

AN ACT

To amend sections 3301.08, 3301.80, 3334.03, 3334.07, 3334.12, and 3345.27 of the Revised Code and to amend Section 50.43 of Am. Sub. H.B. 215 of the 122nd General Assembly, as subsequently amended, to allow certain senior citizens to receive tuition-free college credit, to add two gubernatorial appointees to the Ohio Tuition Trust Authority, to permit mid-year adjustments in the price of tuition credits when the Authority determines necessary to ensure the actuarial soundness of the Ohio Tuition Trust Fund, to permit the executive director of the Authority to provide for mid-year actuarial evaluations of the Fund, to remove the limitation on the pay of the Superintendent of Public Instruction, to change the name of the "Information, Learning, and Technology Authority" to the "Ohio SchoolNet Commission," to extend the deadline for the Ohio Schools Technology Implementation Task Force report, and to continue the membership of that task force until the report is issued.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3301.08, 3301.80, 3334.03, 3334.07, 3334.12, and 3345.27 of the Revised Code be amended to read as follows:

Sec. 3301.08. The state board of education shall appoint the superintendent of public instruction, who shall serve at the pleasure of the board. The board shall fix the compensation for the position of superintendent of public instruction ~~which shall not exceed the compensation fixed for the chancellor of the Ohio board of regents.~~

The superintendent of public instruction, while holding such office, shall not hold any other office or position of employment, or be an officer or

employee of any public or private school, or a public or private college, university, or other institution of higher education. ~~He~~ The superintendent may, in the conduct of ~~his~~ the superintendent's official duties, travel within or without the state, and ~~his~~ the superintendent's necessary and actual expenses therefor when properly verified shall be paid by the state.

No one who is interested financially in any book publishing or book selling company, firm, or corporation, shall be eligible to appointment as superintendent of public instruction. If a superintendent becomes interested financially in any book publishing or book selling company, firm, or corporation, said superintendent shall forthwith be removed from office by the state board. The interest of a person as author of a book shall not be improper, provided such book is not one offered for use by pupils in the public schools of Ohio.

Sec. 3301.80. (A) There is hereby created the ~~information, learning, and technology authority~~ Ohio SchoolNet commission consisting of eleven members, seven of whom are voting members. Of the voting members, one shall be appointed by the speaker of the house of representatives and one shall be appointed by the president of the senate. The members appointed by the speaker of the house and the president of the senate shall not be members of the general assembly. The state superintendent of public instruction or a designee of the superintendent, the director of the office of budget and management or a designee of the director, the director of administrative services or a designee of the director, the chairperson of the public utilities commission or a designee of the chairperson, and the director of the Ohio educational telecommunications network commission or a designee of the director shall serve on the ~~committee~~ commission as ex officio voting members. Of the nonvoting members, two shall be members of the house of representatives appointed by the speaker of the house of representatives and two shall be members of the senate appointed by the president of the senate. The members appointed from each house shall not be members of the same political party.

The terms of office for the members appointed by the speaker of the house and the president of the senate shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. The members appointed by the speaker of the house and the president of the senate may be reappointed. Any member appointed from the house of representatives or senate who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the committee. Vacancies among appointed members shall be filled in the manner provided for original appointments. Any member appointed to fill a

vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term. The members appointed by the speaker of the house and the president of the senate shall continue in office subsequent to the expiration date of that member's term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(2) ~~The information, learning, and technology authority~~ Ohio SchoolNet commission shall monitor and oversee the operations of, and programs administered by, the Ohio SchoolNet ~~office of information, learning, and technology services~~ established under division (B) of this section. In addition, the ~~authority~~ commission may develop and issue policies and directives to be followed by the Ohio SchoolNet ~~office of information, learning, and technology services~~ in implementing the programs under its jurisdiction.

