Compute the follo	wing for each eligible district:	19631
[cost	c-of-doing-business factor X	19632
the formula a	amount X (the greater of formula ADM	19633
or thre	e-year average formula ADM)] -	19634
(.023 X adjusted (total taxable value recognized valuation)	19635
If the difference	obtained is a negative number, the	19636

district's computation shall be zero. 19637

(2)(a) For each school district for which the tax exempt 19638
value of the district equals or exceeds twenty-five per cent of 19639
the potential value of the district, the department of education 19640
shall calculate the difference between the district's tax exempt 19641
value and twenty-five per cent of the district's potential value. 19642

(b) For each school district to which division (A)(2)(a) of 19643
this section applies, the adjusted total taxable value department 19644
shall adjust the recognized valuation used in the calculation 19645
under division (A)(1) of this section shall be the adjusted total 19646
taxable value modified by subtracting from it the amount 19647
calculated under division (A)(2)(a) of this section. 19648

(B) As used in this section:

(1) The "total special education weight" for a district means 19650the sum of the following amounts: 19651

(a) The district's category one special education ADM 19652
 multiplied by the multiple specified under in division (A) of 19653
 section 3317.013 of the Revised Code; 19654

(b) The sum of the district's category two and category three
 19655
 special education ADMs ADM multiplied by the multiple specified
 19656
 under in division (B) of section 3317.013 of the Revised Code;
 19657

19658

<u>(c) The district'</u>	<u>'s category three special education ADM</u>	19659
multiplied by the mult	tiple specified in division (C) of section	19660

3317.013 of the Revised Code; (d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code; (e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code; (f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code. (2) "State share percentage" means the percentage calculated for a district as follows:

(a) Calculate the state base cost funding amount for the 19673 district for the fiscal year under division (A) of this section. 19674 If the district would not receive any state base cost funding for 19675 that year under that division, the district's state share 19676 percentage is zero. 19677

(b) If the district would receive state base cost funding 19678 under that division, divide that amount by an amount equal to the 19679 following: 19680

- Cost-of-doing-business factor X 19681 the formula amount X (the greater of formula 19682 ADM or three-year average formula ADM) 19683
- The resultant number is the district's state share 19684 percentage. 19685

(3) "Related services" includes:

(a) Child study, special education supervisors and 19687 coordinators, speech and hearing services, adaptive physical 19688 development services, occupational or physical therapy, teacher 19689 assistants for handicapped children whose handicaps are described 19690

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in division (B) of section 3317.013 or division (F)(3) of section
3317.02 of the Revised Code, behavioral intervention, interpreter
services, work study, nursing services, and specialized
integrative services as those terms are defined by the department;
19691
19691
19692
19693
19694

(b) Speech and language services provided to any student with 19695
 a handicap, including any student whose primary or only handicap 19696
 is a speech and language handicap; 19697

(c) Any related service not specifically covered by other
state funds but specified in federal law, including but not
limited to, audiology and school psychological services;
19700

(d) Any service included in units funded under former 19701division (0)(1) of section 3317.023 of the Revised Code; 19702

(e) Any other related service needed by handicapped children 19703in accordance with their individualized education plans. 19704

(4) The "total vocational education weight" for a district 19705means the sum of the following amounts: 19706

(a) The district's category one vocational education ADM 19707
multiplied by the multiple specified in division (A) of section 19708
3317.014 of the Revised Code; 19709

(b) The district's category two vocational education ADM 19710
multiplied by the multiple specified in division (B) of section 19711
3317.014 of the Revised Code. 19712

(C)(1) The department shall compute and distribute state 19713
special education and related services additional weighted costs 19714
funds to each school district in accordance with the following 19715
formula: 19716

The district's state share percentage19717X the formula amount for the year19718for which the aid is calculated19719X the district's total special education weight19720

(2) In any fiscal year, a school district receiving funds	19721
under division (C)(1) of this section shall spend on related	19722
services the lesser of the following:	19723
(a) The amount the district spent on related services in the	19724
preceding fiscal year;	19725
(b) 1/8 X {[cost-of-doing-business factor X the formula	19726
amount X (the category one special education ADM + category two	19727
special education ADM + category three special education ADM)] +	19728
the amount calculated for the fiscal year under division (C)(1) of	19729
this section + the local share of special education and related	19730
services additional weighted costs}.	19731

(3) The <u>attributed</u> local share of special education and 19732
 related services additional weighted costs equals: 19733

 (1 - the district's state share percentage) X
 19734
 the district's total special education weight X

the formula amount 19736

 $\frac{(4)(3)(a)}{(3)}$ The department shall compute and pay in accordance 19737 with this division additional state aid to school districts for 19738 students in category three categories two through six special 19739 education ADM. If a district's costs for the fiscal year for a 19740 student in its category three categories two through six special 19741 education ADM are twenty-five thousand dollars or more exceed the 19742 threshold catastrophic cost for serving the student, the district 19743 may submit to the superintendent of public instruction 19744 documentation, as prescribed by the superintendent, of all its 19745 costs for that student. Upon submission of documentation for a 19746 student of the type and in the manner prescribed, the department 19747 shall pay to the district an amount equal to the sum of the 19748 following: 19749

(i) One-half of the district's costs for the student in19750excess of the threshold catastrophic cost;19751

(ii) The product of one-half of the district's costs for the	19752
student in excess of twenty-five thousand dollars <u>the threshold</u>	19753
catastrophic cost multiplied by the district's state share	19754
percentage.	19755
(b) For purposes of division (C)(3)(a) of this section, the	19756
threshold catastrophic cost for serving a student equals:	19757
(i) For a student in the school district's category two,	19758
three, four, or five special education ADM, twenty-five thousand	19759
dollars in fiscal year 2002 and twenty-five thousand seven hundred	19760
<u>dollars in fiscal year 2003;</u>	19761
(ii) For a student in the district's category six special	19762
education ADM, thirty thousand dollars in fiscal year 2002 and	19763
thirty thousand eight hundred forty dollars in fiscal year 2003.	19764
The threshold catastrophic costs for fiscal year 2003	19765
represent a two and eight-tenths per cent inflationary increase	19766
<u>over fiscal year 2002.</u>	19767
(c) The district shall only report <u>under division (C)(3)(a)</u>	19768
of this section, and the department shall only pay for, the costs	19769
of educational expenses and the related services provided to the	19770
student in accordance with the student's individualized education	19771
program. Any legal fees, court costs, or other costs associated	19772
with any cause of action relating to the student may not be	19773
included in the amount.	19774
(5)(a) As used in this division, the "personnel allowance"	19775
means twenty-five thousand dollars in fiscal year 2000 and thirty	19776
thousand dollars in fiscal year 2001 years 2002 and 2003.	19777
(b) For the provision of speech services to students,	19778
including students who do not have individualized education	19779
programs prepared for them under Chapter 3323. of the Revised	19780
Code, and for no other purpose, the department of education shall	19781
pay each school district an amount calculated under the following	19782

formula: 19783 (formula ADM divided by 2000) X 19784 the personnel allowance X the state share percentage 19785 $\frac{(6)}{(5)}$ In any fiscal year, a school district receiving funds 19786 under division (C)(1) of this section shall spend those funds only 19787 for the purposes that the department designates as approved for 19788 special education and related services expenses at least the 19789 amount calculated as follows: 19790 (cost-of-doing-business factor X 19791 formula amount X the sum of categories 19792 one through six special education ADM) + 19793 (total special education weight X formula amount) 19794 The purposes approved by the department for special education 19795 expenses shall include, but shall not be limited to, 19796 identification of handicapped children, compliance with state 19797 rules governing the education of handicapped children and 19798 prescribing the continuum of program options for handicapped 19799 children, and the portion of the school district's overall 19800 administrative and overhead costs that are attributable to the 19801 district's special education student population. 19802 The department shall require school districts to report data 19803 annually to allow for monitoring compliance with division (C)(5)19804 of this section. The department shall annually report to the 19805 governor and the general assembly the amount of money spent by 19806 each school district for special education and related services. 19807 (D)(1) As used in this division: 19808 (a) "Daily bus miles per student" equals the number of bus 19809 miles traveled per day, divided by transportation base. 19810

(b) "Transportation base" equals total student count as19811defined in section 3301.011 of the Revised Code, minus the number19812of students enrolled in preschool handicapped units, plus the19813

19814 number of nonpublic school students included in transportation 19815 ADM.

(c) "Transported student percentage" equals transportation 19816 ADM divided by transportation base.

(d) "Transportation cost per student" equals total operating 19818 costs for board-owned or contractor-operated school buses divided 19819 by transportation base. 19820

(2) Analysis of student transportation cost data has resulted 19821 in a finding that an average efficient transportation use cost per 19822 student can be calculated by means of a regression formula that 19823 has as its two independent variables the number of daily bus miles 19824 per student and the transported student percentage. For fiscal 19825 year 1998 transportation cost data, the average efficient 19826 transportation use cost per student is expressed as follows: 19827

51.79027 + (139.62626 X daily bus miles per student) + 19829 (116.25573 X transported student percentage) 19830

The department of education shall annually determine the 19831 average efficient transportation use cost per student in 19832 accordance with the principles stated in division (D)(2) of this 19833 section, updating the intercept and regression coefficients of the 19834 regression formula modeled in this division, based on an annual 19835 statewide analysis of each school district's daily bus miles per 19836 student, transported student percentage, and transportation cost 19837 per student data. The department shall conduct the annual update 19838 using data, including daily bus miles per student, transported 19839 student percentage, and transportation cost per student data, from 19840 the prior fiscal year. The department shall notify the office of 19841 budget and management of such update by the fifteenth day of 19842 February of each year. 19843

(3) In addition to funds paid under divisions (A), (C), and 19844

19817

19845 (E) of this section, each district with a transported student 19846 percentage greater than zero shall receive a payment equal to a 19847 percentage of the product of the district's transportation base 19848 from the prior fiscal year times the annually updated average 19849 efficient transportation use cost per student, times an inflation 19850 factor of two and eight tenths per cent to account for the 19851 one-year difference between the data used in updating the formula 19852 and calculating the payment and the year in which the payment is 19853 made. The percentage shall be the following percentage of that 19854 product specified for the corresponding fiscal year: ----

FISCAL YEAR	PERCENTAGE	19855
2000	52.5%	19856
2001	55%	19857
2002	57.5%	19858
2003 and thereafter	<u>The greater of</u> 60% <u>or the</u>	19859
	<u>district's state share</u>	
	percentage	

The payments made under division (D)(3) of this section each 19860 year shall be calculated based on all of the same prior year's 19861 data used to update the formula. 19862

(4) In addition to funds paid under divisions (D)(2) and (3) 19863
of this section, a school district shall receive a rough road 19864
subsidy if both of the following apply: 19865

(a) Its county rough road percentage is higher than the 19866
statewide rough road percentage, as those terms are defined in 19867
division (D)(5) of this section; 19868

(b) Its district student density is lower than the statewide 19869 student density, as those terms are defined in that division. 19870

(5) The rough road subsidy paid to each district meeting the
 qualifications of division (D)(4) of this section shall be
 19872
 calculated in accordance with the following formula:
 19873

(per rough mile subsidy X total rough road miles) X	19874
density multiplier	19875
where:	19876
(a) "Per rough mile subsidy" equals the amount calculated in	19877
accordance with the following formula:	19878
0.75 - {0.75 X [(maximum rough road percentage -	19879
	19880
county rough road percentage)/(maximum rough road percentage -	19881
<pre>statewide rough road percentage)]}</pre>	19882
(i) "Maximum rough road percentage" means the highest county	19883
rough road percentage in the state.	19884
(ii) "County rough road percentage" equals the percentage of	19885
the mileage of state, municipal, county, and township roads that	19886
is rated by the department of transportation as type A, B, C, E2,	19887
or F in the county in which the school district is located or, if	19888
the district is located in more than one county, the county to	19889
which it is assigned for purposes of determining its	19890
cost-of-doing-business factor.	19891
(iii) "Statewide rough road percentage" means the percentage	19892
of the statewide total mileage of state, municipal, county, and	19893
township roads that is rated as type A, B, C, E2, or F by the	19894
department of transportation.	19895
(b) "Total rough road miles" means a school district's total	19896
bus miles traveled in one year times its county rough road	19897
percentage.	19898
(c) "Density multiplier" means a figure calculated in	19899
accordance with the following formula:	19900
1 - [(minimum student density - district student	19901
density)/(minimum student density -	19902
statewide student density)]	19903

(i) "Minimum student density" means the lowest district 19904

student density in the state.

(ii) "District student density" means a school district's 19906transportation base divided by the number of square miles in the 19907district. 19908

(iii) "Statewide student density" means the sum of thetransportation bases for all school districts divided by the sumof the square miles in all school districts.

(6) In addition to funds paid under divisions (D)(2) to (5)19912 of this section, each district shall receive in accordance with 19913 rules adopted by the state board of education a payment for 19914 students transported by means other than board-owned or 19915 contractor-operated buses and whose transportation is not funded 19916 under division (J) of section 3317.024 of the Revised Code. The 19917 rules shall include provisions for school district reporting of 19918 such students. 19919

(7) Notwithstanding divisions (D)(1) to (6) of this section, 19920 in fiscal year 2000 only, each school district shall receive the 19921 greater of the total amount calculated for it under those 19922 divisions and division (J) of section 3317.024 of the Revised Code 19923 or the total amount calculated for it for types one through six 19924 student transportation operating funds in fiscal year 1999. For 19925 purposes of division (D)(7) of this section, the fiscal year 1999 19926 guaranteed total amount does not include subsidies for school bus 19927 purchases. 19928

(E)(1) The department shall compute and distribute state
 vocational education additional weighted costs funds to each
 school district in accordance with the following formula:
 state share percentage X
 the formula amount X
 total vocational education weight
 19934
 In any fiscal year, a school district receiving funds under

Page 642

division (E)(1) of this section shall spend those funds only for
the purposes that the department designates as approved for
vocational education expenses.
19938

(2) The department shall compute for each school district
 19939
 state funds for vocational education associated services in
 19940
 accordance with the following formula:
 19941

state share percentage X .05 X19942the formula amount X the sum of categories one and two19943vocational education ADM19944

In any fiscal year, a school district receiving funds under 19945 division (E)(2) of this section, or through a transfer of funds 19946 pursuant to division (L) of section 3317.023 of the Revised Code, 19947 shall spend those funds only for the purposes that the department 19948 designates as approved for vocational education associated 19949 services expenses, which may include such purposes as 19950 apprenticeship coordinators, coordinators for other vocational 19951 education services, vocational evaluation, and other purposes 19952 designated by the department. The department may deny payment 19953 under division (E)(2) of this section to any district that the 19954 department determines is not operating those services or is using 19955 funds paid under division (E)(2) of this section, or through a 19956 transfer of funds pursuant to division (L) of section 3317.023 of 19957 the Revised Code, for other purposes. 19958

In fiscal years 2000 and 2001, each school district shall19959continue to offer the same number of the vocational education19960programs that the district offered in fiscal year 1999, unless the19961department of education expressly agrees that the district may19962offer fewer programs in either fiscal year 2000 or 2001 or both.19963

(F) Beginning in fiscal year 2003, the actual local share in19964any fiscal year for the combination of special education and19965related services additional weighted costs funding calculated19966under division (C)(1) of this section, transportation funding19967

calculated under divisions (D)(2) and (3) of this section, and	19968
vocational education and associated services additional weighted	19969
costs funding calculated under divisions (E)(1) and (2) of this	19970
section shall not exceed for any school district the product of	19971
three mills times the district's recognized valuation. Beginning	19972
in fiscal year 2003, the department annually shall pay each school	19973
district as an excess cost supplement any amount by which the sum	19974
of the district's attributed local shares for that funding exceeds	19975
that product. For purposes of calculating the excess cost	
supplement:	19977
(1) The attributed local share for special education and	19978
related services additional weighted costs funding is the amount	19979
specified in division (C)(2) of this section.	19980
(2) The attributed local share of transportation funding	19981
equals the difference of the total amount calculated for the	19982
district using the formula developed under division (D)(2) of this	19983
section minus the actual amount paid to the district after	19984
applying the percentage specified in division (D)(3) of this	19985
section.	19986
(3) The attributed local share of vocational education and	19987
associated services additional weighted costs funding is the	19988
amount determined as follows:	19989
<u>(1 - state share percentage) X</u>	19990
[(total vocational education weight X the formula amount) +	19991
the payment under division (E)(2) of this section]	19992

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 19993 Revised Code, the amounts required to be paid to a district under 19994 this chapter shall be adjusted by the amount of the computations 19995 made under divisions (B) to (K)(L) of this section. 19996

As used in this section:

Page 644

(1) "Classroom teacher" means a licensed employee who
 provides direct instruction to pupils, excluding teachers funded
 from money paid to the district from federal sources; educational
 20000
 service personnel; and vocational and special education teachers.

(2) "Educational service personnel" shall not include such 20002 specialists funded from money paid to the district from federal 20003 sources or assigned full-time to vocational or special education 20004 students and classes and may only include those persons employed 20005 in the eight specialist areas in a pattern approved by the 20006 department of education under guidelines established by the state 20007 board of education. 20008

(3) "Annual salary" means the annual base salary stated in 20009
the state minimum salary schedule for the performance of the 20010
teacher's regular teaching duties that the teacher earns for 20011
services rendered for the first full week of October of the fiscal 20012
year for which the adjustment is made under division (C) of this 20013
section. It shall not include any salary payments for supplemental 20014
teachers contracts. 20015

(4) "Regular student population" means the formula ADM plus 20016 the number of students reported as enrolled in the district 20017 pursuant to division (A)(1) of section 3313.981 of the Revised 20018 Code; minus the number of students reported under division (A)(2)20019 of section 3317.03 of the Revised Code; minus the FTE of students 20020 reported under division (B)(5), (6), (7), (8), or (9), (10), (11), 20021 or (12) of that section who are enrolled in a vocational education 20022 class or receiving special education; and minus one-fourth of the 20023 students enrolled concurrently in a joint vocational school 20024 district. 20025

(5) "State share percentage" has the same meaning as in20026section 3317.022 of the Revised Code.20027

(6) "VEPD" means a school district or group of school 20028

districts designated by the department of education as being20029responsible for the planning for and provision of vocational20030education services to students within the district or group.20031

(7) "Lead district" means a school district, including a 20032
joint vocational school district, designated by the department as 20033
a VEPD, or designated to provide primary vocational education 20034
leadership within a VEPD composed of a group of districts. 20035

(B) If the district employs less than one full-time 20036
 equivalent classroom teacher for each twenty-five pupils in the 20037
 regular student population in any school district, deduct the sum 20038
 of the amounts obtained from the following computations: 20039

(1) Divide the number of the district's full-time equivalent 20040classroom teachers employed by one twenty-fifth; 20041

(2) Subtract the quotient in (1) from the district's regular 20042
student population; 20043

(3) Multiply the difference in (2) by seven hundred fifty-two 20044dollars. 20045

(C) If a positive amount, add one-half of the amount obtained 20046by multiplying the number of full-time equivalent classroom 20047teachers by: 20048

(1) The mean annual salary of all full-time equivalent
 20049
 classroom teachers employed by the district at their respective
 20050
 training and experience levels minus;
 20051

(2) The mean annual salary of all such teachers at their 20052respective levels in all school districts receiving payments under 20053this section. 20054

The number of full-time equivalent classroom teachers used in 20055 this computation shall not exceed one twenty-fifth of the 20056 district's regular student population. In calculating the 20057 district's mean salary under this division, those full-time 20058

equivalent classroom teachers with the highest training level20059shall be counted first, those with the next highest training level20060second, and so on, in descending order. Within the respective20061training levels, teachers with the highest years of service shall20062be counted first, the next highest years of service second, and so20063on, in descending order.20064

20065 (D) This division does not apply to a school district that has entered into an agreement under division (A) of section 20066 3313.42 of the Revised Code. Deduct the amount obtained from the 20067 following computations if the district employs fewer than five 20068 full-time equivalent educational service personnel, including 20069 elementary school art, music, and physical education teachers, 20070 counselors, librarians, visiting teachers, school social workers, 20071 and school nurses for each one thousand pupils in the regular 20072 student population: 20073

(1) Divide the number of full-time equivalent educational 20074
 service personnel employed by the district by five 20075
 one-thousandths; 20076

(2) Subtract the quotient in (1) from the district's regular 20077student population; 20078

(3) Multiply the difference in (2) by ninety-four dollars. 20079

(E) If a local school district, or a city or exempted village 20080
 school district to which a governing board of an educational 20081
 service center provides services pursuant to section 3313.843 of 20082
 the Revised Code, deduct the amount of the payment required for 20083
 the reimbursement of the governing board under section 3317.11 of 20084
 the Revised Code. 20085

(F)(1) If the district is required to pay to or entitled to 20086
receive tuition from another school district under division (C)(2) 20087
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 20088
or if the superintendent of public instruction is required to 20089

20090 determine the correct amount of tuition and make a deduction or 20091 credit under section 3317.08 of the Revised Code, deduct and 20092 credit such amounts as provided in division (I) of section 3313.64 20093 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for 20094 tuition or payment under division (A)(1) of section 3317.082 or 20095 section 3323.091 of the Revised Code, deduct the amount of tuition 20096 or payment for which the district is responsible. 20097

(G) If the district has been certified by the superintendent 20098 of public instruction under section 3313.90 of the Revised Code as 20099 not in compliance with the requirements of that section, deduct an 20100 amount equal to ten per cent of the amount computed for the 20101 district under section 3317.022 of the Revised Code. 20102

(H) If the district has received a loan from a commercial 20103 lending institution for which payments are made by the 20104 superintendent of public instruction pursuant to division (E)(3) 20105 of section 3313.483 of the Revised Code, deduct an amount equal to 20106 such payments. 20107

(I)(1) If the district is a party to an agreement entered 20108 into under division (D), (E), or (F) of section 3311.06 or 20109 division (B) of section 3311.24 of the Revised Code and is 20110 obligated to make payments to another district under such an 20111 agreement, deduct an amount equal to such payments if the district 20112 school board notifies the department in writing that it wishes to 20113 have such payments deducted. 20114

(2) If the district is entitled to receive payments from 20115 another district that has notified the department to deduct such 20116 payments under division (I)(1) of this section, add the amount of 20117 such payments. 20118

(J) If the district is required to pay an amount of funds to 20119 a cooperative education district pursuant to a provision described 20120

20121 by division (B)(4) of section 3311.52 or division (B)(8) of 20122 section 3311.521 of the Revised Code, deduct such amounts as 20123 provided under that provision and credit those amounts to the 20124 cooperative education district for payment to the district under 20125 division (B)(1) of section 3317.19 of the Revised Code.

(K)(1) If a district is educating a student entitled to 20126 attend school in another district pursuant to a shared education 20127 contract, compact, or cooperative education agreement other than 20128 an agreement entered into pursuant to section 3313.842 of the 20129 Revised Code, credit to that educating district on an FTE basis 20130 both of the following: 20131

(a) An amount equal to the formula amount times the cost of 20132 doing business factor of the school district where the student is 20133 entitled to attend school pursuant to section 3313.64 or 3313.65 20134 of the Revised Code; 20135

(b) An amount equal to the formula amount times the state 20136 share percentage times any multiple applicable to the student 20137 pursuant to section 3317.013 or 3317.014 of the Revised Code. 20138

(2) Deduct any amount credited pursuant to division (K)(1) of 20139 this section from amounts paid to the school district in which the 20140 student is entitled to attend school pursuant to section 3313.64 20141 or 3313.65 of the Revised Code. 20142

(3) If the district is required by a shared education 20143 contract, compact, or cooperative education agreement to make 20144 payments to an educational service center, deduct the amounts from 20145 payments to the district and add them to the amounts paid to the 20146 service center pursuant to section 3317.11 of the Revised Code. 20147

(L)(1) If a district, including a joint vocational school 20148 district, is a lead district of a VEPD, credit to that district 20149 the amounts calculated for all the school districts within that 20150 VEPD pursuant to division (E)(2) of section 3317.022 of the 20151

Revised Code.

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is 20154 credited to a lead district under division (L)(1) of this section. 20155

sec. 3317.024. In addition to the moneys paid to eligible 20156 school districts pursuant to section 3317.022 of the Revised Code, 20157 moneys appropriated for the education programs in divisions (A) to 20158 (H), (J) to (L), (O), (P), and (R) of this section shall be 20159 distributed to school districts meeting the requirements of 20160 section 3317.01 of the Revised Code; in the case of divisions (J) 20161 and (P) of this section, to educational service centers as 20162 provided in section 3317.11 of the Revised Code; in the case of 20163 divisions (E), (M), and (N) of this section, to county MR/DD 20164 boards; in the case of division (R) of this section, to joint 20165 vocational school districts; in the case of division (K) of this 20166 section, to cooperative education school districts; and in the 20167 case of division (Q) of this section, to the institutions defined 20168 under section 3317.082 of the Revised Code providing elementary or 20169 secondary education programs to children other than children 20170 receiving special education under section 3323.091 of the Revised 20171 Code. The following shall be distributed monthly, quarterly, or 20172 annually as may be determined by the state board of education: 20173

(A) A per pupil amount to each school district that 20174 establishes a summer school remediation program that complies with 20175 rules of the state board of education. 20176

(B) An amount for each island school district and each joint 20177 state school district for the operation of each high school and 20178 each elementary school maintained within such district and for 20179 capital improvements for such schools. Such amounts shall be 20180 determined on the basis of standards adopted by the state board of 20181 education. 20182

Page 650

20152

(C) An amount for each school district operating classes for 20183 children of migrant workers who are unable to be in attendance in 20184 an Ohio school during the entire regular school year. The amounts 20185 shall be determined on the basis of standards adopted by the state 20186 board of education, except that payment shall be made only for 20187 subjects regularly offered by the school district providing the 20188 classes.

(D) An amount for each school district with guidance, 20190
testing, and counseling programs approved by the state board of 20191
education. The amount shall be determined on the basis of 20192
standards adopted by the state board of education. 20193

(E) An amount for the emergency purchase of school buses as 20194provided for in section 3317.07 of the Revised Code; 20195

(F) An amount for each school district required to pay 20196
tuition for a child in an institution maintained by the department 20197
of youth services pursuant to section 3317.082 of the Revised 20198
Code, provided the child was not included in the calculation of 20199
the district's average daily membership for the preceding school 20200
year. 20201

(G) In fiscal year 2000 only, an amount to each school 20202 district for supplemental salary allowances for each licensed 20203 employee except those licensees serving as superintendents, 20204 assistant superintendents, principals, or assistant principals, 20205 whose term of service in any year is extended beyond the term of 20206 service of regular classroom teachers, as described in section 20207 3301.0725 of the Revised Code; 20208

(H) An amount for adult basic literacy education for each 20209
district participating in programs approved by the state board of 20210
education. The amount shall be determined on the basis of 20211
standards adopted by the state board of education. 20212

(I) Notwithstanding section 3317.01 of the Revised Code, but 20213

20214 only until June 30, 1999, to each city, local, and exempted 20215 village school district, an amount for conducting driver education 20216 courses at high schools for which the state board of education 20217 prescribes minimum standards and to joint vocational and 20218 cooperative education school districts and educational service 20219 centers, an amount for conducting driver education courses to 20220 pupils enrolled in a high school for which the state board 20221 prescribes minimum standards. No payments shall be made under this 20222 division after June 30, 1999.

(J) An amount for the approved cost of transporting 20223 developmentally handicapped pupils whom it is impossible or 20224 impractical to transport by regular school bus in the course of 20225 regular route transportation provided by the district or service 20226 center. No district or service center is eligible to receive a 20227 payment under this division for the cost of transporting any pupil 20228 whom it transports by regular school bus and who is included in 20229 the district's transportation ADM. The state board of education 20230 shall establish standards and guidelines for use by the department 20231 of education in determining the approved cost of such 20232 transportation for each district or service center. 20233

(K) An amount to each school district, including each 20234 cooperative education school district, pursuant to section 3313.81 20235 of the Revised Code to assist in providing free lunches to needy 20236 children and an amount to assist needy school districts in 20237 purchasing necessary equipment for food preparation. The amounts 20238 shall be determined on the basis of rules adopted by the state 20239 board of education. 20240

(L) An amount to each school district, for each pupil 20241 attending a chartered nonpublic elementary or high school within 20242 the district. The amount shall equal the amount appropriated for 20243 the implementation of section 3317.06 of the Revised Code divided 20244 by the average daily membership in grades kindergarten through 20245

twelve in nonpublic elementary and high schools within the state20246as determined during the first full week in October of each school20247year.20248

(M) An amount for each county MR/DD board, distributed on the 20249
 basis of standards adopted by the state board of education, for 20250
 the approved cost of transportation required for children 20251
 attending special education programs operated by the county MR/DD 20252
 board under section 3323.09 of the Revised Code; 20253

(N) An amount for each county MR/DD board, distributed on the 20254
 basis of standards adopted by the state board of education, for 20255
 supportive home services for preschool children; 20256

(0) An amount for each school district that establishes a 20257 mentor teacher program that complies with rules of the state board 20258 of education. No school district shall be required to establish or 20259 maintain such a program in any year unless sufficient funds are 20260 appropriated to cover the district's total costs for the program. 20261

(P) An amount to each school district or educational service 20262 center for the total number of gifted units approved pursuant to 20263 section 3317.05 of the Revised Code. The amount for each such unit 20264 shall be the sum of the minimum salary for the teacher of the 20265 unit, calculated on the basis of the teacher's training level and 20266 years of experience pursuant to the salary schedule prescribed in 20267 the version of section 3317.13 of the Revised Code in effect prior 20268 to the effective date of this amendment, plus fifteen per cent of 20269 that minimum salary amount, plus two thousand six hundred 20270 seventy-eight dollars. 20271

(Q) An amount to each institution defined under section 20272 3317.082 of the Revised Code providing elementary or secondary 20273 education to children other than children receiving special 20274 education under section 3323.091 of the Revised Code. This amount 20275 for any institution in any fiscal year shall equal the total of 20276

all tuition amounts required to be paid to the institution under 20277 division (A)(1) of section 3317.082 of the Revised Code. 20278

(R) A grant to each school district and joint vocational 20279 school district that operates a "graduation, reality, and 20280 dual-role skills" (GRADS) program for pregnant and parenting 20281 students that is approved by the department. The amount of the 20282 payment shall be the district's state share percentage, as defined 20283 in section 3317.022 or 3317.16 of the Revised Code, times the 20284 20285 GRADS personnel allowance times the full-time-equivalent number of GRADS teachers approved by the department. The GRADS personnel 20286 allowance is \$45,000 in fiscal year 2000 and \$46,260 in fiscal 20287 year 2001 years 2002 and 2003. 20288

The state board of education or any other board of education 20289 or governing board may provide for any resident of a district or 20290 educational service center territory any educational service for 20291 which funds are made available to the board by the United States 20292 under the authority of public law, whether such funds come 20293 directly or indirectly from the United States or any agency or 20294 department thereof or through the state or any agency, department, 20295 or political subdivision thereof. 20296

Sec. 3317.029. (A) As used in this section: 20297

(1) "DPIA percentage" means<u>:</u>

(a) In fiscal years prior to fiscal year 2004, the quotient 20299
 obtained by dividing the five-year average number of children ages 20300
 five to seventeen residing in the school district and living in a 20301
 family receiving family assistance under the Ohio works first 20302
 program or an antecedent program known as TANF or ADC, as 20303
 certified or adjusted under section 3317.10 of the Revised Code, 20304
 by the district's three-year average formula ADM. 20305

(b) Beginning in fiscal year 2004, the five-year average, 20306

20307 unduplicated number of children ages five to seventeen residing in 20308 the school district and living in a family that has family income 20309 not exceeding the federal poverty guidelines and that receives 20310 family assistance, as certified or adjusted under section 3317.10 20311 of the Revised Code, divided by the district's three-year average 20312 formula ADM. 20313 (2) "Family assistance" means assistance received under one 20314 of the following: (a) The Ohio works first program or, for the purpose of 20315 determining the five-year average number of recipients of family 20316 assistance in fiscal years 1999 through 2002, assistance received 20317 under an antecedent program known as TANF or ADC; 20318 (b) The food stamp program; 20319 (c) The medical assistance program, including the healthy 20320 start program, established under Chapter 5111. of the Revised 20321 <u>Code;</u> 20322 (d) The children's health insurance program part I 20323 established under section 5101.50 of the Revised Code or, prior to 20324 fiscal year 2000, an executive order issued under section 107.17 20325 of the Revised Code; 20326 (e) The disability assistance program established under 20327 Chapter 5115. of the Revised Code. 20328 (3) "Statewide DPIA percentage" means: 20329 (a) In fiscal years prior to fiscal year 2004, the five-year 20330 average of the total number of children ages five to seventeen 20331 years residing in the state and receiving family assistance under 20332 the Ohio works first program or an antecedent program known as 20333 TANF or ADC, divided by the sum of the three-year average formula 20334 ADMs for all school districts in the state. 20335

(b) Beginning in fiscal year 2004, the five-year average of 20336

the total, unduplicated number of children ages five to seventeen	20337
residing in the state and living in a family that has family	20338
income not exceeding the federal poverty guidelines and that	20339
receives family assistance, divided by the sum of the three-year	20340
average formula ADMs for all school districts in the state.	20341
(4) "DPIA index" means the quotient obtained by dividing the	20342
school district's DPIA percentage by the statewide DPIA	20343
percentage.	20344
(5) <u>"Federal poverty guidelines" has the same meaning as in</u>	20345
section 5101.46 of the Revised Code.	20346
(6) "DPIA student count" means:	20347
(a) In fiscal years prior to fiscal year 2004, the five-year	20348
average number of children ages five to seventeen residing in the	20349
school district and living in a family receiving assistance under	20350
the Ohio works first program or an antecedent program known as	20351
TANF or ADC, as certified under section 3317.10 of the Revised	20352
<u>Code;</u>	20353
(b) Beginning in fiscal year 2004, the five-year average,	20354
unduplicated number of children ages five to seventeen residing in	20355
the school district and living in a family that has family income	20356
not exceeding the federal poverty guidelines and that receives	20357
family assistance, as certified or adjusted under section 3317.10	20358
of the Revised Code.	20359
(7) "Kindergarten ADM" means the number of students reported	20360
under section 3317.03 of the Revised Code as enrolled in	20361
kindergarten.	20362
(6)(8) "Kindergarten through third grade ADM" means the	20363
amount calculated as follows:	20364
(a) Multiply the kindergarten ADM by the sum of one plus the	20365
all-day kindergarten percentage;	20366

(b) Add the number of students in grades one through three; 20367

(c) Subtract from the sum calculated under division (A)(6)(b) 20368of this section the number of special education students in grades 20369kindergarten through three. 20370

(7)(9)"Statewide average teacher salary" means forty20371forty-twothousand onefour hundred eighty-seven sixty-nine20372dollars in fiscal year 20002002, and forty-oneforty-three20373thousand threesix hundredtwelvefifty-eightdollars in fiscal20374year 20012003, which includes an amount for the value of fringe2037520376

(8)(10) "All-day kindergarten" means a kindergarten class 20377
that is in session five days per week for not less than the same 20378
number of clock hours each day as for pupils in grades one through 20379
six. 20380

(9)(11)"All-day kindergarten percentage" means the20381percentage of a district's actual total number of students20382enrolled in kindergarten who are enrolled in all-day kindergarten.20383

(10)(12) "Buildings with the highest concentration of need" 20384 means: 20385

(a) In fiscal years prior to fiscal year 2004, the school20386buildings in a district with percentages of students receiving20387family assistance in grades kindergarten through three receiving20388assistance under Ohio works first at least as high as the20389district-wide percentage of students receiving family such20390assistance. If, however20391

(b) Beginning in fiscal year 2004, the school buildings in a20392district with percentages of students in grades kindergarten20393through three receiving family assistance at least as high as the20394district-wide percentage of students receiving family assistance.20395

(c) If, in any fiscal year, the information provided by the 20396

department of job and family services under section 3317.10 of the 20397 Revised Code is insufficient to determine the Ohio works first or 20398 family assistance percentage in each building, "buildings with the 20399 highest concentration of need" has the meaning given in rules that 20400 the department of education shall adopt. The rules shall base the 20401 definition of "buildings with the highest concentration of need" 20402 on family income of students in grades kindergarten through three 20403 in a manner that, to the extent possible with available data, 20404 approximates the intent of this division and division (G) of this 20405 section to designate buildings where the Ohio works first or 20406 family assistance percentage in those grades equals or exceeds the 20407 district-wide Ohio works first or family assistance percentage. 20408

(B) In addition to the amounts required to be paid to a 20409 school district under section 3317.022 of the Revised Code, a 20410 school district shall receive the greater of the amount the 20411 district received in fiscal year 1998 pursuant to division (B) of 20412 section 3317.023 of the Revised Code as it existed at that time or 20413 the sum of the computations made under divisions (C) to (E) of 20414 this section.

(C) A supplemental payment that may be utilized for measures 20416
 related to safety and security and for remediation or similar 20417
 programs, calculated as follows: 20418

(1) If the DPIA index of the school district is greater than 20419 or equal to thirty-five-hundredths, but less than one, an amount 20420 obtained by multiplying the five-year average number of pupils in 20421 a district receiving family assistance district's DPIA student 20422 count by two hundred thirty dollars; 20423

(2) If the DPIA index of the school district is greater than
or equal to one, an amount obtained by multiplying the DPIA index
by two hundred thirty dollars and multiplying that product by the
20426
five-year average number of pupils in a district receiving family
20427
assistance district's DPIA student count.

Except as otherwise provided in division (F) of this section,20429beginning with the school year that starts July 1, 2002, each20430school district annually shall use at least twenty per cent of the20431funds calculated for the district under this division for20432intervention services required by section 3313.608 of the Revised20433Code.20434

(D) A payment for all-day kindergarten if the DPIA index of
 20435
 the school district is greater than or equal to one or if the
 20436
 district's three-year average formula ADM exceeded seventeen
 20437
 thousand five hundred, calculated by multiplying the all-day
 20438
 kindergarten percentage by the kindergarten ADM and multiplying
 20439
 that product by the formula amount.

