bill states that other immunities and defenses still apply.
6. **Online-school testing.** Students at online charter schools may take state tests at home with a live video proctor, at a ratio of no more than 11 students per proctor.
7. **Smaller items.** Out-of-state teachers who pass Ohio's reading exam on the first try skip reading coursework; districts may sell property privately to educational service centers; students may play ice hockey at another school in their district; and school boards get new deadlines to fill vacancies.

2. Provision by provision

Current law and bill descriptions per LSC's As Passed analysis;[3] line numbers refer to the As Passed by the Senate text. Where LSC's description and the text differ, the table follows the text and the difference is noted in section 7.

Topic (R.C., lines)	Current law	As Passed by the Senate
Unused-facility definition (3313.411(A)(5), lines 876–890)	Unused one year, or under 60% used for instruction in the prior year (metric undefined)	Under 60% of the building's certificate-of-occupancy enrollment, or of its 10-year peak, "in the two most recent school years"
Offer order and price (3313.411(B)–(C), lines 891–1019)	In-district high-performing charters first, then other charters and STEM schools; appraised fair market value	Adds out-of-district high-performing charters second and chartered private schools to the last tier; price = appraised value "for operation as an educational facility"; public auction required if no school buys

[2] Ohio Legislative Service Commission, *Fiscal Note & Local Impact Statement: S.B. 311, As Passed by the Senate*, 136th General Assembly, June 11, 2026, 3, https://www.legislature.ohio.gov/download?key=28660.

[3] Ohio Legislative Service Commission, *Bill Analysis: S.B. 311, As Passed by the Senate*, 136th General Assembly, June 11, 2026, https://www.legislature.ohio.gov/download?key=28685.

Topic (R.C., lines)	Current law	As Passed by the Senate
Buyer obligations (3313.411(E), lines 1036–1060)	Buyer may not resell within 5 years	Buyer must use as a school for 10 years or sell back to the district at appraised value
Exemptions (3313.411(F), lines 1061–1085)	Limited	Buildings under 10 years old, adjacent to other district facilities, the only building for a grade, under renovation, or career-tech; plus appeal to the Director of Education and Workforce for "extraordinary circumstances"
Demolition and redevelopment (3313.411(G)–(H), lines 1086–1108; 3318.08)	Demolition tied to compliance only in state-funded building projects, with an exception for replacement sites	No demolition of an unused facility without first offering it; FCC fine of at least appraised value; no noneducational redevelopment without offer; replacement-site exception removed
Reporting (3313.411(I); Sec. 4, lines 2297–2305)	Compliance not monitored	Districts report by Nov 30 each year (first report may slip to Feb 28, 2027); DEW publishes statewide list by Dec 31
Zoning (303.216, 519.216, 713.083, lines 17–61)	Local zoning applies	Counties, townships and cities may not prohibit or restrict school locations or deny an application solely because a school is involved
Truancy complaint (3321.16(B), lines 1984–2016)	Complaint required only if district finds no progress or progress stops	Complaint required on any further unexcused absence after the habitual-truant threshold, same school year
Contributing to truancy (2919.24(B)(3), (C), lines 614–638)	Offense tied to a child's delinquency adjudication	Any act contributing to a child being a habitual truant; no adjudication needed; first-degree misdemeanor, each day separate
Court jurisdiction (2151.354)	Ends with the school year	Juvenile court may keep jurisdiction into the next school year to monitor attendance
Cheating services (2307.59, lines 483–608)	No general prohibition	Bans paid preparation, sale or completion of work for learners and sale of confidential exams; AG civil penalty up to $5,000/violation; sponsor suit for $2,500 or actual damages, fees, punitive damages
Superintendent discipline (3319.3110, 3319.31, lines 1869–1873)	Discipline for conduct unbecoming, incompetence, listed crimes	Adds knowing violation of education law, except when acting at the board's direction
Board immunity (3313.174, lines 711–726)	Political-subdivision immunity (Ch. 2744)	Not immune from damages in a civil action when the board or a majority knowingly instructs the superintendent to violate "any provision of the Revised Code or common law"; dissenting members exempt; "any other immunity or defense" under Ch. 2744 or other law preserved
E-school remote testing (3314.25, 3314.252)	In person, testing site within 50 miles	Remote video proctoring allowed, 11:1 ratio, parent consultation, IEP in-person rights preserved; DEW annual anomaly report by Sept 15
Licensing and other items (3319.2210, 3319.24, 3319.316, 3313.41, 3313.536, 3313.11)	—	Reading-coursework exemption for some out-of-state teachers; RAPBACK designees; private sale to ESCs; in-district ice hockey; board vacancy deadlines of 45 days