(B) ~~The Ohio SchoolNet office of information, learning, and technology services~~ is hereby established as an independent agency. The office shall be under the supervision of a director who shall be appointed by the ~~information, learning, and technology authority~~ Ohio SchoolNet commission. The director shall serve at the pleasure of the ~~authority~~ commission and shall direct the office in the administration of all programs for the provision of financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology. ~~The Ohio SchoolNet office of information, learning, and technology services~~ shall do all of the following:

(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts and other educational institutions to utilize educational technology;

(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code, and such other public or private entities, and employ such persons as the director of the office deems necessary for the administration and implementation of the programs under the office's jurisdiction;

(3) Establish a reporting system to which school districts and other educational institutions receiving financial assistance pursuant to this section for the acquisition of educational technology report information as to the manner in which such assistance was expended, the manner in which the equipment or services purchased with the assistance is being utilized, the results or outcome of this utilization, and other information as may be

required by the office;

(4) Establish necessary guidelines governing purchasing and procurement by participants in programs administered by the office that facilitate the timely and effective implementation of such programs;

(5) Implement policies and directives issued by the ~~information, learning, and technology authority~~ Ohio SchoolNet commission established under division (A) of this section.

The Ohio SchoolNet office of ~~information, learning, and technology services~~ may establish a systems support network to facilitate the timely implementation of the programs, projects, or activities for which it provides assistance.

Chapters 123., 124., 125., and 153., and sections 9.331, 9.332, and 9.333 of the Revised Code do not apply to contracts, programs, projects, or activities of the ~~information, learning, and technology authority~~ Ohio SchoolNet commission or the Ohio SchoolNet office of ~~information, learning, and technology services~~.

For purposes of exercising collective bargaining rights under Chapter 4117. of the Revised Code, the employees of the Ohio SchoolNet office of ~~information, learning, and technology services~~ shall be placed in a bargaining unit separate from any other unit containing employees of the state.

Sec. 3334.03. (A) There is hereby created the Ohio tuition trust authority, which shall have the powers enumerated in this chapter and which shall operate as a qualified state tuition program within the meaning of section 529 of the Internal Revenue Code. The exercise by the authority of its powers shall be and is hereby declared an essential state governmental function. The authority is subject to all provisions of law generally applicable to state agencies which do not conflict with the provisions of this chapter.

(B) The Ohio tuition trust authority shall consist of ~~nine~~ eleven members, no more than ~~five~~ six of whom shall be of the same political party. ~~Four~~ Six members shall be appointed by the governor with the advice and consent of the senate as follows: one shall represent state institutions of higher education, one shall represent private nonprofit colleges and universities located in Ohio, one shall have experience in the field of marketing or public relations, one shall have experience in the field of information systems design or management, and two shall have experience in the field of banking, investment banking, ~~marketing,~~ insurance, or law. Four members shall be appointed by the speaker of the house of representatives and the president of the senate as follows: the speaker of the

house of representatives shall appoint one member of the house from each political party and the president of the senate shall appoint one member of the senate from each political party. The chancellor of the board of regents shall be an ex officio voting member; provided, however, that the chancellor may designate a vice-chancellor of the board of regents to serve as the chancellor's representative. The political party of the chancellor shall be deemed the political party of the designee for purposes of determining that no more than ~~five~~ six members are of the same political party.

Initial gubernatorial appointees to the authority shall serve staggered terms, with two terms expiring on January 31, 1991, one term expiring on January 31, 1992, and one term expiring on January 31, 1993. The governor shall appoint two additional members to the authority no later than thirty days after the effective date of this amendment, and their initial terms shall expire January 31, 2002. Thereafter, terms of office for gubernatorial appointees shall be for four years. The initial terms of the four legislative members shall expire on January 31, 1991. Thereafter legislative members shall serve two-year terms, provided that legislative members may continue to serve on the authority only if they remain members of the general assembly. Any vacancy on the authority shall be filled in the same manner as the original appointment, except that any person appointed to fill a vacancy shall be appointed to the remainder of the unexpired term. Any member is eligible for reappointment.

(C) Any member may be removed by the appointing authority for misfeasance, malfeasance, or willful neglect of duty or for other cause after notice and a public hearing, unless the notice and hearing are waived in writing by the member. Members shall serve without compensation but shall receive their reasonable and necessary expenses incurred in the conduct of authority business.