(E) A class-size reduction payment based on calculating the 20441number of new teachers necessary to achieve a lower 20442student-teacher ratio, as follows: 20443

(1) Determine or calculate a formula number of teachers per 20444
 one thousand students based on the DPIA index of the school 20445
 district as follows: 20446

(a) If the DPIA index of the school district is less than
20447
six-tenths, the formula number of teachers is 43.478, which is the
number of teachers per one thousand students at a student-teacher
20448
20449
ratio of twenty-three to one;
20450

(b) If the DPIA index of the school district is greater than 20451
or equal to six-tenths, but less than two and one-half, the 20452
formula number of teachers is calculated as follows: 20453

43.478 + {[(DPIA index-0.6)/ 1.9] X 23.188} 20454

Where 43.478 is the number of teachers per one thousand20455students at a student-teacher ratio of twenty-three to one; 1.9 is20456the interval from a DPIA index of six-tenths to a DPIA index of20457two and one-half; and 23.188 is the difference in the number of20458teachers per one thousand students at a student-teacher ratio of20459

fifteen to one and the number of teachers per one thousand 20460 students at a student-teacher ratio of twenty-three to one. 20461

(c) If the DPIA index of the school district is greater than 20462
or equal to two and one-half, the formula number of teachers is 20463
66.667, which is the number of teachers per one thousand students 20464
at a student-teacher ratio of fifteen to one. 20465

(2) Multiply the formula number of teachers determined or
 20466
 calculated in division (E)(1) of this section by the kindergarten
 20467
 through third grade ADM for the district and divide that product
 20468
 by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 20471
43.478, which is the number of teachers per one thousand students 20472
at a student-teacher ratio of twenty-three to one, and divide that 20473
product by one thousand; 20474

(b) Subtract the quotient obtained in division (E)(3)(a) of 20475this section from the product in division (E)(2) of this section. 20476

(4) Multiply the greater of the difference obtained under 20477division (E)(3) of this section or zero by the statewide average 20478teachers salary. 20479

(F) This division applies only to school districts whose DPIA 20480index is one or greater. 20481

(1) Each school district subject to this division shall first 20482 utilize funds received under this section so that, when combined 20483 with other funds of the district, sufficient funds exist to 20484 provide all-day kindergarten to at least the number of children in 20485 the district's all-day kindergarten percentage. 20486

(2) Up to an amount equal to the district's DPIA index 20487
 multiplied by the five-year average number of pupils in a district 20488
 receiving family assistance its DPIA student count multiplied by 20489

two hundred thirty dollars of the money distributed under this

section may be utilized for one or both of the following:

(a) Programs designed to ensure that schools are free of 20492
 drugs and violence and have a disciplined environment conducive to 20493
 learning; 20494

(b) Remediation for students who have failed or are in danger 20495of failing any of the proficiency tests administered pursuant to 20496section 3301.0710 of the Revised Code. 20497

Beginning with the school year that starts on July 1, 2002,20498each school district shall use at least twenty per cent of the20499funds set aside for the purposes of divisions (F)(2)(a) and (b) of20500this section to provide intervention services required by section205013313.608 of the Revised Code.20502

(3) Except as otherwise required by division (G) or permitted 20503 under division (K) of this section, all other funds distributed 20504 under this section to districts subject to this division shall be 20505 utilized for the purpose of the third grade guarantee. The third 20506 grade guarantee consists of increasing the amount of instructional 20507 attention received per pupil in kindergarten through third grade, 20508 either by reducing the ratio of students to instructional 20509 personnel or by increasing the amount of instruction and 20510 curriculum-related activities by extending the length of the 20511 school day or the school year. 20512

School districts may implement a reduction of the ratio of20513students to instructional personnel through any or all of the20514following methods:20515

(a) Reducing the number of students in a classroom taught by 20516a single teacher; 20517

(b) Employing full-time educational aides or educational 20518
 paraprofessionals issued a permit or license under section 20519
 3319.088 of the Revised Code; 20520

20490

(c) Instituting a team-teaching method that will result in a 20521lower student-teacher ratio in a classroom. 20522

Districts may extend the school day either by increasing the 20523 amount of time allocated for each class, increasing the number of 20524 classes provided per day, offering optional academic-related 20525 after-school programs, providing curriculum-related extra 20526 curricular activities, or establishing tutoring or remedial 20527 services for students who have demonstrated an educational need. 20528 In accordance with section 3319.089 of the Revised Code, a 20529 district extending the school day pursuant to this division may 20530 utilize a participant of the work experience program who has a 20531 child enrolled in a public school in that district and who is 20532 fulfilling the work requirements of that program by volunteering 20533 or working in that public school. If the work experience program 20534 participant is compensated, the school district may use the funds 20535 distributed under this section for all or part of the 20536 compensation. 20537

Districts may extend the school year either through adding 20538 regular days of instruction to the school calendar or by providing 20539 summer programs. 20540

(G) Each district subject to division (F) of this section 20541 shall not expend any funds received under division (E) of this 20542 section in any school buildings that are not buildings with the 20543 highest concentration of need, unless there is a ratio of 20544 instructional personnel to students of no more than fifteen to one 20545 in each kindergarten and first grade class in all buildings with 20546 the highest concentration of need. This division does not require 20547 that the funds used in buildings with the highest concentration of 20548 need be spent solely to reduce the ratio of instructional 20549 personnel to students in kindergarten and first grade. A school 20550 district may spend the funds in those buildings in any manner 20551 permitted by division (F)(3) of this section, but may not spend 20552

the money in other buildings unless the fifteen-to-one ratio 20553 required by this division is attained. 20554

(H)(1) By the first day of August of each fiscal year, each 20555 school district wishing to receive any funds under division (D) of 20556 this section shall submit to the department of education an 20557 estimate of its all-day kindergarten percentage. Each district 20558 shall update its estimate throughout the fiscal year in the form 20559 and manner required by the department, and the department shall 20560 adjust payments under this section to reflect the updates. 20561

(2) Annually by the end of December, the department of 20562 education, utilizing data from the information system established 20563 under section 3301.0714 of the Revised Code and after consultation 20564 with the legislative office of education oversight, shall 20565 determine for each school district subject to division (F) of this 20566 section whether in the preceding fiscal year the district's ratio 20567 of instructional personnel to students and its number of 20568 kindergarten students receiving all-day kindergarten appear 20569 reasonable, given the amounts of money the district received for 20570 that fiscal year pursuant to divisions (D) and (E) of this 20571 section. If the department is unable to verify from the data 20572 available that students are receiving reasonable amounts of 20573 instructional attention and all-day kindergarten, given the funds 20574 the district has received under this section and that class-size 20575 reduction funds are being used in school buildings with the 20576 highest concentration of need as required by division (G) of this 20577 section, the department shall conduct a more intensive 20578 investigation to ensure that funds have been expended as required 20579 by this section. The department shall file an annual report of its 20580 findings under this division with the chairpersons of the 20581 committees in each house of the general assembly dealing with 20582 finance and education. 20583

(I) Any school district with a DPIA index less than one and a 20584

20585 three-year average formula ADM exceeding seventeen thousand five 20586 hundred shall first utilize funds received under this section so 20587 that, when combined with other funds of the district, sufficient 20588 funds exist to provide all-day kindergarten to at least the number 20589 of children in the district's all-day kindergarten percentage. 20590 Such a district shall expend at least seventy per cent of the 20591 remaining funds received under this section, and any other 20592 district with a DPIA index less than one shall expend at least 20593 seventy per cent of all funds received under this section, for any 20594 of the following purposes: (1) The purchase of technology for instructional purposes; 20595 (2) All-day kindergarten; 20596 (3) Reduction of class sizes; 20597 (4) Summer school remediation; 20598 (5) Dropout prevention programs; 20599 (6) Guaranteeing that all third graders are ready to progress 20600 to more advanced work; 20601 (7) Summer education and work programs; 20602 (8) Adolescent pregnancy programs; 20603 (9) Head start or preschool programs; 20604 (10) Reading improvement programs described by the department 20605 of education; 20606 (11) Programs designed to ensure that schools are free of 20607 drugs and violence and have a disciplined environment conducive to 20608 learning; 20609 (12) Furnishing, free of charge, materials used in courses of 20610 instruction, except for the necessary textbooks or electronic 20611 textbooks required to be furnished without charge pursuant to 20612

section 3329.06 of the Revised Code, to pupils living in families

participating in Ohio works first in accordance with section 20614 3313.642 of the Revised Code; 20615

(13) School breakfasts provided pursuant to section 3313.813 20616
of the Revised Code. 20617

Each district shall submit to the department, in such format 20618 and at such time as the department shall specify, a report on the 20619 programs for which it expended funds under this division. 20620

(J) If at any time the superintendent of public instruction 20621 determines that a school district receiving funds under division 20622 (D) of this section has enrolled less than the all-day 20623 kindergarten percentage reported for that fiscal year, the 20624 superintendent shall withhold from the funds otherwise due the 20625 district under this section a proportional amount as determined by 20626 the difference in the certified all-day kindergarten percentage 20627 and the percentage actually enrolled in all-day kindergarten. 20628

The superintendent shall also withhold an appropriate amount 20629 of funds otherwise due a district for any other misuse of funds 20630 not in accordance with this section. 20631

(K)(1) A district may use a portion of the funds calculated 20632 for it under division (D) of this section to modify or purchase 20633 classroom space to provide all-day kindergarten, if both of the 20634 following conditions are met: 20635

(a) The district certifies to the department, in a manner 20636
 acceptable to the department, that it has a shortage of space for 20637
 providing all-day kindergarten. 20638

(b) The district provides all-day kindergarten to the number 20639of children in the all-day kindergarten percentage it certified 20640under this section. 20641

(2) A district may use a portion of the funds described in 20642division (F)(3) of this section to modify or purchase classroom 20643

space to enable it to further reduce class size in grades20644kindergarten through two with a goal of attaining class sizes of20645fifteen students per licensed teacher. To do so, the district must20646certify its need for additional space to the department, in a20647manner satisfactory to the department.20648

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Sec. 3317.0210. (A) As used in this section: 20649
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(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 20650of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 20651

(2) "Chapter 11 corporation" means a corporation, company, or 20652
other business organization that has filed a petition for 20653
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 20654
Stat. 2626, 11 U.S.C. 1101, as amended. 20655

(3) "Real property" includes public utility real property and 20656"personal property" includes public utility personal property. 20657

(4) "Uncollectable taxes" means property taxes owed by a 20658
Chapter 11 corporation on its property for a tax year that a 20659
school district is precluded from collecting by virtue of 20660
proceedings under the Bankruptcy Reform Act. 20661

(5) "Basic state aid" means the state aid calculated for a 20662school district under section 3317.022 of the Revised Code. 20663

(6) "Effective value" means the sum of the 20664
residential/agricultural real property value, the effective 20665
nonresidential/agricultural real property value, and the effective 20666
personal value. 20667

(7) "Effective nonresidential/agricultural real property 20668 value" means, for a tax year, the amount obtained by multiplying 20669 the value for that year of nonresidential/agricultural real 20670 property subject to taxation in the district by a fraction, the 20671 numerator of which is the total taxes charged and payable for that 20672 year against the nonresidential/agricultural real property subject 20673

to taxation in the district, exclusive of the uncollectable taxes 20674 for that year on all real property subject to taxation in the 20675 district, and the denominator of which is the total taxes charged 20676 and payable for that year against the nonresidential/agricultural 20677 real property subject to taxation in the district. 20678

(8) "Effective personal value" means, for a tax year, the 20679 amount obtained by multiplying the value for that year certified 20680 under division (A)(2) of section 3317.021 of the Revised Code by a 20681 fraction, the numerator of which is the total taxes charged and 20682 payable for that year against personal property subject to 20683 taxation in the district, exclusive of the uncollectable taxes for 20684 that year on that property, and the denominator of which is the 20685 total taxes charged and payable for that year against personal 20686 property subject to taxation in the district. 20687

(9) "Nonresidential/agricultural real property value" means, 20688
for a tax year, the sum of the values certified for a school 20689
district for that year under division (B)(2)(a) of this section, 20690
and "residential/agricultural real property value" means, for a 20691
tax year, the sum of the values certified for a school district 20692
under division (B)(2)(b) of this section. 20693

(10) "Taxes charged and payable against real property" means 20694
the taxes charged and payable against that property after making 20695
the reduction required by section 319.301 of the Revised Code. 20696

(11) "Total taxes charged and payable" has the same meaning 20697given "taxes charged and payable" in section 3317.02 of the 20698Revised Code. 20699

(B)(1) By Between the first day of August January and the
first day of February of any calendar year, a school district
shall notify the department of education if it has uncollectable
taxes from one Chapter 11 corporation for the second preceding tax
year whose total taxes charged and payable represent at least
20700

one-half of one per cent of the district's total taxes charged and 20705 payable for that tax year. 20706

(2) The department shall verify whether the district has such 20707 uncollectable taxes from such a corporation by the first day of 20708 September, and if the district does, shall immediately request the 20709 county auditor of each county in which the school district has 20710 territory tax commissioner to certify the following information 20711 concerning the district's property values and taxes for the second 20712 preceding tax year, and each such auditor the tax commissioner 20713 shall certify that information to the department within thirty 20714 days of after receiving the request: 20715

(a) The value of the property subject to taxation in the
 20716
 district that was classified as nonresidential/agricultural real
 20717
 property pursuant to section 5713.041 of the Revised Code, and the
 20718
 taxes charged and payable on that property; and
 20719

(b) The value of the property subject to taxation in the 20720district that was classified as residential/agricultural real 20721property under section 5713.041 of the Revised Code. 20722

20723 (C) By the fifteenth day of November Upon receiving the certification from the tax commissioner, the department shall 20724 compute the district's effective nonresidential/agricultural real 20725 20726 property value, residential/agricultural real property value, effective personal value, and effective value, and shall determine 20727 whether the school district's effective value for the second 20728 preceding tax year is at least one per cent less than its total 20729 taxable value for that the second preceding tax year as certified 20730 under divisions (A)(1) and (2) of section 3317.021 of the Revised 20731 Code. If it is, the department shall recompute the basic state aid 20732 payable to the district for the *immediately preceding* current 20733 fiscal year using the effective value in lieu of the amounts 20734 previously certified under section 3317.021 of the Revised Code 20735 total taxable value used to compute the basic state aid for the 20736

current fiscal year. The difference between the original basic20737state aid amount originally computed for the district for the20738preceding current fiscal year and the recomputed amount shall be20739paid to the district from the lottery profits education fund20740before the end of the current fiscal year.20741

(D) Not later than August 1, 2001, a school district shall 20742 notify the department of education if it has uncollectable taxes 20743 from one Chapter 11 corporation for tax year 1999 or, separately, 20744 tax year 2000, whose total taxes charged and payable for the tax 20745 year represent at least one-half of one per cent of the district's 20746 total taxes charged and payable for that tax year. The department 20747 shall verify whether the district has such uncollectable taxes 20748 from such a corporation and, if it does, shall immediately request 20749 the tax commissioner to certify the information enumerated in 20750 divisions (B)(2)(a) and (b) of this section for the tax year. The 20751 tax commissioner shall certify that information to the department 20752 within thirty days after receiving the request. 20753

Upon receiving the certification from the tax commissioner,20754the department shall compute the district's effective value for20755the tax year for which the certification was made and shall20756determine whether the effective value for the tax year is at least20757one per cent less than its total taxable value for that tax year.20758If it is, the department shall recompute the basic state aid20759payable to the district as follows:20760

(1) For such uncollectable taxes for tax year 1999, recompute20761the basic state aid for fiscal year 2001 using the effective value20762for tax year 1999 in lieu of the total taxable value for that tax20763year as certified under divisions (A)(1) and (2) of section207643317.021 of the Revised Code;20765

(2) For such uncollectable taxes for tax year 2000, recompute20766the basic state aid for fiscal year 2002 using the effective value20767for tax year 2000 in lieu of the total taxable value for that tax20768

Page 669

year certified under those divisions.

The difference between the basic state aid amount originally20770computed for the district for fiscal year 2001 or fiscal year 200220771and the amount recomputed for that year under division (C)(1) or20772(2) of this section shall be paid to the district from the lottery20773profits education fund before the end of fiscal year 2002.20774

(E) Amounts received by a school district under division (C) 20775 and (D) of this section shall be repaid to the department of 20776 education in any future year to the extent the district receives 20777 payments of uncollectable taxes in such future year. The 20778 department shall notify a district of any amount owed under this 20779 division. 20780

Sec. 3317.0212. Divisions Division (B) and (C) of this20781section do does not apply to a school district with a formula ADM20782of one hundred fifty or less.20783

(A) As used in this section:

(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998 20785 state aid" for a district means the total amount of state money 20786 received by the district for the applicable fiscal year as 20787 reported on the department of education's form "SF-12," adjusted 20788 as follows: 20789

(a) Minus the amount for transportation;

(b) Minus any amounts for approved preschool handicapped 20791units; 20792

(c) Minus any additional amount attributable to the 20793
 reappraisal guarantee of division (C) of section 3317.04 of the 20794
 Revised Code; 20795

(d) Plus the amount deducted for payments to an educational 20796 service center; 20797

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20784

20790

(e) Plus an estimated portion of the state money distributed 20798
in the applicable fiscal year to other school districts or 20799
educational service centers for approved units, other than 20800
preschool handicapped or gifted education units, attributable to 20801
the costs of providing services in those units to students 20802
entitled to attend school in the district; 20803

(f) Minus an estimated portion of the state money distributed 20804 to the school district in the applicable fiscal year for approved 20805 units, other than preschool handicapped units or gifted education 20806 units, attributable to the costs of providing services in those 20807 units to students entitled to attend school in another school 20808 district; 20809

(g) Plus any additional amount paid in the applicable fiscal 20810 year pursuant to the vocational education recomputation required 20811 by Section 45.12 of Amended Substitute House Bill No. 117 of the 20812 121st general assembly or former Section 50.22 of Amended 20813 Substitute House Bill No. 215 of the 122nd general assembly; 20814

(h) Plus any additional amount paid in the applicable fiscal 20815
year pursuant to the special education recomputation required by 20816
former division (I) of section 3317.023 of the Revised Code; 20817

(i) Plus any amount paid for equity aid in the applicable 20818fiscal year under section 3317.0213 of the Revised Code; 20819

(j) Plus any amount received for the applicable fiscal year20820pursuant to section 3317.027 of the Revised Code;20821

(k) Plus any amount received for the applicable fiscal year
resulting from a recomputation made under division (B) of section
3317.022 of the Revised Code, as that section existed in the
20822
applicable fiscal year.

(2) "State basic aid" for a district for any fiscal year20826after fiscal year 1999 means the sum of the following:20827

(a) The amount computed for the district for base cost 20828 funding, special education funding, and vocational education 20829 funding under divisions (A), (C)(1) and (5) (4), and (E) of 20830 section 3317.022 and sections 3317.025 and 3317.027 of the Revised 20831 Code and DPIA aid under section 3317.029 of the Revised Code in 20832 the current fiscal year before any deduction or credit required by 20833 20834 division (B), (D), (E), (F), (G), (H), (I), (J), (K), or (L) of section 3317.023 or division (J) of section 3317.029 of the 20835 Revised Code; 20836

(b) Any amounts for which the district is eligible pursuant 20837 to division (C) of section 3317.023, divisions (G), (P), and (R) 20838 of section 3317.024, and the supplemental unit allowance paid for 20839 gifted units under division (B) of section 3317.162 3317.053 of 20840 the Revised Code; 20841

(c) Any equity aid for which the district is eligible under 20842 section 3317.0213 of the Revised Code. 20843

(3) "Adjusted FY 1999 actual aid" has the same meaning as in 20844 Section 18 of Am. Sub. H.B. 650 of the 122nd general assembly, as 20845 amended. 20846

(4) "Vocational education set-aside" means the up to 20847 \$24,193,118 earmarked for additional school district vocational 20848 education grants under appropriation item 200-545, vocational 20849 education enhancements, in Am. Sub. H.B. 770 of the 122nd general assembly. 20851

(B) Upon request of the department of education, the 20852 treasurer of any school district or educational service center 20853 shall furnish data needed to calculate the amounts specified in 20854 divisions (A)(1)(e) and (f) of this section. The department shall 20855 compute and pay the state basic aid guarantee for each school 20856 district for the fiscal year as follows: 20857

(1) Subtract the amount of state basic aid from the amount of 20858

- 20850

fundamental FY 1998 state aid. If a negative number, this20859computation shall be deemed to be zero.20860

(2) Pay the district any positive amount calculated under 20861division (B)(1) of this section. 20862

(C) In fiscal year 2000, the department shall calculate for 20863 each district the sum of the district's state basic aid for that 20864 fiscal year, plus any amount calculated under division (B)(1) of 20865 this section, plus the transportation portion of state aid 20866 computed for the district for that fiscal year under division (D) 20867 of the version of section 3317.022 of the Revised Code in effect 20868 that fiscal year. If a district's adjusted FY 1999 actual aid is 20869 greater than that sum, then the department shall pay the district 20870 in that fiscal year one hundred per cent of the difference. 20871

(D)(1) The state basic aid guarantee in any fiscal year for a 20872 school district with a formula ADM of one hundred fifty or less 20873 shall be the greatest of the following amounts: 20874

- (a) The district's state basic aid for the fiscal year; 20875
- (b) The district's fundamental FY 1998 state aid; 20876
- (c) The district's fundamental FY 1997 state aid. 20877

(2) If in any fiscal year the state basic aid for a school20878district with a formula ADM of one hundred fifty or less is less20879than the guarantee amount determined for the district under20880division (D)(C)(1) of this section, the department of education20881shall pay the district the amount of the difference.20882

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Sec. 3317.0213. No money shall be distributed under this20883section after fiscal year 2002 2005.20884(A) As used in this section:20885(1) "ADM" for any school district means:20886
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(a) In fiscal year 1999, the FY 1998 ADM; 20887

reported for the previous fiscal year.

(2) "Average taxable value" means the average of the amounts 20890 certified for a district in the second, third, and fourth 20891 preceding fiscal years under divisions (A)(1) and (2) of section 20892 3317.021 of the Revised Code. 20893

(3) "Valuation per pupil" for a district means:

(a) In fiscal year 1999, the district's average taxable 20895 value, divided by the district's FY 1998 ADM; 20896

(b) In a fiscal year that occurs after fiscal year 1999, the 20897 district's average taxable value, divided by the district's 20898 formula ADM for the preceding fiscal year. 20899

(4) "Threshold valuation" means:

(a) In fiscal year 1999, the adjusted valuation per pupil of 20901 the school district with the two hundred twenty-ninth lowest 20902 adjusted valuation per pupil in the state, according to data 20903 available at the time of the computation under division (B) of 20904 this section; 20905

(b) In fiscal year 2000, the adjusted valuation per pupil of 20906 the district with the one hundred ninety-sixth lowest such 20907 valuation in the state; 20908

(c) In fiscal year 2001, the adjusted valuation per pupil of 20909 the district with the one hundred sixty-third lowest such 20910 valuation in the state; 20911

(d) In fiscal years 2002 through 2005, the adjusted 20912 valuation per pupil of the district with the 20913 one-hundred-eighteenth lowest such valuation in the state. 20914

(5) "Adjusted valuation per pupil" for a district means an 20915 amount calculated in accordance with the following formula: 20916

The district's valuation per pupil -

20894

20900

20917

(\$30,000 X (one minus the	20918
district's income factor))	20919

 (6) "Millage rate" means .012 in fiscal year 1999, .011 in
 20920

 fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal
 20921

 year years 2002 through 2005.
 20922

(7) "Payment percentage" equals 100% prior to fiscal year209232003, 75% in fiscal year 2003, 50% in fiscal year 2004, 25% in20924fiscal year 2005, and zero after fiscal year 2005.20925

(B) Beginning in fiscal year 1993, during August of each 20926 fiscal year, the department of education shall distribute to each 20927 school district meeting the requirements of section 3317.01 of the 20928 Revised Code whose adjusted valuation per pupil is less than the 20929 threshold valuation, an amount calculated in accordance with the 20930 following formula: 20931

(The threshold valuation - 20932

the district's adjusted valuation per pupil) X20933millage rate X ADM X the payment percentage20934

Sec. 3317.0216. (A) As used in this section: 20935

(1) "Total taxes charged and payable for current expenses" 20936 means the sum of the taxes charged and payable as certified under 20937 division (A)(3)(a) of section 3317.021 of the Revised Code less 20938 any amounts reported under division (A)(3)(b) of that section, and 20939 the tax distribution for the preceding year under any school 20940 district income tax levied by the district pursuant to Chapter 20941 5748. of the Revised Code to the extent the revenue from the 20942 income tax is allocated or apportioned to current expenses. 20943

(2) "State equalization enhancement payments" means any
 20944
 payment made to a school district pursuant to section 3317.0215 of
 the Revised Code for the preceding fiscal year.
 20946

(3) "Charge-off amount" means the product obtained by 20947

Page 675

multiplying two and three-tenths per cent by adjusted total	20948
taxable value recognized valuation.	20949
(4) "Total receipts available for current expenses" of a	20950
school district means the sum of total taxes charged and payable	20951
for current expenses and the district's state equalization	20952
enhancement payments.	20953
(5) "Local share of special education and related services	20954
additional weighted costs" has the same meaning as in division	20955
(C)(3) of section 3317.022 of the Revised Code.	20956
(6) "Local share of vocational education and associated	20957
services additional weighted costs" for each school district means	20958
the amount determined as follows:	20959
(1 - state share percentage as defined in section	20960
3317.022 of the Revised Code) X [(total vocational	20961
education weight as defined in that section X	20962
the formula amount) + the district's payment under division (E)(2)	20963
of section 3317.022 of the Revised Code}	20964
(3) Until fiscal year 2003, the "actual local share of	20965
special education, transportation, and vocational education	20966
funding" for any school district means the sum of the district's	20967
attributed local shares described in divisions (F)(1) to (3) of	20968
section 3317.022 of the Revised Code. Beginning in fiscal year	20969
2003, the "actual local share of special education,	20970
transportation, and vocational education funding" means that sum	20971
minus the amount of any excess cost supplement payment calculated	20972
for the district under division (F) of section 3317.022 of the	20973
Revised Code.	20974
(B) Upon receiving the certifications under section 3317.021	20975

of the Revised Code, the department of education shall determine 20976 for each city, local, and exempted village school district whether 20977 the district's charge-off amount is greater than the district's 20978 total receipts available taxes charged and payable for current 20979

expenses, and if it is, shall pay the district the amount of the 20980 difference. A payment shall not be made to any school district for 20981 which the computation under division (A) of section 3317.022 of 20982 the Revised Code equals zero. 20983

20984 (C)(1) If a district's charge-off amount is equal to or greater than its total receipts available taxes charged and 20985 payable for current expenses, the department shall, in addition to 20986 the payment required under division (B) of this section, pay the 20987 district the amount of the its actual local share of special 20988 education and related services additional weighted costs, 20989 transportation, and the amount of the local share of vocational 20990 education and associated services additional weighted costs 20991 funding. 20992

(2) If a district's charge-off amount is less than its total 20993 receipts available taxes charged and payable for current expenses, 20994 the department shall pay the district any amount by which the sum 20995 of its <u>actual</u> local share of special education and related 20996 services additional weighted costs plus its local share of_ 20997 transportation, and vocational education and associated services 20998 additional weighted costs funding exceeds its total receipts 20999 available taxes charged and payable for current expenses minus its 21000 charge-off amount. 21001

Sec. 3317.0217. The department of education shall annually21002compute and pay state parity aid to school districts, as follows:21003

(A) Calculate the local wealth per pupil of each school21004district, which equals the following sum:21005

(1) Two-thirds times the quotient of (a) the district's21006recognized valuation divided by (b) its formula ADM; plus21007

(2) One-third times the quotient of (a) the average of the21008total federal adjusted gross income of the school district's21009residents for the three years most recently reported under section21010

3317.021 of the Revised Code divided by (b) its formula ADM.	21011	
(B) Rank all school districts in order of local wealth per	21012	
pupil, from the district with the lowest local wealth per pupil to	21013	
the district with the highest local wealth per pupil.	21014	
(C) Compute the per pupil state parity aid funding for each	21015	
school district in accordance with the following formula:	21016	
Payment percentage X (threshold local wealth	21017	
per pupil - the district's local		
wealth per pupil) X 0.0095	21019	
Where:	21020	
(1) "Payment percentage," for purposes of division (C) of	21021	
this section, equals 20% in fiscal year 2002, 40% in fiscal year	21022	
2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100%	21023	
after fiscal year 2005.	21024	
(2) Nine and one-half mills (0.0095) is the general	21025	
assembly's determination of the average number of effective	21026	
operating mills that districts in the seventieth to ninetieth	21027	
percentiles of valuations per pupil collected in fiscal year 2001	21028	
above the revenues required to finance their attributed local	21029	
shares of the calculated cost of an adequate education. This was	21030	
determined by (a) adding the district revenues from operating	21031	
property tax levies and income tax levies, (b) subtracting from	21032	
that total the sum of (i) twenty-three mills times adjusted	21033	
recognized valuation plus (ii) the attributed local shares of	21034	
special education, transportation, and vocational education	21035	
funding as described in divisions (F)(1) to (3) of section	21036	
3317.022 of the Revised Code, and (c) converting the result to an	21037	
effective operating property tax rate.	21038	
(3) The "threshold local wealth per pupil" is the local	21039	
wealth per pupil of the school district with the	21040	
four-hundred-ninetieth lowest local wealth per pupil.	21041	

If the result of the calculation for a school district under	21042
division (C) of this section is less than zero, the district's per	21043
pupil parity aid shall be zero.	21044
(D) Compute the per pupil alternative parity aid for each	21045
school district that has a combination of an income factor of 1.0	21046
or less, a DPIA index of 1.0 or greater, and a	21047
cost-of-doing-business factor of 1.0375 or greater, in accordance	21048
with the following formula:	21049
Payment percentage X \$60,000 X	21050
<u>(1 - income factor) X 4/15 X 0.023</u>	21051
Where:	21052
(1) "DPIA index" has the same meaning as in section 3317.029	21053
of the Revised Code.	21054
(2) "Payment percentage," for purposes of division (D) of	21055
this section, equals 50% in fiscal year 2002 and 100% after fiscal	21056
<u>year 2002.</u>	21057
(E) Pay each district that has a combination of an income	21058
factor 1.0 or less, a DPIA index of 1.0 or greater, and a	21059
cost-of-doing-business factor of 1.0375 or greater, the greater of	21060
the following:	21061
(1) The product of the district's per pupil parity aid	21062
calculated under division (C) of this section times its formula	21063
<u>ADM;</u>	21064
(2) The product of its per pupil alternative parity aid	21065
calculated under division (D) of this section times its formula	21066
ADM.	21067
(F) Pay every other district the product of its per pupil	21068
parity aid calculated under division (C) of this section times its	21069
formula ADM.	21070
Every six years, the general assembly shall redetermine,	21071

after considering the report of the committee appointed under	21072
section 3317.012 of the Revised Code, the average number of	21073
effective operating mills that districts in the seventieth to	21074
ninetieth percentiles of valuations per pupil collect above the	21075
revenues required to finance their attributed local shares of the	21076
cost of an adequate education.	21077

sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 21078
(C) of this section, any student enrolled in kindergarten more 21079
than half time shall be reported as one-half student under this 21080
section. 21081

(A) The superintendent of each city and exempted village 21082 school district and of each educational service center shall, for 21083 the schools under the superintendent's supervision, certify to the 21084 state board of education on or before the fifteenth day of October 21085 in each year for the first full school week in October the formula 21086 ADM, which shall consist of the average daily membership during 21087 such week of the sum of the following: 21088

(1) On an FTE basis, the number of students in grades
kindergarten through twelve receiving any educational services
from the district, except that the following categories of
students shall not be included in the determination:
21089

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the 21094
district under an open enrollment policy pursuant to section 21095
3313.98 of the Revised Code; 21096

(c) Students receiving services in the district pursuant to a 21097 compact, cooperative education agreement, or a contract, but who 21098 are entitled to attend school in another district pursuant to 21099 section 3313.64 or 3313.65 of the Revised Code; 21100

(d) Students for whom tuition is payable pursuant to sections 21101

21093

3317.081 and 3323.141 of the Revised Code. 21102

(2) On an FTE basis, the number of students entitled to
attend school in the district pursuant to section 3313.64 or
3313.65 of the Revised Code, but receiving educational services in
grades kindergarten through twelve from one or more of the
21105
following entities:

(a) A community school pursuant to Chapter 3314. of the 21108
Revised Code, including any participation in a college pursuant to 21109
Chapter 3365. of the Revised Code while enrolled in such community 21110
school; 21111

(b) An alternative school pursuant to sections 3313.974 to 21112
3313.979 of the Revised Code as described in division (I)(2)(a) or 21113
(b) of this section; 21114

(c) A college pursuant to Chapter 3365. of the Revised Code, 21115 except when the student is enrolled in the college while also 21116 enrolled in a community school pursuant to Chapter 3314. of the 21117 Revised Code; 21118

(d) An adjacent or other school district under an open
enrollment policy adopted pursuant to section 3313.98 of the
Revised Code;

(e) An educational service center or cooperative education 21122district; 21123

(f) Another school district under a cooperative education 21124 agreement, compact, or contract. 21125

(3) One-fourth of the number of students enrolled in a joint 21126 vocational school district or under a vocational education 21127 compact, excluding any students entitled to attend school in the 21128 district under section 3313.64 or 3313.65 of the Revised Code who 21129 are enrolled in another school district through an open enrollment 21130 policy as reported under division (A)(2)(d) of this section and 21131

21132 then enroll in a joint vocational school district or under a 21133 vocational education compact;

(4) The number of handicapped children, other than 21134 handicapped preschool children, entitled to attend school in the 21135 district pursuant to section 3313.64 or 3313.65 of the Revised 21136 Code who are placed with a county MR/DD board, minus the number of 21137 such children placed with a county MR/DD board in fiscal year 21138 1998. If this calculation produces a negative number, the number 21139 reported under division (A)(4) of this section shall be zero. 21140

(B) To enable the department of education to obtain the data 21141 needed to complete the calculation of payments pursuant to this 21142 chapter, in addition to the formula ADM, each superintendent shall 21143 report separately the following student counts: 21144

(1) The total average daily membership in regular day classes 21145 included in the report under division (A)(1) or (2) of this 21146 section for kindergarten, and each of grades one through twelve in 21147 schools under the superintendent's supervision; 21148

(2) The number of all handicapped preschool children enrolled 21149 as of the first day of December in classes in the district that 21150 are eligible for approval by the state board of education under 21151 division (B) of section 3317.05 of the Revised Code and the number 21152 of those classes, which shall be reported not later than the 21153 fifteenth day of December, in accordance with rules adopted under 21154 that section; 21155

(3) The number of children entitled to attend school in the 21156 district pursuant to section 3313.64 or 3313.65 of the Revised 21157 Code who are participating in a pilot project scholarship program 21158 established under sections 3313.974 to 3313.979 of the Revised 21159 Code as described in division (I)(2)(a) or (b) of this section, 21160 are enrolled in a college under Chapter 3365. of the Revised Code, 21161 except when the student is enrolled in the college while also 21162

21163 enrolled in a community school pursuant to Chapter 3314. of the 21164 Revised Code, are enrolled in an adjacent or other school district 21165 under section 3313.98 of the Revised Code, are enrolled in a 21166 community school established under Chapter 3314. of the Revised 21167 Code, including any participation in a college pursuant to Chapter 21168 3365. of the Revised Code while enrolled in such community school, 21169 or are participating in a program operated by a county MR/DD board 21170 or a state institution;

(4) The number of pupils enrolled in joint vocational 21171 schools; 21172

(5) The average daily membership of handicapped children 21173 reported under division (A)(1) or (2) of this section receiving 21174 category one special education services, for the category one 21175 handicap described in division (A) of section 3317.013 of the 21176 Revised Code; 21177

(6) The average daily membership of handicapped children 21178 21179 reported under division (A)(1) or (2) of this section receiving category two special education services, for category two 21180 handicaps described in division (B) of section 3317.013 of the Revised Code; 21182

(7) The average daily membership of handicapped children 21183 reported under division (A)(1) or (2) of this section identified 21184 as having any of the receiving special education services for 21185 <u>category three</u> handicaps specified <u>described</u> in division (F)(3)(C) 21186 of section 3317.02 3317.013 of the Revised Code; 21187

(8) The average daily membership of handicapped children 21188 reported under division (A)(1) or (2) of this section receiving 21189 special education services for category four handicaps described 21190 in division (D) of section 3317.013 of the Revised Code; 21191

(9) The average daily membership of handicapped children 21192 reported under division (A)(1) or (2) of this section receiving 21193

- 21181

special education services for the category five handicap	21194
described in division (E) of section 3317.013 of the Revised Code;	21195
(10) The average daily membership of handicapped children	21196
reported under division (A)(1) or (2) of this section receiving	21197

special education services for category six handicaps described in21198division (F) of section 3317.013 of the Revised Code;21199

(11)The average daily membership of pupils reported under21200division (A)(1) or (2) of this section enrolled in category one21201vocational education programs or classes, described in division21202(A) of section 3317.014 of the Revised Code, operated by the21203school district or by another district, other than a joint21204vocational school district, or by an educational service center;21205

(9)(12) The average daily membership of pupils reported under 21206 division (A)(1) or (2) of this section enrolled in category two 21207 vocational education programs or services, described in division 21208 (B) of section 3317.014 of the Revised Code, operated by the 21209 school district or another school district, other than a joint 21210 vocational school district, or by an educational service center; 21211

(10)(13) The average number of children transported by the 21212
school district on board-owned or contractor-owned and -operated 21213
buses, reported in accordance with rules adopted by the department 21214
of education; 21215

(11)(14)(a) The number of children, other than handicapped 21216
preschool children, the district placed with a county MR/DD board 21217
in fiscal year 1998; 21218

(b) The number of handicapped children, other than
21219
handicapped preschool children, placed with a county MR/DD board
21220
in the current fiscal year to receive category one special
21221
education services, for the category one handicap described in
21222
division (A) of section 3317.013 of the Revised Code;
21223

(c) The number of handicapped children, other than 21224

handicapped preschool children, placed with a county MR/DD board
in the current fiscal year to receive category two special
education services, for category two handicaps described in
division (B) of section 3317.013 of the Revised Code;

(d) The number of handicapped children, other than21229handicapped preschool children, placed with a county MR/DD board21230in the current fiscal year to receive category three special21231education services, for category three handicaps described in21232division (F)(3)(C) of section 3317.02 3317.013 of the Revised21233Code;21234

(e) The number of handicapped children, other than21235handicapped preschool children, placed with a county MR/DD board21236in the current fiscal year to receive special education services21237for category four handicaps described in division (D) of section212383317.013 of the Revised Code;21239

(f) The number of handicapped children, other than21240handicapped preschool children, placed with a county MR/DD board21241in the current fiscal year to receive special education services21242for the category five handicap described in division (E) of21243section 3317.013 of the Revised Code;21244

(g) The number of handicapped children, other than21245handicapped preschool children, placed with a county MR/DD board21246in the current fiscal year to receive special education services21247for category six handicaps described in division (F) of section212483317.013 of the Revised Code.21249

(C) Except as otherwise provided in this section for 21250 kindergarten students, the average daily membership in divisions 21251 (B)(1) to (9)(12) of this section shall be based upon the number 21252 of full-time equivalent students. The state board of education 21253 shall adopt rules defining full-time equivalent students and for 21254 determining the average daily membership therefrom for the 21255

purposes of divisions (A), (B), and (D) of this section. No child 21256 shall be counted as more than a total of one child in the sum of 21257 the average daily memberships of a school district under division 21258 (A), divisions (B)(1) to (9)(12), or division (D) of this section, 21259 except as follows: 21260

(1) A child with a handicap described in section 3317.013 or 21261 division (F)(3) of section 3317.02 of the Revised Code may be 21262 counted both in formula ADM and in category one, two, or three, 21263 four, five, or six special education ADM and, if applicable, in 21264 category one or two vocational education ADM. As provided in 21265 division (C) of section 3317.02 of the Revised Code, such a child 21266 shall be counted in category one, two, or three, four, five, or 21267 six special education ADM in the same proportion that the child is 21268 counted in formula ADM. 21269

(2) A child enrolled in vocational education programs or 21270 classes described in section 3314.014 of the Revised Code may be 21271 counted both in formula ADM and category one or two vocational 21272 education ADM and, if applicable, in category one, two, or three, 21273 four, five, or six special education ADM. Such a child shall be 21274 counted in category one or two vocational education ADM in the 21275 same proportion as the percentage of time that the child spends in 21276 the vocational education programs or classes. 21277

Based on the information reported under this section, the21278department of education shall determine the total student count,21279as defined in section 3301.011 of the Revised Code, for each21280school district.21281

(D)(1) The superintendent of each joint vocational school 21282 district shall certify to the superintendent of public instruction 21283 on or before the fifteenth day of October in each year for the 21284 first full school week in October the formula ADM, which shall 21285 consist of the average daily membership during such week, on an 21286 FTE basis, of the number of students receiving any educational 21287