3. Context

S.B. 311 was introduced as a multi-topic bill, and the committee substitute added more. The cheating, truancy-offense, licensing, unused-facility, zoning, remote-testing, ice hockey, vacancy and immunity provisions were all in the introduced version.[4]

[4] Ohio Legislative Service Commission, *Bill Analysis: S.B. 311, As Introduced*, 136th General Assembly, January 23, 2026, https://search-prod.lis.state.oh.us/api/v2/general_assembly_136/legislation/sb311/00_IN/attachments/analysis.

What changed in committee. Comparing LSC's As Introduced and As Passed analyses with the text:

- **Added:** mandatory truancy complaints on any further absence (3321.16); the demolition ban and FCC fine; removal of the replacement-site exception in state-funded building projects (3318.08); private sales to educational service centers (3313.41).
- **Narrowed:** the superintendent prohibition, from violating "any provision of the Revised Code or the Ohio common law" to violating education-related law. The board-immunity provision kept the broader wording.
- **Changed:** the capacity benchmark, from "architectural specifications or master design plan" to "certificate of occupancy"; the remote-proctoring ratio, from 9:1 to 11:1; the board-vacancy deadline, from 30 to 45 days.

When	Event
Nov 17, 2026	House Education Committee 1st hearing
Jun 16, 2026	Introduced in the House
Jun 11, 2026	LSC As Passed analysis and fiscal note issued
Jun 10, 2026	6th hearing, no testimony; substitute reported 5–2; Senate passes 24–9 the same day[5]
Jun 9, 2026	5th hearing: charter operators and Buckeye Institute
May 14, 2026	LBO fiscal note on the substitute pending in committee
May 12, 2026	4th hearing: Fordham, Credential Integrity Action Alliance, Ohio Federation of Teachers
Apr 14, 2026	3rd hearing: Ohio 8 Coalition and OEA oppose; school-management associations and Ohio Municipal League as interested parties
Feb 17, 2026	2nd hearing: five proponents
Feb 10, 2026	1st hearing, sponsor testimony
Jan 23, 2026	LSC As Introduced analysis
Oct 29, 2025	Introduced; referred to Senate Education Nov 5, 2025

Related law. The remote-testing provisions follow a remote proctoring pilot required by S.B. 168 of the 135th General Assembly, per the LBO fiscal note. On zoning, LSC notes that the Ohio Supreme Court struck down a similar state limit on municipal zoning of manufactured homes under the Home Rule Amendment (*Canton v. State*, 95 Ohio St.3d 149 (2002)). *Canton* held that a state law limits municipal zoning only if it is a "general law": part of a statewide, comprehensive enactment; applied uniformly across the state; setting police, sanitary or similar regulations rather than only limiting municipal power; and prescribing a rule of conduct for citizens generally.[6] The decision does not settle whether S.B. 311's provisions meet that test. Home rule protects municipalities; township and noncharter county zoning powers are granted by statute (R.C. Chapters 519 and 303), which the General Assembly can amend.

[5] Ohio Senate, *Journal*, June 10, 2026, https://search-prod.lis.state.oh.us/api/v2/general_assembly_136/journals/journal_s_20261006/pdf/.

[6] *Canton v. State*, 95 Ohio St.3d 149, 2002-Ohio-2005, syllabus.

4. Who is for and against, and why

Sixteen witnesses or groups testified in the Senate: ten proponents, three opponents and three interested parties.[7] Most witnesses addressed only one or two provisions. Charter operators, private schools and school-choice groups backed the building provisions. Urban districts, school-management associations and teacher unions opposed them, and also opposed the superintendent and board-liability provisions. The Judicial Conference and Catholic Conference each supported a single provision and took no position on the rest. Several opponents supported the board-vacancy and RAPBACK changes. Reasons below are paraphrased from each witness's written testimony.