(D) The speaker of the house of representatives and the president of the senate shall each designate a member of the authority to serve as co-chairpersons. The ~~four~~ six gubernatorial appointees and the chancellor of the board of regents or the chancellor's designee shall serve as the executive committee of the authority, and shall elect an executive chairperson from among the executive committee members. The authority and the executive committee may elect such other officers as determined by the authority or the executive committee respectively. The authority shall meet at least annually at the call of either co-chairperson and at such other times as either co-chairperson or the authority determines necessary. In the absence of both co-chairpersons, the executive chairperson shall serve as the presiding officer of the authority. The executive committee shall meet at the call of the

executive chairperson or as the executive committee determines necessary. The authority may delegate to the executive committee such duties and responsibilities as the authority determines appropriate, except that the authority may not delegate to the executive committee the final determination of the annual price of a tuition credit, the final designation of bonds as college savings bonds, or the employment of an executive director of the authority. Upon such delegation, the executive committee shall have the authority to act pursuant to such delegation without further approval or action by the authority. A majority of the authority shall constitute a quorum of the authority, and the affirmative vote of a majority of the members present shall be necessary for any action taken by the authority. A majority of the executive committee shall constitute a quorum of the executive committee, and the affirmative vote of a majority of the members present shall be necessary for any action taken by the executive committee. No vacancy in the membership of the authority or the executive committee shall impair the rights of a quorum to exercise all rights and perform all duties of the authority or the executive committee respectively.

Sec. 3334.07. (A)~~(1)~~ The Ohio tuition trust authority shall develop a plan for the sale of tuition credits. The Ohio board of regents shall cooperate with the authority and provide technical assistance upon request.

(B) Annually, the authority shall determine the weighted average tuition of four-year state universities in the academic year that begins on or after the first day of August of the current calendar year, and shall establish the price of a tuition credit in the ensuing sales period. Such price shall be based on sound actuarial principles, and shall, to the extent actuarially possible, reasonably approximate one per cent of the weighted average tuition for that academic year plus the costs of administering the tuition credit program that are in excess of general revenue fund appropriations for administrative costs. The sales period to which such price applies shall consist of twelve months, and the authority by rule shall establish the date on which the sales period begins. If circumstances arise during a sales period that the authority determines causes the price of tuition credits to be insufficient to ensure the actuarial soundness of the Ohio tuition trust fund, the authority may adjust the price of tuition credits purchased during the remainder of the sales period. To promote the purchase of tuition credits and in accordance with actuarially sound principles, the authority may adjust the sales price as part of incentive programs, such as discounting for lump-sum purchases and multi-year installment plans at a fixed rate of purchase.

Sec. 3334.12. Notwithstanding anything to the contrary in sections 3334.07 and 3334.09 of the Revised Code:

(A) Annually, the Ohio tuition trust authority shall have the actuarial soundness of the Ohio tuition trust fund evaluated by a nationally recognized actuary and shall determine whether additional assets are necessary to defray the obligations of the authority. If, after the authority sets the price for tuition credits, circumstances arise that the executive director determines necessitate an additional evaluation of the actuarial soundness of the fund, the executive director shall have a nationally recognized actuary conduct the necessary evaluation. If the assets of the fund are insufficient to ensure the actuarial soundness of the fund, the authority shall adjust the price of subsequent purchases of tuition credits.

(B) Upon termination of the program or liquidation of the Ohio tuition trust fund, the Ohio tuition trust reserve fund, and the Ohio tuition trust operating fund, any remaining assets of the funds after all obligations of the funds have been satisfied pursuant to division (B) of section 3334.11 of the Revised Code shall be transferred to the general revenue fund of the state.

(C) The authority shall prepare and cause to have audited an annual financial report on all financial activity of the Ohio tuition trust authority within ninety days of the end of the fiscal year. The authority shall transmit a copy of the audited financial report to the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives. Copies of the audited financial report also shall be made available, upon request, to the persons entering into contracts with the authority and to prospective purchasers of tuition credits.