Page 686

21289 of students shall not be included in the determination: (a) Students enrolled in adult education classes; 21290 (b) Adjacent or other district joint vocational students 21291 enrolled in the district under an open enrollment policy pursuant 21292 to section 3313.98 of the Revised Code; 21293 (c) Students receiving services in the district pursuant to a 21294 compact, cooperative education agreement, or a contract, but who 21295 are entitled to attend school in a city, local, or exempted 21296 village school district whose territory is not part of the 21297 territory of the joint vocational district; 21298 (d) Students for whom tuition is payable pursuant to sections 21299 3317.081 and 3323.141 of the Revised Code. 21300 (2) To enable the department of education to obtain the data 21301 needed to complete the calculation of payments pursuant to this 21302

services from the district, except that the following categories

chapter, in addition to the formula ADM, each superintendent shall 21303 report separately the average daily membership included in the 21304 report under division (D)(1) of this section for each of the 21305 following categories of students: 21306

(a) Students enrolled in each grade included in the joint 21307vocational district schools; 21308

(b) Handicapped children receiving category one special
education services, for the category one handicap described in
division (A) of section 3317.013 of the Revised Code;
21311

(c) Handicapped children receiving category two special
education services, for the category two handicaps described in
division (B) of section 3317.013 of the Revised Code;
21314

(d) Handicapped children identified as having any of the
 21315
 receiving special education services for category three handicaps
 21316
 specified described in division (F)(3)(C) of section 3317.02
 21317

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Page 688

3317.013 of the Revised Code; 21318 (e) Handicapped children receiving special education services 21319 for category four handicaps described in division (D) of section 21320 3317.013 of the Revised Code; 21321 (f) Handicapped children receiving special education services 21322 for the category five handicap described in division (E) of 21323 section 3317.013 of the Revised Code; 21324 (q) Handicapped children receiving special education services 21325 for category six handicaps described in division (F) of section 21326 3317.013 of the Revised Code; 21327 (h) Students receiving category one vocational education 21328

services, described in division (A) of section 3317.014 of the 21329 Revised Code; 21330

(f)(i)Students receiving category two vocational education21331services, described in division (B) of section 3317.014 of the21332Revised Code.21333

The superintendent of each joint vocational school district 21334 shall also indicate the city, local, or exempted village school 21335 district in which each joint vocational district pupil is entitled 21336 to attend school pursuant to section 3313.64 or 3313.65 of the 21337 Revised Code. 21338

(E) In each school of each city, local, exempted village, 21339 joint vocational, and cooperative education school district there 21340 shall be maintained a record of school membership, which record 21341 shall accurately show, for each day the school is in session, the 21342 actual membership enrolled in regular day classes. For the purpose 21343 of determining average daily membership, the membership figure of 21344 any school shall not include any pupils except those pupils 21345 described by division (A) of this section. The record of 21346 membership for each school shall be maintained in such manner that 21347 no pupil shall be counted as in membership prior to the actual 21348

date of entry in the school and also in such manner that where for21349any cause a pupil permanently withdraws from the school that pupil21350shall not be counted as in membership from and after the date of21351such withdrawal. There shall not be included in the membership of21352any school any of the following:21353

(1) Any pupil who has graduated from the twelfth grade of a 21354public high school; 21355

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district 21357 during the previous school year when tests were administered under 21358 section 3301.0711 of the Revised Code but did not take one or more 21359 of the tests required by that section and was not excused pursuant 21360 to division (C)(1) of that section; 21361

(4) Any pupil who has attained the age of twenty-two years, 21362 except for veterans of the armed services whose attendance was 21363 interrupted before completing the recognized twelve-year course of 21364 the public schools by reason of induction or enlistment in the 21365 armed forces and who apply for reenrollment in the public school 21366 system of their residence not later than four years after 21367 termination of war or their honorable discharge. 21368

If, however, any veteran described by division (E)(4)(b) of 21369 this section elects to enroll in special courses organized for 21370 veterans for whom tuition is paid under the provisions of federal 21371 laws, or otherwise, that veteran shall not be included in average 21372 daily membership. 21373

Notwithstanding division (E)(3) of this section, the 21374 membership of any school may include a pupil who did not take a 21375 test required by section 3301.0711 of the Revised Code if the 21376 superintendent of public instruction grants a waiver from the 21377 requirement to take the test to the specific pupil. The 21378 superintendent may grant such a waiver only for good cause in 21379

Page 689

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accordance with rules adopted by the state board of education. 21380

Except as provided in division (B)(2) of this section, the 21381 average daily membership figure of any local, city, exempted 21382 village, or joint vocational school district shall be determined 21383 by dividing the figure representing the sum of the number of 21384 pupils enrolled during each day the school of attendance is 21385 actually open for instruction during the first full school week in 21386 October by the total number of days the school was actually open 21387 for instruction during that week. For purposes of state funding, 21388 "enrolled" persons are only those pupils who are attending school, 21389 those who have attended school during the current school year and 21390 are absent for authorized reasons, and those handicapped children 21391 currently receiving home instruction. 21392

The average daily membership figure of any cooperative21393education school district shall be determined in accordance with21394rules adopted by the state board of education.21395

(F)(1) If the formula ADM for the first full school week in 21396 February is at least three per cent greater than that certified 21397 for the first full school week in the preceding October, the 21398 superintendent of schools of any city, exempted village, or joint 21399 vocational school district or educational service center shall 21400 certify such increase to the superintendent of public instruction. 21401 Such certification shall be submitted no later than the fifteenth 21402 day of February. For the balance of the fiscal year, beginning 21403 with the February payments, the superintendent of public 21404 instruction shall use the increased formula ADM in calculating or 21405 recalculating the amounts to be allocated in accordance with 21406 section 3317.022 or 3317.16 of the Revised Code. In no event shall 21407 the superintendent use an increased membership certified to the 21408 superintendent after the fifteenth day of February. 21409

(2) If on the first school day of April the total number of 21410 classes or units for handicapped preschool children that are 21411

21412 eligible for approval under division (B) of section 3317.05 of the 21413 Revised Code exceeds the number of units that have been approved 21414 for the year under that division, the superintendent of schools of 21415 any city, exempted village, or cooperative education school 21416 district or educational service center shall make the 21417 certifications required by this section for that day. If the state 21418 board of education determines additional units can be approved for 21419 the fiscal year within any limitations set forth in the acts 21420 appropriating moneys for the funding of such units, the board 21421 shall approve additional units for the fiscal year on the basis of 21422 such average daily membership. For each unit so approved, the 21423 department of education shall pay an amount computed in the manner 21424 prescribed in section 3317.161 3317.052 or 3317.19 and section 21425 3317.162 3317.053 of the Revised Code.

(G)(1)(a) The superintendent of an institution operating a 21426 special education program pursuant to section 3323.091 of the 21427 Revised Code shall, for the programs under such superintendent's 21428 supervision, certify to the state board of education the average 21429 daily membership of all handicapped children in classes or 21430 programs approved annually by the state board of education, in the 21431 manner prescribed by the superintendent of public instruction. 21432

(b) The superintendent of an institution with vocational 21433 education units approved under division (A) of section 3317.05 of 21434 the Revised Code shall, for the units under the superintendent's 21435 supervision, certify to the state board of education the average 21436 daily membership in those units, in the manner prescribed by the 21437 superintendent of public instruction. 21438

(2) The superintendent of each county MR/DD board that 21439 maintains special education classes <u>under section 3317.20 of the</u> 21440 <u>Revised Code</u> or units approved by the state board of education 21441 pursuant to section 3317.05 of the Revised Code shall do both of 21442 the following: 21443

Page 691

(a) Certify to the state board, in the manner prescribed by 21444 the board, the average daily membership in classes and units 21445 approved under division (D)(1) of under section 3317.05 3317.20 of 21446 the Revised Code for each school district that has placed children 21447 in the classes or units; 21448

(b) Certify to the state board, in the manner prescribed by 21449 the board, the number of all handicapped preschool children 21450 enrolled as of the first day of December in classes eligible for 21451 approval under division (B) of section 3317.05 of the Revised 21452 Code, and the number of those classes. 21453

(3)(a) If during the first full school week in February the 21454 average daily membership of the classes or units maintained by the 21455 county MR/DD board that are eligible for approval under division 21456 (D)(1) of section 3317.05 of the Revised Code is greater than the 21457 average daily membership for the preceding October, the 21458 superintendent of the board shall make the certifications required 21459 by this section for such week. 21460

(b) If on the first school day of April the number of classes 21461 or units maintained for handicapped preschool children by the 21462 county MR/DD board that are eligible for approval under division 21463 (B) of section 3317.05 of the Revised Code is greater than the 21464 number of units approved for the year under that division, the 21465 superintendent shall make the certification required by this 21466 section for that day. 21467

 $\frac{(c)}{(b)}$ If the state board determines that additional classes 21468 or units can be approved for the fiscal year within any 21469 limitations set forth in the acts appropriating moneys for the 21470 funding of the classes and units described in division (G)(3)(a) 21471 or (b) of this section, the board shall approve and fund 21472 additional units for the fiscal year on the basis of such average 21473 daily membership. For each unit so approved, the department of 21474 education shall pay an amount computed in the manner prescribed in 21475

sections 3317.161 3317.052 and 3317.162 3317.053 of the Revised 21476 Code. 21477

(H) Except as provided in division (I) of this section, when 21478 any city, local, or exempted village school district provides 21479 instruction for a nonresident pupil whose attendance is 21480 unauthorized attendance as defined in section 3327.06 of the 21481 Revised Code, that pupil's membership shall not be included in 21482 that district's membership figure used in the calculation of that 21483 district's formula ADM or included in the determination of any 21484 unit approved for the district under section 3317.05 of the 21485 Revised Code. The reporting official shall report separately the 21486 average daily membership of all pupils whose attendance in the 21487 district is unauthorized attendance, and the membership of each 21488 such pupil shall be credited to the school district in which the 21489 pupil is entitled to attend school under division (B) of section 21490 3313.64 or section 3313.65 of the Revised Code as determined by 21491 the department of education. 21492

(I)(1) A city, local, exempted village, or joint vocational 21493 school district admitting a scholarship student of a pilot project 21494 district pursuant to division (C) of section 3313.976 of the 21495 Revised Code may count such student in its average daily 21496 membership. 21497

(2) In any year for which funds are appropriated for pilot 21498 project scholarship programs, a school district implementing a 21499 state-sponsored pilot project scholarship program that year 21500 pursuant to sections 3313.974 through 3313.979 of the Revised Code 21501 may count in average daily membership: 21502

(a) All children residing in the district and utilizing a 21503 scholarship to attend kindergarten in any alternative school, as 21504 defined in section 3313.974 of the Revised Code; 21505

(b) All children who were enrolled in the district in the 21506 preceding year who are utilizing a scholarship to attend any such 21507

alternative school.

(J) The superintendent of each cooperative education school 21509 district shall certify to the superintendent of public 21510 instruction, in a manner prescribed by the state board of 21511 education, the applicable average daily memberships for all 21512 students in the cooperative education district, also indicating 21513 the city, local, or exempted village district where each pupil is 21514 entitled to attend school under section 3313.64 or 3313.65 of the 21515 Revised Code. 21516

Sec. 3317.05. (A) For the purpose of calculating payments 21517 under sections 3317.161 3317.052 and 3317.162 3317.053 of the 21518 Revised Code, the state board of education shall determine for 21519 each institution, by the last day of January of each year and 21520 based on information certified under section 3317.03 of the 21521 Revised Code, the number of vocational education units or 21522 fractions of units approved by the state board on the basis of 21523 standards and rules adopted by the state board. As used in this 21524 division, "institution" means an institution operated by a 21525 department specified in section 3323.091 of the Revised Code and 21526 that provides vocational education programs under the supervision 21527 of the division of vocational education of the department of 21528 education that meet the standards and rules for these programs, 21529 including licensure of professional staff involved in the 21530 programs, as established by the state board of education. 21531

(B) For the purpose of calculating payments under sections 21532
<u>3317.052, 3317.053, 3317.11, 3317.161, 3317.162, and 3317.19 of 21533
the Revised Code, the state board shall determine, based on 21534
information certified under section 3317.03 of the Revised Code, 21535
the following by the last day of January of each year for each 21536
educational service center, for each school district, including 21537
each cooperative education school district, for each institution 21538
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Page 694

21508

eligible for payment under section 3323.091 of the Revised Code, 21539 and for each county MR/DD board: the number of classes operated by 21540 the school district, service center, institution, or county MR/DD 21541 board for handicapped preschool children, or fraction thereof, 21542 including in the case of a district or service center that is a 21543 funding agent, classes taught by a licensed teacher employed by 21544 that district or service center under section 3313.841 of the 21545 Revised Code, approved annually by the state board on the basis of 21546 standards and rules adopted by the state board. 21547

(C) For the purpose of calculating payments under sections 21548 <u>3317.052, 3317.053,</u> 3317.11, 3317.161, 3317.162, and 3317.19 of 21549 the Revised Code, the state board shall determine, based on 21550 information certified under section 3317.03 of the Revised Code, 21551 the following by the last day of January of each year for each 21552 school district, including each cooperative education school 21553 district, for each institution eligible for payment under section 21554 3323.091 of the Revised Code, and for each county MR/DD board: the 21555 number of preschool handicapped related services units for child 21556 study, occupational, physical, or speech and hearing therapy, 21557 special education supervisors, and special education coordinators 21558 approved annually by the state board on the basis of standards and 21559 rules adopted by the state board. 21560

(D) For the purpose of calculating payments under sections 21561
 3317.161 3317.052 and 3317.162 3317.053 of the Revised Code, the 21562
 state board shall determine, based on information certified under 21563
 section 3317.03 of the Revised Code, the following by the last day 21564
 of January of each year for each institution eligible for payment 21565
 under section 3323.091 of the Revised Code, and for each county 21566
 MR/DD board: 21567

(1) The number of classes operated by an institution or 21568
 county MR/DD board for handicapped children other than handicapped 21569
 preschool children, or fraction thereof, approved annually by the 21570

Page 695

state board on the basis of standards and rules adopted by the 21571 state board; 21572

(2) The number of related services units for children other 21573 than handicapped preschool children for child study, occupational, 21574 physical, or speech and hearing therapy, special education 21575 supervisors, and special education coordinators approved annually 21576 by the state board on the basis of standards and rules adopted by 21577 the state board. 21578

(E) All of the arithmetical calculations made under this 21579 section shall be carried to the second decimal place. The total 21580 number of units for school districts, service centers, and 21581 institutions approved annually by the state board under this 21582 section shall not exceed the number of units included in the state 21583 board's estimate of cost for these units and appropriations made 21584 for them by the general assembly. 21585

In the case of units described in division (D)(1) of this 21586 section operated by county MR/DD boards and institutions eligible 21587 for payment under section 3323.091 of the Revised Code, the state 21588 board shall approve only units for persons who are under age 21589 twenty-two on the first day of the academic year, but not less 21590 than six years of age on the thirtieth day of September of that 21591 year, except that such a unit may include one or more children who 21592 are under six years of age on the thirtieth day of September if 21593 such children have been admitted to the unit pursuant to rules of 21594 the state board. In the case of handicapped preschool units 21595 described in division (B) of this section operated by county MR/DD 21596 boards and institutions eligible for payment under section 21597 3323.091 of the Revised Code, the state board shall approve only 21598 preschool units for children who are under age six but not less 21599 than age three on the thirtieth day of September of the academic 21600 year, except that such a unit may include one or more children who 21601 are under age three or are age six or over on the thirtieth day of 21602

September if such children have been admitted to the unit pursuant 21603 to rules of the state board of education. The number of units for 21604 county MR/DD boards and institutions eligible for payment under 21605 section 3323.091 of the Revised Code approved by the state board 21606 under this section shall not exceed the number that can be funded 21607 with appropriations made for such purposes by the general 21608 assembly.

No unit shall be approved under divisions (B) to (D) of this 21610 section unless a plan has been submitted and approved under 21611 Chapter 3323. of the Revised Code. 21612

(F) The department shall approve units or fractions thereof21613for gifted children on the basis of standards and rules adopted by21614the board.

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 21616 3317.11 of the Revised Code, a unit funded pursuant to division 21617 (P) of section 3317.024 or division (A)(2) of section 3317.16121618 <u>3317.052</u> of the Revised Code shall not be approved for state 21619 funding in one school district, including any cooperative 21620 education school district or any educational service center, to 21621 the extent that such unit provides programs in or services to 21622 another district which receives payment pursuant to section 21623 3317.04 of the Revised Code. 21624

(2) Any city, local, exempted village, or cooperative
education school district or any educational service center may
combine partial unit eligibility for handicapped preschool
programs pursuant to section 3317.05 of the Revised Code, and such
combined partial units may be approved for state funding in one
school district or service center.

(B) After units have been initially approved for any fiscal
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Page 697

service center to another city, exempted village, local, or 21634 cooperative education school district or educational service 21635 center or to an institution or county MR/DD board solely for the 21636 purpose of reducing the financial obligations of the school 21637 district in a fiscal year it receives payment pursuant to section 21638 3317.04 of the Revised Code. 21639

Sec. 3317.1613317.052As used in this section,21640"institution" means an institution operated by a department21641specified in section 3323.091 of the Revised Code.21642

(A)(1) The department of education shall pay each school 21643 district, educational service center, institution eligible for 21644 payment under section 3323.091 of the Revised Code, or county 21645 MR/DD board an amount for the total of all classroom units for 21646 handicapped preschool children approved under division (B) of 21647 section 3317.05 of the Revised Code. For each unit, the amount 21648 shall be the sum of the minimum salary for the teacher of the 21649 unit, calculated on the basis of the teacher's training level and 21650 years of experience pursuant to the salary schedule prescribed in 21651 the version of section 3317.13 of the Revised Code in effect prior 21652 to the effective date of this amendment, plus fifteen per cent of 21653 that minimum salary amount, and eight thousand twenty-three 21654 dollars. 21655

(2) The department shall pay each school district, 21656 educational service center, institution eligible for payment under 21657 section 3323.091 of the Revised Code, or county MR/DD board an 21658 amount for the total of all related services units for handicapped 21659 preschool children approved under division (C) of section 3317.05 21660 of the Revised Code. For each such unit, the amount shall be the 21661 sum of the minimum salary for the teacher of the unit calculated 21662 on the basis of the teacher's training level and years of 21663 experience pursuant to the salary schedule prescribed in the 21664

<u>version of</u> section 3317.13 of the Revised Code <u>in effect prior to</u> 21665 <u>the effective date of this amendment</u>, fifteen per cent of that 21666 minimum salary amount, and two thousand one hundred thirty-two 21667 dollars. 21668

(B) If a school district or, educational service center has 21669 had additional handicapped preschool units approved for the year 21670 under division (F)(2) of section 3317.03 of the Revised Code, or 21671 if a county MR/DD board has had additional handicapped preschool 21672 units approved for the year under division (F)(2) or (G)(3) of 21673 section 3317.03 of the Revised Code, the district, educational 21674 service center, or board shall receive an additional amount during 21675 the last half of the fiscal year. For each district, center, or 21676 board, the additional amount for each unit shall equal fifty per 21677 cent of the amounts computed for the unit in the manner prescribed 21678 by division (A) of this section and division (C) of section 21679 3317.162 3317.053 of the Revised Code. 21680

(C)(1) The department shall pay each institution eligible for 21681 payment under section 3323.091 of the Revised Code or county MR/DD 21682 board an amount for the total of all special education units 21683 approved under division (D)(1) of section 3317.05 of the Revised 21684 Code. The amount for each unit shall be the sum of the minimum 21685 salary for the teacher of the unit, calculated on the basis of the 21686 teacher's training level and years of experience pursuant to the 21687 salary schedule prescribed in the version of section 3317.13 of 21688 the Revised Code in effect prior to the effective date of this 21689 amendment, plus fifteen per cent of that minimum salary amount, 21690 and eight thousand twenty-three dollars. 21691

(2) The department shall pay each institution eligible for 21692
payment under section 3323.091 of the Revised Code or county MR/DD 21693
board an amount for the total of all related services units 21694
approved under division (D)(2) of section 3317.05 of the Revised 21695
Code. The amount for each unit shall be the sum of the minimum 21696

salary for the teacher of the unit, calculated on the basis of the 21697 teacher's training level and years of experience pursuant to <u>the</u> 21698 <u>salary schedule prescribed in the version of</u> section 3317.13 of 21699 the Revised Code <u>in effect prior to the effective date of this</u> 21700 <u>amendment</u>, plus fifteen per cent of that minimum salary amount, 21701 and two thousand one hundred thirty-two dollars. 21702

(3) If a county MR/DD board has had additional units for 21703 handicapped children other than handicapped preschool children 21704 approved under division (G)(3) of section 3317.03 of the Revised 21705 Code, the board shall receive an additional amount during the last 21706 half of the fiscal year. For each board, the additional amount for 21707 each unit shall equal fifty per cent of the amount computed for 21708 the unit in the manner prescribed by division (C)(1) of this 21709 section and division (C) of section 3317.162 of the Revised Code. 21710

(D) The department shall pay each institution approved for 21711 vocational education units under division (A) of section 3317.05 21712 of the Revised Code an amount for the total of all the units 21713 approved under that division. The amount for each unit shall be 21714 the sum of the minimum salary for the teacher of the unit, 21715 calculated on the basis of the teacher's training level and years 21716 of experience pursuant to the salary schedule prescribed in the 21717 version of section 3317.13 of the Revised Code in effect prior to 21718 the effective date of this amendment, plus fifteen per cent of 21719 that minimum salary amount, and nine thousand five hundred ten 21720 dollars. 21721

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Sec. 3317.1623317.053. (A) As used in this section:21722(1) "State share percentage" has the same meaning as in21723section 3317.022 of the Revised Code.21724
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(2) "Dollar amount" means the amount shown in the following 21725
 table for the corresponding type of unit and the appropriate 21726
 fiscal year: 21727

	DOLLA	R AMOUNT	21728	
	FY 2000	FY-2001	21729	
TYPE OF UNIT			21730	
Division (B) of section 3317.05	\$8,334	\$8,334	21731	
of the Revised Code				
Division (C) of that section	\$3,234	\$3,234	21732	
Division (F) of that section	\$4,550	\$5,550	21733	
(3) "Average unit amount" means the amount shown in the				
following table for the corresponding type of unit:			21735	
	AVERAGE	UNIT AMOUNT	21736	
	FY 2000	FY 2001	21737	
TYPE OF UNIT			21738	
Division (B) of section 3317.05 of	\$7,799	\$7,799	21739	
the Revised Code				
Division (C) of that section	\$2,966	\$2,966	21740	
Division (F) of that section	\$4,251	\$5,251	21741	
(B) In the case of each unit described in division (B), (C),			21742	
or (F) of section 3317.05 of the Revised Code and allocated to a			21743	
city, local, or exempted village school dis	strict, the o	lepartment	21744	
of education, in addition to the amounts $s_{\rm P}$	pecified in a	division (P)	21745	
of section 3317.024 and sections 3317.161	<u>3317.052</u> and	3317.19 of	21746	
the Revised Code, shall pay a supplemental	unit allowar	nce equal to	21747	
the sum of the following amounts:			21748	
(1) An amount equal to 50% of the aver	rage unit amo	ount for the	21749	
unit;			21750	
(2) An amount equal to the percentage	of the dolla	ar amount	21751	
for the unit that equals the district's state share percentage.			21752	
If, prior to the fifteenth day of May	of a fiscal	year, a	21753	
school district's aid computed under section 3317.022 of the				

school district's aid computed under section 3317.022 of the21754Revised Code is recomputed pursuant to section 3317.027 or217553317.028 of the Revised Code, the department shall also recompute21756the district's entitlement to payment under this section utilizing21757

a new state share percentage. Such new state share percentage21758shall be determined using the district's recomputed basic aid21759amount pursuant to section 3317.027 or 3317.028 of the Revised21760Code. During the last six months of the fiscal year, the21761department shall pay the district a sum equal to one-half of the21762recomputed payment in lieu of one-half the payment otherwise21763calculated under this section.21764

(C)(1) In the case of each unit allocated to an institution 21765 pursuant to division (A) of section 3317.05 of the Revised Code, 21766 the department, in addition to the amount specified in section 21767 3317.161 <u>3317.052</u> of the Revised Code, shall pay a supplemental 21768 unit allowance of \$7,227. 21769

(2) In the case of each unit described in division (B) or 21770
(D)(1) of section 3317.05 of the Revised Code that is allocated to 21771
any entity other than a city, exempted village, or local school 21772
district, the department, in addition to the amount specified in 21773
section 3317.161 3317.052 of the Revised Code, shall pay a 21774
supplemental unit allowance of \$7,799. 21775

(3) In the case of each unit described in division (C) or 21776
(D)(2) of section 3317.05 of the Revised Code and allocated to any 21777
entity other than a city, exempted village, or local school 21778
district, the department, in addition to the amounts specified in 21779
section 3317.161 3317.052 of the Revised Code, shall pay a 21780
supplemental unit allowance of \$2,966. 21781

(4) In the case of each unit described in division (F) of 21782
section 3317.05 of the Revised Code and allocated to an 21783
educational service center, the department, in addition to the 21784
amounts specified in division (P) of section 3317.024 of the 21785
Revised Code, shall pay a supplemental unit allowance of \$4,251 in 21786
fiscal year 2000 and \$5,251 in fiscal year 2001. 21787

Sec. 3317.06. Moneys paid to school districts under division 21788

Page 703

(L) of section 3317.024 of the Revised Code shall be used for the 21789following independent and fully severable purposes: 21790

(A) To purchase such secular textbooks or electronic 21791 textbooks as have been approved by the superintendent of public 21792 instruction for use in public schools in the state and to loan 21793 such textbooks or electronic textbooks to pupils attending 21794 nonpublic schools within the district or to their parents and to 21795 hire clerical personnel to administer such lending program. Such 21796 loans shall be based upon individual requests submitted by such 21797 nonpublic school pupils or parents. Such requests shall be 21798 submitted to the school district in which the nonpublic school is 21799 located. Such individual requests for the loan of textbooks or 21800 electronic textbooks shall, for administrative convenience, be 21801 submitted by the nonpublic school pupil or the pupil's parent to 21802 the nonpublic school, which shall prepare and submit collective 21803 summaries of the individual requests to the school district. As 21804 used in this section: 21805

(1) "Textbook" means any book or book substitute that a pupil 21806
 uses as a consumable or nonconsumable text, text substitute, or 21807
 text supplement in a particular class or program in the school the 21808
 pupil regularly attends. 21809

(2) "Electronic textbook" means computer software,
interactive videodisc, magnetic media, CD-ROM, computer
courseware, local and remote computer assisted instruction,
on-line service, electronic medium, or other means of conveying
information to the student or otherwise contributing to the
learning process through electronic means.

(B) To provide speech and hearing diagnostic services to 21816
pupils attending nonpublic schools within the district. Such 21817
service shall be provided in the nonpublic school attended by the 21818
pupil receiving the service. 21819

(C) To provide physician, nursing, dental, and optometric 21820 services to pupils attending nonpublic schools within the 21821 district. Such services shall be provided in the school attended 21822 by the nonpublic school pupil receiving the service. 21823

(D) To provide diagnostic psychological services to pupils 21824 attending nonpublic schools within the district. Such services 21825 shall be provided in the school attended by the pupil receiving 21826 the service. 21827

(E) To provide therapeutic psychological and speech and 21828 hearing services to pupils attending nonpublic schools within the 21829 district. Such services shall be provided in the public school, in 21830 nonpublic schools, in public centers, or in mobile units located 21831 on or off of the nonpublic premises. If such services are provided 21832 in the public school or in public centers, transportation to and 21833 from such facilities shall be provided by the school district in 21834 which the nonpublic school is located. 21835

(F) To provide guidance and counseling services to pupils 21836 attending nonpublic schools within the district. Such services 21837 shall be provided in the public school, in nonpublic schools, in 21838 public centers, or in mobile units located on or off of the 21839 nonpublic premises. If such services are provided in the public 21840 school or in public centers, transportation to and from such 21841 facilities shall be provided by the school district in which the 21842 nonpublic school is located. 21843

(G) To provide remedial services to pupils attending 21844 nonpublic schools within the district. Such services shall be 21845 provided in the public school, in nonpublic schools, in public 21846 centers, or in mobile units located on or off of the nonpublic 21847 premises. If such services are provided in the public school or in 21848 public centers, transportation to and from such facilities shall 21849 be provided by the school district in which the nonpublic school 21850 is located. 21851

(H) To supply for use by pupils attending nonpublic schools 21852
within the district such standardized tests and scoring services 21853
as are in use in the public schools of the state; 21854

(I) To provide programs for children who attend nonpublic 21855 schools within the district and are handicapped children as 21856 defined in division (A) of section 3323.01 of the Revised Code or 21857 gifted children. Such programs shall be provided in the public 21858 school, in nonpublic schools, in public centers, or in mobile 21859 units located on or off of the nonpublic premises. If such 21860 programs are provided in the public school or in public centers, 21861 transportation to and from such facilities shall be provided by 21862 the school district in which the nonpublic school is located. 21863

(J) To hire clerical personnel to assist in the 21864
administration of programs pursuant to divisions (B), (C), (D), 21865
(E), (F), (G), and (I) of this section and to hire supervisory 21866
personnel to supervise the providing of services and textbooks 21867
pursuant to this section. 21868

(K) To purchase or lease any secular, neutral, and 21869 nonideological computer software (including site-licensing), 21870 prerecorded video laserdiscs, digital video on demand (DVD), 21871 compact discs, and video cassette cartridges, wide area 21872 connectivity and related technology as it relates to internet 21873 access, mathematics or science equipment and materials, 21874 instructional materials, and school library materials that are in 21875 general use in the public schools of the state and loan such items 21876 to pupils attending nonpublic schools within the district or to 21877 their parents, and to hire clerical personnel to administer the 21878 lending program. Only such items that are incapable of diversion 21879 to religious use and that are susceptible of loan to individual 21880 pupils and are furnished for the use of individual pupils shall be 21881 purchased and loaned under this division. As used in this section, 21882 "instructional materials" means prepared learning materials that 21883

are secular, neutral, and nonideological in character and are of 21884 benefit to the instruction of school children, and may include 21885 educational resources and services developed by the Ohio schoolnet 21886 commission. 21887

(L) To purchase <u>or lease</u> instructional equipment, including 21888 computer hardware and related equipment in general use in the 21889 public schools of the state, for use by pupils attending nonpublic 21890 schools within the district and to loan such items to pupils 21891 attending nonpublic schools within the district or to their 21892 parents, and to hire clerical personnel to administer the lending 21893 program. 21894

(M) To purchase mobile units to be used for the provision of 21895
services pursuant to divisions (E), (F), (G), and (I) of this 21896
section and to pay for necessary repairs and operating costs 21897
associated with these units. 21898

Clerical and supervisory personnel hired pursuant to division 21899 (J) of this section shall perform their services in the public 21900 schools, in nonpublic schools, public centers, or mobile units 21901 where the services are provided to the nonpublic school pupil, 21902 except that such personnel may accompany pupils to and from the 21903 service sites when necessary to ensure the safety of the children 21904 receiving the services. 21905

All services provided pursuant to this section may be 21906 provided under contract with educational service centers, the 21907 department of health, city or general health districts, or private 21908 agencies whose personnel are properly licensed by an appropriate 21909 state board or agency. 21910

Transportation of pupils provided pursuant to divisions (E), 21911 (F), (G), and (I) of this section shall be provided by the school 21912 district from its general funds and not from moneys paid to it 21913 under division (L) of section 3317.024 of the Revised Code unless 21914 a special transportation request is submitted by the parent of the 21915

21916 child receiving service pursuant to such divisions. If such an 21917 application is presented to the school district, it may pay for 21918 the transportation from moneys paid to it under division (L) of 21919 section 3317.024 of the Revised Code.

No school district shall provide health or remedial services 21920 to nonpublic school pupils as authorized by this section unless 21921 such services are available to pupils attending the public schools 21922 within the district. 21923

Materials, equipment, computer hardware or software, 21924 textbooks, electronic textbooks, and health and remedial services 21925 provided for the benefit of nonpublic school pupils pursuant to 21926 this section and the admission of pupils to such nonpublic schools 21927 shall be provided without distinction as to race, creed, color, or 21928 national origin of such pupils or of their teachers. 21929

No school district shall provide services, materials, or 21930 equipment that contain religious content for use in religious 21931 courses, devotional exercises, religious training, or any other 21932 religious activity. 21933

As used in this section, "parent" includes a person standing 21934 in loco parentis to a child. 21935

Notwithstanding section 3317.01 of the Revised Code, payments 21936 shall be made under this section to any city, local, or exempted 21937 village school district within which is located one or more 21938 nonpublic elementary or high schools and any payments made to 21939 school districts under division (L) of section 3317.024 of the 21940 Revised Code for purposes of this section may be disbursed without 21941 21942 submission to and approval of the controlling board.

The allocation of payments for materials, equipment, 21943 textbooks, electronic textbooks, health services, and remedial 21944 services to city, local, and exempted village school districts 21945 shall be on the basis of the state board of education's estimated 21946

annual average daily membership in nonpublic elementary and high 21947 schools located in the district. 21948

Payments made to city, local, and exempted village school21949districts under this section shall be equal to specific21950appropriations made for the purpose. All interest earned by a21951school district on such payments shall be used by the district for21952the same purposes and in the same manner as the payments may be21953used.21954

The department of education shall adopt guidelines and 21955 procedures under which such programs and services shall be 21956 provided, under which districts shall be reimbursed for 21957 administrative costs incurred in providing such programs and 21958 services, and under which any unexpended balance of the amounts 21959 appropriated by the general assembly to implement this section may 21960 be transferred to the auxiliary services personnel unemployment 21961 compensation fund established pursuant to section 4141.47 of the 21962 Revised Code. The department shall also adopt guidelines and 21963 procedures limiting the purchase and loan of the items described 21964 in division (K) of this section to items that are in general use 21965 in the public schools of the state, that are incapable of 21966 diversion to religious use, and that are susceptible to individual 21967 use rather than classroom use. Within thirty days after the end of 21968 each biennium, each board of education shall remit to the 21969 department all moneys paid to it under division (L) of section 21970 3317.024 of the Revised Code and any interest earned on those 21971 moneys that are not required to pay expenses incurred under this 21972 section during the biennium for which the money was appropriated 21973 and during which the interest was earned. If a board of education 21974 subsequently determines that the remittal of moneys leaves the 21975 board with insufficient money to pay all valid expenses incurred 21976 under this section during the biennium for which the remitted 21977 money was appropriated, the board may apply to the department of 21978

education for a refund of money, not to exceed the amount of the21979insufficiency. If the department determines the expenses were21980lawfully incurred and would have been lawful expenditures of the21981refunded money, it shall certify its determination and the amount21982of the refund to be made to the director of job and family21983services who shall make a refund as provided in section 4141.47 of21984the Revised Code.21985

Sec. 3317.064. (A) There is hereby established in the state 21986 treasury the auxiliary services mobile unit replacement and repair 21987 fund. By the thirtieth day of January of each odd-numbered year, 21988 the director of job and family services and the superintendent of 21989 public instruction shall determine the amount of any excess moneys 21990 in the auxiliary services personnel unemployment compensation fund 21991 not reasonably necessary for the purposes of section 4141.47 of 21992 the Revised Code, and shall certify such amount to the director of 21993 budget and management for transfer to the auxiliary services 21994 mobile unit replacement and repair fund. If the director of jobs 21995 job and family services and the superintendent disagree on such 21996 amount, the director of budget and management shall determine the 21997 amount to be transferred. 21998

(B) Moneys in the auxiliary services mobile unit replacement 21999 and repair fund shall be used for the relocation or for the 22000 replacement and repair of mobile units used to provide the 22001 services specified in division (E), (F), (G), or (I) of section 22002 3317.06 of the Revised Code and for no other purposes. The state 22003 board of education shall adopt guidelines and procedures for 22004 replacement, repair, and relocation of mobile units and the 22005 procedures under which a school district may apply to receive 22006 moneys with which to repair or replace or relocate such units. 22007

(C) School districts may apply to the department for moneys 22008 from the auxiliary services mobile unit replacement and repair 22009

fund for payment of incentives for early retirement and severance	22010
for school district personnel assigned to provide services	22011
authorized by section 3317.06 of the Revised Code at chartered	22012
nonpublic schools. The portion of the cost of any early retirement	22013
or severance incentive for any employee that is paid using money	22014
from the auxiliary services mobile unit replacement and repair	22015
fund shall not exceed the percentage of such employee's total	22016
service credit that the employee spent providing services to	22017
chartered nonpublic school students under section 3317.06 of the	22018
Revised Code.	22019

Sec. 3317.10. (A) On or before the first day of March of each 22020 year, the department of job and family services shall certify to 22021 the state board of education the <u>unduplicated</u> number of children 22022 ages five through seventeen residing in each school district and 22023 living in a family that participated in Ohio works first under 22024 Chapter 5107. of the Revised Code, during the preceding October, 22025 22026 had family income not exceeding the federal poverty guidelines as defined in section 5101.46 of the Revised Code and participated in 22027 one of the following: 22028

<u>(1) Ohio works first;</u>

(2) The food stamp program;

(3) The medical assistance program, including the healthy22031start program, established under Chapter 5111. of the Revised22032Code;22033

(4) The children's health insurance program part I22034established under section 5101.50 of the Revised Code;22035

(5) The disability assistance program established under22036Chapter 5115. of the Revised Code.22037

The department of job and family services shall certify this22038informationaccording to the school district of residence for each22039

22029

child. Except as provided under division (B) of this section, the 22040 number of children so certified in any year shall be used by the 22041 department of education in calculating the distribution of moneys 22042 for the ensuing fiscal year <u>as</u> provided in section 3317.029 of the 22043 Revised Code. 22044

(B) Upon the transfer of part of the territory of one school 22045 district to the territory of one or more other school districts, 22046 the department of education may adjust the number of children 22047 certified under division (A) of this section for any district 22048 gaining or losing territory in such a transfer in order to take 22049 into account the effect of the transfer on the number of such 22050 children ages five through seventeen who reside in the district 22051 and live in a family that participates in Ohio works first. Within 22052 sixty days of receipt of a request for information from the 22053 department of education, the department of job and family services 22054 shall provide any information the department of education 22055 determines is necessary to make such adjustments. The department 22056 of education may use the adjusted number for any district for the 22057 applicable fiscal year, in lieu of the number certified for the 22058 district for that fiscal year under division (A) of this section, 22059 in the calculation of the distribution of moneys provided in 22060 section 3317.029 of the Revised Code. 22061

Sec. 3317.11. (A) Annually, on or before a date designated by 22062 the state board of education, each educational service center 22063 governing board shall prepare a budget of operating expenses for 22064 the ensuing year for the service center on forms prepared and 22065 furnished by the state board of education and shall certify the 22066 budget to the state board of education, together with such other 22067 information as the board may require. Such budget shall consist of 22068 two parts. Part (A) shall include the cost of the salaries, 22069 employers retirement contributions, and travel expenses of 22070 supervisory teachers approved by the state board of education. The 22071

amount derived from the calculation for such units in part (A) of 22072 the governing board budget shall be the sum of: 22073

(1) The sum of the minimum salaries calculated, pursuant to 22074
 section 3317.13 of the Revised Code, for each approved licensed 22075
 employee of the governing board; 22076

(2) An additional salary allowance proportional to the length 22077 of the extended term of service not to exceed three months for 22078 each supervisory and child study teacher whose term of service in 22079 any year is extended beyond the terms of service of regular 22080 classroom teachers; 22081

(3) An allowance equal to fifteen per cent of the amount 22082computed under division (A)(1) of this section; 22083

(4) An allowance for necessary travel expenses, for each of 22084 the personnel approved in part (A) of the budget, limited to two 22085 hundred twenty-three dollars and sixteen cents per month, or two 22086 thousand six hundred seventy-eight dollars per year per person 22087 employed, whichever is the lesser. 22088

Part (B) shall include the cost of all other lawful 22089 expenditures of the governing board. The state board of education 22090 shall review such budget and may approve, increase, or decrease 22091 such budget. 22092

The governing board shall be reimbursed by the state board of 22093 education from state funds for the cost of part (A) of the budget. 22094 The governing board shall be reimbursed by the state board of 22095 education, from state funds for the cost of part (B) of the 22096 approved budget that is in excess of six dollars and fifty cents 22097 times the service center ADM. If the governing board provides 22098 services to city or exempted village school districts pursuant to 22099 section 3313.843 of the Revised Code, the governing board shall be 22100 reimbursed from state funds for the cost of part (B) of the budget 22101 that is in excess of six dollars and fifty cents times the sum of 22102

22103 the service center ADM and the client ADMs of the city or exempted 22104 village districts to which such services are provided. The cost of 22105 part (B) not in excess of six dollars and fifty cents times the 22106 number of such ADM shall be apportioned by the state board of 22107 education among the local school districts in the territory of the 22108 service center, or among all districts to which the governing 22109 board provides services, on the basis of the total number of 22110 pupils in each school district.