Affected parties were not contacted for comment before this release. Positions reflect the public record as of November 15, 2026. Responses received later will be added in a revised version.

On the record

Witness	Position	Provisions addressed	Stated reasons
Sen. Andrew Brenner (R), sponsor (Feb 10)	Sponsor	All	Provisions came from amendments offered to the H.B. 96 budget and from interested-party requests. Testified that one large urban district kept 12 closed properties at nearly $400,000 a year in 2024. Described the 60% test as certificate-of-occupancy enrollment or 10-year peak "for two consecutive years." Remote testing codifies DEW's pilot recommendations and cuts e-school testing costs. Truancy language came at the Judicial Conference's request. Superintendents and boards should not be exempt from consequences for knowingly breaking the law.
Ohio Judicial Conference (Judge Theresa Dellick, Feb 17)	Proponent, truancy only	Court jurisdiction; contributing offense	Truancy cases often reach court in late spring, too late to help; keeping jurisdiction into the next year lets one judge follow a family. The current contributing statute has produced inconsistent case law, and many courts divert young truants without adjudication, so the change lets prosecutors charge adults when warranted. Noted that H.B. 96 replaced the H.B. 410 absence-intervention timelines with a school policy developed with the juvenile court by August 2026. No position on the rest of the bill.
Catholic Conference of Ohio (Tom Rhatican, Feb 17)	Proponent	RAPBACK	Lets diocesan education offices receive arrest and conviction notices for unlicensed staff such as custodians and bus drivers, closing a gap; language supplied by the State Board.
Ohio Christian Education Network (Troy McIntosh, Feb 17)	Proponent	Facilities	Chartered private schools serve the same communities and should be able to bid once high-performing charters decline; more bidders can mean better prices for districts.
St. Edward High School (KC McKenna, Feb 17)	Proponent	Facilities	Parity for chartered private schools; space for growth; builds on school-choice expansion.
Credential Integrity Action Alliance (Jason Jordan; Feb 17 and May 12)	Proponent	Cheating services	Commercial cheating is widespread and some providers extort students; the provision targets commercial providers, not students. Cites a similar 2025 Georgia law (S.B. 213). The committee record's link for Noah Reandeau's testimony opens the same Jordan letter; no separate Reandeau statement was found.

[7] Ohio House of Representatives, "Senate Bill 311: Committee Activity," accessed November 15, 2026, https://ohiohouse.gov/legislation/136/sb311/committee.

Witness	Position	Provisions addressed	Stated reasons
Ohio 8 Coalition (Canton Supt. Jeff Talbert, Apr 14)	Opponent	Facilities; superintendent and board provisions	Enrollment under 60% does not mean a building is underused. Asked for exemptions for master facility plans and swing space, administration, specialized programs (arts, medically fragile, health, early learning) and buildings funded by voter-approved levies and bonds. Selling to a set list of buyers may mean below-market prices. Called the superintendent and board provisions counterproductive in student-transportation disputes. Supports the vacancy and RAPBACK changes.
OSBA, OASBO, BASA, Alliance for High Quality Education (Apr 14)	Interested party	Facilities; superintendent and board provisions	Welcomed added exemptions. Asked that districts may keep buildings for administration and future growth, that capacity be measured district-wide, and that transportation burdens count; if sold, educational-value pricing and an offer back to the district. Opposed the immunity and licensure provisions as counterproductive in transportation disputes. Supports vacancy, licensure-flexibility and RAPBACK changes.
Ohio Education Association (Jeff Wensing, Apr 14)	Opponent	Cheating; superintendent; facilities	Cheating provisions duplicate existing educator rules and are overbroad; "sponsor" is unclear and "aggrieved" undefined. Opposes letting a superintendent escape discipline by acting at the board's direction. Facility decisions should stay local.
Ohio Municipal League (Kent Scarrett, Apr 14)	Interested party	Zoning	No position on schools themselves, but significant concern with the zoning preemption: zoning manages traffic, infrastructure, safety and land-use compatibility, and existing permitted and conditional-use processes already approve schools. Asked the committee to reconsider.
Thomas B. Fordham Institute (Chad Aldis, May 12)	Proponent	Facilities; remote testing	The 60% rule is already law; districts have slow-walked requests, redefined "use" and demolished buildings to avoid offering them. The bill clarifies and enforces existing policy. Has reservations about remote-test security; welcomes the annual anomaly report.
Ohio Federation of Teachers (Melissa Cropper, May 12)	Opponent	Reading coursework; facilities; zoning	Passing one reading exam should not replace reading-instruction coursework. Facility decisions need local flexibility. Opposes the zoning preemption, citing LSC's home-rule note.
United Schools (Andy Boy, Jun 9)	Proponent	Facilities	Charter schools cannot use levies or bonds for buildings. Sought Columbus's former Monroe School; the transfer did not proceed, and the building deteriorated and was demolished.
Performance Academies (Bryce Johnson, Jun 9)	Proponent	Facilities	Districts treat the current law as optional; its offers to lease vacated buildings at market rates went unanswered.
Dayton Early College Academy (David Taylor, Jun 9)	Proponent	Facilities	Has searched for a building for years and would occupy a suitable district facility.
The Buckeye Institute (Greg Lawson, Jun 9)	Interested party	Facilities; zoning	The statewide inventory would be the first public list of unused district facilities; local zoning has been used to block or delay charter and private schools.