Sec. 3345.27. (A) Each state university or college shall permit any person who is sixty years of age or older and who has resided in the state for at least one year to attend its courses and classes without charging ~~such a~~ that person a tuition or matriculation fee, provided ~~such the~~ the attendance is on a noncredit basis, is in courses where classroom space is available, and is approved by the instructors of the courses involved. The university or college may require payment of special fees, including any laboratory fees, if ~~such the~~ the fees are required of all students taking a course. Each university or college shall issue rules for determining the availability of classroom space and may issue such other rules as it considers necessary to implement this section, including rules exempting from the requirements of this section courses or classes for which special course or training prerequisites apply, in which physical demands upon students are inappropriate for imposition upon persons sixty years of age or older, or in which the number of participating regular students is insufficient to cover the university's or college's course-related expenses. A university or college also may extend to

persons attending its courses and classes under this section any other student rights or privileges it considers appropriate.

(B) A state university or college may permit a person to attend its courses and classes and to receive credit for a course taken under the conditions set forth in division (A) of this section if that person's family income is less than two hundred per cent of the federal poverty guideline, as revised annually by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981) 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. However, a person receiving credit for attending courses or classes under this division may be charged a tuition or matriculation fee in an amount no greater than the amount of any part-time student instructional grant awarded to that person by the state university or college in its discretion.

(C) For the purposes of this section, "state university or college" means any of the following:

~~(A)~~(1) State universities referred to in section 3345.011 of the Revised Code;

~~(B)~~(2) Community colleges created pursuant to Chapter 3354. of the Revised Code;

~~(C)~~(3) University branches created pursuant to Chapter 3355. of the Revised Code;

~~(D)~~(4) Technical colleges created pursuant to Chapter 3357. of the Revised Code;

~~(E)~~(5) State community colleges created pursuant to Chapter 3358. of the Revised Code;

~~(F)~~(6) Municipal educational institutions serving as affiliated units pursuant to section 3349.31 of the Revised Code.

SECTION 2. That existing sections 3301.08, 3301.80, 3334.03, 3334.07, 3334.12, and 3345.27 of the Revised Code are hereby repealed.

SECTION 3. That Section 50.43 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 650 and Am. Sub. H.B. 770 of the 122nd General Assembly, be amended to read as follows:

"Sec. 50.43. There is hereby created the Ohio Schools Technology Implementation Task Force composed of six voting members, three of whom shall be members of the Senate appointed by the President of the

Senate and three of whom shall be members of the House of Representatives appointed by the Speaker of the House of Representatives. Not more than two members from each house shall be members of the same political party. From among these six voting members, the President of the Senate and the Speaker of the House of Representatives jointly shall appoint a chair of the Task Force. The Task Force shall include as ex officio nonvoting members the Superintendent of Public Instruction or the Superintendent's designee; the Directors of Budget and Management, Administrative Services, and the Ohio SchoolNet Office of Information, Learning, and Technology Services or their designees; a representative designated by the head of the Ohio Education Computer Network; a representative designated by the Chairperson of the Public Utilities Commission of Ohio; and a representative appointed by the Chairperson of the Ohio Education Broadcasting Network Commission. The voting members may, by majority vote, elect to include any number of additional nonvoting members on the Task Force.

The Legislative Service Commission and the Legislative Budget Office of the Legislative Service Commission shall provide any staffing assistance requested by the Task Force.

The Task Force shall develop recommendations for a comprehensive framework for coordinating the planning and implementation of technology in Ohio schools and issue a report not later than January 31, 1999. The persons serving as members of the Task Force on January 1, 1999, shall continue to serve on the Task Force until the report is issued unless appointments are made to fill vacancies or unless the Speaker of the House of Representatives or the President of the Senate makes changes in the legislative members. Upon issuing its report, the Task Force shall cease to operate."

SECTION 4. That existing Section 50.43 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 650 and Am. Sub. H.B. 770 of the 122nd General Assembly, is hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____