If part (B) of the budget is in excess of that approved by 22111 the state board of education, the excess cost shall be apportioned 22112 by the state board of education among the local school districts 22113 in the territory of the service center on the basis of the total 22114 number of such pupils in each such school district, provided that 22115 a majority of the boards of education of such local school 22116 districts approve such apportionment. The state board of education 22117 shall initiate and supervise the procedure by which the local 22118 boards shall approve or disapprove such apportionment. 22119

The amounts so apportioned shall be certified to the22120treasurers of the various school districts. In the case of each22121district such amount shall be deducted by the state board of22122education from funds allocated to the district pursuant to22123division (E) of section 3317.023 of the Revised Code.22124

The state board of education shall certify to the director of 22125 budget and management for payment the total of the deductions, 22126 whereupon the amount shall be paid to the governing board of each 22127 service center, to be deposited to the credit of a separate fund, 22128 hereby created, to be known as the educational service center 22129 governing board fund. 22130

An educational service center may provide special education 22131 to students in its local districts or in client districts. A 22132 service center is eligible for funding under division (J) of 22133 section 3317.024 of the Revised Code and eligible for state 22134

subsidies for the purchase of school buses under section 3317.0722135of the Revised Code. Special education units for gifted children22136may be operated by a governing board. Vocational education may be22137provided by a governing board. A governing board may conduct22138driver education for pupils enrolled in a high school for which22139the state board of education prescribes minimum standards.22140

Every local school district shall be provided supervisory 22141 services by its governing board as approved by the state board of 22142 education. A city or exempted village school district shall be 22143 considered to be provided supervisory services by a governing 22144 board if it has entered into an agreement for the governing board 22145 to provide any services under section 3313.843 of the Revised 22146 Code. Supervisory services shall not exceed one supervisory 22147 teacher for the first fifty classroom teachers employed in all 22148 districts that are provided supervisory services calculated under 22149 section 3317.023 of the Revised Code and one supervisory teacher 22150 for every additional one hundred such classroom teachers so 22151 calculated. Reimbursement for such supervisory services shall be a 22152 deduction by the state board of education from the payment to the 22153 school district pursuant to division (E) of section 3317.023 of 22154 the Revised Code. Deductions for all supervisory services and 22155 extended services for supervisory and child study shall be 22156 apportioned among local school districts within the territory of 22157 the service center and any city or exempted village districts that 22158 have entered into agreements with a service center pursuant to 22159 section 3313.843 of the Revised Code by the state board of 22160 education on the basis of the total number of pupils in each 22161 school district, except that where such services are provided to 22162 districts other than local school districts within the service 22163 center territory and city or exempted village districts having 22164 agreements with the service center, such charges shall be 22165 apportioned among all participating districts on the basis of the 22166

22167 total number of pupils in each school district. All deductions 22168 from state funding to school districts required for reimbursement 22169 of governing boards by division (E) of section 3317.023 of the 22170 Revised Code shall be made from the total of the payment computed 22171 for the district under this chapter, after making any other 22172 adjustments in that payment required by law.

(B)(1) In addition to the payments made under division (A) of 22173 this section, except as otherwise provided in division (C) of this 22174 section, the department of education shall pay each governing 22175 board the amount in the following schedule for the specified 22176 fiscal year, thirty-seven dollars times the sum of the service 22177 center ADM and the sum of the client ADMs of all its client 22178 districts+ 22179

(a) In fiscal year 2000, thirty-six dollars;

(b) In in fiscal year 2001, thirty-seven dollars years 2002 22181 <u>and 2003</u>. 22182

(2) In addition to other payments under this section, the 22183 department shall pay each educational service center the amounts 22184 due to it from school districts pursuant to contracts, compacts, 22185 or agreements under which the service center furnishes services to 22186 the districts or their students. In order to receive payment under 22187 this division, an educational service center shall furnish either 22188 a copy of the applicable contract, compact, or agreement clearly 22189 indicating the amounts of the payments, or a written statement of 22190 the payments owed signed by the superintendent or treasurer of the 22191 responsible school district.

The amounts paid to service centers under division (B)(2) of 22193 this section shall be deducted from payments to school districts 22194 pursuant to division (K)(2) of section 3317.023 of the Revised 22195 Code. 22196

(C) Each multicounty service center shall receive a payment 22197

22180

each fiscal year equal to forty dollars and fifty-two cents times 22198 the sum of the service center ADM and the client ADMs of all its 22200 client districts.

(D) Each city, exempted village, local, joint vocational, or 22201 cooperative education school district shall pay to the governing 22202 board of an educational service center any amounts agreed to for 22203 each child enrolled in the district who receives special education 22204 and related services or vocational education from the educational 22205 service center. 22206

(E) As used in this section:

(1) "Service center ADM" means the total of each of the
following for all local school districts within the limits of an
educational service center's territory:
22210

(a) The formula ADM;

(b) The kindergarten average daily membership included in the 22212 formula ADM; 22213

(c) Three-quarters of the number of students reported under 22214division (B)(4) of section 3317.03 of the Revised Code; 22215

(d) The average daily membership of handicapped preschool
 22216
 children reported under division (B)(2) of section 3317.03 of the
 22217
 Revised Code;
 22218

(e) The number of preschool students certified under division 22219(B) of section 3317.032 of the Revised Code. 22220

(2) "Client ADM" means the total of each number described
 under divisions (E)(1)(a) to (e) of this section for a client
 district.

(3) "Client district" means a city or exempted village school
 22224
 district that has entered into an agreement to receive services
 22225
 from a service center pursuant to section 3313.843 of the Revised
 22226
 Code.
 22227

22211

(4) "Multicounty service center" means a service center that 22228 includes territory that formerly was included in the territory of 22229 at least three former service centers or county school districts, 22230 which former centers or districts engaged in one or more mergers 22231 pursuant to section 3311.053 of the Revised Code to form the 22232 present center. 22233

sec. 3317.13. (A) As used in this section and section 3317.14 22234
of the Revised Code: 22235

(1) "Years of service" includes the following:

(a) All years of teaching service in the same school district 22237
 or educational service center, regardless of training level, with 22238
 each year consisting of at least one hundred twenty days under a 22239
 teacher's contract; 22240

(b) All years of teaching service in a chartered, nonpublic
school located in Ohio as a teacher licensed pursuant to section
3319.22 of the Revised Code or in another public school,
regardless of training level, with each year consisting of at
22242
least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or 22246 institution or a school or institution that subsequently became 22247 chartered or a chartered special education program or a special 22248 education program that subsequently became chartered operated by 22249 the state or by a subdivision or other local governmental unit of 22250 this state as a teacher licensed pursuant to section 3319.22 of 22251 the Revised Code, regardless of training level, with each year 22252 consisting of at least one hundred twenty days; and 22253

(d) All years of active military service in the armed forces 22254
of the United States, as defined in section 3307.75 of the Revised 22255
Code, to a maximum of five years. For purposes of this 22256
calculation, a partial year of active military service of eight 22257

22258 continuous months or more in the armed forces shall be counted as 22259 a full year.

(2) "Teacher" means all teachers employed by the board of 22260 education of any school district, including any cooperative 22261 education or joint vocational school district and all teachers 22262 employed by any educational service center governing board. 22263

(B) No teacher shall be paid a salary less than that provided 22264 in the schedule set forth in division (C) of this section. In 22265 calculating the minimum salary any teacher shall be paid pursuant 22266 to this section, years of service shall include the sum of all 22267 years of the teacher's teaching service included in divisions 22268 (A)(1)(a), (b), (c), and (d) of this section; except that any 22269 school district or educational service center employing a teacher 22270 new to the district or educational service center shall grant such 22271 teacher a total of not more than ten years of service pursuant to 22272 divisions (A)(1)(b), (c), and (d) of this section. 22273

22274 Upon written complaint to the superintendent of public instruction that the board of education of a district or the 22275 governing board of an educational service center governing board 22276 has failed or refused to annually adopt a salary schedule or to 22277 pay salaries in accordance with the salary schedule set forth in 22278 division (C) of this section, the superintendent of public 22279 instruction shall cause to be made an immediate investigation of 22280 such complaint. If the superintendent finds that the conditions 22281 complained of exist, the superintendent shall order the board to 22282 correct such conditions within ten days from the date of the 22283 finding. No moneys shall be distributed to the district or 22284 educational service center under this chapter until the 22285 superintendent has satisfactory evidence of the board of 22286 education's full compliance with such order. 22287

Each teacher shall be fully credited with placement in the 22288 appropriate academic training level column in the district's or 22289

educational service center's salary schedule with years of service 22290 properly credited pursuant to this section or section 3317.14 of 22291 the Revised Code. No rule shall be adopted or exercised by any 22292 board of education or educational service center governing board 22293 which restricts the placement or the crediting of annual salary 22294 increments for any teacher according to the appropriate academic 22296 training level column.

(C) Minimum salaries exclusive of retirement and sick leave 22297for teachers shall be as follows: 22298

		Teachers	2			Теа	chers wit	h	Теас	chers	22299	
Υe	ears	with Les	ss Te	Teachers with		Five Years of		τ	with		22300	
of	-	than a		Bachelor's		Training, but		a Master's		22301		
Service Bachelor's		r's De	egree 1		no	no Master's I		Degree or		22302		
		Degree				Deg	ree		Higł	her	22303	
	Per	Dollar	Per	Dollar	Per		Dollar	Per	r	Dollar	22304	
	Cent*	Amount	Cent*	Amount	Cen	ıt*	Amount	Cei	nt*	Amount	22305	
0	86.5	\$ 14,705	100.0	\$ 17,000	103	8.8	\$ 17,646	109	9.5	\$ 18,615	22306	
		<u>17,300</u>		<u>20,000</u>			<u>20,760</u>			<u>21,900</u>	22307	
1	90.0	15,300	103.8	17,646	108	3.1	18,377	114	4.3	19,431	22308	
		<u>18,000</u>		<u>20,760</u>			<u>21,620</u>			<u>22,860</u>	22309	
2	93.5	15,895	107.6	18,292	112	2.4	19,108	119	9.1	20,247	22310	
		<u>18,700</u>		<u>21,520</u>			<u>22,480</u>			<u>23,820</u>	22311	
3	97.0	16,490	111.4	18,938	116	5.7	19,839	123	3.9	21,063	22312	
		<u>19,400</u>		<u>22,280</u>			<u>23,340</u>			<u>24,780</u>	22313	
4	100.5	17,085	115.2	19,584	121	.0	20,570	128	8.7	21,879	22314	
		20,100		<u>23,040</u>			24,200			<u>25,740</u>	22315	
5	104.0	17,680	119.0	20,230	125	5.3	21,301	13	3.5	22,695	22316	
		<u>20,800</u>		<u>23,800</u>			<u>25,060</u>			<u>26,700</u>	22317	
6	104.0	17,680	122.8	20,876	129	0.6	22,032	138	8.3	23,511	22318	
		<u>20,800</u>		<u>24,560</u>			<u>25,920</u>			<u>27,660</u>	22319	
7	104.0	17,680	126.6	21,522	133	3.9	22,763	143	3.1	24,327	22320	
		<u>20,800</u>		<u>25,320</u>			<u>26,780</u>			<u>28,620</u>	22321	

8	104.0	17,680	130.4	22,168	138.2	23,494	147.9	25,143	22322
		20,800		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>	22323
9	104.0	17,680	134.2	22,814	142.5	24,225	152.7	25,959	22324
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>	22325
10	104.0	17,680	138.0	23,460	146.8	24,956	157.5	26,775	22326
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>	22327
11	104.0	17,680	141.8	24,106	151.1	25,687	162.3	27,591	22328
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>	22329

* Percentages represent the percentage which each salary is 22330 of the base amount. 22331

For purposes of determining the minimum salary at any level 22332 of training and service, the base of one hundred per cent shall be 22333 the base amount. The percentages used in this section show the 22334 relationships between the minimum salaries required by this 22335 section and the base amount and shall not be construed as 22336 requiring any school district or educational service center to 22337 adopt a schedule containing salaries in excess of the amounts set 22338 forth in this section for corresponding levels of training and 22339 experience. 22340

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As used in this division:
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(1) "Base amount" means seventeen twenty thousand dollars. 22342

(2) "Five years of training" means at least one hundred fifty 22343
 semester hours, or the equivalent, and a bachelor's degree from a 22344
 recognized college or university. 22345

(D) For purposes of this section, all credited training shall 22346be from a recognized college or university. 22347

Sec. 3317.16. (A) As used in this section: 22348

(1) "State share percentage" means the percentage calculated 22349for a joint vocational school district as follows: 22350

(a) Calculate the state base cost funding amount for the 22351

district under division (B) of this section. If the district would22352not receive any base cost funding for that year under that22353division, the district's state share percentage is zero.22354

(b) If the district would receive base cost funding under 22355that division, divide that base cost amount by an amount equal to 22356the following: 22357

the formula amount X

cost-of-doing-business factor X 22358

the greater of formula ADM or 22360

three-year average formula ADM 22361

The resultant number is the district's state share 22362 percentage. 22363

(2) The "total special education weight" for a joint
 22364
 vocational school district shall be calculated in the same manner
 22365
 as prescribed in division (B)(1) of section 3317.022 of the
 22366
 Revised Code.

(3) The "total vocational education weight" for a joint 22368 vocational school district shall be calculated in the same manner 22369 as prescribed in division (B)(4) of section 3317.022 of the 22370 Revised Code. 22371

(4) The "adjusted total taxable value recognized valuation" 22372
 of a joint vocational school district shall be determined by 22373
 adding the adjusted total taxable values recognized valuations of 22374
 all its constituent school districts for the applicable fiscal 22375
 year. 22376

(B) The department of education shall compute and distribute 22377
 state base cost funding to each joint vocational school district 22378
 for the fiscal year in accordance with the following formula: 22379

(cost-of-doing-business factor X 22380
formula amount X the greater of formula 22381
ADM or three-year average formula ADM) - 22382

(.0005 X adjusted total taxable value recognized valuation) If the difference obtained under this division is a negative number, the district's computation shall be zero. (C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

- state share percentage X formula amount X22390total vocational education weight22391
- (2) The department shall compute for each joint vocational 22392 school district state funds for vocational education associated 22393 services costs in accordance with the following formula: 22394 state share percentage X .05 X 22395 the formula amount X the sum of 22396
 - categories one and two vocational 22397

education ADM

In any fiscal year, a joint vocational school district 22399 receiving funds under division (C)(2) of this section, or through 22400 a transfer of funds pursuant to division (L) of section 3317.023 22401 of the Revised Code, shall spend those funds only for the purposes 22402 that the department designates as approved for vocational 22403 education associated services expenses, which may include such 22404 purposes as apprenticeship coordinators, coordinators for other 22405 vocational education services, vocational evaluation, and other 22406 purposes designated by the department. The department may deny 22407 payment under division (C)(2) of this section to any district that 22408 the department determines is not operating those services or is 22409 using funds paid under division (C)(2) of this section, or through 22410 a transfer of funds pursuant to division (L) of section 3317.023 22411 of the Revised Code, for other purposes. 22412

(D)(1) The department shall compute and distribute state 22413 special education and related services additional weighted costs 22414

Page 722

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funds to each joint vocational school district in accordance with 22416 the following formula: state share percentage X formula amount X 22417 total special education weight 22418 (2)(a) As used in this division, the "personnel allowance" 22419 means twenty-five thousand dollars in fiscal year 2000 and thirty 22420 thousand dollars in fiscal year 2001 years 2002 and 2003. 22421 (b) For the provision of speech services to students, 22422 including students who do not have individualized education 22423 programs prepared for them under Chapter 3323. of the Revised 22424

<u>Code</u>, and for no other purpose, the department shall pay each 22425 joint vocational school district an amount calculated under the 22426 following formula: 22427

(formula ADM divided by 2000) X the personnel22428allowance X state share percentage22429

(E)(1) If a joint vocational school district's costs for a 22430 fiscal year for a student in its category three categories one 22431 through six special education ADM are twenty-five thousand dollars 22432 or more exceed the threshold catastrophic cost for serving the 22433 student, as specified in division (C)(3)(b) of section 3317.022 of 22434 the Revised Code, the district may submit to the superintendent of 22435 public instruction documentation, as prescribed by the 22436 superintendent, of all of its costs for that student. Upon 22437 submission of documentation for a student of the type and in the 22438 manner prescribed, the department shall pay to the district an 22439 amount equal to the <u>sum of the following:</u> 22440

(a) One-half of the district's costs for the student in 22441 excess of the threshold catastrophic cost; 22442

(b) The product of one-half of thedistrict's costs for the22443student in excess of twenty-five thousand dollarsthe threshold22444catastrophic costmultiplied by the district's state share22445

Page 724

22446 percentage. (2) The district shall only report under division (E)(1) of 22447 this section, and the department shall only pay for, the costs of 22448 educational expenses and the related services provided to the 22449 student in accordance with the student's individualized education 22450 program. Any legal fees, court costs, or other costs associated 22451 with any cause of action relating to the student may not be 22452 included in the amount. 22453 (F) Each fiscal year, the department shall pay each joint 22454 vocational school district an amount for adult technical and 22455 vocational education and specialized consultants. 22456 (G)(1) In any fiscal year, a joint vocational school district 22457 receiving funds under division (D) of this section shall spend on 22458 the related services specified in division (B)(3) of section 22459 3317.022 of the Revised Code at least the lesser of the following: 22460 22461 (a) The amount the district spent on those related services 22462 in the preceding fiscal year; 22463 22464 (b) 1/8 X {[cost-of-doing-business factor X the formula amount X (the category one special education ADM + category two 22465 special education ADM + category three special education ADM)] + 22466 the amount calculated for the fiscal year under division (D)(1) of 22467 this section + the local share of special education and related 22468 services additional weighted costs}. 22469 (2) A joint vocational school district's local share of 22470 special education and related services additional weighted costs 22471 equals: 22472 (1 - state share percentage) X 22473 Total special education weight X 22474

the formula amount 22475

(H) In any fiscal year, if the total of all payments made to 22476

22477 a joint vocational school district under divisions (B) to (D) of 22478 this section and division (R) of section 3317.024 of the Revised 22479 Code is less than the amount that district received in fiscal year 22480 1999 under the version of this section in effect that year, plus 22481 the amount that district received under the version of section 22482 3317.162 of the Revised Code in effect that year and minus the 22483 amounts received that year for driver education and adult 22484 education, the department shall pay the district an additional 22485 amount equal to the difference between those two amounts.

(I) In fiscal years 2000 and 2001, each joint vocational22486school district shall continue to offer the same number of the22487vocational education programs that the district offered in fiscal22488year 1999, unless the department of education expressly agrees22489that the district may offer fewer programs in either or both22490fiscal year 2000 or 2001.22491

Sec. 3317.19. (A) As used in this section, "total unit 22492 allowance" means an amount equal to the sum of the following: 22493

(1) The total of the salary allowances for the teachers 22494 employed in the cooperative education school district for all 22495 units approved under division (B) or (C) of section 3317.05 of the 22496 Revised Code. The salary allowance for each unit shall equal the 22497 minimum salary for the teacher of the unit calculated on the basis 22498 of the teacher's training level and years of experience pursuant 22499 to the salary schedule prescribed in the version of section 22500 3317.13 of the Revised Code in effect prior to the effective date 22501 of this amendment. 22502

(2) Fifteen per cent of the total computed under division(A)(1) of this section;

(3) The total of the unit operating allowances for all 22505approved units. The amount of each allowance shall equal one of 22506the following: 22507

22503

(a) Eight thousand twenty-three dollars times the number of 22508
 preschool handicapped units or fraction thereof approved for the 22509
 year under division (B) of section 3317.05 of the Revised Code; 22510

(b) Two thousand one hundred thirty-two dollars times the 22511
number of units or fraction thereof approved for the year under 22512
division (C) of section 3317.05 of the Revised Code. 22513

(B) The state board of education shall compute and distribute 22514
 to each cooperative education school district for each fiscal year 22515
 an amount equal to the sum of the following: 22516

(1) An amount equal to the total of the amounts credited to 22517
 the cooperative education school district pursuant to division (K) 22518
 of section 3317.023 of the Revised Code; 22519

(2) The total unit allowance;

(3) An amount for assisting in providing free lunches to
22521
needy children and an amount for assisting needy school districts
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in purchasing necessary equipment for food preparation pursuant to
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division (K) of section 3317.024 of the Revised Code.
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(C) If a cooperative education school district has had 22525 additional special education units approved for the year under 22526 division (F)(2) of section 3317.03 of the Revised Code, the 22527 district shall receive an additional amount during the last half 22528 of the fiscal year. For each unit, the additional amount shall 22529 equal fifty per cent of the amount computed under division (A) of 22530 this section for a unit approved under division (B) of section 22531 3317.05 of the Revised Code. 22532

sec. 3317.20. This section does not apply to handicapped 22533
preschool children. 22534

(A) As used in this section:

(1) "Applicable weight" means÷

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(a) For a handicapped child receiving special education22537services for a handicap specified in division (A) of section225383317.013 of the Revised Code, the multiple specified in that22539division;22540

(b) For a handicapped child receiving special education22541services for a handicap specified in division (B) of section225423317.013 or division (F)(3) of section 3317.02 of the Revised22543Code, the multiple specified in division (B) of for a handicap22544described in that section 3317.013 of the Revised Code.22545

(2) "Child's school district" means the school district in 22546
which a child is entitled to attend school pursuant to section 22547
3313.64 or 3313.65 of the Revised Code. 22548

(3) "State share percentage" means the state share percentage 22549of the child's school district as defined in section 3317.022 of 22550the Revised Code. 22551

(B) Notwithstanding sections 3317.03, 3317.05, 3317.161, and 22552 3317.162 of the Revised Code, the department of education shall 22553 not approve special education and related services units, other 22554 than for handicapped preschool children, in county MR/DD boards in 22555 fiscal years 1999, 2000, and 2001. During those fiscal years, 22556 state funding for special education and related services provided 22557 22558 to school-age children by county MR/DD boards shall be provided under divisions (C) to (E) of this section. 22559

(C) Except as provided in division (D)(C) of this section, 22560 the department shall annually pay each county MR/DD board an 22561 amount calculated under the following formula for each handicapped 22562 child, other than a handicapped preschool child, for whom the 22563 county MR/DD board provides special education and related 22564 services: 22565

(formula amount X the cost-of-doing-business factor 22566
 for the child's school district) + 22567

(state share percentage X formula amount X	22568
the applicable weight)	22569
(D)(C) If any school district places with a county MR/DD	22570

board more handicapped children than it had placed with a county 22571 MR/DD board in fiscal year 1998, the department shall not make a 22572 payment under division $\frac{(C)(B)}{(B)}$ of this section for the number of 22573 children exceeding the number placed in fiscal year 1998. The 22574 department instead shall deduct from the district's payments under 22575 this chapter, and pay to the county MR/DD board, an amount 22576 calculated in accordance with the formula prescribed in division 22577 $\frac{(C)}{(B)}$ of this section for each child over the number of children 22578 placed in fiscal year 1998. 22579

(E)(D) The department shall calculate for each county MR/DD 22580 board receiving payments under divisions (C)(B) and (D)(C) of this 22581 section the following amounts: 22582

(1) The amount received by the county MR/DD board for 22583 approved special education and related services units, other than 22584 preschool handicapped units, in fiscal year 1998, divided by the 22585 total number of children served in the units that year; 22586

(2) The product of the quotient calculated under division 22587 (E)(D)(1) of this section times the number of children for whom 22588 payments are made under divisions $\frac{(C)}{(B)}$ and $\frac{(D)}{(C)}$ of this 22589 section. 22590

If the amount calculated under division (E)(D)(2) of this 22591 section is greater than the total amount calculated under 22592 divisions (C)(B) and (D)(C) of this section, the department shall 22593 pay the county MR/DD board one hundred per cent of the difference 22594 in addition to the payments under divisions $\frac{(C)(B)}{(B)}$ and $\frac{(D)(C)}{(C)}$ of 22595 this section. 22596

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 22597 Revised Code: 22598

(A) "Ohio school facilities commission" means the commission 22599created pursuant to section 3318.30 of the Revised Code. 22600

(B) "Classroom facilities" means rooms in which pupils 22601 regularly assemble in public school buildings to receive 22602 instruction and education and such facilities and building 22603 improvements for the operation and use of such rooms as may be 22604 needed in order to provide a complete educational program, and may 22605 include space within which a child day-care facility or a 22606 community resource center is housed. "Classroom facilities" 22607 includes any space necessary for the operation of a vocational 22608 education program in any school district that operates such a 22609 program. 22610

(C) "Project" means a project to construct or acquire 22611
 classroom facilities, or to reconstruct or make additions to 22612
 existing classroom facilities, to be used for housing the 22613
 applicable school district and its functions. 22614

(D) "School district" means a local, exempted village, or 22615
city school district as such districts are defined in Chapter 22616
3311. of the Revised Code, acting as an agency of state 22617
government, performing essential governmental functions of state 22618
government pursuant to sections 3318.01 and 3318.20 of the Revised 22619
Code. 22620

(E) "School district board" means the board of education of a 22621 school district. 22622

(F) "Net bonded indebtedness" means the difference between 22623 the sum of the par value of all outstanding and unpaid bonds and 22624 notes which a school district board is obligated to pay, any 22625 amounts the school district is obligated to pay under 22626 lease-purchase agreements entered into under section 3313.375 of 22627 the Revised Code, and the par value of bonds authorized by the 22628 electors but not yet issued, the proceeds of which can lawfully be 22629

22631 other indebtedness retirement funds for their redemption. Notes 22632 issued for school buses in accordance with section 3327.08 of the 22633 Revised Code, notes issued in anticipation of the collection of 22634 current revenues, and bonds issued to pay final judgments shall 22635 not be considered in calculating the net bonded indebtedness. "Net bonded indebtedness" does not include indebtedness 22636 arising from the acquisition of land to provide a site for 22637 classroom facilities constructed, acquired, or added to pursuant 22638 to sections 3318.01 to 3318.20 of the Revised Code. 22639 (G) "Board of elections" means the board of elections of the 22640 county containing the most populous portion of the school 22641 district. 22642 (H) "County auditor" means the auditor of the county in which 22643 the greatest value of taxable property of such school district is 22644 located. 22645 (I) "Tax duplicates" means the general tax lists and 22646 duplicates prescribed by sections 319.28 and 319.29 of the Revised 22647 Code. 22648 (J) "Required level of indebtedness" means: 22649 (1) In the case of districts in the first percentile, five 22650 per cent of the district's valuation for the year preceding the 22651 year in which the controlling board approved the project under 22652 section 3318.04 of the Revised Code. 22653

used for the project, and the amount held in the sinking fund and

(2) In the case of districts ranked in a subsequent 22654 percentile, five per cent of the district's valuation for the year 22655 22656 preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two 22657 one-hundredths of one per cent multiplied by (the percentile in 22658 which the district ranks minus one)]. 22659

(K) "Required percentage of the basic project costs" means 22660one per cent of the basic project costs times the percentile in 22661which the district ranks. 22662

(L) "Basic project cost" means a cost amount determined in 22663 accordance with rules adopted under section 111.15 of the Revised 22664 Code by the Ohio school facilities commission. The basic project 22665 cost calculation shall take into consideration the square footage 22666 and cost per square foot necessary for the grade levels to be 22667 housed in the classroom facilities, the variation across the state 22668 in construction and related costs, the cost of the installation of 22669 site utilities and site preparation, the cost of insuring the 22670 project until it is completed, any contingency reserve amount 22671 prescribed by the commission under section 3318.086 of the Revised 22672 <u>Code</u>, and the professional planning, administration, and design 22673 fees that a district may have to pay to undertake a classroom 22674 facilities project. 22675

"Basic project cost" also includes the value of classroom 22676 facilities authorized in a pre-existing bond issue as described in 22677 section 3318.033 of the Revised Code. 22678

(M) A "school district's portion of the basic project cost" 22679means the amount determined under section 3318.032 of the Revised 22680Code. 22681

(N) "Child day-care facility" means space within a classroom 22682
facility in which the needs of infants, toddlers, preschool 22683
children, and school children are provided for by persons other 22684
than the parent or guardian of such children for any part of the 22685
day, including persons not employed by the school district 22686
operating such classroom facility. 22687

(0) "Community resource center" means space within a 22688
 classroom facility in which comprehensive services that support 22689
 the needs of families and children are provided by community-based 22690

social service providers.

(P) "Valuation" means the total value of all property in the 22692district as listed and assessed for taxation on the tax 22693duplicates. 22694

(Q) "Percentile" means the percentile in which the district 22695is ranked pursuant to division (D) of section 3318.011 of the 22696Revised Code. 22697

(R) "Installation of site utilities" means the installation 22698
of a site domestic water system, site fire protection system, site 22699
gas distribution system, site sanitary system, site storm drainage 22700
system, and site telephone and data system. 22701

(S) "Site preparation" means the earthwork necessary for 22702
preparation of the building foundation system, the paved 22703
pedestrian and vehicular circulation system, playgrounds on the 22704
project site, and lawn and planting on the project site. 22705

Sec. 3318.04. (A) If the Ohio school facilities commission 22706 makes a determination under section 3318.03 of the Revised Code in 22707 favor of constructing, acquiring, reconstructing, or making 22708 additions to a classroom facility, the project shall be 22709 conditionally approved. Such conditional approval shall be 22710 submitted to the controlling board for approval thereof. The 22711 controlling board shall forthwith approve or reject the 22712 commission's determination, conditional approval, the amount of 22713 the state's portion of the basic project cost, and, if the state's 22714 portion exceeds twenty-five million dollars, the amount of the 22715 state's portion to be encumbered in the current fiscal biennium. 22716 In the event of approval thereof by the controlling board, the 22717 commission shall certify such conditional approval to the school 22718 district board and shall encumber from the total funds 22719 appropriated for the purpose of sections 3318.01 to 3318.20 of the 22720 Revised Code the amount of the state's portion of the basic 22721

Page 732

project cost or, if the state's portion exceeds twenty-five 22722 million dollars, the amount approved under this section to be 22723 encumbered in the current fiscal biennium. 22724

The basic project cost for a project approved under this 22725 section shall not exceed the cost that would otherwise have to be 22726 incurred if the classroom facilities to be constructed, acquired, 22727 or reconstructed, or the additions to be made to classroom 22728 facilities, under such project meet, but do not exceed, the specifications for plans and materials for classroom facilities 22730 adopted by the commission. 22731

(B)(1) No school district shall have a project conditionally 22732 approved pursuant to this section if the school district has 22733 already received any assistance for a project funded under any 22734 version of sections 3318.01 to 3318.20 of the Revised Code, and 22735 the prior project was one for which the electors of such district 22736 approved a levy within the last twenty years pursuant to any 22737 version of section 3318.06 of the Revised Code for purposes of 22738 qualifying for the funding of that project, unless the district 22739 demonstrates to the satisfaction of the commission that the 22740 district has experienced since approval of its prior project an 22741 exceptional increase in enrollment significantly above the 22742 district's design capacity under that prior project as determined 22743 by rule of the commission. 22744

(2) Notwithstanding division (B)(1) of this section, any 22745 school district that received assistance under sections 3318.01 to 22746 3318.20 of the Revised Code, as those sections existed prior to 22747 May 20, 1997, may receive additional assistance under those 22748 sections, as they exist on and after May 20, 1997, prior to the 22749 expiration of the period of time required under division (B)(1) of 22750 this section, if the percentile in which the school district is 22751 located, as determined under section 3318.011 of the Revised Code, 22752 is eligible for assistance as prescribed in section 3318.02 of the 22753

Page 734

22754

Revised Code.

The commission may provide assistance under sections 3318.01 22755 to 3318.20 of the Revised Code pursuant to this division to no 22756 more than five school districts per fiscal year until all eligible 22757 school districts have received the additional assistance 22758 authorized under this division. The commission shall establish 22759 application procedures, deadlines, and priorities for funding 22760 projects under this division. 22761

The commission at its discretion may waive current design 22762 specifications it has adopted for projects under sections 3318.01 22763 to 3318.20 of the Revised Code when assessing an application for 22764 additional assistance under this division for the renovation of 22765 classroom facilities constructed or renovated under a school 22766 district's previous project. If the commission finds that a school 22767 district's existing classroom facilities are adequate to meet all 22768 of the school district's needs, the commission may determine that 22769 no additional state assistance be awarded to a school district 22770 under this division. 22771

In order for a school district to be eliqible to receive any 22772 additional assistance under this division, the school district 22773 electors shall extend the school district's existing levy 22774 dedicated for maintenance of classroom facilities under Chapter 22775 3318. of the Revised Code, pursuant to section 3318.061 of the 22776 Revised Code or shall provide equivalent alternative maintenance 22777 funds as specified in division (B) of section 3318.06 of the 22778 Revised Code. 22779

(3) Notwithstanding division (B)(1) of this section, any22780school district that has received assistance under sections227813318.01 to 3318.20 of the Revised Code after May 20, 1997, may22782receive additional assistance if the commission decides in favor22783of providing such assistance pursuant to section 3318.042 of the22784Revised Code.22785

Sec. 3318.042. (A) The board of education of any school	22786
district that is receiving assistance under sections 3318.01 to	22787
3318.20 of the Revised Code after May 20, 1997, and whose project	22788
is still under construction, may request that the Ohio school	22789
facilities commission examine whether the circumstances prescribed	22790
in either division (B)(1) or (2) of this section exist in the	22791
school district. If the commission so finds, the commission shall	22792
review the school district's original assessment and approved	22793
project under sections 3318.01 to 3318.20 of the Revised Code, and	22794
consider providing additional assistance to the school district to	22795
correct the prescribed conditions found to exist in the district.	22796
Additional assistance under this section shall be limited to	22797
additions to one or more buildings, remodeling of one or more	22798
buildings, or changes to the infrastructure of one or more	22799
<u>buildings.</u>	22800
(B) Consideration of additional assistance to a school	22801
district under this section is warranted in either of the	22802
following circumstances:	22803
(1) Additional work is needed to correct an oversight or	22804
deficiency not identified or included in the district's initial	22805
assessment.	22806
(2) Other conditions exist that, in the opinion of the	22807
comission, warrant additions or remodeling of the project	22808
facilities or changes to infrastructure associated with the	22809
district's project that were not identified in the initial	22810
assessment and plan.	22811
(C) If the commission decides in favor of providing	22812
additional assistance to any school district under this section,	22813
· · · · · · · · · · · · · · · · · · ·	

the school district shall be responsible for paying for its22814portion of the cost the additions, remodeling, or infrastucture22815changes pursuant to section 3318.083 of the Revised Code. If after22816

making a financial evaluation of the school district, the	22817
commission determines that the school district is unable without	22818
undue hardship, according to the guidelines adopted by the	22819
commission, to fund the school district portion of the increase,	22820
then the state and the school district shall enter into an	22821
agreement whereby the state shall pay the portion of the cost	22822
increase attributable to the school district which is determined	22823
to be in excess of any local resources available to the district	22824
and the district shall thereafter reimburse the state. The	22825
commission shall establish the district's schedule for reimbursing	22826
	22827
the state, which shall not extend beyond five years. Debt incurred	22828
under this section shall not be included in the calculation of the	22829
net indebtedness of the school district under section 133.06 of	22830
the Revised Code.	22030

sec. 3318.05. The conditional approval of the Ohio school 22831 facilities commission for a project shall lapse and the amount 22832 reserved and encumbered for such project shall be released unless 22833 the school district board accepts such conditional approval within 22834 one hundred twenty days following the date of certification of the 22835 conditional approval to the school district board and the electors 22836 of the school district vote favorably on both of the propositions 22837 proposition described in divisions (A) and (B) of this section 22838 within one year of the date of such certification, except that a 22839 school district described in division (C) of this section does not 22840 need to submit the proposition described in division (B) of this 22841 section. The propositions described in divisions (A) and (B) of 22842 this section shall be combined in a single proposal. If the 22843 district board or the district's electors fail to meet such 22844 requirements and the amount reserved and encumbered for the 22845 22846 district's project is released, the district shall be given first priority for project funding as such funds become available. 22847

(A) On The proposition shall be on the question of issuing 22848

Page 736

bonds of the school district board, for the school district's 22849 portion of the basic project cost, in an amount equal to the 22850 school district's portion of the basic project cost less any 22851 deduction made under section 3318.033 of the Revised Code; and 22852

(B) On the question of levying a tax the proceeds of which22853shall be used to pay the cost of maintaining the classroom22854facilities included in the project. Such tax shall be at the rate22855of not less than one-half mill for each dollar of valuation for a22856period of twenty-three years, subject to any extension approved22857under section 3318.061 of the Revised Code.22858

(C) If a school district has in place a tax levied under 22859 section 5705.21 of the Revised Code for general ongoing permanent 22860 improvements of at least two mills for each dollar of valuation 22861 and the proceeds of such tax can be used for maintenance, the 22862 school district need not levy the additional tax required under 22863 division (B) of this section, provided the school district board 22864 includes in the agreement entered into under section 3318.08 of 22865 the Revised Code provisions earmarking an amount from the proceeds 22866 of that permanent improvement tax for maintenance of classroom 22867 facilities equivalent to the amount of the additional tax and for 22868 the equivalent number of years otherwise required under this 22869 section. 22870

(D) Proceeds of the tax to be used for maintenance of the
 classroom facilities under either division (B) or (C) of this
 section shall be deposited into a separate fund established by the
 school district for such purpose.