Affected interests with no public position found

Interest	Provision affecting them
County commissioners and township trustees	Lose authority to restrict school locations through zoning
Juvenile courts and county prosecutors	More mandatory truancy complaints and possible misdemeanor cases; LBO expects the largest effect in urban areas

Interest	Provision affecting them
Parents and guardians	New misdemeanor exposure for contributing to habitual truancy
Tutoring, editing, test-prep and online writing services	New civil liability if work is prepared for pay without the sponsor's express permission
State universities and licensing, credentialing and exam organizations	New right to sue for damages
Ohio Facilities Construction Commission; Department of Education and Workforce	New fine, reporting and publishing duties

5. Pros and cons by lens

These are the arguments each camp would likely make, not documented positions and not OCG positions. Both camps split on this bill: school choice and local control pull conservatives in opposite directions, and consumer protection and district interests do the same for liberals.

	Conservative lens	Liberal lens
Pros	Puts idle taxpayer-funded buildings back to educational use and opens them to charter and private schools. Removes zoning barriers to new schools. Protects the value of degrees and licenses from paid cheating. Holds superintendents and boards accountable for knowingly breaking the law. Puts parents on notice that chronic truancy has consequences.	Creates the first public inventory of unused school buildings. Protects students and employers from fraudulent credentials. Lets online-school students test at home instead of traveling up to 50 miles. Eases entry for qualified out-of-state teachers.
Cons	Overrides locally elected school boards and local zoning, a home-rule concern for cities and townships. Sells public property at its value as a school rather than its market value. Creates new misdemeanor exposure for parents and new civil liability for small tutoring businesses. Bundles ten topics into one vote.	Shifts district buildings toward charter and private schools, including religious schools. Moves truancy back toward court filings, with the heaviest load in urban districts. Penalizes families for absences that may stem from poverty, health or transportation. Reduces urban districts' sale proceeds and planning flexibility.
Likely split	School-choice conservatives vs. local-control and home-rule conservatives (township trustees, county commissioners, small-city officials)	Urban charter families and operators vs. district and teacher-union interests

Common ground in the record: witnesses who opposed the facilities, superintendent and board provisions (Ohio 8 Coalition; OSBA, OASBO, BASA and the Alliance) supported the board-vacancy and RAPBACK changes. **Points either lens could raise:** packaging unrelated subjects into one bill, and new criminal exposure for parents.

6. Process record

The Senate gave S.B. 311 six hearings and heard from all sides. The final substitute was reported and passed on the same day, and LSC's analysis of the passed version is dated the day after the vote.

Metric	S.B. 311
Hearings	Senate Education: 6 (Feb 10, Feb 17, Apr 14, May 12, Jun 9, Jun 10, 2026); House Education: 1st scheduled Nov 17, 2026
Testimony	10 proponents, 3 opponents, 3 interested parties, plus sponsor
Substitute-to-vote gap	A substitute was pending by May 14 (LBO fiscal note). The 6th hearing (no testimony), the committee vote and the Senate floor vote all took place June 10.
Text and analysis availability	LSC's As Passed analysis and fiscal note are dated June 11, the day after passage

Metric	S.B. 311
Committee vote	5–2. Yes: Brenner, Blessing, Cutrona, Huffman, Koehler. No: Ingram, Smith. All five yes votes were Republicans and both no votes Democrats.[8]
Floor vote	24–9. Nays: Antonio, Blackshear, Craig, DeMora, Hicks-Hudson, Ingram, Liston, Smith, Weinstein. Party affiliation is not recorded in the Senate Journal, and no party breakdown for the floor vote was available on the legislature's votes page as of Nov 15. No floor amendments; the As Reported and As Passed texts are identical apart from the added cosponsor names.
Lame-duck or omnibus	Lame duck: yes, in the House. Omnibus: yes, at least ten distinct topics under one title
Fiscal note gaps	LBO's 15–20 building estimate excludes the capacity test and "may be higher"; no estimate of changes in sale proceeds, court caseloads or zoning-related revenue
Sponsorship	Sen. Brenner; cosponsors Sens. Cirino and Gavarone. Per the sponsor's testimony, the provisions came from amendments offered to the H.B. 96 budget and from interested-party requests.
Comment requests	None sent before release (see section 4)

7. Drafting issues and implementation risks

Sections 3 and 7 reflect OCG's reading of the bill text and current law. They have not been reviewed by an attorney and are not legal advice.

The text raises eight drafting issues. None is rated High: the sponsor's testimony confirms the wording of the capacity test, so the mismatch on that point lies in LSC's analysis rather than in the bill. Line numbers refer to the As Passed by the Senate text. An issue describes what the text does or leaves open, not anyone's intent.

#	Issue (R.C., lines)	Type	What the text does	Interests affected	Severity
1	**Capacity test: wording and source document.** 3313.411(A)(5)(b), lines 881–890	Textual	The text measures enrollment against the building's "certificate of occupancy." LSC's As Passed analysis describes the benchmark as the "architectural specifications or master design plan," the wording of the introduced bill. The sponsor's testimony matches the text and adds "for two consecutive years," a word the text does not use; the text says only "in the two most recent school years." LBO's fiscal note uses both terms and excludes this test from its 15–20 building estimate. Whether Ohio certificates of occupancy state a student enrollment figure at all is not addressed.	Districts and students in affected buildings; charter and private schools seeking buildings	Medium

[8] Ohio General Assembly, "Senate Bill 311: Votes," accessed November 15, 2026, https://www.legislature.ohio.gov/legislation/136/sb311/votes.

#	Issue (R.C., lines)	Type	What the text does	Interests affected	Severity
2	**Board immunity is broader than the superintendent rule it backs.** 3313.174, lines 711–726; 3319.3110, lines 1869–1873	Textual	The committee narrowed the superintendent prohibition to education-related law, but the immunity provision still strips a board's immunity for directing a violation of "any provision of the Revised Code or common law." The section then says it does not reduce "any other immunity or defense" under Chapter 2744, the main source of school-district immunity, so which immunity is removed and which remain is left to the courts. "Instructs" is undefined, so it is unclear whether an informal direction outside a recorded vote counts.	School boards and members; superintendents; plaintiffs	Medium
3	**Cheating ban has no intent element for preparing or selling work.** 2307.59(B)(1)–(2), (E), lines 544–578	Textual	Only division (B)(3) requires knowledge that the work will be submitted as the learner's own. Divisions (B)(1)–(2) bar preparing or selling "any work product" for a learner for pay, with no intent requirement. The tutoring safe harbor applies only if the help is "expressly permitted by the sponsor." LSC's summary describes the ban as reaching activity done "with the intention" of assisting cheating, which the text of (B)(1)–(2) does not say. Read literally, paid tutoring, editing and fee-based writing tools, including AI tools, could fall within (B)(1) unless the sponsor expressly permits them. Whether a court would read it that broadly is an open question of interpretation; this is a potential overbreadth issue, not a confirmed ban on tutoring.	Tutoring, editing, test-prep and software businesses; students	Medium
4	**Who counts as a "sponsor."** 2307.59(A)(7), lines 518–533	Textual	Sponsors are state universities and organizations that issue licenses, credentials or exams "bearing the organization's name or trademark." The text does not say whether K-12 districts, private colleges or private K-12 schools issuing diplomas qualify. The provision reaches higher education and professional licensing under a bill titled "regarding the operation of public and chartered nonpublic schools," which raises a question under Ohio's one-subject rule (Ohio Const. Art. II, §15(D)) for counsel. OEA's testimony also calls the sponsor definition unclear and notes that "aggrieved" is undefined.	Private colleges; K-12 schools; licensing bodies	Medium
5	**Mandatory truancy filing on any further absence.** 3321.16(B), lines 1984–2016; 2919.24(B)(3), (C), lines 614–638	Textual	Once the habitual-truant threshold is met, the attendance officer "shall" file on any later unexcused absence that year, with no minimum length and no progress review. Separately, any person whose act "contributes to" a child being a habitual truant commits a first-degree misdemeanor, each day a separate offense, with no adjudication of the child required and no culpable mental state stated in that division. R.C. 2901.21 supplies a default mental state when a statute states none;	Students and families; attendance officers; juvenile courts	Medium