Sec. 3318.051. The proceeds of any tax dedicated for the22875maintenance of the classroom facilities specifically acquired by a22876school district under any project under Chapter 3318. of the22877Revised Code approved by the electors of the school district prior22878to the effective date of this section as required under former22879

section 3318.05 of the Revised Code as it existed prior to the	22880
effective date this section, or any existing taxes or other school	22881
district revenues earmarked for maintenance by the school district	22882
board under agreement with the school facilities commission as	22883
permitted under former section 3318.05 or under section 3318.052	22884
of the Revised Code, as those sections existed prior to the	22885
effective date of this section, shall not be required to be used	22886
for such purpose after the effective date of this section and may	22887
instead be used by the school district board to pay the cost of	22888
maintaining any classroom facilities owned or controlled by the	22889
school district board.	22890

Sec. 3318.052. (A) At any time after the electors of a school 22891 district have approved either or both a property tax levied under 22892 section 5705.21 of the Revised Code for the purpose of general 22893 ongoing permanent improvements or under section 5705.218 of the 22894 Revised Code for the purpose of permanent improvements, or a 22895 school district income tax levied under Chapter 5748. of the 22896 Revised Code, the board of education of the school district may do 22897 all of the following: 22898

(1) Within one year following the date of the certification 22899 of the conditional approval of the school district's classroom 22900 facilities project by the Ohio school facilities commission, enter 22901 into a written agreement with the commission, which may be part of 22902 an agreement entered into under section 3318.08 of the Revised 22903 Code, under which the school district board covenants and agrees 22904 to apply a specified amount of the proceeds of that property tax 22905 levy, of that school district income tax, or of securities issued 22906 under this section, or of proceeds from any two or more of those 22907 sources, to pay all or part of the district's portion of the basic 22908 project cost of its classroom facilities project. 22909

(2) Receive as a credit against the amount of bonds required 22910

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under sections 3318.05 and 3318.06 of the Revised Code, to be	22911
approved by the electors of the district and issued by the	22912
district board for the district's portion of the basic project	22913
cost of its classroom facilities project in order for the district	22914
to receive state assistance for the project, an amount equal to	22915
the specified amount that the district board covenants and agrees	22916
with the commission to apply as set forth in division (A) (1) of	22917
this section.	22918

(3) Apply the proceeds of either or both such taxes to the 22919 payment of debt charges on and financing costs related to 22920 securities issued under this section and to make any necessary 22921 transfers of funds arising from such a tax from the fund to which 22922 the proceeds of the tax are credited to the bond retirement fund 22923 established for those securities or to the project construction 22924 fund, as required pursuant to division (B) of section 3318.08 of 22925 the Revised Code. 22926

(4) Issue securities to provide moneys to pay all or part of22927the district's portion of the basic project cost of its classroom22928facilities project in accordance with an agreement entered into22929under division (A) (1) of this section.22930

(B) Securities issued under this section shall be Chapter 22931 133. securities and may be issued as general obligation securities 22932 or issued in anticipation of a school district income tax or as 22933 property tax anticipation notes under section 133.24 of the 22934 Revised Code. The district board's resolution authorizing the 22935 issuance and sale of general obligation securities under this 22936 section shall conform to the applicable requirements of section 22937 133.22 or 133.23 of the Revised Code. Securities issued under this 22938 section shall have principal payments during each year after the 22939 year of issuance over a period of not more than twenty-three years 22940 and, if so determined by the district board, during the year of 22941 issuance. Securities issued under this section shall not be 22942

included in the calculation of net indebtedness of the district	22943
under section 133.06 of the Revised Code if the resolution of the	22944
district board authorizing their issuance and sale includes	22945
covenants to appropriate annually from the proceeds of the	22946
property tax levied or of the school district income tax referred	22947
to in division (A) of this section and to continue to levy and	22948
collect the tax in amounts necessary to pay the debt charges on	22949
and financing costs related to the securities as they become due.	22950
No such tax the proceeds of which are pledged, or that the school	22951
district board has covenanted to levy, collect, and appropriate	22952
annually, to pay the debt charges on and financing costs related	22953
to securities issued under this section shall be repealed while	22954
those securities are outstanding. If such a tax is reduced by the	22955
electors of the district or by the district board while those	22956
	22957
securities are outstanding, the school district board shall	22958
continue to levy and collect the tax under the authority of the	22959
original election authorizing the tax at a rate in each year that	

the board reasonably estimates will produce an amount in that year 22960 equal to the debt charges on the securities in that year. 22961

No state moneys shall be released for a project to which this22962section applies until the proceeds of the tax securities issued22963under this section that are dedicated for the payment of the22964district portion of the basic project cost of its classroom22965facilities project are first deposited into the district's project22966construction fund.22967

Sec. 3318.053. Notwithstanding any provision of this chapter 22968 to the contrary, a school district board may use proceeds from the 22969 tax described in <u>former</u> division (B) or (C) of section 3318.05 of 22970 the Revised Code, <u>as either division existed immediately prior to</u> 22971 <u>the effective date of this amendment</u>, for infrastructure 22972 improvements on and leading to the project sites that are not 22973 included in the basic project cost. The board may use proceeds of 22974

the tax in this manner only during the three-year period following 22975 the execution of the agreement under section 3318.08 of the 22976 Revised Code. If the board intends to use the proceeds of the tax 22977 in this manner, it shall include that fact as part of the purpose 22978 of the levy in the ballot language proposing it. 22979

sec. 3318.06. (A) After receipt of the conditional approval 22980
of the Ohio school facilities commission, the school district 22981
board by a majority of all of its members shall, if it desires to 22982
proceed with the project, declare all of the following by 22983
resolution÷ 22984

(A) That that by issuing bonds in an amount equal to the 22985 school district's portion of the basic project cost, including 22986 bonds previously authorized by the district's electors as 22987 described in section 3318.033 of the Revised Code, the district is 22988 unable to provide adequate classroom facilities without assistance 22989 from the state;

(B) Unless the school district board has resolved to apply
 22991
 the proceeds of a property tax or the proceeds of an income tax,
 or a combination of proceeds from such taxes, as authorized under
 section 3318.052 of the Revised Code, that to qualify for such
 state assistance it is necessary to do either of the following:
 22991

(1) Levy a tax outside the ten-mill limitation the proceeds22996of which shall be used to pay the cost of maintaining the22997classroom facilities included in the project;22998

(2) Earmark for maintenance of classroom facilities from the22999proceeds of an existing permanent improvement tax levied under23000section 5705.21 of the Revised Code, if such tax is of at least23001two mills for each dollar of valuation and can be used for23002maintenance, an amount equivalent to the amount of the additional23003tax otherwise required under this section and sections 3318.05 and23004

3318.08 of the Revised Code.

(C) That the question of any tax levy specified in a 23006 resolution described in division (B)(1) of this section, if 23007 required, shall be submitted to the electors of the school 23008 district at the next general or primary election, if there be a 23009 general or primary election not less than seventy-five and not 23010 more than ninety-five days after the day of the adoption of such 23011 resolution or, if not, at a special election to be held at a time 23012 specified in the resolution which shall be not less than 23013 seventy-five days after the day of the adoption of the resolution 23014 and which shall be in accordance with the requirements of section 23015 3501.01 of the Revised Code. 23016

Such resolution shall also state that the question of issuing 23017 bonds of the board shall be combined in a single proposal with the 23018 question of such tax levy. More than one election under this 23019 section may be held in any one calendar year. Such resolution 23020 shall specify both of the following: 23021

(1) That the rate which it is necessary to levy shall be at 23022 the rate of not less than one-half mill for each one dollar of 23023 valuation, and that such tax shall be levied for a period of 23024 twenty-three years; 23025

(2) That the proceeds of the tax shall be used to pay the 23026 cost of maintaining the classroom facilities included in the 23027 project. 23028

A copy of such resolution shall after its passage and not 23029 less than seventy-five days prior to the date set therein for the 23030 election be certified to the county board of elections. 23031

The resolution of the school district board, in addition to 23032 meeting other applicable requirements of section 133.18 of the 23033 Revised Code, shall state that the amount of bonds to be issued 23034 will be an amount equal to the school district's portion of the 23035

23036 basic project cost, and state the maximum maturity of the bonds 23037 which, notwithstanding section 133.20 of the Revised Code, may be 23038 any number of years not exceeding twenty-three as determined by 23039 the board. In estimating the amount of bonds to be issued, the 23040 board shall take into consideration the amount of moneys then in 23041 the bond retirement fund and the amount of moneys to be collected 23042 for and disbursed from the bond retirement fund during the 23043 remainder of the year in which the resolution of necessity is 23044 adopted.

Notice of the election shall include the fact that the tax23045levy shall be at the rate of not less than one-half mill for each23046one dollar of valuation for a period of twenty-three years, and23047that the proceeds of the tax shall be used to pay the cost of23048maintaining the classroom facilities included in the project.23049

The form of the ballot to be used at such election shall be: 23050 "A majority affirmative vote is necessary for passage. 23051

Shall bonds be issued by the (here insert name 23052 of school district) school district to pay the local share of 23053 school construction under the State of Ohio Classroom Facilities 23054 Assistance Program in the principal amount of (here 23055 insert principal amount of the bond issue), to be repaid annually 23056 over a maximum period of (here insert the maximum 23057 number of years over which the principal of the bonds may be paid) 23058 years, and an annual levy of property taxes be made outside the 23059 ten-mill limitation, estimated by the county auditor to average 23060 over the repayment period of the bond issue (here 23061 insert the number of mills estimated) mills for each one dollar of 23062 tax valuation, which amounts to (rate expressed in 23063 cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 23064 for each one hundred dollars of tax valuation to pay the annual 23065 debt charges on the bonds and to pay debt charges on any notes 23066 issued in anticipation of the bonds?" 23067

and, unless the additional levy	23068
of taxes is not required pursuant	23069
to division (C) of section	23070
3318.05 of the Revised Code,	23071

"Shall an additional levy of taxes be made for a period of23072twenty-three years to benefit the (here insert name23073of school district) school district, the proceeds of which shall23074be used to pay the cost of maintaining the classroom facilities23075included in the project at the rate of (here insert the23076number of mills, which shall not be less than one-half mill) mills23077for each one dollar of valuation?23078

FOR THE BOND ISSUE AND TAX LEVY AGAINST THE BOND ISSUE AND TAX LEVY

(D)(B) If it is necessary for the school district to acquire 23084 a site for the classroom facilities to be acquired pursuant to 23085 sections 3318.01 to 3318.20 of the Revised Code, the district 23086 board may propose either to issue bonds of the board or to levy a 23087 tax to pay for the acquisition of such site, and may combine the 23088 question of doing so with the questions question specified in 23089 division $\frac{(C)}{(A)}$ of this section. Bonds issued under this division 23090 for the purpose of acquiring a site are a general obligation of 23091 the school district and are Chapter 133. securities. 23092

The form of that portion of the ballot to include the23093question of either issuing bonds or levying a tax for site23094acquisition purposes shall be one of the following:23095

(1) "Shall bonds be issued by the (here insert 23096
 name of the school district) school district to pay costs of 23097
 acquiring a site for classroom facilities under the State of Ohio 23098
 Classroom Facilities Assistance Program in the principal amount of 23099

23079

23080 23081

23100 (here insert principal amount of the bond issue), to be 23101 repaid annually over a maximum period of (here insert 23102 maximum number of years over which the principal of the bonds may 23103 be paid) years, and an annual levy of property taxes be made 23104 outside the ten-mill limitation, estimated by the county auditor 23105 to average over the repayment period of the bond issue 23106 (here insert number of mills) mills for each one dollar of tax 23107 valuation, which amount to (here insert rate expressed 23108 in cents or dollars and cents, such as "thirty-six cents" or 23109 "\$0.36") for each one hundred dollars of valuation to pay the 23110 annual debt charges on the bonds and to pay debt charges on any 23111 notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill 23112 limitation be made for the benefit of the (here insert 23113 name of the school district) school district for the 23114 purpose of acquiring a site for classroom facilities in the sum of 23115 (here insert annual amount the levy is to produce) 23116 estimated by the county auditor to average (here insert 23117 number of mills) mills for each one hundred dollars of valuation, 23118 for a period of (here insert number of years the millage 23119 is to be imposed) years?" 23120

Where it is necessary to combine the question of issuing23121bonds of the school district and levying a tax as described in23122division (C)(A) of this section with the question of issuing bonds23123of the school district for acquisition of a site, the question23124specified in division (C)(A) of this section to be voted on shall23125be "For the Bond Issues and the Tax Levy" and "Against the Bond23126Issues and the Tax Levy."23127

Where it is necessary to combine the question of issuing23128bonds of the school district and levying a tax as described in23129division (C)(A) of this section with the question of levying a tax23130for the acquisition of a site, the question specified in division23131

(C)(A) of this section to be voted on shall be "For the Bond Issue 23132 and the Tax Levies Levy" and "Against the Bond Issue and the Tax 23133 Levies Levy." 23134

If a majority of those voting upon a proposition hereunder 23135 which includes the question of issuing bonds vote in favor 23136 thereof, and if the agreement provided for by section 3318.08 of 23137 the Revised Code has been entered into, the school district board 23138 may proceed under Chapter 133. of the Revised Code, with the 23139 issuance of bonds or bond anticipation notes in accordance with 23140 the terms of the agreement. 23141

Sec. 3318.08. If the requisite favorable vote on the election 23142 is obtained, or if the school district board has resolved to apply 23143 the proceeds of a property tax levy or the proceeds of an income 23144 tax, or a combination of proceeds from such taxes, as authorized 23145 in section 3318.052 of the Revised Code, the Ohio school 23146 facilities commission, upon certification to it of either the 23147 results of the election or the resolution under section 3318.052 23148 of the Revised Code, shall enter into a written agreement with the 23149 school district board for the construction and sale of the 23150 project, which agreement shall include, but need not be limited 23151 to, the following provisions: 23152

(A) The sale and issuance of bonds or notes in anticipation 23153 thereof, as soon as practicable after the execution of the 23154 agreement, in an amount equal to the school district's portion of 23155 the basic project cost, including any bonds previously authorized 23156 by the district's electors as described in section 3318.033 of the 23157 Revised Code; provided, that if at that time the county treasurer 23158 of each county in which the school district is located has not 23159 commenced the collection of taxes on the general duplicate of real 23160 and public utility property for the year in which the controlling 23161 board approved the project, the school district board shall 23162 authorize the issuance of a first installment of bond anticipation 23163

23164 notes in an amount specified by the agreement, which amount shall 23165 not exceed an amount necessary to raise the net bonded 23166 indebtedness of the school district as of the date of the 23167 controlling board's approval to within five thousand dollars of 23168 the required level of indebtedness for the preceding year. In the 23169 event that a first installment of bond anticipation notes is 23170 issued, the school district board shall, as soon as practicable 23171 after the county treasurer of each county in which the school 23172 district is located has commenced the collection of taxes on the 23173 general duplicate of real and public utility property for the year 23174 in which the controlling board approved the project, authorize the 23175 issuance of a second and final installment of bond anticipation 23176 notes or a first and final issue of bonds.

The combined value of the first and second installment of 23177 bond anticipation notes or the value of the first and final issue 23178 of bonds shall be equal to the school district's portion of the 23179 basic project cost. The proceeds of any such bonds shall be used 23180 first to retire any bond anticipation notes. Otherwise, the 23181 proceeds of such bonds and of any bond anticipation notes, except 23182 the premium and accrued interest thereon, shall be deposited in 23183 the school district's project construction fund. In determining 23184 the amount of net bonded indebtedness for the purpose of fixing 23185 the amount of an issue of either bonds or bond anticipation notes, 23186 gross indebtedness shall be reduced by moneys in the bond 23187 retirement fund only to the extent of the moneys therein on the 23188 first day of the year preceding the year in which the controlling 23189 board approved the project. Should there be a decrease in the tax 23190 valuation of the school district so that the amount of 23191 indebtedness that can be incurred on the tax duplicates for the 23192 year in which the controlling board approved the project is less 23193 than the amount of the first installment of bond anticipation 23194 notes, there shall be paid from the school district's project 23195

23196 construction fund to the school district's bond retirement fund to 23197 be applied against such notes an amount sufficient to cause the 23198 net bonded indebtedness of the school district, as of the first 23199 day of the year following the year in which the controlling board 23200 approved the project, to be within five thousand dollars of the 23201 required level of indebtedness for the year in which the 23202 controlling board approved the project. The maximum amount of 23203 indebtedness to be incurred by any school district board as its 23204 share of the cost of the project is either an amount that will 23205 cause its net bonded indebtedness, as of the first day of the year 23206 following the year in which the controlling board approved the 23207 project, to be within five thousand dollars of the required level 23208 of indebtedness, or an amount equal to the required percentage of 23209 the basic project costs, whichever is greater. All bonds and bond 23210 anticipation notes shall be issued in accordance with Chapter 133. 23211 of the Revised Code, and notes may be renewed as provided in 23212 section 133.22 of the Revised Code.

(B)(1) The transfer of such funds of the school district 23213
board available for the project, together with the proceeds of the 23214
sale of the bonds or notes, except premium, accrued interest, and 23215
interest included in the amount of the issue, to the school 23216
district's project construction fund; 23217

(2)(C) If section 3318.052 of the Revised Code applies, the 23218 earmarking of the proceeds of a tax levied under section 5705.21 23219 of the Revised Code for general ongoing permanent improvements or 23220 under section 5705.218 of the Revised Code for the purpose of 23221 permanent improvements, or the proceeds of a school district 23222 income tax levied under Chapter 5748. of the Revised Code, or the 23223 proceeds from a combination of those two taxes, in an amount to 23224 pay all or part of the service charges on bonds issued to pay the 23225 school district portion of the project and an amount equivalent to 23226 all or part of the tax required under division (B) of section 23227

3318.05 of the Revised Code.

by the Committee of Conference*

(C) If section 3318.052 of the Revised Code does not apply,23229either of the following:23230

(1) The levy of the tax authorized at the election for the23231payment of maintenance costs, as specified in division (B) of23232section 3318.05 of the Revised Code;23233

(2) If the school district electors have approved a23234continuing tax of at least two mills for each dollar of valuation23235for general ongoing permanent improvements under section 5705.2123236of the Revised Code and that tax can be used for maintenance, the23237earmarking of an amount of the proceeds from such tax for23238maintenance of classroom facilities as specified in division (B)23239of section 3318.05 of the Revised Code.23240

(D) Ownership of or interest in the project during the period
 23241
 of construction, which shall be divided between the commission and
 23242
 the school district board in proportion to their respective
 23243
 contributions to the school district's project construction fund;
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23245

(E) Maintenance of the state's interest in the project until 23246
any obligations issued for the project under section 3318.26 of 23247
the Revised Code are no longer outstanding; 23248

(F) The insurance of the project by the school district from 23249 the time there is an insurable interest therein and so long as the 23250 state retains any ownership or interest in the project pursuant to 23251 division (D) of this section, in such amounts and against such 23252 risks as the commission shall require; provided, that the cost of 23253 any required insurance until the project is completed shall be a 23254 part of the basic project cost; 23255

(G) The certification by the director of budget and
 23256
 management that funds are available and have been set aside to
 23257
 meet the state's share of the basic project cost as approved by
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Page 750

the controlling board pursuant to section 3318.04 of the Revised 23259 Code;

(H) Authorization of the school district board to advertise
for and receive construction bids for the project, for and on
behalf of the commission, and to award contracts in the name of
23263
the state subject to approval by the commission;
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(I) Provisions for the disbursement of moneys from the school 23265 district's project account upon issuance by the commission or the 23266 commission's designated representative of vouchers for work done 23267 to be certified to the commission by the treasurer of the school 23268 district board; 23269

(J) Disposal of any balance left in the school district's 23270project construction fund upon completion of the project; 23271

(K) Limitations upon use of the project or any part of it so
long as any obligations issued to finance the project under
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section 3318.26 of the Revised Code are outstanding;
23274

(L) Provision for vesting the state's interest in the project 23275
to the school district board when the obligations issued to 23276
finance the project under section 3318.26 of the Revised Code are 23277
outstanding; 23278

(M) Provision for deposit of an executed copy of the 23279agreement in the office of the commission; 23280

(N) Provision for termination of the contract and release of 23281 the funds encumbered at the time of the conditional approval, if 23282 the proceeds of the sale of the bonds of the school district board 23283 are not paid into the school district's project construction fund 23284 and if bids for the construction of the project have not been 23285 taken within such period after the execution of the agreement as 23286 may be fixed by the commission; 23287

(O) Provision for the school district to maintain the project 23288

in accordance with a plan approved by the commission; 23289

(P) Provision that all state funds reserved and encumbered to 23290 pay the state share of the cost of the project pursuant to section 23291 3318.03 of the Revised Code be spent on the construction or 23292 acquisition of the project prior to the expenditure of any funds 23293 provided by the school district to pay for its share of the 23294 project cost, unless the school district certifies to the 23295 commission that expenditure by the school district is necessary to 23296 maintain the tax-exempt status of notes or bonds issued by the 23297 school district to pay for its share of the project cost in which 23298 case, the school district may commit to spend, or spend, a portion 23299 of the funds it provides; 23300

(Q) A provision stipulating that the commission may prohibit 23301 the district from proceeding with any project if the commission 23302 determines that the site is not suitable for construction 23303 purposes. The commission may perform soil tests in its 23304 determination of whether a site is appropriate for construction 23305 purposes. 23306

(R) A provision stipulating that, unless otherwise authorized 23307 by the commission, any contingency reserve portion of the 23308 construction budget prescribed by the commission shall be used 23309 only to pay costs resulting from unforeseen job conditions, to 23310 comply with rulings regarding building and other codes, to pay 23311 costs related to design clarifications or corrections to contract 23312 documents, and to pay the costs of settlements or judgments 23313 related to the project as provided under section 3318.086 of the 23314 Revised Code. 23315

Sec. 3318.086. The construction budget for any project under23316sections 3318.01 to 3318.20 of the Revised Code shall contain a23317contingency reserve in an amount prescribed by the Ohio school23318facilities commission, which unless otherwise authorized by the23319commission, shall be used only to pay costs resulting from23320

unforeseen job conditions, to comply with rulings regarding	23321
building and other codes, to pay costs related to design	23322
clarifications or corrections to contract documents, and to pay	23323
the costs of settlements or judgments related to the project.	23324

Sec. 3318.10. When such working drawings, specifications, and 23325 estimates of cost have been approved by the school district board 23326 and the Ohio school facilities commission, the treasurer of the 23327 school district board shall advertise for construction bids for 23328 the project once a week for three consecutive weeks in a newspaper 23329 published in and of general circulation in the county in which the 23330 project is located in accordance with section 3313.46 of the 23331 Revised Code. Such notices shall state that plans and 23332 specifications for the project are on file in the office of the 23333 commission and such other place as may be designated in such 23334 notice, and the time and place when and where bids therefor will 23335 be received. 23336

The form of proposal to be submitted by bidders shall be 23337 supplied by the commission. Bidders may be permitted to bid upon 23338 all the branches of work and materials to be furnished and 23339 supplied, upon any branch thereof, or upon all or any thereof. 23340

A proposal shall be invalid and not considered unless it 23341 meets the requirements of section 153.54 of the Revised Code. 23342

When the construction bids for all branches of work and 23343 materials have been tabulated, the commission shall cause to be 23344 prepared a revised estimate of the basic project cost based upon 23345 the lowest responsible bids received. If such revised estimate 23346 exceeds the estimated basic project cost as approved by the 23347 controlling board pursuant to section 3318.04 of the Revised Code, 23348 no contracts may be entered into pursuant to this section unless 23349 such revised estimate is approved by the commission and by the 23350 controlling board referred to in section 3318.04 of the Revised 23351

Page 752

23352 Code. When such revised estimate has been prepared, and after such 23353 approvals are given, if necessary, and if the school district 23354 board has caused to be transferred to the project construction 23355 fund the proceeds from the sale of the first or first and final 23356 installment of its bonds or bond anticipation notes pursuant to 23357 the provision of written agreement required by division (B) of 23358 section 3318.08 of the Revised Code, and when the director of 23359 budget and management has certified that there is a balance in the 23360 appropriation, not otherwise obligated to pay precedent 23361 obligations, pursuant to which the state's share of such revised 23362 estimate is required to be paid, the contract for all branches of 23363 work and materials to be furnished and supplied, or for any branch 23364 thereof as determined by the school district board, shall be 23365 awarded by the school district board to the lowest responsible 23366 bidder subject to the approval of the commission. Such award shall 23367 be made within sixty days after the date on which the bids are 23368 opened, and the successful bidder shall enter into a contract 23369 within ten days after the successful bidder is notified of the 23370 award of the contract.

Subject to the approval of the commission, the school23371district board may reject all bids and readvertise. Any contract23372made under this section shall be made in the name of the state and23373executed on its behalf by the president and treasurer of the23374school district board.23375

The provisions of sections 153.50 to 153.999.312 and 3313.4623376of the Revised Code, which are applicable to construction23377contracts of boards of education and which permit bids to be made23378for two or more trades or kinds of work, shall apply to23379construction contracts for the project to the exclusion of23380sections 153.01 to 153.20 of the Revised Code applicable to state23381construction contracts.23382

The remedies afforded to any subcontractor, materials 23383

supplier, laborer, mechanic, or persons furnishing material or23384machinery for the project under sections 1311.26 to 1311.32 of the23385Revised Code, shall apply to contracts entered into under this23386section and the itemized statement required by section 1311.26 of23387the Revised Code shall be filed with the school district board.23388

Sec. 3318.12. The Ohio school facilities commission shall 23389 cause to be transferred to the school district's project 23390 construction fund the necessary amounts from amounts appropriated 23391 by the general assembly and set aside for such purpose, from time 23392 to time as may be necessary to pay obligations chargeable to such 23393 fund when due. All investment earnings of a school district's 23394 project construction fund shall be credited to the fund. 23395

The treasurer of the school district board shall disburse 23396 funds from the school district's project construction fund, 23397 including investment earnings credited to the fund, only upon the 23398 approval of the commission or the commission's designated 23399 representative. The commission or the commission's designated 23400 representative shall issue vouchers against such fund, in such 23401 amounts, and at such times as required by the contracts for 23402 construction of the project. 23403

After the project has been completed: 23404

(A) Any investment earnings remaining in the project 23405
construction fund that are attributable to the school district's 23406
contribution to the fund shall be transferred to the district's 23407
<u>capital and maintenance fund required by division (B) of section</u> 23408
3318.05 <u>3315.18</u> of the Revised Code, and the money shall be used 23409
solely for maintaining the classroom facilities included in the 23410
project any purpose permitted under that section.

(B) Any investment earnings remaining in the project 23412construction fund that are attributable to the state's 23413contribution to the fund shall be transferred to the commission 23414

for expenditure pursuant to sections 3318.01 to 3318.20 of the 23415 Revised Code.

(C) Any other surplus remaining in the school district's 23417 project construction fund after the project has been completed 23418 shall be transferred to the commission and the school district 23419 board in proportion to their respective contributions to the fund. 23420 The commission shall use the money transferred to it under this 23421 division for expenditure pursuant to sections 3318.01 to 3318.20 23422 of the Revised Code. 23423

Sec. 3318.31. (A) The Ohio school facilities commission may 23424 perform any act and ensure the performance of any function 23425 necessary or appropriate to carry out the purposes of, and 23426 exercise the powers granted under, Chapter 3318. of the Revised 23427 Code, including any of the following: 23428

(1) Employ and fix the compensation of such employees as will
23429
facilitate the activities and purposes of the commission, and who
shall serve at the pleasure of the commission.
23431

(2) Adopt, amend, and rescind, pursuant to section 111.15 of 23432
 the Revised Code, rules for the administration of programs 23433
 authorized under Chapter 3318. of the Revised Code. 23434

(3)(2) Contract with, retain the services of, or designate, 23435 and fix the compensation of, such agents, accountants, 23436 consultants, advisers, and other independent contractors as may be 23437 necessary or desirable to carry out the programs authorized under 23438 Chapter 3318. of the Revised Code. 23439

(4)(3)Receive and accept any gifts, grants, donations, and23440pledges, and receipts therefrom, to be used for the programs23441authorized under Chapter 3318. of the Revised Code.23442

(5)(4) Make and enter into all contracts, commitments, and 23443 agreements, and execute all instruments, necessary or incidental 23444

to the performance of its duties and the execution of its rights 23445 and powers under Chapter 3318. of the Revised Code. 23446 (B) The commission shall appoint and fix the compensation of 23447 an executive director who shall serve at the pleasure of the 23448 commission. The executive director shall supervise the operations 23449 of the commission. The executive director also shall employ and 23450 fix the compensation of such employees as will facilitate the 23451 activities and purposes of the commission, who shall serve at the 23452 pleasure of the executive director. 23453 (C) The attorney general shall serve as the legal 23454 representative for the commission and may appoint other counsel as 23455 necessary for that purpose in accordance with section 109.07 of 23456 the Revised Code. 23457

Sec. 3318.36. (A) As used in this section: 23458

(1) "Ohio school facilities commission," "classroom 23459
facilities," "school district," "school district board," "net 23460
bonded indebtedness," "required percentage of the basic project 23461
costs," "basic project cost," "valuation," and "percentile" have 23462
the same meanings as in section 3318.01 of the Revised Code. 23463

(2) "Required level of indebtedness" means five per cent of 23464 the school district's valuation for the year preceding the year in 23465 which the commission and school district enter into an agreement 23466 under division (B) of this section, plus [two one-hundredths of 23467 one per cent multiplied by (the percentile in which the district 23468 ranks in the fiscal year the commission and the school district 23469 enter into such agreement minus one)].

(3) "Local resources" means any moneys generated in any
manner permitted for a school district board to raise the school
23472
district portion of a project undertaken with assistance under
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sections 3318.01 to 3318.20 of the Revised Code.
23474

(B)(1) There is hereby established the school building 23475 assistance expedited local partnership program. Under the program, 23476 the Ohio school facilities commission may enter into an agreement 23477 with the school district board of any school district under which 23478 the school district board may proceed with the new construction or 23479 major repairs of a part of the school district's classroom 23480 facilities needs, as determined under sections 3318.01 to 3318.20 23481 of the Revised Code, through the expenditure of local resources 23482 prior to the school district's eligibility for state assistance 23483 under sections 3318.01 to 3318.20 of the Revised Code and may 23484 apply that expenditure toward meeting the school district's 23485 portion of the basic project cost of the total of the school 23486 district's classroom facilities needs, as determined under 23487 sections 3318.01 to 3318.20 of the Revised Code and as 23488 recalculated under division (E) of this section, that are eligible 23489 for state assistance under sections 3318.01 to 3318.20 of the 23490 Revised Code when the school district becomes eligible for such 23491 state assistance. Any school district that is reasonably expected 23492 to receive assistance under sections 3318.01 to 3318.20 of the 23493 Revised Code within two fiscal years from the date the school 23494 district adopts its resolution under division (B) of this section 23495 shall not be eligible to participate in the program. 23496

(2) To participate in the program, a school district board
shall first adopt a resolution certifying to the commission the
board's intent to participate in the program.
23499

The resolution shall specify the approximate date that the23500board intends to seek elector approval of any bond or tax measures23501or to apply other local resources to use to pay the cost of23502classroom facilities to be constructed under this section. The23503resolution shall not specify an election sooner than twelve months23504after the date the resolution is adopted by the board The23505resolution may specify the application of local resources or23506

23507 elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with 23508 a discrete portion of its project under this section as soon as 23509 the commission and the controlling board have approved the basic 23510 project cost of the district's classroom facilities needs as 23511 specified in division (D) of this section. The board shall submit 23512 its resolution to the commission not later than ten days after the 23513 date the resolution is adopted by the board. 23514

The commission shall not consider any resolution that is23515submitted pursuant to division (B)(2) of this section, as amended23516by this amendment, sooner than the effective date of this23517amendmentSeptember 14, 2000.23518

(3) Any project under this section shall comply with section 23519
3318.03 of the Revised Code and with any specifications for plans 23520
and materials for classroom facilities adopted by the commission 23521
under section 3318.04 of the Revised Code. 23522

(4) If a school district that enters into an agreement under23523this section has not begun a project applying local resources as23524provided for under that agreement at the time the district is23525notified by the commission that it is eligible to receive state23526assistance under sections 3318.01 to 3318.20 of the Revised Code,23527all assessment and agreement documents entered into under this23528section are void.23529

(5) Only construction of or repairs to classroom facilities23530that have been approved by the commission and have been therefore23531included as part of a district's basic project cost qualify for23532application of local resources under this section.23533

(C) Based on the results of the on-site visits and assessment 23534 conducted under division (B)(2) of this section, the commission 23535 shall determine the basic project cost of the school district's 23536 classroom facilities needs. The commission shall determine the 23537 school district's portion of such basic project cost, which shall 23538

be the greater of:

(1) The required percentage of the basic project costs, 23540 determined based on the school district's percentile ranking in 23541 the fiscal year the commission and the school district enter into 23542 the agreement under division (B) of this section; 23543

23544 (2) An amount necessary to raise the school district's net bonded indebtedness, as of the fiscal year the commission and the 23545 school district enter into the agreement under division (B) of 23546 this section, to within five thousand dollars of the required 23547 level of indebtedness. 23548

(D) (1) When the commission determines the basic project cost 23549 of the classroom facilities needs of a school district and the 23550 school district's portion of that basic project cost under 23551 division (C) of this section, the project shall be conditionally 23552 approved. Such conditional approval shall be submitted to the 23553 controlling board for approval thereof. The controlling board 23554 shall forthwith approve or reject the commission's determination, 23555 conditional approval, and the amount of the state's portion of the 23556 basic project cost; however, no state funds shall be encumbered 23557 under this section. Upon approval by the controlling board, the 23558 school district board may identify a discrete part of its 23559 classroom facilities needs, which shall include only new 23560 construction of or additions or major repairs to a particular 23561 building, to address with local resources. Upon identifying a part 23562 of the school district's basic project cost to address with local 23563 resources, the school district board may allocate any available 23564 school district moneys to pay the cost of that identified part, 23565 including the proceeds of an issuance of bonds if approved by the 23566 electors of the school district. 23567

All local resources utilized under this division shall first 23568 be deposited in the project construction account required under 23569 section 3318.08 of the Revised Code. 23570

Page 759

(2) Unless the school district board exercises its option23571under division (D)(3) of this section, for a school district to23572qualify for participation in the program authorized under this23573section, either:23574

(a) The electors of the school district by a majority vote 23575 shall approve the levy of taxes outside the ten-mill limitation 23576 for a period of twenty-three years at the rate of not less than 23577 one-half mill for each dollar of valuation to be used to pay the 23578 cost of maintaining the classroom facilities included in the basic 23579 project cost as determined by the commission. The form of the 23580 ballot to be used to submit the question whether to approve the 23581 tax required under this division to the electors of the school 23582 district shall be the form for an additional levy of taxes 23583 prescribed in section 3318.361 of the Revised Code. 23584

(b) As authorized under division (C) of section 3318.05 of23585the Revised Code, the school district board shall earmark from the23586proceeds of a permanent improvement tax levied under section235875705.21 of the Revised Code, an amount equivalent to the23588additional tax otherwise required under division (D)(2)(a) of this23589section for the maintenance of the classroom facilities included23590in the basic project cost as determined by the commission.23591

(3) A school district board may opt to delay levying the 23592 23593 additional tax required under division (D)(2)(a) of this section or earmarking of the proceeds of a permanent improvement tax 23594 23595 alternatively required under division (D)(2)(b) of this section until such time as the school district becomes eligible for state 23596 assistance under sections 3318.01 to 3318.20 of the Revised Code. 23597 In order to exercise its option under this division, the board 23598 shall certify to the commission a resolution indicating the 23599 board's intent to do so prior to entering into an agreement under 23600 division (B) of this section. 23601

(4) If pursuant to division (D)(3) of this section a district 23602

board opts to delay levying an additional tax until the district	23603
becomes eligible for state assistance, it shall submit the	23604
question of levying that tax to the district electors as follows:	23605
	23606

(a) In accordance with section 3318.06 of the Revised Code if
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 it will also be necessary pursuant to division (E) of this section
 23608
 to submit a proposal for approval of a bond issue;
 23609

(b) In accordance with section 3318.361 of the Revised Code23610if it is not necessary to also submit a proposal for approval of a23611bond issue pursuant to division (E) of this section.23612

(5) No state assistance under sections 3318.01 to 3318.20 of 23613 the Revised Code shall be released until a school district board 23614 that adopts and certifies a resolution under this division either 23615 has levied the additional tax or has earmarked the proceeds of a 23616 tax as specified in division (D) of this section. 23617

Any amount required for maintenance under division (D)(2) of23618this section shall be deposited into a separate fund as specified23619in division (B) of section 3318.05 of the Revised Code.23620

(E)(1) If the school district becomes eligible for state 23621 assistance under sections 3318.01 to 3318.20 of the Revised Code 23622 based on its percentile ranking as determined under division (B) 23623 of this section, the commission shall conduct a new assessment of 23624 the school district's classroom facilities needs and shall 23625 recalculate the basic project cost based on this new assessment. 23626 The basic project cost recalculated under this division shall 23627 include the amount of expenditures made by the school district 23628 board under division (D)(1) of this section. The commission shall 23629 then recalculate the school district's portion of the new basic 23630 project cost, which shall be the percentage of the original basic 23631 project cost assigned to the school district as its portion under 23632 division (C) of this section. The commission shall deduct the 23633 expenditure of school district moneys made under division (D)(1) 23634

Page 761

23635 of this section from the school district's portion of the basic 23636 project cost as recalculated under this division. If the amount of 23637 school district resources applied by the school district board to 23638 the school district's portion of the basic project cost under this 23639 section is less than the total amount of such portion as 23640 recalculated under this division, the school district board by a 23641 majority vote of all of its members shall, if it desires to seek 23642 state assistance under sections 3318.01 to 3318.20 of the Revised 23643 Code, adopt a resolution as specified in section 3318.06 of the 23644 Revised Code to submit to the electors of the school district the 23645 question of approval of a bond issue in order to pay any 23646 additional amount of school district portion required for state 23647 assistance. Any tax levy approved under division (D) of this 23648 section satisfies the requirements to levy the additional tax 23649 under section 3318.06 of the Revised Code.

(2) If the amount of school district resources applied by the 23650 school district board to the school district's portion of the 23651 basic project cost under this section is more than the total 23652 amount of such portion as recalculated under this division, within 23653 one year after the school district's portion is recalculated under 23654 division (E)(1) of this section the commission may grant to the 23655 school district the difference between the two calculated 23656 portions, but at no time shall the commission expend any state 23657 funds on a project in an amount greater than the state's portion 23658 of the basic project cost as recalculated under this division. 23659

Any reimbursement under this division shall be only for local 23660 resources the school district has applied toward construction cost 23661 expenditures for the classroom facilities approved by the 23662 commission, which shall not include any financing costs associated 23663 with that construction. 23664

The school district board shall use any moneys reimbursed to 23665 the district under this division to pay off any debt service the 23666

23667 district owes for classroom facilities constructed under its 23668 project under this section before such moneys are applied to any 23669 other purpose.

sec. 3318.362. This section applies only to a school district 23670 that participates in the school building assistance expedited 23671 local partnership program under section 3318.36 of the Revised 23672 Code. 23673

Notwithstanding the twenty-three year maximum maturity for 23674 bonds proposed to be issued by a school district board for a 23675 classroom facilities project pursuant to division $\frac{(C)}{(A)}$ of 23676 section 3318.06 of the Revised Code, a school district board that 23677 enters into an agreement with the Ohio school facilities 23678 commission under division (B) of section 3318.36 of the Revised 23679 Code may propose for issuance any bonds necessary for its 23680 participation in the program under section 3318.36 of the Revised 23681 Code for a term longer than twenty-three years but not to exceed 23682 the term calculated pursuant to section 133.20 of the Revised 23683 Code. Any moneys received from the state under division (E)(2) of 23684 section 3318.36 of the Revised Code shall be applied, as agreed in 23685 writing by the school district board and the commission, to pay 23686 debt service on outstanding bonds or bond anticipation notes 23687 issued by the school district board for its participation in the 23688 expedited local partnership program, including by placing those 23689 moneys in an applicable escrow fund under division (D) of section 23690 133.34 of the Revised Code. 23691

Sec. 3318.363. (A) This section applies only to a school 23692 district participating in the school building assistance expedited 23693 local partnership program under section 3318.36 of the Revised 23694 Code. 23695

(B) If there is a decrease in the tax valuation of a school 23696

23697 district to which this section applies by ten per cent or greater 23698 from one tax year to the next due to a decrease in the assessment 23699 rate of the taxable property of an electric company that owns 23700 property in the district, as provided for in section 5727.111 of 23701 the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 23702 General Assembly, the Ohio school facilities commission shall 23703 calculate or recalculate the state and school district portions of 23704 the basic project cost of the school district's project by 23705 determining the percentile rank in which the district would be 23706 located if such ranking were made using the current year adjusted 23707 valuation per pupil, as calculated and reported to the commission 23708 by the department of education under division (A) of section 23709 3318.011 of the Revised Code, rather than the three-year average 23710 adjusted valuation per pupil, calculated under division (B) of 23711 that section. For such district, the required percentage of the 23712 basic project cost used to determine the state and school district 23713 shares of that cost under division (C) of section 3318.36 of the 23714 Revised Code shall be based on the percentile rank as calculated 23715 under this section rather than as otherwise provided in division 23716 (C)(1) of section 3318.36 of the Revised Code. If the commission 23717 has determined the state and school district portion of the basic 23718 project cost of such a district's project under section 3318.36 of 23719 the Revised Code prior to that decrease in tax valuation, the 23720 commission shall adjust the state and school district shares of 23721 the basic project cost of such project in accordance with this 23722 section.

sec. 3318.37. (A) As used in this section: 23723 (1) "Low wealth school district" means a school district in 23724 the first through fiftieth percentiles as determined under section 23725 3318.011 of the Revised Code. 23726

(2) A "school district with an exceptional need for immediate 23727

23728 classroom facilities assistance" means a low wealth school 23729 district with an exceptional need for new facilities in order to 23730 protect the health and safety of all or a portion of its students. 23731 School districts reasonably expected to be eligible for state 23732 assistance under sections 3318.01 to 3318.20 of the Revised Code 23733 within three fiscal years after assistance under this section is 23734 being considered by the Ohio school facilities commission, and 23735 school districts that participate in the school building 23736 assistance expedited local partnership program under section 23737 3318.36 of the Revised Code shall not be eligible for assistance 23738 under this section.