#	Issue (R.C., lines)	Type	What the text does	Interests affected	Severity
			how it would apply here is a question for the courts. A required complaint starts a case; adjudication and any disposition remain with the court. The Judicial Conference requested the jurisdiction and contributing-offense changes; the mandatory-filing provision was added later in committee, and no witness addressed it.		
6	**Demolition fine has no ceiling, fund or appraisal standard.** 3313.411(G), lines 1086–1104	Textual	FCC "shall impose" a fine of at least the appraised value. The text names no ceiling, no fund to receive the money and no appeal, and does not say whether the appraisal is at educational-use value (as elsewhere in the section) or market value. The district is liable if it "permit[s] any other entity, including a municipal corporation," to demolish.	Districts; cities acting on public-safety grounds; FCC	Medium
7	**Zoning preemption and home rule.** 303.216, 519.216, 713.083, lines 17–61	Legal question	Bars counties, townships and cities from restricting school locations "in any district or zone." LSC notes that the Ohio Supreme Court struck down a comparable limit on municipal zoning (*Canton v. State*, 2002). *Canton* does not decide this bill: the question is whether these provisions are "general laws" under its four-part test, and the issue arises mainly for municipalities, since township and noncharter county zoning powers come from statute. "Restrict" is undefined, so it is unclear whether ordinary site conditions such as traffic or parking count.	Cities, townships and counties; neighbors; school operators	Medium
8	**Undefined terms in the facilities process.** 3313.411(F)–(H), lines 1061–1108	Implementation	"Adjacent to" other district facilities (an exemption), "extraordinary circumstances" (appeal standard) and "substantially renovate … for noneducational purposes" are undefined, and the Director's appeal decisions have no stated criteria or reporting.	Districts; DEW; prospective buyers	Low–Medium

Type: *Textual* = confirmed in the bill's text. *Implementation* = depends on rules or practice not yet written. *Legal question* = depends on how a court would apply constitutional limits. **Severity:** *High* = a demonstrated conflict affecting public property, statutory rights or public money at scale. *Medium* = fraud, accountability, liability or coordination exposure the text leaves open. *Low* = administrative.

8. Open questions

1. **Does the capacity test's source document carry the figure the test needs?** The text and the sponsor's testimony say certificate of occupancy; LSC's analyses say architectural specifications or master design plan. Do Ohio certificates of occupancy state a student enrollment at all, or only an occupant load, which is not the same measure? How would the test apply to buildings with specialized classrooms or administrative space?
2. **How many buildings qualify under both tests?** LBO's 15–20 estimate covers the peak-enrollment test only and notes the true count may be higher. Has DEW or any district run the capacity test? How many qualifying buildings would actually be sold or leased?
3. **Should the text say "two consecutive years," as the sponsor described it, rather than "in the two most recent school years"?**