(B)(1) There is hereby established the exceptional needs
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school facilities assistance program. Under the program, the Ohio
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school facilities commission may set aside from the moneys
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annually appropriated to it for classroom facilities assistance
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projects up to twenty-five per cent for assistance to school
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districts with exceptional needs for immediate classroom
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(2)(a) After consulting with education and construction
 23746
 experts, the commission shall adopt guidelines for identifying
 23747
 school districts with an exceptional need for immediate classroom
 23748
 facilities assistance.
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(b) The guidelines shall include application forms and
 23750
 instructions for school districts that believe they have an
 23751
 exceptional need for immediate classroom facilities assistance.
 23752

(3) The commission shall evaluate the classroom facilities, 23753
and the need for replacement classroom facilities from the 23754
applications received under this section. The commission, 23755
utilizing the guidelines adopted under division (B)(2)(a) of this 23756
section, shall prioritize the school districts to be assessed. 23757

Notwithstanding section 3318.02 of the Revised Code, the 23758

commission may conduct on-site evaluation of the school districts23759prioritized under this section and approve and award funds until23760such time as all funds set aside under division (B)(1) of this23761section have been encumbered under section 3318.04 of the Revised23762Code.23763

(4) Notwithstanding division (A) of section 3318.05 of the
Revised Code, the school district's portion of the basic project
cost under this section shall be the "required percentage of the
basic project costs," as defined in division (K) of section
23767
3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any 23769 project undertaken with assistance under this section shall comply 23770 with all provisions of sections 3318.01 to 3318.20 of the Revised 23771 Code. A school district may receive assistance under sections 23772 3318.01 to 3318.20 of the Revised Code for the remainder of the 23773 district's classroom facilities needs as assessed under this 23774 section when the district is eligible for such assistance pursuant 23775 to section 3318.02 of the Revised Code, but any classroom facility 23776 constructed with assistance under this section shall not be 23777 included in a district's project at that time unless the 23778 commission determines the district has experienced the increased 23779 enrollment specified in division (B)(1) of section 3318.04 of the 23780 Revised Code. 23781

Sec. 3318.38. (A) As used in this section, "big-eight school23782district" has the same meaning as in section 3314.02 of the23783Revised Code.23784

(B) There is hereby established the accelerated urban school
building assistance program. Under the program, notwithstanding
section 3318.02 of the Revised Code, any big-eight school district
that has not been approved to receive assistance under sections
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may
23785

Page 766

23790 beginning on that date apply for approval of and be approved for 23791 such assistance. Except as otherwise provided in this section, any 23792 project approved and undertaken pursuant to this section shall 23793 comply with all provisions of sections 3318.01 to 3318.20 of the 23794 Revised Code.

The Ohio school facilities commission shall provide 23795 assistance to any big-eight school district eligible for 23796 assistance under this section in the following manner: 23797

(1) Notwithstanding section 3318.02 of the Revised Code: 23798

(a) Not later than June 30, 2002, the commission shall 23799 conduct an on-site visit and shall assess the classroom facilities 23800 needs of each big-eight school district eligible for assistance 23801 under this section; 23802

(b) Beginning July 1, 2002, any big-eight school district 23803 eligible for assistance under this section may apply to the 23804 commission for conditional approval of its project as determined 23805 by the assessment conducted under division (B)(1)(a) of this 23806 section. The commission may conditionally approve that project and 23807 submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code. 23809

(2) If the controlling board approves the project of a 23810 big-eight school district eligible for assistance under this 23811 section, the commission and the school district shall enter into 23812 an agreement as prescribed in section 3318.08 of the Revised Code. 23813 Any agreement executed pursuant to this division shall include any 23814 applicable segmentation provisions as approved by the commission 23815 under division (B)(3) of this section. 23816

(3) Notwithstanding any provision to the contrary in sections 23817 3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 23818 school district eligible for assistance under this section may 23819 with the approval of the commission opt to divide the project as 23820

approved under division (B)(1)(b) of this section into discrete23821segments to be completed sequentially. Any project divided into23822segments shall comply with all other provisions of sections238233318.05, 3318.06, and 3318.08 of the Revised Code except as23824otherwise specified in this division.23825

If a project is divided into segments under this division: 23826

(a) The school district need raise only the amount equal to 23827
its proportionate share, as determined under section 3318.032 of 23828
the Revised Code, of each segment at any one time and may seek 23829
voter approval of each segment separately; 23830

(b) The state's proportionate share, as determined under 23831 section 3318.032 of the Revised Code, of only the segment which 23832 has been approved by the school district electors or for which the 23833 district has applied a local donated contribution under section 23834 3318.084 of the Revised Code shall be encumbered at any one time. 23835 Encumbrance of additional amounts to cover the state's 23836 proportionate share of later segments shall be approved separately 23837 as they are approved by the school district electors or as the 23838 district applies a local donated contribution to the segments 23839 under section 3318.084 of the Revised Code. If the state's share 23840 of any one segment exceeds twenty-five million dollars, 23841 encumbrance of that share is subject to the provisions of section 23842 3318.11 of the Revised Code. 23843

(c) If it is necessary to levy the additional tax for23844maintenance under division (B) of section 3318.05 of the Revised23845Code with respect to any segment of the project, the district may23846utilize the provisions of section 3318.061 of the Revised Code to23847ensure that the maintenance tax extends for twenty-three years23848after the last segment of the project is undertaken.23849

Sec. 3318.50. (A) As used in this section and in section238503318.52 of the Revised Code:23851

(1) "Start-up community school" means a "new start-up school"	23852
as that term is defined in division (A) of section 3314.02 of the	23853
Revised Code.	23854
(2) "Classroom facilities" has the same meaning as in section	23855
3318.01 of the Revised Code.	23856
	00057
(B) There is hereby established the community school	23857
classroom facilities loan guarantee program. Under the program,	23858
the Ohio school facilities commission may guarantee for up to	23859
fifteen years up to eighty-five per cent of the sum of the	23860
principal and interest on a loan made to the governing authority	23861
of a start-up community school established under Chapter 3314. of	23862
the Revised Code for the sole purpose of assisting the governing	23863
board in acquiring classroom facilities for the community school	23864
by lease, purchase, remodeling of existing facilities, or any	23865
other means except by new construction.	23866
<u>The commission shall not make any loan quarantee under this</u>	23867
section unless the commission has determined both that the	23868
applicant is creditworthy and that the classroom facilities meet	23869
specifications established by the commission under section 3318.51	23870
of the Revised Code.	23871
	23071
The commission shall not guarantee any loan under this	23872
section unless the loan is obtained from a financial institution	23873
regulated by the United States or this state.	23874
(C) At no time shall the commission exceed an aggregate	23875
liability of ten million dollars to repay loans guaranteed under	23876
this section.	23877
(D) Any payment made to a lending institution as a result of	23878
default on a loan guaranteed under this section shall be made from	23879
moneys in the community school classroom facilities loan guarantee	23880
fund established under section 3318.52 of the Revised Code.	23881
(E) The commission may assess a fee of up to five hundred	23882

dollars for each loan guaranteed under this section.	23883
(F) Not later than ninety days after the effective date of	23884
this section, the commission shall adopt rules that prescribe loan	23885
standards and procedures consistent with this section that are	23886
designed to protect the state's interest in any loan guaranteed by	23887
this section and to ensure that the state has a reasonable chance	23888
of recovering any payments made by the state in the event of a	23889
<u>default on any such loan.</u>	23890

Sec. 3318.51. Not later than nine months after the effective	23891
date of this section, the Ohio school facilities commission in	23892
consultation with the office of community school options	23893
established under section 3314.11 of the Revised Code shall	23894
develop specifications for classroom facilities for start-up	23895
community schools established under Chapter 3314. of the Revised	23896
Code.	23897

Sec. 3318.52. There is hereby established the community 23898 school classroom facilities loan quarantee fund. The fund shall 23899 consist of such moneys as the general assembly appropriates for 23900 the purpose of guaranteeing loans to community schools under 23901 section 3318.50 of the Revised Code. Investment earnings on moneys 23902 in the fund shall be credited to the fund. 23903

Sec. 3319.19. (A) Upon Except as provided in division (D) of 23904 this section or division (A)(2) of section 3313.37 of the Revised 23905 Code, upon request, the board of county commissioners shall 23906 provide and equip offices in the county for the use of the 23907 superintendent of an educational service center, and shall provide 23908 heat, light, water, and janitorial services for such offices. Such 23909 offices shall be the permanent headquarters of the superintendent 23910 and shall be used by the governing board of the service center 23911 when it is in session. Except as provided in division (B) of this 23912

section, such offices shall be located in the county seat or, upon 23913 the approval of the governing board, may be located outside of the 23914 county seat. 23915

(B) In the case of a service center formed under section 23916 3311.053 of the Revised Code, the governing board shall designate 23917 the site of its offices. The Except as provided in division (D) of 23918 this section or division (A)(2) of section 3313.37 of the Revised 23919 Code, the board of county commissioners of the county in which the 23920 designated site is located shall provide and equip the offices as 23921 under division (A) of this section, but the costs of such offices 23922 and equipment not covered by funds received under section 307.031 23923 of the Revised Code shall be apportioned among the boards of 23924 county commissioners of all counties having any territory in the 23925 area under the control of the governing board, according to the 23926 proportion of <u>local school district</u> pupils under the supervision 23927 of such board residing in the respective counties. Where there is 23928 a dispute as to the amount any board of county commissioners is 23929 required to pay, the probate judge of the county in which the 23930 greatest number of pupils under the supervision of the governing 23931 board reside shall apportion such costs among the boards of county 23932 commissioners and notify each such board of its share of the 23933 costs. 23934

(C) By the first day of March of each year, the 23935 superintendent of public instruction shall certify to the tax 23936 commissioner the ADM and the number of full-time licensed 23937 employees of each educational service center for the purposes of 23938 the distribution of funds to boards of county commissioners 23939 required under division (B) of section 307.031 of the Revised 23940 Code. As used in this section, "ADM" means the formula ADMs of all 23941 the local districts having territory in the service center, as 23942 certified in October of the previous year by the service center 23943 superintendent to the state board of education under section 23944

3317.03 of the Revised Code. As used in this division, "licensed	23945
employee" has the same meaning as in section 307.031 of the	23946
Revised Code.	23947
(D) The superintendent of a service center may annually	23948
submit a proposal approved by the board of county commissioners to	23949
the state superintendent of public instruction, in such manner and	23950
by such date as specified by the state board of education, for a	23951
grant for the board of county commissioners to do one of the	23952
following:	23953
(1) To improve or enhance the offices and equipment provided	23954
under division (A) or (B) of this section or section 3301.0712 of	23955
the Revised Code;	23956
(2) If funds received under division (B) of section 307.031	23957
of the Revised Code are insufficient to provide for the actual	23958
cost of meeting the requirements of division (A) or (B) of section	23959
3319.19 and division (A)(2) of section 3301.0712 of the Revised	23960
Code, to provide funds to meet such costs.	23961
Any service center superintendent intending to submit a	23962
proposal shall submit it to the board of county commissioners that	23963
provides and equips the office of the superintendent for approval	23964
at least twenty days before the date of submission to the	23965
superintendent of public instruction. The superintendent of public	23966
instruction shall evaluate the proposals and select those that	23967
will most benefit the local districts supervised by the governing	23968
boards under standards adopted by the state board. For each	23969
proposal selected for a grant, the superintendent of public	23970
instruction shall determine the grant amount and, with the	23971
approval of the superintendent and the board of county	23972
commissioners, may modify a grant proposal to reflect the amount	23973
of money available for the grant. The superintendent of public	23974
instruction shall notify the board of county commissioners and the	23975
tax commissioner of the selection of the proposal as submitted or	23976

modified and the amount of the grant. If, pursuant to division (C)	23977
of section 307.031 of the Revised Code, the board of county	23978
commissioners accepts the proposal and grant, it shall expend the	23979
funds as specified in the grant proposal. If the board of county	23980
commissioners rejects the proposal and grant, the superintendent	23981
of public instruction may select another proposal from among the	23982
district proposals that initially failed to be selected for a	23983
grant.	23984
grane.	

The state board of education shall adopt rules to implement 23985 the requirements of this section Not later than the thirty-first 23986 day of March of 2002, 2003, 2004, and 2005 a board of county 23987 commissioners required to provide or equip offices pursuant to 23988 division (A) or (B) of this section shall make a written estimate 23989 of the total cost it will incur for the ensuing fiscal year to 23990 provide and equip the offices and to provide heat, light, water, 23991 and janitorial services for such offices. The total estimate of 23992 cost shall include: 23993

(1) The total square feet of space to be utilized by the23994educational service center;23995

(2) The total square feet of any common areas that should be23996reasonably allocated to the center and the methodology for making23997this allocation;23998

(3) The actual cost per square foot for both the space23999utilized by and the common area allocated to the center;24000

(4) An explanation of the methodology used to determine the24001per square foot cost;24002

(5) The estimated cost of providing heat, light, and water, 24003 including an explanation of how these costs were determined; 24004

(6) The estimated cost of providing janitorial services 24006 including an explanation of the methodology used to determine this 24007

<u>cost;</u>

(7) Any other estimated costs that the board anticipates it will occur and a detailed explanation of the costs and the rationale used to determine such costs.

A copy of the total estimate of costs under this division 24012 shall be sent to the superintendent of the educational service 24013 center not later than the fifth day of April. The superintendent 24014 shall review the total estimate and shall notify the board of 24015 county commissioners not later than twenty days after receipt of 24016 the estimate of either agreement with the estimate or any specific 24017 objections to the estimates and the reasons for the objections. If 24018 the superintendent agrees with the estimate, it shall become the 24019 final total estimate of cost. Failure of the superintendent to 24020 make objections to the estimate by the twentieth day after receipt 24021 of it shall be deemed to mean that the superintendent is in 24022 agreement with the estimate. 24023

If the superintendent provides specific objections to the 24024 board of county commissioners, the board shall review the 24025 objections and may modify the original estimate and shall send a 24026 revised total estimate to the superintendent within ten days after 24027 the receipt of the superintendent's objections. The superintendent 24028 shall respond to the revised estimate within ten days after its 24029 receipt. If the superintendent agrees with it, it shall become the 24030 final total estimated cost. If the superintendent fails to respond 24031 within the required time, the superintendent shall be deemed to 24032 have agreed with the revised estimate. If the superintendent 24033 disagrees with the revised estimate, the superintendent shall send 24034 specific objections to the county commissioners. 24035

If a superintendent has sent specific objections to the 24037 revised estimate within the required time, the probate judge of 24038 the county which has the greatest number of resident local school 24039

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district pupils under the supervision of the educational service 24041 center shall determine the final estimated cost and certify this 24042 amount to the superintendent and the board of county commissioners 24043 prior to the first day of July. (D)(1) A board of county commissioners shall be responsible 24044 for the following percentages of the final total estimated cost 24045 established by division (C) of this section: 24046 (a) Eighty per cent for fiscal year 2003; 24047 (b) Sixty per cent for fiscal year 2004; 24048

(c) Forty per cent for fiscal year 2005; 24049

(d) Twenty per cent for fiscal year 2006. 24050

In fiscal years 2003, 2004, 2005, and 2006 the educational 24051 service center shall be responsible for the remainder of any costs 24052 in excess of the amounts specified in division (D)(1)(a), (b), or 24053 (c) of this section, as applicable, associated with the provision 24054 and equipment of offices for the educational service center and 24055 for provision of heat, light, water, and janitorial services for 24056 such offices, including any unanticipated or unexpected increases 24057 in the costs beyond the final estimated cost amount. 24058

Beginning in fiscal year 2007, no board of county24059commissioners shall have any obligation to provide and equip24060offices for an educational service center or to provide heat,24061light, water, or janitorial services for such offices.24062

(2) Nothing in this section shall prohibit the board of24063county commissioners and the governing board of an educational24064service center from entering into a contract for providing and24065equipping offices for the use of an educational service center and24066for providing heat, light, water, and janitorial services for such24067offices. The term of any such contract shall not exceed a period24068of four years and may be renewed for additional periods not to24069

exceed four years. Any such contract shall supersede the	24070
provisions of division (D)(1) of this section and no educational	24071
service center may be charged, at any time, any additional amount	24072
for the county's provision of an office and equipment, heat,	24073
light, water, and janitorial services beyond the amount specified	24074
in such contract.	24075

(3) No contract entered into under division (D)(2) of this 24076 section in any year prior to fiscal year 2007 between an 24077 educational service center formed under section 3311.053 of the 24078 Revised Code and the board of county commissioners required to 24079 provide and equip its office pursuant to division (B) of this 24080 section shall take effect unless the boards of county 24081 commissioners of all other counties required to participate in the 24082 funding for such offices pursuant to division (B) of this section 24083 adopt resolutions approving the contract. 24084

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 24085 "guardian," or "other person having charge or care of a child" 24086 means either parent unless the parents are separated or divorced 24087 or their marriage has been dissolved or annulled, in which case 24088 "parent" means the parent who is the residential parent and legal 24089 custodian of the child. If the child is in the legal or permanent 24090 custody of a person or government agency, "parent" means that 24091 person or government agency. When a child is a resident of a home, 24092 as defined in section 3313.64 of the Revised Code, and the child's 24093 parent is not a resident of this state, "parent," "quardian," or 24094 "other person having charge or care of a child" means the head of 24095 the home. 24096

A child between six and eighteen years of age is "of 24097 compulsory school age" for the purpose of sections 3321.01 to 24098 3321.13 of the Revised Code. A child under six years of age who 24099 has been enrolled in kindergarten also shall be considered "of 24100

24101 compulsory school age" for the purpose of sections 3321.01 to 24102 3321.13 of the Revised Code unless at any time the child's parent 24103 or quardian, at the parent's or quardian's discretion and in 24104 consultation with the child's teacher and principal, formally 24105 withdraws the child from kindergarten. The compulsory school age 24106 of a child shall not commence until the beginning of the term of 24107 such schools, or other time in the school year fixed by the rules 24108 of the board of the district in which the child resides.

(2) No child shall be admitted to a kindergarten or a first 24109 grade of a public school in a district in which all children are 24110 admitted to kindergarten and the first grade in August or 24111 September unless the child is five or six years of age, 24112 respectively, by the thirtieth day of September of the year of 24113 admittance, or by the first day of a term or semester other than 24114 one beginning in August or September in school districts granting 24115 admittance at the beginning of such term or semester, except that 24116 in those school districts using or obtaining educationally 24117 accepted standardized testing programs for determining entrance, 24118 as approved by the board of education of such districts, the board 24119 shall admit a child to kindergarten or the first grade who fails 24120 to meet the age requirement, provided the child meets necessary 24121 standards as determined by such standardized testing programs. If 24122 the board of education has not established a standardized testing 24123 program, the board shall designate the necessary standards and a 24124 24125 testing program it will accept for the purpose of admitting a child to kindergarten or first grade who fails to meet the age 24126 requirement. Each child who will be the proper age for entrance to 24127 kindergarten or first grade by the first day of January of the 24128 school year for which admission is requested shall be so tested 24129 upon the request of the child's parent. 24130

(3) Notwithstanding divisions (A)(2) and (D) of this section, 24131 beginning with the school year that starts in 2001 and continuing 24132

thereafter the board of education of any district may adopt a 24133 resolution establishing the first day of August in lieu of the 24134 thirtieth day of September as the required date by which students 24135 must have attained the age specified in those divisions. 24136

(B) As used in divisions (C) and (D) of this section, 24137
"successfully completed kindergarten" and "successful completion 24138
of kindergarten" mean that the child has completed the 24139
kindergarten requirements at one of the following: 24140

(1) A public or chartered nonpublic school; 24141

(2) A kindergarten class that is both of the following: 24142

(a) Offered by a day-care provider licensed under Chapter 241435104. of the Revised Code; 24144

(b) If offered after July 1, 1991, is directly taught by a 24145 teacher who holds one of the following: 24146

(i) A valid educator license issued under section 3319.22 of 24147the Revised Code; 24148

(ii) A Montessori preprimary credential or age-appropriate 24149diploma granted by the American Montessori society or the 24150association Montessori internationale; 24151

(iii) Certification determined under division (G) of this 24152 section to be equivalent to that described in division 24153 (B)(2)(b)(ii) of this section; 24154

(iv) Certification for teachers in nontax-supported schools 24155
pursuant to section 3301.071 of the Revised Code. 24156

(C) Except as provided in division (D) of this section, no24157school district shall admit to the first grade any child who has24158not successfully completed kindergarten.24159

(D) Upon request of a parent, the requirement of division (C) 24160 of this section may be waived by the district's pupil personnel 24161

services committee in the case of a child who is at least six24162years of age by the thirtieth day of September of the year of24163admittance and who demonstrates to the satisfaction of the24164committee the possession of the social, emotional, and cognitive24165skills necessary for first grade.24166

The board of education of each city, local, and exempted 24167 village school district shall establish a pupil personnel services 24168 committee. The committee shall be composed of all of the following 24169 to the extent such personnel are either employed by the district 24170 or employed by the governing board of the educational service 24171 center within whose territory the district is located and the 24172 educational service center generally furnishes the services of 24173 such personnel to the district: 24174

(1) The director of pupil personnel services; 24175

- (2) An elementary school counselor; 24176
- (3) An elementary school principal;
 - (4) A school psychologist;
 - (5) A teacher assigned to teach first grade:

(6) A gifted coordinator.

The responsibilities of the pupil personnel services 24181 committee shall be limited to the issuing of waivers allowing 24182 admittance to the first grade without the successful completion of 24183 kindergarten. The committee shall have no other authority except 24184 as specified in this section. 24185

(E) The scheduling of times for kindergarten classes and
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 length of the school day for kindergarten shall be determined by
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 the board of education of a city, exempted village, or local
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 school district.

(F) Any kindergarten class offered by a day-care provider or 24190school described by division (B)(1) or (B)(2)(a) of this section 24191

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shall be developmentally appropriate.

(G) Upon written request of a day-care provider described by 24193 division (B)(2)(a) of this section, the department of education 24194 shall determine whether certification held by a teacher employed 24195 by the provider meets the requirement of division (B)(2)(b)(iii) 24196 of this section and, if so, shall furnish the provider a statement 24197 to that effect. 24198

Sec. 3323.09. (A) As used in this section: 24199

(1) "Home" has the meaning given in section 3313.64 of the 24200 Revised Code; 24201

(2) "Preschool child" means a child who is at least age three 24202 but under age six on the thirtieth day of September of an academic 24203 24204 year.

(B) Each county MR/DD board shall establish special education 24205 programs for all handicapped children who in accordance with 24206 section 3323.04 of the Revised Code have been placed in special 24207 education programs operated by the county board and for preschool 24208 children who are developmentally delayed or at risk of being 24209 developmentally delayed. The board annually shall submit to the 24210 department of education a plan for the provision of these programs 24211 and, if applicable, a request for approval of units under section 24212 3317.05 of the Revised Code. The superintendent of public 24213 instruction shall review the plan and approve or modify it in 24214 accordance with rules adopted by the state board of education 24215 under section 3301.07 of the Revised Code. The superintendent of 24216 public instruction shall compile the plans submitted by county 24217 boards and shall submit a comprehensive plan to the state board of 24218 education. 24219

A county MR/DD board may combine transportation for children 24220 enrolled in classes funded under section 3317.20 or units approved 24221

Page 780

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under section 3317.05 with transportation for children and adults 24222
enrolled in programs and services offered by the board under 24223
section 5126.12 of the Revised Code. 24224

(C) A county MR/DD board that during the school year provided 24225 special education pursuant to this section for any mentally 24226 handicapped child under twenty-two years of age shall prepare and 24227 submit the following reports and statements: 24228

(1) The board shall prepare a statement for each child who at 24229 the time of receiving such special education was a resident of a 24230 home and was not in the legal or permanent custody of an Ohio 24231 resident or a government agency in this state, and whose parents 24232 are not known to have been residents of this state subsequent to 24233 the child's birth. The statement shall contain the child's name, 24234 the name of his the child's school district of residence, the name 24235 of the county board providing the special education, and the 24236 number of months, including any fraction of a month, it was 24237 provided. Not later than the thirtieth day of June, the board 24238 shall forward a certified copy of such statement to both the 24239 director of mental retardation and developmental disabilities and 24240 to the home. 24241

Within thirty days after its receipt of a statement, the home24242shall pay tuition to the county board computed in the manner24243prescribed by section 3323.141 of the Revised Code.24244

(2) The board shall prepare a report for each school district 24245 that is the school district of residence of one or more of such 24246 children for whom statements are not required by division (C)(1)24247 of this section. The report shall contain the name of the county 24248 board providing special education, the name of each child 24249 receiving special education, the number of months, including 24250 fractions of a month, that he the child received it, and the name 24251 of the child's school district of residence. Not later than the 24252 thirtieth day of June, the board shall forward certified copies of 24253

each report to the school district named in the report, the 24254 superintendent of public instruction, and the director of mental 24255 retardation and developmental disabilities. 24256

Sec. 3323.091. (A) The department of mental health, the 24257 department of mental retardation and developmental disabilities, 24258 the department of youth services, and the department of 24259 rehabilitation and correction shall establish and maintain special 24260 education programs for handicapped children in institutions under 24261 their jurisdiction according to standards adopted by the state 24262 board of education. The superintendent of each institution 24263 providing special education under this chapter may apply to the 24264 state department of education for unit funding, which shall be 24265 paid in accordance with sections 3317.161 3317.052 and 3317.162 24266 3317.053 of the Revised Code. 24267

(B) On or before the thirtieth day of June of each year, the 24268 superintendent of each institution that during the school year 24269 24270 provided special education pursuant to this section shall prepare a statement for each handicapped child under twenty-two years of 24271 age who has received special education. The statement shall 24272 contain the child's name and the name of the child's school 24273 district of residence. Within sixty days after receipt of such 24274 statement, the department of education shall perform one of the 24275 following: 24276

(1) For any child except a handicapped preschool child 24277 described in division (B)(2) of this section, pay to the 24278 institution submitting the statement an amount equal to the 24279 tuition calculated under division (A) of section 3317.08 of the 24280 Revised Code for the period covered by the statement, and deduct 24281 the same from the amount of state funds, if any, payable under 24282 sections 3317.022 and 3317.023 of the Revised Code, to the child's 24283 school district of residence or, if the amount of such state funds 24284 is insufficient, require the child's school district of residence 24285

24286 to pay the institution submitting the statement an amount equal to 24287 the amount determined under this division.

(2) For any handicapped preschool child not included in a 24288 unit approved under division (B) of section 3317.05 of the Revised 24289 Code, perform the following: 24290

24291 (a) Pay to the institution submitting the statement an amount equal to the tuition calculated under division (B) of section 24292 3317.08 of the Revised Code for the period covered by the 24293 statement, except that in calculating the tuition under that 24294 section the operating expenses of the institution submitting the 24295 statement under this section shall be used instead of the 24296 operating expenses of the school district of residence; 24297

(b) Deduct from the amount of state funds, if any, payable 24298 under sections 3317.022 and 3317.023 of the Revised Code to the 24299 child's school district of residence an amount equal to the amount 24300 paid under division (B)(2)(a) of this section. 24301

Sec. 3327.10. (A) No person shall be employed as driver of a 24302 school bus or motor van, owned and operated by any school district 24303 or educational service center or privately owned and operated 24304 under contract with any school district or service center in this 24305 state, who has not received a certificate from the educational 24306 service center governing board in case such person is employed by 24307 a service center or by a local school district under the 24308 supervision of the service center governing board, or by the 24309 superintendent of schools, in case such person is employed by the 24310 board of a city or exempted village school district, certifying 24311 that such person is at least eighteen years of age and is of good 24312 moral character and is qualified physically and otherwise for such 24313 position. The service center governing board or the 24314 superintendent, as the case may be, shall provide for an annual 24315 physical examination that conforms with rules adopted by the state 24316

board of education of each driver to ascertain his the driver's 24317 physical fitness for such employment. Any certificate may be 24318 revoked by the authority granting the same on proof that the 24319 holder has been guilty of failing to comply with division (D)(1) 24320 of this section, or upon a conviction or a guilty plea for a 24321 violation, or any other action, that results in a loss or 24322 suspension of driving rights. Failure to comply with such division 24323 may be cause for disciplinary action or termination of employment 24324 under division (C) of section 3319.081, or section 124.34 of the 24325 Revised Code. 24326

(B) No person shall be employed as driver of a school bus or 24327 motor van not subject to the rules of the department of education 24328 pursuant to division (A) of this section who has not received a 24329 certificate from the school administrator or contractor certifying 24330 that such person is at least eighteen years of age, is of good 24331 moral character, and is qualified physically and otherwise for 24332 such position. Each driver shall have an annual physical 24333 examination which conforms to the state highway patrol rules, 24334 ascertaining his the driver's physical fitness for such 24335 employment. Any The examination shall be performed by one of the 24336 following: 24337

(1) A person licensed under Chapter 4731. of the Revised Code24338or by another state to practice medicine and surgery or24339osteopathic medicine and surgery;24340

(2) A registered nurse who holds a certificate of authority24341issued under Chapter 4723. of the Revised Code to practice as a24342certified nurse practitioner or clinical nurse specialist and is24343practicing pursuant to a standard care arrangement with a24344collaborating physician.24345

Any certificate may be revoked by the authority granting the 24346 same on proof that the holder has been guilty of failing to comply 24347 with division (D)(2) of this section. 24348

(C) Any person who drives a school bus or motor van must give 24349 satisfactory and sufficient bond except a driver who is an 24350 employee of a school district and who drives a bus or motor van 24351 owned by the school district. 24352

(D) No person employed as driver of a school bus or motor van 24353 under this section who is convicted of a traffic violation or who 24354 has had his the person's commercial driver's license suspended or 24355 revoked shall drive a school bus or motor van until such person 24356 has filed a written notice of such conviction, suspension, or 24357 revocation as follows: 24358

(1) If he the person is employed under division (A) of this 24359 section, such notice shall be filed with the superintendent, or a 24360 person designated by the superintendent, of the school district 24361 for which such person drives a school bus or motor van as an 24362 employee or drives a privately owned and operated school bus or 24363 motor van under contract. 24364

(2) If employed under division (B) of this section, such 24365 notice shall be filed with the employing school administrator or 24366 contractor, or a person designated by the administrator or 24367 contractor. 24368

(E) In addition to resulting in possible revocation of a 24369 certificate as authorized by divisions (A) and (B) of this 24370 section, violation of division (D) of this section is a minor 24371 misdemeanor. 24372

Sec. 3333.02. The Ohio board of regents shall hold its first 24373 meeting at the call of the governor, within three months after all 24374 members have been appointed and qualified. Meetings thereafter 24375 shall be called in such manner and at such times as prescribed by 24376 rules adopted by the board, but the board shall meet at least four 24377 times annually. A majority of the board constitutes a quorum. At 24378 its first meeting, the board shall organize by selecting a 24379

chairman chairperson, a vice-chairman vice-chairperson, and a 24380 secretary, and such other officers as it deems necessary. The 24381 board shall adopt rules for the conduct of its business, and to 24382 provide for the term and election of officers, and shall establish 24383 an office in Columbus. The rules shall permit the formation of a 24384 guorum and the taking of votes at meetings conducted by 24385 interactive video teleconference if provisions are made for public 24386 attendance at any location involved in such a teleconference. 24387

A record shall be kept of board proceedings, which shall be 24388 open for public inspection. The board shall adopt a seal to be 24389 affixed to official documents. Each member of the board, before 24390 entering on his official duties and after qualifying for office, 24391 shall take and subscribe to an oath of office, to uphold the 24392 constitution and laws of the United States and this state, and to 24393 perform the duties of his office honestly, faithfully, and 24394 24395 impartially.

Sec. 3333.03. (A) The Ohio board of regents shall appoint a 24396 chancellor to serve at its pleasure and shall prescribe his the 24397 chancellor's duties. The board shall fix the compensation for the 24398 chancellor and for all other professional, administrative, and 24399 clerical employees necessary to assist the board and the 24400 chancellor in the performance of their duties. 24401

(B) The chancellor is the administrative officer of the 24402 board, and is responsible for appointing and fixing the 24403 compensation of all professional, administrative, and clerical 24404 employees and staff members, subject to board approval, who 24405 necessary to assist the board and the chancellor in the 24406 performance of their duties. All employees and staff shall serve 24407 under his direction and control at the chancellor's pleasure. The 24408 chancellor shall be a person qualified by training and experience 24409 to understand the problems and needs of the state in the field of 24410 higher education and to devise programs, plans, and methods of 24411

solving the problems and meeting the needs.

(C) Neither the chancellor nor any staff member or employee 24413
of the board shall be a trustee, officer, or employee of any 24414
public or private college or university while serving on the 24415
board. 24416

Sec. 3333.043. (A) As used in this section: 24417

(1) "Institution of higher education" means the state 24418 universities listed in section 3345.011 of the Revised Code, 24419 municipal educational institutions established under Chapter 3349. 24420 of the Revised Code, community colleges established under Chapter 24421 3354. of the Revised Code, university branches established under 24422 Chapter 3355. of the Revised Code, technical colleges established 24423 under Chapter 3357. of the Revised Code, state community colleges 24424 established under Chapter 3358. of the Revised Code, any 24425 institution of higher education with a certificate of registration 24426 from the state board of proprietary school registration, and any 24427 institution for which the Ohio board of regents receives a notice 24428 pursuant to division (C) of this section. 24429

(2) "Community service" has the same meaning as in section 244303313.605 of the Revised Code. 24431

(B)(1) The board of trustees or other governing entity of 24432 each institution of higher education shall encourage and promote 24433 participation of students in community service through a program 24434 appropriate to the mission, student population, and environment of 24435 each institution. The program may include, but not be limited to, 24436 providing information about community service opportunities during 24437 student orientation or in student publications; providing awards 24438 for exemplary community service; encouraging faculty members to 24439 incorporate community service into students' academic experiences 24440 wherever appropriate to the curriculum; encouraging recognized 24441 student organizations to undertake community service projects as 24442

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24443 part of their purposes; and establishing advisory committees of 24444 students, faculty members, and community and business leaders to 24445 develop cooperative programs that benefit the community and 24446 enhance student experience. The program shall be flexible in 24447 design so as to permit participation by the greatest possible 24448 number of students, including part-time students and students for 24449 whom participation may be difficult due to financial, academic, 24450 personal, or other considerations. The program shall emphasize 24451 community service opportunities that can most effectively use the 24452 skills of students, such as tutoring or literacy programs. The 24453 programs shall encourage students to perform services that will 24454 not supplant the hiring of, result in the displacement of, or 24455 impair any existing employment contracts of any particular 24456 employee of any private or governmental entity for which services 24457 are performed.

(2) The Ohio board of regents shall encourage all 24458 institutions of higher education in the development of community 24459 service programs. With the assistance of the state Ohio community 24460 service advisory committee council created in section 121.40 of 24461 the Revised Code, the board of regents shall make available 24462 information about higher education community service programs to 24463 institutions of higher education and to statewide organizations 24464 involved with or promoting volunteerism, including information 24465 about model community service programs, teacher training courses, 24466 and community service curricula and teaching materials for 24467 possible use by institutions of higher education in their 24468 programs. The board shall encourage institutions of higher 24469 education to jointly coordinate higher education community service 24470 programs through consortia of institutions or other appropriate 24471 means of coordination. 24472

(C) The board of trustees of any nonprofit institution with a 24473 certificate of authorization issued by the Ohio board of regents 24474

pursuant to Chapter 1713. of the Revised Code may notify the board24475of regents that it is making itself subject to divisions (A) and24476(B) of this section. Upon receipt of such a notice, these24477divisions shall apply to that institution.24478

Sec. 3333.12. (A) As used in this section: 24479

- (1) "Eligible student" means an undergraduate student who is: 24480
- (a) An Ohio resident; 24481
- (b) Enrolled in either of the following: 24482

(i) An accredited institution of higher education in this 24483 state that meets the requirements of Title VI of the Civil Rights 24484 Act of 1964 and is state-assisted, is nonprofit and has a 24485 certificate of authorization from the Ohio board of regents 24486 pursuant to Chapter 1713. of the Revised Code, or has a 24487 certificate of registration from the state board of proprietary 24488 school registration and program authorization to award an 24489 associate or bachelor's degree. Students who attend an institution 24490 that holds a certificate of registration shall be enrolled in a 24491 program leading to an associate or bachelor's degree for which 24492 associate or bachelor's degree program the institution has program 24493 authorization issued under section 3332.05 of the Revised Code. 24494

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(ii) A technical education program of at least two years
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 duration sponsored by a private institution of higher education in
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 this state that meets the requirements of Title VI of the Civil
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 Rights Act of 1964.
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(c) Enrolled as a full-time student or enrolled as a less 24500 than full-time student for the term expected to be the student's 24501 final term of enrollment and is enrolled for the number of credit 24502 hours necessary to complete the requirements of the program in 24503 which the student is enrolled. 24504

(2) "Gross income" includes all taxable and nontaxable income 24505 of the parents, the student, and the student's spouse, except 24506 income derived from an Ohio academic scholarship, income earned by 24507 the student between the last day of the spring term and the first 24508 day of the fall term, and other income exclusions designated by 24509 the board. Gross income may be verified to the board by the 24510 institution in which the student is enrolled using the federal 24511 financial aid eligibility verification process or by other means 24512 satisfactory to the board. 24513

(3) "Resident," "full-time student," "dependent," 24514
"financially independent," and "accredited" shall be defined by 24515
rules adopted by the board. 24516

(B) The Ohio board of regents shall establish and administer 24517 an instructional grant program and may adopt rules to carry out 24518 this section. The general assembly shall support the instructional 24519 grant program by such sums and in such manner as it may provide, 24520 but the board may also receive funds from other sources to support 24521 the program. If the amounts available for support of the program 24522 are inadequate to provide grants to all eligible students, 24523 preference in the payment of grants shall be given in terms of 24524 income, beginning with the lowest income category of gross income 24525 and proceeding upward by category to the highest gross income 24526 24527 category.

An instructional grant shall be paid to an eligible student 24528 through the institution in which the student is enrolled, except 24529 that no instructional grant shall be paid to any person serving a 24530 term of imprisonment. Applications for such grants shall be made 24531 as prescribed by the board, and such applications may be made in 24532 conjunction with and upon the basis of information provided in 24533 conjunction with student assistance programs funded by agencies of 24534 the United States government or from financial resources of the 24535 institution of higher education. The institution shall certify 24536

24537 that the student applicant meets the requirements set forth in 24538 divisions (A)(1)(b) and (c) of this section. Instructional grants 24539 shall be provided to an eligible student only as long as the 24540 student is making appropriate progress toward a nursing diploma or 24541 an associate or bachelor's degree. No student shall be eligible to 24542 receive a grant for more than ten semesters, fifteen quarters, or 24543 the equivalent of five academic years. A grant made to an eligible 24544 student on the basis of less than full-time enrollment shall be 24545 based on the number of credit hours for which the student is 24546 enrolled and shall be computed in accordance with a formula 24547 adopted by the board. No student shall receive more than one grant 24548 on the basis of less than full-time enrollment.

An instructional grant shall not exceed the total24549instructional and general charges of the institution.24550

(C) The tables in this division prescribe the maximum grant 24551 amounts covering two semesters, three quarters, or a comparable 24552 portion of one academic year. Grant amounts for additional terms 24553 in the same academic year shall be determined under division (D) 24554 of this section. 24555

For a full-time student who is a dependent and enrolled in a 24556 nonprofit educational institution that is not a state-assisted 24557 institution and that has a certificate of authorization issued 24558 pursuant to Chapter 1713. of the Revised Code, the amount of the 24559 instructional grant for two semesters, three quarters, or a 24560 comparable portion of the academic year shall be determined in 24561 accordance with the following table: 24562

Table of Grants

		Maxim	um Grant :	34,872		24564
Gross Income		Numbe	r of Depe i	ndents		24565
	÷	2	3	4	5 or	24566
					more	
Under \$13,001	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	24567

24563

4,386					
,	4,872	4,872	4,872	4,872	24568
3,888	4,386	4,872	4,872	4,872	24569
3,408	3,888	4,386	4,872	4,872	24570
2,928	3,408	3,888	4,386	4,872	24571
2,442	2,928	3,408	3,888	4,386	24572
1,944	2,442	2,928	3,408	3,888	24573
1,452	1,944	2,442	2,928	3,408	24574
1,200	1,452	1,944	2,442	2,928	24575
966	1,200	1,452	1,944	2,442	24576
882	966	1,200	1,452	1,944	24577
792	882	966	1,200	1,452	24578
396	792	882	966	1,200	24579
-0-	396	792	882	966	24580
-0-	-0-	396	792	882	24581
-0-	-0-	-0-	396	792	24582
-0-	-0-	-0-	-0-	396	24583
-0-	-0-	-0-	-0-	-0-	24584
Privat	<u>te Institı</u>	ution			24585
	<u>te Institu</u> le of Grar				24585 24586
	<u>le of Grar</u>		<u>\$5,466</u>		
	<u>le of Grar</u> <u>Maxim</u>	nts	· · · · · · · · · · · · · · · · · · ·		24586
	<u>le of Grar</u> <u>Maxim</u>	<u>nts</u> um Grant S	· · · · · · · · · · · · · · · · · · ·	<u>5 or</u>	24586 24587
<u>Tab</u>	<u>le of Grar</u> <u>Maxim</u> <u>Numbe</u>	<u>nts</u> um Grant : r of Depen	ndents	<u>5 or</u> more	24586 24587 24588
<u>Tab</u>	<u>le of Grar</u> <u>Maxim</u> <u>Numbe</u>	<u>nts</u> um Grant : r of Depen	ndents		24586 24587 24588
<u>Tab</u>	<u>le of Grar</u> <u>Maxim</u> <u>Numbe</u> <u>2</u>	<u>nts</u> um Grant : r of Depen <u>3</u>	<u>ndents</u> <u>4</u>	more	24586 24587 24588 24589
<u>Tabi</u> <u>1</u> <u>\$5,466</u>	<u>le of Grar</u> <u>Maxim</u> <u>Numbe</u> <u>2</u> <u>\$5,466</u>	nts um Grant : r of Depen <u>3</u> \$5,466	<u>ndents</u> <u>4</u> <u>\$5,466</u>	<u>more</u> \$5,466	24586 24587 24588 24589 24590
<u>Tabi</u> <u>1</u> <u>\$5,466</u> <u>4,920</u>	<u>Maxim</u> <u>Maxim</u> <u>Numbe</u> <u>2</u> <u>\$5,466</u> <u>5,466</u>	<u>nts</u> um Grant : <u>3</u> <u>\$5,466</u> <u>5,466</u>	<u>ndents</u> <u>4</u> <u>\$5,466</u> <u>5,466</u>	<u>more</u> <u>\$5,466</u> <u>5,466</u>	24586 24587 24588 24589 24590 24591
<u>Tab</u> <u>\$5,466</u> <u>4,920</u> <u>4,362</u>	<u>Maxim</u> <u>Maxim</u> <u>Numbe</u> <u>2</u> <u>\$5,466</u> <u>5,466</u> <u>4,920</u>	nts um Grant S r of Deper <u>3</u> \$5,466 5,466 5,466	<u>4</u> <u>\$5,466</u> <u>5,466</u> <u>5,466</u>	<u>more</u> <u>\$5,466</u> <u>5,466</u> <u>5,466</u>	24586 24587 24588 24589 24590 24591 24592
<u>Tab</u> <u>\$5,466</u> <u>4,920</u> <u>4,362</u> <u>3,828</u>	le of Gran Maxim Numbe 2 \$5,466 5,466 4,920 4,362	nts um Grant 3 r of Deper <u>3</u> \$5,466 5,466 5,466 4,920	<u>4</u> <u>\$5,466</u> <u>5,466</u> <u>5,466</u> <u>5,466</u> <u>5,466</u>	more \$5,466 5,466 5,466 5,466	24586 24587 24588 24589 24590 24591 24592 24593
<u>Tab</u> <u>1</u> <u>\$5,466</u> <u>4,920</u> <u>4,362</u> <u>3,828</u> <u>3,288</u>	le of Gran Maxim Numbe 2 \$5,466 5,466 4,920 4,362 3,828	nts um Grant 3 <u>r of Deper</u> <u>3</u> <u>\$5,466</u> <u>5,466</u> <u>5,466</u> <u>4,920</u> <u>4,362</u>	<u>4</u> <u>\$5,466</u> <u>5,466</u> <u>5,466</u> <u>5,466</u> <u>5,466</u> <u>4,920</u>	more \$5,466 5,466 5,466 5,466 5,466	24586 24587 24588 24589 24590 24591 24592 24593 24594
<u>Tab:</u> <u>1</u> <u>\$5,466</u> <u>4,920</u> <u>4,362</u> <u>3,828</u> <u>3,288</u> <u>2,736</u>	le of Gran Maxim Numbe 2 \$5,466 5,466 4,920 4,362 3,828 3,288	nts um Grant 3 r of Deper <u>3</u> \$5,466 5,466 5,466 4,920 4,362 3,828	<u>hdents</u> <u>4</u> <u>\$5,466</u> <u>5,466</u> <u>5,466</u> <u>5,466</u> <u>4,920</u> <u>4,362</u>	more \$5,466 5,466 5,466 5,466 5,466 4,920	24586 24587 24588 24589 24590 24591 24592 24593 24594 24595
<u>1</u> <u>\$5,466</u> <u>4,920</u> <u>4,362</u> <u>3,828</u> <u>3,288</u> <u>2,736</u> <u>2,178</u>	le of Gran Maxim Numbe 2 \$5,466 5,466 4,920 4,362 3,828 3,288 2,736	nts um Grant 3 r of Deper <u>3</u> \$5,466 5,466 5,466 4,920 4,362 3,828 3,288	<u>ndents</u> <u>4</u> <u>\$5,466</u> <u>5,466</u> <u>5,466</u> <u>5,466</u> <u>4,920</u> <u>4,362</u> <u>3,828</u>	more \$5,466 5,466 5,466 5,466 5,466 4,920 4,362	24586 24587 24588 24589 24590 24591 24592 24593 24594 24595 24596
	3,408 2,928 2,442 1,944 1,452 1,200 966 882 792 396 -000000-	$\begin{array}{rrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrr$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$

Gross Income

<u>\$32,001 - \$33,000</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	2,178	24600
<u>\$33,001 - \$34,000</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	24601
<u> \$34,001 - \$35,000</u>	<u>444</u>	888	<u>984</u>	<u>1,080</u>	1,344	24602
<u>\$35,001 - \$36,000</u>		444	<u>888</u>	<u>984</u>	<u>1,080</u>	24603
<u> \$36,001 - \$37,000</u>			<u>444</u>	888	<u>984</u>	24604
<u>\$37,001 - \$38,000</u>				<u>444</u>	<u>888</u>	24605
<u>\$38,001 - \$39,000</u>					444	24606

For a full-time student who is financially independent and 24607 enrolled in a nonprofit educational institution that is not a 24608 state-assisted institution and that has a certificate of 24609 authorization issued pursuant to Chapter 1713. of the Revised 24610 Code, the amount of the instructional grant for two semesters, 24611 three quarters, or a comparable portion of the academic year shall 24612 be determined in accordance with the following table: 24613

Maximum Grant \$4,872

Table of Grants

24615

24614

NT mala a	<u>ہ</u> ج	Demonstante	24616
Number	-01-	- Dependents	24616

				-			
	θ	÷	2	3	4	5 or	24617
						more	
Under \$4,201	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	24618
\$4,201 - \$4,800	4,386	4,872	4,872	4,872	4,872	4,872	24619
\$4,801 - \$5,300	3,888	4,386	4,872	4,872	4,872	4,872	24620
\$5,301 - \$5,800	3,408	3,888	4,386	4,872	4,872	4,872	24621
\$5,801 - \$6,300	2,928	3,408	3,888	4,386	4,872	4,872	24622
\$6,301 - \$6,800	2,442	2,928	3,408	3,888	4,386	4,872	24623
\$6,801 - \$7,800	1,944	2,442	2,928	3,408	3,888	4,386	24624
\$7,801 - \$8,800	1,452	1,944	2,442	2,928	3,408	3,888	24625
\$8,801 - \$9,800	1,200	1,452	1,944	2,442	2,928	3,408	24626
\$9,801 - \$11,300	966	1,200	1,452	1,944	2,442	2,928	24627
\$11,301 - \$12,800	882	966	1,200	1,452	1,944	2,442	24628
\$12,801 - \$14,300	792	882	966	1,200	1,452	1,944	24629
\$14,301 - \$15,800	396	792	882	966	1,200	1,452	24630
\$15,801 - \$18,800	-0-	396	792	882	966	1,200	24631

Page 794

\$18,801 - \$21,800	-0-	-0-	396	792	882	966	24632
\$21,801 - \$24,800	-0-	-0-	-0-	396	792	882	24633
\$24,801 - \$29,500	-0-	-0-	-0-	-0-	396	792	24634
\$29,501 - \$34,500	-0-	-0-	-0-	-0-	-0-	396	24635
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-	24636
	Priva	<u>ate Insti</u>	<u>tution</u>				24637
	Tal	ole of Gr	ants				24638
		Max	imum Gra	nt \$5,40	<u>56</u>		24639
<u>Gross Income</u>		Numl	ber of D	ependent	ts		24640
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	24641
						more	
<u> \$0 - \$4,800</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	24642
<u> \$4,801 - \$5,300</u>	<u>4,920</u>	<u>5,466</u>	5,466	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	24643
<u> \$5,301 - \$5,800</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	24644
<u> \$5,801 - \$6,300</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	24645
<u> \$6,301 - \$6,800</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	24646
<u> \$6,801 - \$7,300</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	24647
<u> \$7,301 - \$8,300</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	24648
<u> \$8,301 - \$9,300</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	24649
<u> \$9,301 - \$10,300</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	2,736	<u>3,288</u>	<u>3,828</u>	24650
<u> \$10,301 - \$11,800</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	24651
<u> \$11,801 - \$13,300</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	24652
<u> \$13,301 - \$14,800</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	24653
<u> \$14,801 - \$16,300</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	24654
<u> \$16,301 - \$19,300</u>		<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	24655
<u> \$19,301 - \$22,300</u>			<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	24656
<u> \$22,301 - \$25,300</u>				444	<u>888</u>	<u>984</u>	24657
<u>\$25,301 - \$30,300</u>					<u>444</u>	<u>888</u>	24658
<u>\$30,301 - \$35,300</u>		<u></u>				<u>444</u>	24659

For a full-time student who is a dependent and enrolled in an 24660 educational institution that holds a certificate of registration 24661 from the state board of proprietary school registration, the 24662 amount of the instructional grant for two semesters, three 24663

quarters, or a comparable portion of the academic year shall be										
determined in accordance with the following table: 2										
Table of Grants										
Maximum Grant \$4,128										
Gross Income	Number of Dependents									
	÷	2	3	4	5 or	24669				
					more					
Under \$13,001	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	24670				
\$13,001 - \$14,000	3,726	4,128	4,128	4,128	4,128	24671				
\$14,001 - \$15,000	3,288	3,726	4,128	4,128	4,128	24672				
\$15,001 - \$16,000	2,874	3,288	3,726	4,128	4,128	24673				
\$16,001 - \$17,000	2,490	2,874	3,288	3,726	4,128	24674				
\$17,001 - \$20,000	2,046	2,490	2,874	3,288	3,726	24675				
\$20,001 - \$23,000	1,656	2,046	2,490	2,874	3,288	24676				
\$23,001 - \$26,000	1,266 1,656 2,046 2,490 2,874									
\$26,001 - \$29,000	1,014	1,266	1,656	2,046	2,490	24678				
\$29,001 - \$30,000	810	1,014	1,266	1,656	2,046	24679				
\$30,001 - \$31,000	762	810	1,014	1,266	1,656	24680				
\$31,001 - \$32,000	672	762	810	1,014	1,266	24681				
\$32,001 - \$33,000	336	672	762	810	1,014	24682				
\$33,001 - \$34,000	-0-	336	672	762	810	24683				
\$34,001 - \$35,000	-0-	-0-	336	672	762	24684				
\$35,001 - \$36,000	-0-	-0-	-0-	336	672	24685				
\$36,001 - \$37,000	-0-	-0-	-0-	-0-	336	24686				
Over \$37,000	-0-	-0-	-0-	-0-	-0-	24687				
	<u>Propriet</u>	ary Instit	ution			24688				
	<u>Tabl</u>	<u>e of Grant</u>	<u>s</u>			24689				
		Maximu	m Grant \$4	.,632		24690				
<u>Gross Income</u>		Number	of Depend	lents		24691				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	24692				
					more					
<u> \$0 - \$15,000</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	24693				
<u>\$15,001 - \$16,000</u>	4,182	<u>4,632</u>	<u>4,632</u>	4,632	<u>4,632</u>	24694				

<u> \$16,001 - \$17,000</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	24695
<u> \$17,001 - \$18,000</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	24696
<u> \$18,001 - \$19,000</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	4,182	<u>4,632</u>	24697
<u> \$19,001 - \$22,000</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	4,182	24698
<u> \$22,001 - \$25,000</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	3,222	<u>3,684</u>	24699
<u> \$25,001 - \$28,000</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	24700
<u> \$28,001 - \$31,000</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	24701
<u> \$31,001 - \$32,000</u>	<u>906</u>	<u>1,134</u>	1,416	<u>1,854</u>	<u>2,292</u>	24702
<u> \$32,001 - \$33,000</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	24703
<u> \$33,001 - \$34,000</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	24704
<u> \$34,001 - \$35,000</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	24705
<u> \$35,001 - \$36,000</u>		<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	24706
<u> \$36,001 - \$37,000</u>			<u>372</u>	<u>750</u>	<u>852</u>	24707
<u>\$37,001 - \$38,000</u>				<u>372</u>	<u>750</u>	24708
<u> \$38,001 - \$39,000</u>					<u>372</u>	24709

For a full-time student who is financially independent and 24710 enrolled in an educational institution that holds a certificate of 24711 registration from the state board of proprietary school 24712 registration, the amount of the instructional grant for two 24713 semesters, three quarters, or a comparable portion of the academic 24714 year shall be determined in accordance with the following table: 24715

Table of Grants								
	Maximum Grant \$4,128							
Gross Income	Number of Dependents							
	θ	÷	2	3	4	5 or	24719	
						more		
Under \$4,201	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	24720	
\$4,201 - \$4,800	3,726	4,128	4,128	4,128	4,128	4,128	24721	
\$4,801 - \$5,300	3,288	3,726	4,128	4,128	4,128	4,128	24722	
\$5,301 - \$5,800	2,874	3,288	3,726	4,128	4,128	4,128	24723	
\$5,801 - \$6,300	2,490	2,874	3,288	3,726	4,128	4,128	24724	
\$6,301 - \$6,800	2,046	2,490	2,874	3,288	3,726	4,128	24725	
\$6,801 - \$7,800	1,656	2,046	2,490	2,874	3,288	3,726	24726	

\$7,801 - \$8,800	1,266	1,656	2,046	2,490	2,874	3,288	24727
\$8,801 - \$9,800	1,014	1,266	1,656	2,046	2,490	2,874	24728
\$9,801 - \$11,300	810	1,014	1,266	1,656	2,046	2,490	24729
\$11,301 - \$12,800	762	810	1,014	1,266	1,656	2,046	24730
\$12,801 - \$14,300	672	762	810	1,014	1,266	1,656	24731
\$14,301 - \$15,800	336	672	762	810	1,014	1,266	24732
\$15,801 - \$18,800	-0-	336	672	762	810	1,014	24733
\$18,801 - \$21,800	-0-	-0-	336	672	762	810	24734
\$21,801 - \$24,800	-0-	-0-	-0-	336	672	762	24735
\$24,801 - \$29,500	-0-	-0-	-0-	-0-	336	672	24736
\$29,501 - \$34,500	-0-	-0-	-0-	-0-	-0-	336	24737
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-	24738
	Proprie	etary Ins	stitutior	<u>1</u>			24739
	Tal	ole of Gr	<u>cants</u>				24740
		Max	imum Gra	nt \$4,6	<u>32</u>		24741
<u>Gross Income</u>		Num	ber of D	ependent	<u>LS</u>		24742
	0	1	0	2		-	0 4 - 4 0
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	24743
	<u>U</u>	<u>⊥</u>	<u>∠</u>	<u>3</u>	<u>4</u>	<u>5 or</u> more	24743
<u>\$0 - \$4,800</u>	<u>v</u> \$4,632	⊥ <u>\$4,632</u>		<u>3</u> \$4,632			24743
<u>\$0 - \$4,800</u> <u>\$4,801 - \$5,300</u>						more	
	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>more</u> \$4,632	24744
<u>\$4,801 - \$5,300</u>	<u>\$4,632</u> <u>4,182</u>	<u>\$4,632</u> <u>4,632</u>	<u>\$4,632</u> <u>4,632</u>	<u>\$4,632</u> <u>4,632</u>	<u>\$4,632</u> <u>4,632</u>	<u>more</u> <u>\$4,632</u> <u>4,632</u>	24744 24745
<u>\$4,801 - \$5,300</u> <u>\$5,301 - \$5,800</u>	<u>\$4,632</u> <u>4,182</u> <u>3,684</u>	<u>\$4,632</u> <u>4,632</u> <u>4,182</u>	<u>\$4,632</u> <u>4,632</u> <u>4,632</u> <u>4,182</u>	\$4,632 4,632 4,632 4,632 4,632	<u>\$4,632</u> <u>4,632</u> <u>4,632</u>	<pre>more \$4,632 4,632 4,632 4,632 4,632 4,632</pre>	24744 24745 24746
<u>\$4,801 - \$5,300</u> <u>\$5,301 - \$5,800</u> <u>\$5,801 - \$6,300</u>	<u>\$4,632</u> <u>4,182</u> <u>3,684</u> <u>3,222</u>	<u>\$4,632</u> <u>4,632</u> <u>4,182</u> <u>3,684</u>	<u>\$4,632</u> <u>4,632</u> <u>4,632</u> <u>4,182</u>	\$4,632 4,632 4,632 4,632 4,632	\$4,632 4,632 4,632 4,632 4,632	<pre>more \$4,632 4,632 4,632 4,632 4,632 4,632</pre>	24744 24745 24746 24747
<u>\$4,801 - \$5,300</u> <u>\$5,301 - \$5,800</u> <u>\$5,801 - \$6,300</u> <u>\$6,301 - \$6,800</u>	<u>\$4,632</u> <u>4,182</u> <u>3,684</u> <u>3,222</u> <u>2,790</u>	\$4,632 4,632 4,182 3,684 3,222	<u>\$4,632</u> <u>4,632</u> <u>4,632</u> <u>4,182</u> <u>3,684</u>	\$4,632 4,632 4,632 4,632 4,632 4,182	\$4,632 4,632 4,632 4,632 4,632 4,632	<pre>more \$4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632</pre>	24744 24745 24746 24747 24748
$\frac{$4,801 - $5,300}{$5,301 - $5,800}$ $\frac{$5,801 - $6,300}{$6,301 - $6,800}$ $\frac{$6,801 - $7,300}{$6,801 - $7,300}$	<u>\$4,632</u> <u>4,182</u> <u>3,684</u> <u>3,222</u> <u>2,790</u> <u>2,292</u>	\$4,632 4,632 4,182 3,684 3,222 2,790	\$4,632 4,632 4,632 4,182 3,684 3,222	\$4,632 4,632 4,632 4,632 4,632 4,182 3,684	\$4,632 4,632 4,632 4,632 4,632 4,632 4,182	<pre>more \$4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632</pre>	24744 24745 24746 24747 24748 24749
$\frac{$4,801 - $5,300}{$5,301 - $5,800}$ $\frac{$5,801 - $6,300}{$6,301 - $6,800}$ $\frac{$6,801 - $7,300}{$7,301 - $8,300}$	<u>\$4,632</u> 4,182 3,684 3,222 2,790 2,292 1,854	\$4,632 4,632 4,182 3,684 3,222 2,790 2,292	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$ 2,790	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$	\$4,632 4,632 4,632 4,632 4,632 4,632 4,182 3,684	<pre>more \$4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,182</pre>	24744 24745 24746 24747 24748 24749 24750
$\frac{$4,801 - $5,300}{$5,301 - $5,800}$ $\frac{$5,801 - $6,300}{$6,301 - $6,800}$ $\frac{$6,801 - $7,300}{$7,301 - $8,300}$ $\frac{$8,301 - $9,300}{$8,301 - $9,300}$	$\frac{\$4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{2,292}$ $\frac{1,854}{1,416}$	\$4,632 4,632 4,182 3,684 3,222 2,790 2,292 1,854	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{2,292}$	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{4}$	$\frac{\$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,182}{3,684}$ $3,222$	<pre>more \$4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,182 3,684</pre>	24744 24745 24746 24747 24748 24749 24750 24751
\$4,801 - \$5,300 \$5,301 - \$5,800 \$5,801 - \$6,300 \$6,301 - \$6,800 \$6,801 - \$7,300 \$7,301 - \$8,300 \$8,301 - \$9,300 \$9,301 - \$10,300	$\frac{\$4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{2,292}$ $\frac{1,854}{1,416}$ $\frac{1,134}{1,134}$	$\frac{$4,632}{4,632}$ $\frac{4,182}{3,684}$ $3,222$ $2,790$ $2,292$ $1,854$ $1,416$	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{2,292}$ $\frac{1,854}{3}$	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{2,292}$	$\frac{\$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,182}{3,684}$ $3,222$ $2,790$	more \$4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,182 3,684 3,222	24744 24745 24746 24747 24748 24749 24750 24751 24752
\$4,801 - \$5,300 \$5,301 - \$5,800 \$5,801 - \$6,300 \$6,301 - \$6,800 \$6,801 - \$7,300 \$7,301 - \$8,300 \$8,301 - \$9,300 \$9,301 - \$10,300 \$10,301 - \$11,800	\$4,632 4,182 3,684 3,222 2,790 2,292 1,854 1,416 1,134 906	$\frac{\$4,632}{4,632}$ $\frac{4,182}{3,684}$ $3,222$ $2,790$ $2,292$ $1,854$ $1,416$ $1,134$	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{2,292}$ $\frac{1,854}{1,416}$	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{2,292}$ $\frac{1,854}{4,854}$	$\frac{\$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,182}{3,684}$ $\frac{3,222}{2,790}$ $\frac{2,292}{2}$	more \$4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,182 3,684 3,222 2,790	24744 24745 24746 24747 24748 24749 24750 24751 24752 24753
\$4,801 - \$5,300 \$5,301 - \$5,800 \$5,801 - \$6,300 \$6,301 - \$6,800 \$6,801 - \$7,300 \$7,301 - \$8,300 \$8,301 - \$9,300 \$9,301 - \$10,300 \$10,301 - \$11,800 \$11,801 - \$13,300	$\frac{\$4,632}{4,182}$ $\frac{3,684}{3,222}$ $2,790$ $2,292$ $1,854$ $1,416$ $1,134$ 906 852	$\frac{\$4,632}{4,632}$ $\frac{4,632}{3,684}$ $3,222$ $2,790$ $2,292$ $1,854$ $1,416$ $1,134$ 906	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,182}$ $\frac{3,684}{3,222}$ $\frac{2,790}{2,292}$ $1,854$ $1,416$ $1,134$	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,182}{3,684}$ $3,222$ $2,790$ $2,292$ $1,854$ $1,416$	$\frac{\$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,182}{3,684}$ $\frac{3,222}{2,790}$ $\frac{2,292}{1,854}$	more \$4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,182 3,684 3,222 2,790 2,292	24744 24745 24746 24747 24748 24749 24750 24751 24752 24753 24754
\$4,801 - \$5,300 \$5,301 - \$5,800 \$5,801 - \$6,300 \$6,301 - \$6,800 \$6,801 - \$7,300 \$7,301 - \$8,300 \$8,301 - \$9,300 \$9,301 - \$10,300 \$10,301 - \$11,800 \$11,801 - \$13,300 \$13,301 - \$14,800	$\frac{\$4,632}{4,182}$ $\frac{3,684}{3,222}$ $2,790$ $2,292$ $1,854$ $1,416$ $1,134$ 906 852 750	$\frac{\$4,632}{4,632}$ $\frac{4,632}{3,684}$ $3,222$ $2,790$ $2,292$ $1,854$ $1,416$ $1,134$ 906 852	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,182}$ 3,684 3,222 2,790 2,292 1,854 1,416 1,134 906	$\frac{$4,632}{4,632}$ $\frac{4,632}{4,632}$ $\frac{4,182}{3,684}$ $3,222$ $2,790$ $2,292$ $1,854$ $1,416$ $1,134$	$ \frac{$4,632}{4,632} \\ \frac{4,632}{4,632} \\ \frac{4,632}{4,632} \\ \frac{4,632}{3,684} \\ 3,222 \\ 2,790 \\ 2,292 \\ 1,854 \\ 1,416 $	more \$4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,632 4,182 3,684 3,222 2,790 2,292 1,854	24744 24745 24746 24747 24748 24749 24750 24751 24752 24753 24754 24755

<u>\$22,301 - \$25,300</u>	 	 <u>372</u>	<u>750</u>	<u>852</u>	24759
<u> \$25,301 - \$30,300</u>	 	 	<u>372</u>	750	24760
<u> \$30,301 - \$35,300</u>	 	 		<u>372</u>	24761

For a full-time student who is a dependent and enrolled in a 24762 state-assisted educational institution, the amount of the 24763 instructional grant for two semesters, three quarters, or a 24764 comparable portion of the academic year shall be determined in 24765 accordance with the following table: 24766

	Maximum Grant \$1,956								
Gross Income	Number of Dependents								
	Table of Grants								
	÷	2	3	4	5 or	24770			
					more				
Under \$13,001	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	24771			
\$13,001 - \$14,000	1,764	1,956	1,956	1,956	1,956	24772			
\$14,001 - \$15,000	1,554	1,764	1,956	1,956	1,956	24773			
\$15,001 - \$16,000	1,380	1,554	1,764	1,956	1,956	24774			
\$16,001 - \$17,000	1,182	1,380	1,554	1,764	1,956	24775			
\$17,001 - \$20,000	966	1,182	1,380	1,554	1,764	24776			
\$20,001 - \$23,000	774	966	1,182	1,380	1,554	24777			
\$23,001 - \$26,000	582	774	966	1,182	1,380	24778			
\$26,001 - \$29,000	468	582	774	966	1,182	24779			
\$29,001 - \$30,000	378	468	582	774	966	24780			
\$30,001 - \$31,000	348	378	468	582	774	24781			
\$31,001 - \$32,000	318	348	378	468	582	24782			
\$32,001 - \$33,000	162	318	348	378	468	24783			
\$33,001 - \$34,000	-0-	162	318	348	378	24784			
\$34,001 - \$35,000	-0-	-0-	162	318	348	24785			
\$35,001 - \$36,000	-0-	-0-	-0-	162	318	24786			
\$36,001 - \$37,000	-0-	-0-	-0-	-0-	162	24787			
Over \$37,000	-0-	-0-	-0-	-0-	-0-	24788			
	Public	Institut:	ion			24789			
	Table	<u>e of Grant</u>	<u>s</u>			24790			

	<u>Maximum Grant \$2,190</u>							
<u>Gross Income</u>	Number of Dependents							
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	24793		
					more			
<u> \$0 - \$15,000</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	24794		
<u> \$15,001 - \$16,000</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	24795		
<u> \$16,001 - \$17,000</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	24796		
<u> \$17,001 - \$18,000</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	2,190	24797		
<u> \$18,001 - \$19,000</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	24798		
<u> \$19,001 - \$22,000</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	24799		
<u> \$22,001 - \$25,000</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	1,740	24800		
<u> \$25,001 - \$28,000</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	24801		
<u> \$28,001 - \$31,000</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	24802		
<u> \$31,001 - \$32,000</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	24803		
<u> \$32,001 - \$33,000</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	864	24804		
<u> \$33,001 - \$34,000</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	24805		
<u> \$34,001 - \$35,000</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	24806		
<u> \$35,001 - \$36,000</u>		<u>174</u>	<u>354</u>	<u>384</u>	420	24807		
<u> \$36,001 - \$37,000</u>			<u>174</u>	<u>354</u>	<u>384</u>	24808		
<u> \$37,001 - \$38,000</u>				<u>174</u>	<u>354</u>	24809		
<u> \$38,001 - \$39,000</u>					<u>174</u>	24810		

For a full-time student who is financially independent and 24811 enrolled in a state-assisted educational institution, the amount 24812 of the instructional grant for two semesters, three quarters, or a 24813 comparable portion of the academic year shall be determined in 24814 accordance with the following table: 24815 Table of Grants 24816 Maximum Grant \$1,956 24817 Gross Income Number of Dependents 24818 θ 1 £ 3 4 5 or 24819 more

Under \$4,201\$1,956<th

Page	800
I aye	000

\$4,801 - \$5,300	1,554	. 1,764	. 1,95	6 1,95	6 1,956	1,956	24822
\$5,301 - \$5,800	1,380	1,554	1,76	4 1,9 5	6 1,956	1,956	24823
\$5,801 - \$6,300	1,182	1,380	+ 1,55	4 1,76	4 1,956	1,956	24824
\$6,301 - \$6,800	966	1,182	+ 1,38	0 1,55	4 1,764	1,956	24825
\$6,801 - \$7,800	774	. 966	1,18	2 1,38	0 1,554	1,764	24826
\$7,801 - \$8,800	582	- 774	. 96	6 1,18	1,380	1,554	24827
\$8,801 - \$9,800	468	582	: 77	4 96	6 1,182	1,380	24828
\$9,801 - \$11,300	378	468	+ 58	2 77	4 966	1,182	24829
\$11,301 - \$12,800	348	- 378	+ 46	8 5 8	2 774	966	24830
\$12,801 - \$14,300	318	-	+ 37	8 46	i8 582	774	24831
\$14,301 - \$15,800	162	318	+ 3 4	8 3 7	'8 468	582	24832
\$15,801 - \$18,800	-0-	- 162	: 31	8 3 4	.8 378	468	24833
\$18,801 - \$21,800	-0-	-0-	- 16	2 31	.8 348	378	24834
\$21,801 - \$24,800	-0-	-0-	-0	- 16	2 318	348	24835
\$24,801 - \$29,500	-0-	-0-	-0	0	- 162	318	24836
\$29,501 - \$34,500	-0-	-0-	-0	0	-0-	162	24837
Over \$34,500	-0-	-0-	0	0	-0-	-0-	24838
	Puk	olic Inst	itution				24839
	T	able of (<u>Grants</u>				24840
		Ma	ximum Gi	<u>cant \$2</u> ,	.190		24841
<u>Gross Income</u>	Number of Dependents						24842
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	24843
						more	
<u> \$0 - \$4,800</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	24844
<u> \$4,801 - \$5,300</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	24845
<u> \$5,301 - \$5,800</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	24846
<u> \$5,801 - \$6,300</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	24847
<u> \$6,301 - \$6,800</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	24848
<u>\$6,801 - \$7,300</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	24849
<u> \$7,301 - \$8,300</u>	864	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	24850
<u> \$8,301 - \$9,300</u>	<u>648</u>	864	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	24851
<u> \$9,301 - \$10,300</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	24852
<u> \$10,301 - \$11,800</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	24853

<u> \$11,801 - \$13,300</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	864	<u>1,080</u>	24854
<u> \$13,301 - \$14,800</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	864	24855
<u> \$14,801 - \$16,300</u>	174	<u>354</u>	<u>384</u>	420	<u>522</u>	<u>648</u>	24856
<u> \$16,301 - \$19,300</u>		174	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	24857
<u> \$19,301 - \$22,300</u>			<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	24858
<u> \$22,301 - \$25,300</u>				<u>174</u>	<u>354</u>	<u>384</u>	24859
<u> \$25,301 - \$30,300</u>					<u>174</u>	<u>354</u>	24860
<u> \$30,301 - \$35,300</u>						<u>174</u>	24861

(D) For a full-time student enrolled in an eligible 24862 institution for a semester or quarter in addition to the portion 24863 of the academic year covered by a grant determined under division 24864 (C) of this section, the maximum grant amount shall be a 24865 percentage of the maximum prescribed in the applicable table of 24866 that division. The maximum grant for a fourth quarter shall be 24867 one-third of the maximum amount prescribed under that division. 24868 The maximum grant for a third semester shall be one-half of the 24869 maximum amount prescribed under that division. 24870

(E) No grant shall be made to any student in a course of 24871
study in theology, religion, or other field of preparation for a 24872
religious profession unless such course of study leads to an 24873
accredited bachelor of arts, bachelor of science, associate of 24874
arts, or associate of science degree. 24875

(F)(1) Except as provided in division (F)(2) of this section, 24876 no grant shall be made to any student for enrollment during a 24877 fiscal year in an institution with a cohort default rate 24878 determined by the United States secretary of education pursuant to 24879 the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 24880 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 24881 preceding the fiscal year, equal to or greater than thirty per 24882 cent for each of the preceding two fiscal years. 24883

(2) Division (F)(1) of this section does not apply to the 24884following: 24885

(a) Any student enrolled in an institution that under the 24886 federal law appeals its loss of eligibility for federal financial 24887 aid and the United States secretary of education determines its 24888 cohort default rate after recalculation is lower than the rate 24889 specified in division (F)(1) of this section or the secretary 24890 determines due to mitigating circumstances the institution may 24891 continue to participate in federal financial aid programs. The 24892 24893 board shall adopt rules requiring institutions to provide information regarding an appeal to the board. 24894

(b) Any student who has previously received a grant under this section who meets all other requirements of this section. 24896

(3) The board shall adopt rules for the notification of all 24897 institutions whose students will be ineligible to participate in 24898 the grant program pursuant to division (F)(1) of this section. 24899

(4) A student's attendance at an institution whose students 24900 lose eligibility for grants under division (F)(1) of this section 24901 shall not affect that student's eligibility to receive a grant 24902 when enrolled in another institution. 24903

(G) Institutions of higher education that enroll students 24904 receiving instructional grants under this section shall report to 24905 the board all students who have received instructional grants but 24906 are no longer eligible for all or part of such grants and shall 24907 refund any moneys due the state within thirty days after the 24908 beginning of the quarter or term immediately following the quarter 24909 or term in which the student was no longer eligible to receive all 24910 or part of the student's grant. There shall be an interest charge 24911 of one per cent per month on all moneys due and payable after such 24912 thirty-day period. The board shall immediately notify the office 24913 of budget and management and the legislative budget office of the 24914 legislative service commission of all refunds so received. 24915

24917 state assisted institutions of higher education and to the Ohio board of regents for the purposes of this division shall be paid 24918 at the times and in the amounts necessary to meet all payments 24919 required to be made by such institutions and by the board to the 24920 Ohio public facilities commission or treasurer of state pursuant 24921 to leases or agreements made by them under division (B) of section 24922 154.21 of the Revised Code, as certified under division (C) of 24923 this section, including supplements to such certifications. 24924

(B) Each such institution of higher education and the The 24925 board shall include in its estimate of proposed expenses submitted 24926 pursuant to section 126.02 of the Revised Code the estimated 24927 amounts of all such payments to be made by it. The board shall 24928 include the estimated amounts of all such payments to be made by 24929 each such institution and of such payments to be made by it in 24930 recommendations for appropriation required by division (J) of 24931 section 3333.04 of the Revised Code. The director of budget and 24932 management shall include in the state budget estimates provided 24933 for in section 126.02 of the Revised Code the estimated amount of 24934 all such payments to be made during the next biennium, and this 24935 amount shall be included in the state budget to be submitted by 24936 the governor to the general assembly pursuant to section 107.03 of 24937 the Revised Code. 24938

(C) On the first day of July of each year, or as soon 24939 thereafter as is practicable, the chancellor or a vice-chancellor 24940 of the board shall certify to the director the payments contracted 24941 to be made, during the period of the then current appropriations 24942 made for the purposes of division (A) of this section, to the 24943 commission or treasurer of state by each state supported and state 24944 assisted institution of higher education and by the board pursuant 24945 to leases and agreements made under division (B) of section 154.21 24946 of the Revised Code. The certification shall state the amounts and 24947 dates of payment required therefor as to each such institution of 24948

higher education and the board, and the amounts to be credited 24949 pursuant to such leases and agreements to the higher education 24950 bond service trust fund and other special funds established 24951 pursuant to Chapter 154. of the Revised Code. If the director 24952 finds such certification to be correct, the director shall 24953 promptly add the director's certification thereto and submit it to 24954 the treasurer of state. Such annual certification shall be 24955 supplemented in similar manner upon the execution of each new 24956 lease or agreement, any supplement to an existing lease or 24957 agreement, or any amendment thereof, affecting the amounts of 24958 those payments. 24959

sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 24960
Revised Code, "term" and "academic year" mean "term" and "academic 24961
year" as defined by the Ohio board of regents. 24962

The board shall establish and administer an academic 24963 scholarship program. Under the program, a total of one thousand 24964 new scholarships shall be awarded annually in the amount of not 24965 less than two thousand dollars per award. At least one such new 24966 scholarship shall be awarded annually to a student in each public 24967 high school and joint vocational school and each nonpublic high 24968 school for which the state board of education prescribes minimum 24969 standards in accordance with section 3301.07 of the Revised Code. 24970

To be eligible for the award of a scholarship, a student 24971 shall be a resident of Ohio and shall be enrolled as a full-time 24972 undergraduate student in an Ohio institution of higher education 24973 that meets the requirements of Title VI of the "Civil Rights Act 24974 of 1964" and is state-assisted, is nonprofit and holds a 24975 certificate of authorization issued under section 1713.02 of the 24976 Revised Code, or holds a certificate of registration and program 24977 authorization issued under section 3332.05 of the Revised Code and 24978 awards an associate or bachelor's degree. Students who attend an 24979 institution holding a certificate of registration shall be 24980

enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code. 24981 24982 24982 24983