4. **Why was the superintendent prohibition narrowed while board immunity kept the broader "any Revised Code or common law" wording?** District groups' testimony reads both provisions as aimed at student-transportation disputes; the sponsor's testimony does not mention transportation.
5. **Are K-12 districts, private colleges and private schools "sponsors" under the cheating provisions?** Would fee-based AI writing tools or subscription learning software fall within 2307.59(B)(1)?
6. **How does the mandatory complaint interact with absence-intervention plans and existing court diversion programs?** The Judicial Conference's testimony notes that H.B. 96 replaced the H.B. 410 intervention timelines with a school policy developed with the juvenile court by August 2026, but it does not address the mandatory-filing provision. What mental state would a prosecutor have to prove under the new contributing offense?
7. **Where would the demolition fine be deposited, and can a district appeal it?**
8. **Would the municipal zoning preemption survive a home-rule challenge after *Canton v. State*?** The Ohio Municipal League asked the committee to reconsider the zoning provisions.
9. **What supports the 11:1 remote-proctoring ratio, raised from 9:1 in committee, and what happens after DEW flags a testing anomaly?**
10. **Does the bill's title satisfy the one-subject rule** given that the cheating provisions reach universities and licensing bodies?
11. **Will the House move S.B. 311 as one bill, split it, or fold parts into another lame-duck vehicle?**

About this review

What this is. OCG Bill Reviews are Research Center publications. They describe what a bill does, who has taken a position on it, and how it has moved through the General Assembly. Ohio Common Ground does not endorse or oppose legislation, candidates or parties. Nothing in this review is a recommendation to vote for or against this bill.

Version and date. This review covers Sub. S.B. 311 As Passed by the Senate, as of November 15, 2026. Bills change through substitutes and amendments, so a later version may differ. Updates are posted at ohiocommonground.com.

Sources. Figures and statements of law come from primary government sources: bill text, Legislative Service Commission analyses, fiscal notes and reports, committee records, and House and Senate journals. News coverage is cited only for public statements, never for figures. A figure that cannot be traced to a primary source is left out.

Method. Each review follows the OCG Legislative Review Standard:

1. Plain-language summary and provision-by-provision comparison against current law.
2. Context: earlier versions, related bills, recent law and litigation.
3. Positions on the record, from committee testimony and public statements. Interests affected by a provision are listed separately; being affected is not treated as support or opposition.
4. Lens analysis: the arguments conservative and liberal observers would likely make. These are hypothetical, attributed arguments, not documented positions and not OCG positions.
5. Process record: measurable facts about hearings, testimony, timing and sponsorship.
6. Drafting issues: places where the text is ambiguous, incomplete or leaves discretion unchecked, each tied to a section and line of the bill and labeled by type. An issue describes what the text does or leaves open, not anyone's intent.
7. Open questions the public record does not yet answer.

Not legal advice. This review is not legal advice. Anyone with a legal question should contact the responsible agency (here, the Ohio Department of Education and Workforce, or the local school district) or an attorney.

Corrections. Report errors through ohiocommonground.com. Corrections made before release are logged in the revision history. Substantive changes after release are issued as a new version.

Sources

Primary

- Sub. S.B. 311, As Passed by the Senate
- LSC Bill Analysis, As Passed by the Senate (June 11, 2026)
- LSC Fiscal Note & Local Impact Statement, As Passed by the Senate (June 11, 2026)
- LSC Occupational Regulation Report, S.B. 311
- LSC Bill Analysis, As Introduced (January 23, 2026)
- LBO Fiscal Note, As Pending in Senate Committee (May 14, 2026)
- S.B. 311 committee activity and status
- House Education Committee meetings
- *Canton v. State*, 95 Ohio St.3d 149, 2002-Ohio-2005
- Ohio Senate Journal, June 10, 2026
- Senate Education Committee written testimony, Feb 10–Jun 9, 2026 (15 documents), via the committee record
- Sub. S.B. 311, As Reported by the Senate Education Committee
- The Buckeye Institute, interested-party testimony (June 9, 2026)

Statements and news (statements only; no figures taken from news)

- Sen. Brenner, "Senate Passes Brenner Education Bill" (June 11, 2026)
- Ohio Capital Journal via Mahoning Matters (April 21, 2026)

Revision history

Version	Date	Change
1.0	11/15/26	Initial release.