"Resident" and "full-time student" shall be defined by board 24985 rule. 24986

The board shall award the scholarships on the basis of a 24987 formula designed by it to identify students with the highest 24988 capability for successful college study. The formula shall weigh 24989 the factor of achievement, as measured by grade point average, and 24990 the factor of ability, as measured by performance on a competitive 24991 examination specified by the board. Students receiving 24992 scholarships shall be known as "Ohio academic scholars." Annually, 24993 not later than the thirty-first day of July, the board shall 24994 report to the governor and the general assembly on the performance 24995 of current Ohio academic scholars and the effectiveness of its 24996 formula. 24997

Sec. 3333.22. Each Ohio academic scholarship shall be awarded 24998 for an academic year and may be renewed for each of three 24999 additional academic years. The scholarship amount awarded to a 25000 scholar for an academic year shall be <u>not less than</u> two thousand 25001 dollars. A scholarship shall be renewed if the scholar maintains 25002 an academic record satisfactory to the Ohio board of regents and 25003 meets any of the following conditions: 25004

(A) The scholar is enrolled as a full-time undergraduate; 25005

(B) The scholar was awarded an undergraduate degree in less 25006 than four academic years and is enrolled as a full-time graduate 25007 or professional student in an Ohio institution of higher education 25008 that meets the requirements of Title VI of the "Civil Rights Act 25009 of 1964" and is state-assisted or is nonprofit and holds a 25010 certificate of authorization issued under section 1713.02 of the 25011

Revised Code;

(C) The scholar is a full-time student concurrently enrolled 25013
as an undergraduate student and as a graduate or professional 25014
student in an Ohio institution of higher education that meets the 25015
requirements of division (B) of this section. 25016

Each amount awarded shall be paid in equal installments to 25017 the scholar at the time of enrollment for each term of the 25018 academic year for which the scholarship is awarded or renewed. No 25019 scholar is eligible to receive an Ohio academic scholarship for 25020 more than the equivalent of four academic years. 25021

If an Ohio academic scholar is temporarily unable to attend 25022 school because of illness or other cause satisfactory to the 25023 board, the board may grant a leave of absence for a designated 25024 period of time. If a scholar discontinues full-time attendance at 25025 the scholar's school during a term because of illness or other 25026 cause satisfactory to the board, the scholar may either claim a 25027 prorated payment for the period of actual attendance or waive 25028 payment for that term. A term for which prorated payment is made 25029 shall be considered a full term for which a scholarship was 25030 received. A term for which payment is waived shall not be 25031 considered a term for which a scholarship was received. 25032

Receipt of an Ohio academic scholarship shall not affect a 25033 scholar's eligibility for the Ohio instructional grant program. 25034

sec. 3345.05. (A) All registration fees, nonresident tuition 25035 fees, academic fees for the support of off-campus instruction, 25036 laboratory and course fees when so assessed and collected, student 25037 health fees for the support of a student health service, all other 25038 fees, deposits, charges, receipts, and income from all or part of 25039 the students, all subsidy or other payments from state 25040 appropriations, and all other fees, deposits, charges, receipts, 25041 and income received by each state-supported university and 25042

25012

college, the Ohio state university hospitals and their ancillary 25043 facilities, the Ohio agricultural research and development center, 25044 and the Ohio state university cooperative extension service shall 25045 be held and administered by the respective boards of trustees of 25046 the state-supported universities and colleges; provided, that such 25047 fees, deposits, charges, receipts, and income, to the extent 25048 required by resolutions, trust agreements, indentures, leases, and 25049 agreements adopted, made, or entered into under Chapter 154. or 25050 section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be 25051 held, administered, transferred, and applied in accordance 25052 therewith. 25053

The Ohio board of regents shall require annual reporting by 25054 the Ohio agricultural research and development center and by each 25055 university and college receiving state aid in such form and detail 25056 as determined by the board in consultation with such center, 25057 universities and colleges, and the director of budget and 25058 management. 25059

(B) No board of trustees shall be eligible to make 25060 investments under this division unless a foundation has been or is 25061 established for the institution and that foundation enters into 25062 the agreement specified in this division. Notwithstanding any 25063 provision of the Revised Code to the contrary, the title to 25064 investments made by a board of trustees using any revenues 25065 described by division (A) of this section shall not be vested in 25066 the state, but shall be held in trust by the board of trustees. 25067 Such investments shall be made pursuant to an investment policy 25068 developed in consultation with the auditor of state and approved 25069 by the board in public session. The policy adopted by the board 25070 shall require at a minimum: 25071

(1) That at the beginning of each fiscal year, the board of25072trustees review and approve a cash budget which shall indicate25073those funds needed for current operations and those funds not25074

needed for current operations available to be invested by the	25075
board;	25076
(2) That the board of trustees and the institution's	25077
foundation enter into an agreement under which the foundation	25078
shall establish a reserve fund equal to at least twenty-five per	25079
cent of the value of the investments made by the board, which	25080
agreement shall stipulate that the total amount of such reserve	25081
fund shall be payable from the foundation to the institution	25082
should at any time the value of the investments made by the board	25083
decline to or below seventy-five per cent of the value of the	25084
original investments.	25085
(3) That any investment in securities be limited to only	25086
investment-grade securities;	25087
(4) The establishment of an investments committee. The	25000
	25088
committee shall review and recommend to the board any revision in	25088
committee shall review and recommend to the board any revision in	25089
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the	25089 25090
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest	25089 25090 25091
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest return of funds available to the institution for deposit or	25089 25090 25091 25092
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest return of funds available to the institution for deposit or investment. The committee shall be required to meet at least	25089 25090 25091 25092 25093
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest return of funds available to the institution for deposit or investment. The committee shall be required to meet at least quarterly and shall be authorized to retain the services of an	25089 25090 25091 25092 25093 25094
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest return of funds available to the institution for deposit or investment. The committee shall be required to meet at least quarterly and shall be authorized to retain the services of an investment advisor, provided the advisor is licensed by the	25089 25090 25091 25092 25093 25094 25095
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest return of funds available to the institution for deposit or investment. The committee shall be required to meet at least quarterly and shall be authorized to retain the services of an investment advisor, provided the advisor is licensed by the division of securities under section 1707.141 of the Revised Code	25089 25090 25091 25092 25093 25094 25095 25096
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest return of funds available to the institution for deposit or investment. The committee shall be required to meet at least quarterly and shall be authorized to retain the services of an investment advisor, provided the advisor is licensed by the division of securities under section 1707.141 of the Revised Code or is registered with the United States securities and exchange	25089 25090 25091 25092 25093 25094 25095 25096 25097
committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest return of funds available to the institution for deposit or investment. The committee shall be required to meet at least quarterly and shall be authorized to retain the services of an investment advisor, provided the advisor is licensed by the division of securities under section 1707.141 of the Revised Code or is registered with the United States securities and exchange commission, and possesses public funds investment experience,	25089 25090 25091 25092 25093 25094 25095 25096 25097 25098

sec. 3345.19. In the exercise of their respective powers of 25102
government conferred by Chapter 3345. of the Revised Code and 25103
other pertinent provisions of law, the boards of trustees of 25104
Bowling Green state university, Kent state university, Miami 25105

university, Ohio university, and the Ohio state university shall 25106 observe the following enrollment limitations insofar as the autumn 25107 quarter enrollment or any other quarter enrollment on a full-time 25108 equivalent basis as defined by the Ohio board of regents is 25109 concerned: 25110

Bowling Green central campus	16,000 <u>17,000</u>	25111
Kent central campus	21,000 <u>22,000</u>	25112
Miami central campus	16,000 <u>17,000</u>	25113
Ohio university central campus	21,000 <u>22,000</u>	25114
The Ohio state central campus	41,000 <u>42,000</u>	25115

Campus student housing facilities shall only be authorized by 25116 boards of trustees within these limitations, and no contracts for 25117 construction of new residence hall facilities shall be entered 25118 into after October 1, 1969, without the prior approval by the Ohio 25119 board of regents. 25120

Sec. 3353.07. The On and after the effective date of this25121amendment, the Ohio educational telecommunications network25122commission shall not charge or collect broadcasting fees from25123operate the Ohio government telecommunications of system that was25124operated by the capitol square review and advisory board prior to25125the effective date of this amendment.25126

Sec. 3353.11. There is hereby created in the state treasury 25127 the governmental television/telecommunications operating fund. The 25128 fund shall consist of money received from contract productions of 25129 the Ohio government telecommunications studio and shall be used 25130 for operations or equipment breakdowns related to the studio. All 25131 investment earnings on the fund shall be credited to the fund. 25132

Sec. 3383.01. As used in this chapter:25133(A) "Arts" means any of the following:25134

(1) Visual, musical, dramatic, graphic, and other arts and
 25135
 includes, including, but is not limited to, architecture, dance,
 25136
 literature, motion pictures, music, painting, photography,
 25137
 sculpture, and theater;

(2) The presentation or making available, in museums or other 25139 indoor or outdoor facilities, of principles of science and their 25140 development, use, or application in business, industry, or 25141 commerce or of the history, heritage, development, presentation, 25142 and uses of the arts as defined above described in division (A)(1) 25143 of this section and of transportation; 25144

(3) The preservation, presentation, or making available of 25145
features of archaeological, architectural, environmental, or 25146
historical interest or significance in a state historical facility 25147
or a local historical facility. 25148

(B) "Arts organization" means either of the following:

(1) A governmental agency or Ohio nonprofit corporation that
 25150
 provides programs or activities in areas directly concerned with
 25151
 the arts;

(2) A regional arts and cultural district as defined in 25153section 3381.01 of the Revised Code. 25154

(C) "Arts project" means all or any portion of an Ohio arts 25155
facility for which the general assembly has specifically 25156
authorized the spending of money, or made an appropriation, 25157
pursuant to division (D)(3) or (E) of section 3383.07 of the 25158
Revised Code. 25159

(D) <u>"Cooperative contract" means a contract between the Ohio</u> 25160
 arts and sports facilities commission and an arts organization 25161
 providing the terms and conditions of the cooperative use of an 25162
 Ohio arts facility. 25163

(E) "Costs of operation" means amounts required to manage an 25164

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Page 811

25168

Ohio arts facility that are incurred following the completion of 25165 construction of its arts project, provided that both of the 25166 following apply: 25167

(1) Those amounts either:

(a) Have been committed to a fund dedicated to that purpose; 25169

(b) Equal the principal of any endowment fund, the income 25170 from which is dedicated to that purpose. 25171

(2) The commission and the arts organization have executed an 25172 agreement with respect to either of those funds. 25173

(E)(F) "General building services" means general building 25174
services for an Ohio arts facility or an Ohio sports facility, 25175
including, but not limited to, general custodial care, security, 25176
maintenance, repair, painting, decoration, cleaning, utilities, 25177
fire safety, grounds and site maintenance and upkeep, and 25178
plumbing. 25179

(F)(G) "Governmental agency" means a state agency, a 25180 state-supported or state-assisted institution of higher education, 25181 a municipal corporation, county, township, or school district, a 25182 port authority created under Chapter 4582. of the Revised Code, 25183 any other political subdivision or special district in this state 25184 established by or pursuant to law, or any combination of these 25185 entities; except where otherwise indicated, the United States or 25186 any department, division, or agency of the United States, or any 25187 agency, commission, or authority established pursuant to an 25188 interstate compact or agreement. 25189

(G)(H)"Local contributions" means the value of an asset25190provided by or on behalf of an arts organization from sources25191other than the state, the value and nature of which shall be25192approved by the Ohio arts and sports facilities commission, in its25193sole discretion."Local contributions" may include the value of25194the site where an arts project is to be constructed. All "local25195

contributions," except a contribution attributable to such a site, 25196 shall be for the costs of construction of an arts project or the 25197 costs of operation of an arts facility. 25198

(H)(I) "Local historical facility" means a site or facility, 25199 other than a state historical facility, of archaeological, 25200 architectural, environmental, or historical interest or 25201 significance, or a facility, including a storage facility, 25202 appurtenant to the operations of such a site or facility, that is 25203 owned by an arts organization, provided the facility meets the 25204 requirements of division (J)(K)(2)(b) of this section, is managed 25205 by or pursuant to a contract with the Ohio arts and sports 25206 facilities commission, and is used for or in connection with the 25207 activities of the commission, including the presentation or making 25208 available of arts to the public. 25209

(I)(J)"Manage," "operate," or "management" means the25210provision of, or the exercise of control over the provision of,25211activities:25212

(1) Relating to the arts for an Ohio arts facility, including 25213 as applicable, but not limited to, providing for displays, 25214 exhibitions, specimens, and models; booking of artists, 25215 performances, or presentations; scheduling; and hiring or 25216 contracting for directors, curators, technical and scientific 25217 staff, ushers, stage managers, and others directly related to the 25218 arts activities in the facility; but not including general 25219 building services; 25220

(2) Relating to sports and athletic events for an Ohio sports 25221 facility, including as applicable, but not limited to, providing 25222 for booking of athletes, teams, and events; scheduling; and hiring 25223 or contracting for staff, ushers, managers, and others directly 25224 related to the sports and athletic events in the facility; but not 25225 including general building services. 25226

(J)(K) "Ohio arts facility" means any of the following: 25227

(1) The three theaters located in the state office tower at 2522877 South High street in Columbus; 25229

(2) Any capital facility in this state to which all both of 25230the following apply: 25231

(a) The construction of an arts project related to the 25232
facility was authorized or funded by the general assembly pursuant 25233
to division (D)(3) of section 3383.07 of the Revised Code and 25234
proceeds of state bonds are used for costs of the arts project. 25235

(b) The state owns or has sufficient real property interests 25236 in the facility or in the portion of the facility financed from 25237 the proceeds of obligations or in the site of the facility for a 25238 period of no less than the greater of the useful life of the 25239 portion of the facility financed from the proceeds of those 25240 obligations as determined by the director of budget and management 25241 using the guidelines for maximum maturities as provided under 25242 divisions (B), (C), and (E) of section 133.20 of the Revised Code, 25243 or the period of time remaining to the date of payment or 25244 provision for payment of outstanding obligations issued by the 25245 Ohio building authority allocable to costs of that portion of the 25246 facility, as determined by the director of budget and management, 25247 in either case as certified to the Ohio arts and sports facilities 25248 commission and the Ohio building authority. 25249

(c) The facility is managed directly by, or by is subject to 25250 a cooperative or management contract with, the Ohio arts and 25251 sports facilities commission, and is used for or in connection 25252 with the activities of the commission, including the presentation 25253 or making available of arts to the public. A cooperative or 25254 management contract shall be for a term not less than the time 25255 remaining to the date of payment or provision for payment of any 25256 state bonds issued to pay the costs of the arts project, as 25257 determined by the director of budget and management and certified 25258 by the director to the Ohio arts and sports facilities commission 25259

and to the Ohio building authority.

(3) A state historical facility or a local historical 25261 facility. 25262

 $\frac{(K)(L)}{(K)}$ "State agency" means the state or any of its branches, 25263 officers, boards, commissions, authorities, departments, 25264 divisions, or other units or agencies. 25265

(L)(M) "Construction" includes acquisition, including 25266 acquisition by lease-purchase, demolition, reconstruction, 25267 alteration, renovation, remodeling, enlargement, improvement, site 25268 improvements, and related equipping and furnishing. 25269

(M)(N) "State historical facility" means a site or facility 25270 of archaeological, architectural, environmental, or historical 25271 interest or significance, or a facility, including a storage 25272 facility, appurtenant to the operations of such a site or 25273 facility, that is owned by or is located on real property owned by 25274 the state or by an arts organization, so long as the real property 25275 25276 of the arts organization meets the requirements of division (J)(2)(b) of this section and is contiguous to state-owned real 25277 property that is in the care, custody, and control of an arts 25278 organization, and that is managed directly by or by is subject to 25279 a cooperative or management contract with the Ohio arts and sports 25280 25281 facilities commission, and $\frac{1}{1}$ and $\frac{1}{1}$ is used for or in connection with the activities of the commission, including the presentation or 25282 making available of arts to the public. 25283

 $\frac{(N)}{(O)}$ "Ohio sports facility" means all or a portion of a 25284 stadium, arena, or other capital facility in Ohio this state, a 25285 primary purpose of which is to provide a site or venue for the 25286 presentation to the public of events of one or more major or minor 25287 league professional athletic or sports teams that are associated 25288 with the state or with a city or region of the state, which 25289 facility is owned by or is located on real property owned by the 25290 state or a governmental agency, and including all parking 25291

Page 814

facilities, walkways, and other auxiliary facilities, equipment, 25292 furnishings, and real and personal property and interests and 25293 rights therein, that may be appropriate for or used for or in 25294 connection with the facility or its operation, for capital costs 25295 of which state funds are spent pursuant to this chapter. A 25296 facility constructed as an Ohio sports facility may be both an 25297 Ohio arts facility and an Ohio sports facility. 25298

sec. 3383.02. (A) There is hereby created the Ohio arts and 25299 sports facilities commission. Notwithstanding any provision to the 25300 contrary contained in Chapter 152. of the Revised Code, the 25301 commission shall engage in and provide for the development, 25302 performance, and presentation or making available of the arts and 25303 professional sports and athletics to the public in this state by 25304 the exercise of its powers under this chapter, including the 25305 25306 provision, operation, and management, and cooperative use of Ohio arts facilities and Ohio sports facilities. The commission is a 25307 body corporate and politic, an agency of state government and an 25308 instrumentality of the state, performing essential governmental 25309 functions of this state. The carrying out of the purposes and the 25310 exercise by the commission of its powers conferred by this chapter 25311 are essential public functions and public purposes of the state 25312 and of state government. The commission may, in its own name, sue 25313 and be sued, enter into contracts, and perform all the powers and 25314 duties given to it by this chapter but it does not have and shall 25315 not exercise the power of eminent domain. 25316

(B) The commission shall consist of eight ten members, five 25317
seven of whom shall be voting members and three of whom shall be 25318
nonvoting members. The five seven voting members shall be 25319
appointed by the governor, with the advice and consent of the 25320
senate, from different geographical regions of the state. In 25321
addition, one of the voting members shall represent the state 25322
architect. Not more than three four of the members appointed by 25323

the governor shall be affiliated with the same political party. 25324 The nonvoting members shall be the staff director of the Ohio arts 25325 council, a member of the senate appointed by the president of the 25326 senate, and a member of the house of representatives appointed by 25327 the speaker of the house. 25328

(C) Of the <u>five</u> initial appointments made by the governor, 25329 one shall be for a term expiring December 31, 1989, two shall be 25330 for terms expiring December 31, 1990, and two shall be for terms 25331 expiring December 31, 1991. Of the initial appointments of the 25332 sixth and seventh voting members appointed by the governor as a 25333 result of this amendment, one shall be for a term expiring 25334 December 31, 2003, and one shall be for a term expiring December 25335 <u>31, 2004.</u> Thereafter, each such term shall be for three years, 25336 commencing on the first day of January and ending on the 25337 thirty-first day of December. Each appointment by the president of 25338 the senate and by the speaker of the house of representatives 25339 shall be for the balance of the then legislative biennium. Each 25340 member shall hold office from the date of the member's appointment 25341 until the end of the term for which the member was appointed. Any 25342 member appointed to fill a vacancy occurring prior to the 25343 expiration of the term for which the member's predecessor was 25344 appointed shall hold office for the remainder of such term. Any 25345 member shall continue in office subsequent to the expiration date 25346 of the member's term until the member's successor takes office, or 25347 until a period of sixty days has elapsed, whichever occurs first. 25348

(D) Members of the commission shall serve without 25349 compensation. 25350

(E) After each initial member of the commission has been 25351 appointed, the commission shall meet and organize by electing one 25352 of its voting members as chairperson and other voting members as 25353 vice-chairperson and secretary-treasurer, who shall hold their 25354 offices until the next organizational meeting of the commission. 25355

Organizational meetings of the commission shall be held at the 25356 first meeting of each calendar year. At each organizational 25357 meeting, the commission shall elect from among its voting members 25358 a chairperson, a vice-chairperson, and a secretary-treasurer, who 25359 shall serve until the next annual meeting. The commission shall 25360 adopt rules pursuant to section 111.15 of the Revised Code for the 25361 conduct of its internal business and shall keep a journal of its 25362 25363 proceedings.

(F) Three Four voting members of the commission constitute a 25364 quorum, and the affirmative vote of three four members is 25365 necessary for approval of any action taken by the commission. A 25366 vacancy in the membership of the commission does not impair a 25367 quorum from exercising all the rights and performing all the 25368 duties of the commission. Meetings of the commission may be held 25369 anywhere in the state, and shall be held in compliance with 25370 section 121.22 of the Revised Code. 25371

(G) All expenses incurred in carrying out this chapter are
 payable solely from money accrued under this chapter or
 appropriated for these purposes by the general assembly, and the
 commission shall incur no liability or obligation beyond such
 25375
 money.

(H) The commission shall file an annual report of its 25377
 activities and finances with the governor, director of budget and 25378
 management, speaker of the house of representatives, president of 25379
 the senate, and chairpersons of the house and senate finance 25380
 committees. 25381

(I) There is hereby established in the state treasury the
Ohio arts and sports facilities commission administration fund.
All revenues of the commission shall be credited to that fund and
25383
to any accounts created in the fund with the commission's
approval. All expenses of the commission, including reimbursement
of, or payment to, any other fund or any governmental agency for
25382

25388 advances made or services rendered to or on behalf of the 25389 commission, shall be paid from the Ohio arts and sports facilities 25390 commission administration fund as determined by or pursuant to 25391 directions of the commission. All investment earnings of the 25392 administration fund shall be credited to the fund and shall be 25393 allocated among any accounts created in the fund in the manner 25394 determined by the commission.

(J) Title to all real property and lesser interests in real 25395 25396 property acquired by the commission, including leasehold and other interests, pursuant to this chapter shall be taken in the name of 25397 the state and shall be held for the use and benefit of the 25398 commission. The commission shall not mortgage such real property 25399 and interests in real property. Title to other property and 25400 interests in it acquired by the commission pursuant to this 25401 chapter shall be taken in its name. 25402

Sec. 3383.04. The Ohio arts and sports facilities commission 25403 may: 25404

(A) Employ and fix the compensation of an executive director 25405 and such other employees as will facilitate the activities and 25406 purposes of the commission. Any executive director shall serve at 25407 the pleasure of the commission and may serve part-time. Other 25408 employees shall be employed by and serve at the pleasure of the 25409 commission or the executive director, as determined by the 25410 commission. 25411

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 25412 the Revised Code, rules for the management and operation of Ohio 25413 arts facilities and Ohio sports facilities and for the exercise of 25414 all of the commission's rights with respect to those facilities; 25415

(C) Own, construct or provide for the construction of, lease, 25416 equip, furnish, administer, and manage or provide for the 25417 operation and management of, and cooperate in the use of, Ohio 25418

arts facilities and Ohio sports facilities;

(D) Dispose of, whether by sale, lease, lease-purchase, 25420 sublease, re-lease, or otherwise, real and personal property, and 25421 lesser interests in it, held or owned by the state for the use and 25422 benefit of the commission or held or owned by the commission, if 25423 not needed for the commission's purposes, upon such terms as the 25424 commission determines, subject to approval by the governor in the 25425 case of real property and interests in it; 25426

(E) Grant such easements and other interests in real or 25427 personal property of the commission as will not interfere with the 25428 use of the property as an Ohio arts facility or an Ohio sports 25429 facility; 25430

(F) Fix, alter, and collect rentals and other charges for the 25431 use or availability for use of Ohio arts facilities or an Ohio 25432 sports facility, as determined solely by the commission, for the 25433 purpose of providing for all or a portion of the costs and 25434 expenses of the commission, and the costs to be paid by the 25435 commission of leasing, constructing, equipping, repairing, 25436 maintaining, administering, and managing, and cooperating in the 25437 use of Ohio arts facilities, including rentals to be paid by the 25438 commission for any Ohio arts facilities or for any Ohio sports 25439 25440 facility;

(G) Lease, sublease, cooperate in the use of, or otherwise 25441 make available to an arts organization, Ohio arts facilities, and 25442 to any governmental agency or nonprofit corporation, Ohio sports 25443 facilities, including real and personal property, or any interests 25444 in it, to carry out the purposes of this chapter; 25445

(H) Contract with, retain the services of, or designate, and 25446 fix the compensation of, such agents, accountants, attorneys, 25447 consultants, advisers, and other independent contractors as may be 25448 necessary or desirable to carry out the purposes of this chapter; 25449

(I) Procure insurance against loss to the commission by
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 reason of damages to or nonusability of its property resulting
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 from fire, theft, accident, or other casualties, or by reason of
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 its liability for any damages to persons or property, including
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 but not limited to, general liability insurance, business
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 interruption insurance, liability insurance for members, officers,
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 and employees, and copyright liability insurance;

(J) Receive and accept gifts, grants, devises, bequests, 25457 loans, and any other financial or other form of aid or assistance 25458 from any governmental agency or other person and enter into any 25459 contract or agreement with any such agency or other person in 25460 connection therewith, and receive and accept aid or contributions 25461 from any other source of money, real or personal property, labor, 25462 or other things of value, to be held, used, and applied only for 25463 the purposes for which the aid and contributions are made and 25464 according to their terms and conditions, all within the purposes 25465 of this chapter; 25466

(K) Make and enter into all contracts, commitments, and 25467
 agreements, and execute all instruments, necessary or incidental 25468
 to the performance of its duties and the execution of its rights 25469
 and powers under this chapter; 25470

(L) Do anything necessary or appropriate to carry out the 25471 purposes of and exercise the powers granted in this chapter; 25472

(M) Contract with any governmental agency or nonprofit 25473 corporation to provide or cause to be provided services, including 25474 general building services, in, to, or for an Ohio arts facility or 25475 any Ohio sports facility, or with an arts organization for the 25476 management of an Ohio arts facility, or with a governmental agency 25477 or nonprofit corporation for the management of an Ohio sports 25478 facility, all in furtherance of the state function, and make 25479 contracts pursuant to divisions (A) and (B) of section 3383.07 of 25480 the Revised Code, except that nothing in this chapter limits the 25481

exercise of the care, custody, control, and management of those 25482 state historical facilities specified in section 149.30 of the 25483 Revised Code. 25484

sec. 3383.07. (A) The department of administrative services 25485 shall provide for the construction of an arts project in 25486 conformity with Chapter 153. of the Revised Code, except as 25487 follows: 25488

(1) For an arts project that has an estimated construction 25489 cost, excluding the cost of acquisition, of twenty-five million 25490 dollars or more, and that is financed by the Ohio building 25491 authority, construction services may be provided by the authority 25492 if the authority determines it should provide those services. 25493

(2) For an arts project other than a state historical 25494 facility, construction services may be provided on behalf of the 25495 state by the Ohio arts and sports facilities commission, or by a 25496 governmental agency or an arts organization that occupies, will 25497 occupy, or is responsible for the Ohio arts facility, as 25498 determined by the department of administrative services 25499 commission. Construction services to be provided by a governmental 25500 agency or an arts organization shall be specified in an agreement 25501 between the commission and the governmental agency or arts 25502 organization. The agreement, or any actions taken under it, are 25503 not subject to Chapter 123. or 153. of the Revised Code, except 25504 for sections 123.151 and 153.011 of the Revised Code, and shall be 25505 subject to Chapter 4115. of the Revised Code. 25506

(3) For an arts project that is a state historical facility, 25507 construction services may be provided by the Ohio arts and sports 25508 facilities commission or by an arts organization that occupies, 25509 will occupy, or is responsible for the facility, as determined by 25510 the commission. The construction services to be provided by the 25511 arts organization shall be specified in an agreement between the 25512

commission and the arts organization, and the. That agreement, and25513any actions taken under it, are not subject to Chapter 123., 153.,25514or 4115. of the Revised Code.25515

(B) For an Ohio sports facility that is financed in part by 25516 the Ohio building authority, construction services shall be 25517 provided on behalf of the state by or at the direction of the 25518 governmental agency or nonprofit corporation that will own or be 25519 responsible for the management of the facility, all as determined 25520 25521 by the Ohio arts and sports facilities commission. Any construction services to be provided by a governmental agency or 25522 nonprofit corporation shall be specified in an agreement between 25523 the commission and the governmental agency or nonprofit 25524 corporation, and the. That agreement, and any actions taken under 25525 it, are not subject to Chapter 123. or 153. of the Revised Code, 25526 except for sections 123.151 and 153.011 of the Revised Code, and 25527 shall be subject to Chapter 4115. of the Revised Code. 25528

(C) General building services for an Ohio arts facility shall 25529 be provided by the department of administrative services in 25530 conformity with Chapter 123. of the Revised Code, except that the 25531 Ohio building authority may elect to provide such services for 25532 Ohio arts facilities it financed and such services may be provided 25533 by the Ohio arts and sports facilities commission or by an arts 25534 organization that occupies, will occupy, or is responsible for the 25535 facility, as determined by the commission, except that the Ohio 25536 building authority may elect to provide those services for Ohio 25537 arts facilities financed with proceeds of state bonds issued by 25538 the authority. The costs of management and general building 25539 services shall be paid by the arts organization that occupies, 25540 will occupy, or is responsible for the facility as provided in an 25541 agreement between the commission and the arts organization, except 25542 that the state may pay for general building services for 25543 state-owned arts facilities constructed on state-owned land. 25544

Page 823

General

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General building services for an Ohio sports facility shall 25546 be provided by or at the direction of the governmental agency or 25547 nonprofit corporation that will be responsible for the management 25548 of the facility, all as determined by the commission. Any general 25549 building services to be provided by a governmental agency or 25550 nonprofit corporation for an Ohio sports facility shall be 25551 specified in an agreement between the commission and the 25552 governmental agency or nonprofit corporation, and that. That 25553 agreement, and any actions taken under it, are not subject to 25554 Chapter 123. or 153. of the Revised Code, except for sections 25555 123.151 and 153.011 of the Revised Code, and shall be subject to 25556 Chapter 4115. of the Revised Code. 25557

(D) This division does not apply to a state historical
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facility. No state funds, including any state bond proceeds, shall
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be spent on the construction of any arts project under this
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chapter unless, with respect to the arts project and to the Ohio
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arts facility related to the project, all of the following apply:
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(1) The Ohio arts and sports facilities commission has 25563 determined that there is a need for the arts project and the Ohio 25564 arts facility related to the project in the region of the state 25565 for in which the Ohio arts facility is located or for which the 25566 facility is proposed to be located;. 25567

(2) The commission has determined that, as an indication of 25568 substantial regional support for the arts project, the arts 25569 organization has made provision satisfactory to the commission, in 25570 its sole discretion, for local contributions amounting to not less 25571 than fifty per cent of the total state funding for the arts 25572 project+.

(3) The general assembly has specifically authorized the 25574
spending of money on, or made an appropriation for, the 25575
construction of the arts project, or for rental payments relating 25576

to the financing of the construction of the arts project.25577Authorization to spend money, or an appropriation, for planning25578the arts project does not constitute authorization to spend money25579on, or an appropriation for, construction of the arts project.25580

(E) No state funds, including any state bond proceeds, shall 25581 be spent on the construction of any state historical facility 25582 under this chapter unless the general assembly has specifically 25583 authorized the spending of money on, or made an appropriation for, 25584 the construction of the arts project related to the facility, or 25585 for rental payments relating to the financing of the construction 25586 of the arts project. Authorization to spend money, or an 25587 appropriation, for planning the arts project does not constitute 25588 authorization to spend money on, or an appropriation for, the 25589 25590 construction of the arts project.

(F) State funds shall not be used to pay or reimburse more 25591 than fifteen per cent of the initial estimated construction cost 25592 of an Ohio sports facility, excluding any site acquisition cost, 25593 and no state funds, including any state bond proceeds, shall be 25594 spent on any Ohio sports facility under this chapter unless, with 25595 respect to that facility, all of the following apply: 25596

(1) The Ohio arts and sports facilities commission has 25597 determined that there is a need for the facility in the region of 25598 the state for which the facility is proposed to provide the 25599 function of an Ohio sports facility as provided for in this 25600 chapter. 25601

(2) As an indication of substantial local support for the 25602 facility, the commission has received a financial and development 25603 plan satisfactory to it, and provision has been made, by agreement 25604 or otherwise, satisfactory to the commission, for a contribution 25605 amounting to not less than eighty-five per cent of the total 25606 estimated construction cost of the facility, excluding any site 25607 acquisition cost, from sources other than the state. 25608

(3) The general assembly has specifically authorized the 25609 spending of money on, or made an appropriation for, the 25610 construction of the facility, or for rental payments relating to 25611 state financing of all or a portion of the costs of constructing 25612 the facility. Authorization to spend money, or an appropriation, 25613 for planning or determining the feasibility of or need for the 25614 facility does not constitute authorization to spend money on, or 25615 an appropriation for, costs of constructing the facility. 25616

(4) If state bond proceeds are being used for the Ohio sports 25617 facility, the state or a governmental agency owns or has 25618 sufficient property interests in the facility or in the site of 25619 the facility or in the portion or portions of the facility 25620 financed from proceeds of state bonds, which may include, but is 25621 not limited to, the right to use or to require the use of the 25622 facility for the presentation of sport and athletic events to the 25623 public at the facility, extending for a period of not less than 25624 the greater of the useful life of the portion of the facility 25625 financed from proceeds of those bonds as determined using the 25626 quidelines for maximum maturities as provided under divisions (B), 25627 (C), and (D) of section 133.20 of the Revised Code, or the period 25628 of time remaining to the date of payment or provision for payment 25629 of outstanding state bonds allocable to costs of the facility, all 25630 as determined by the director of budget and management and 25631 certified by the director to the Ohio arts and sports facilities 25632 25633 commission and to the Ohio building authority.

Sec. 3383.09. (A) There is hereby created in the state 25634 treasury the arts facilities building fund, which shall consist of 25635 proceeds of obligations authorized to pay costs of arts facilities 25636 projects for which appropriations are made by the general 25637 assembly. All investment earnings of the fund shall be credited to 25638 the fund. 25639

(B) There is hereby created in the state treasury the sports	25640
facilities building fund, which shall consist of proceeds of	25641
obligations authorized to pay costs of sports facilities projects	25642
for which appropriations are made by the general assembly. All	25643
investment earnings of the fund shall be credited to the fund.	25644

(C) The director of budget and management may transfer, to 25646 the Ohio arts and sports facilities commission administration 25647 fund, investment earnings credited to the arts facilities building 25648 fund and the sports facilities building fund that exceed the 25649 amounts required to meet estimated federal arbitrage rebate 25650 requirements when requested of the director of budget and 25651 management by the chairperson or executive director of the 25652 commission. 25653

Sec. 3505.063. (A) When the general assembly adopts a 25654 resolution proposing a constitutional amendment, it shall may, by 25655 resolution, designate a group of members who voted in support of 25656 the resolution to prepare arguments for the proposed amendment, 25657 and a group of members who voted in opposition to the resolution 25658 to prepare arguments against the proposed amendment. If no members 25659 voted in opposition to the resolution, or if the general assembly 25660 chooses not to designate a group of members to prepare arguments 25661 for the proposed amendment or chooses not to designate a group of 25662 members to prepare arguments against the proposed amendment, the 25663 25664 Ohio ballot board may prepare the relevant arguments against the proposed amendment or designate a group of persons to prepare such 25665 the relevant arguments. All arguments shall be filed with the 25666 secretary of state no later than seventy-five days before the date 25667 of the election. No argument shall exceed three hundred words. 25668

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(B) The secretary of state shall disseminate information, 25670

which may include part or all of the official explanation and25671arguments concerning proposed amendments, by means of direct mail25672or other written publication, broadcast, or such other means, or25673combination of means, as the Ohio ballot board may direct, in25674order to inform the voters as fully as possible concerning25675proposed amendments.25676

Sec. 3701.04. (A) The director of health shall: 25677

(1) Require such reports and make such inspections and 25678investigations as the director considers necessary; 25679

(2) Provide such methods of administration, appoint such
 personnel, make such reports, and take such other action as may be
 personnel to comply with the requirements of the federal act and
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 the regulations thereunder;

(3) Procure by contract the temporary or intermittent
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services of experts or consultants or organizations thereof when
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such services are to be performed on a part-time or
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fee-for-service basis and do not involve the performance of
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administrative duties;

(4) Enter into agreements for the utilization of thefacilities and services of other departments, agencies, and25690institutions, public or private;25691

(5) Accept on On behalf of the state, solicit, accept, hold, 25692 administer, and deposit in the state treasury to the credit of the 25693 general operations fund created in section 3701.83 of the Revised 25694 Code, any grant, gift, devise, bequest, or contribution made to 25695 assist in meeting the cost of carrying out the director's 25696 responsibilities and expend the grant, gift, device, bequest, or 25697 contribution for such the purpose for which made. Fees collected 25698 by the director in connection with meetings and conferences shall 25699 also be credited to the fund and expended for the purposes for 25700

which paid.

(6) Make an annual report to the governor on activities and 25702 expenditures, including recommendations for such additional 25703 legislation as the director considers appropriate to furnish 25704 adequate hospital, clinic, and similar facilities to the people of 25705 this state. 25706 (B) The director of health may enter into agreements to sell 25707

services offered by the department to other departments, agencies, 25708 and institutions of the state. Fees collected by the director for 25709 the sale of services under this division shall be deposited into 25710 the state treasury to the credit of the general operations fund 25711 created in section 3701.83 of the Revised Code. 25712

Sec. 3701.142. (A) The director of health shall appoint the 25713 chief and the administrative assistant of the office of women's 25714 health initiatives. The director may appoint, to the extent of 25715 available funds, persons to other positions determined by him the 25716 director to be relevant and necessary. 25717

(B) The chief shall have all of the following qualifications, 25718plus any additional qualifications the director considers 25719appropriate: 25720

(1) The equivalent of a masters or higher degree in public 25721
health, medicine, health sciences, environmental science, law, 25722
public administration, or a related field; 25723

(2) Familiarity with national maternal and child health 25724objectives of the department; 25725

(3) Knowledge of or experience in women's and infants' 25726preventive health care; 25727

(4) Understanding of health care delivery systems; 25728
(5) A global public health perspective. 25729

25742

(C)(1) The majority of the chief's time shall be spent in the 25730
performance of the following responsibilities: 25731

(a) Identifying issues that affect women's health; 25732

(b) Advocating for women's health concerns within thedepartment, state government, and the community;25734

(c) Serving as a liaison for the public, interest groups, the 25735 department, and other state agencies on issues that affect women's 25736 health; 25737

(d) Developing recommendations to the director regarding 25738
programs addressing women's health issues for inclusion in the 25739
biennial budget and departmental strategic planning; 25740

- (e) Preparing materials for publication. 25741
- (2) In addition, the chief shall do the following:

(a) Develop and recommend research, funding, and program 25743 activities for the intervention, treatment, and education of the 25744 public on women's health initiatives including health needs 25745 throughout the life cycle, reproductive health, gender bias in 25746 research, chemical dependence, access to health care, health and 25747 safety in the workplace, poverty and women's health, causes of 25748 death in women, violence and women's health, and any other women's 25749 health issue the chief considers appropriate; 25750

(b) Supervise the administrative assistant and any other25751employees assigned to the office of women's health initiatives;25752

(c) Oversee the administrative operations of the office of 25753
women's health initiatives; 25754

(d) Research, advise, and assist the director concerning
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 governor's office correspondence referrals, legislative
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 initiatives, rules, and similar executive decisions relating to
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 the health of women;

(e) Represent the director, as requested, before the general

(D) The administrative assistant shall provide clerical and 25761 administrative support as needed to the chief. 25762

assembly and the women's policy and research commission.

(E) To promote coordination of programs and of offices' 25763
initiatives, the director, assistant director, deputy directors, 25764
and chiefs selected by the director in the department shall attend 25765
quarterly meetings regarding the activities of the office of 25766
women's health initiatives. 25767

(F) After considering the report submitted pursuant to
division (C) of section 3701.141 of the Revised Code, the director
of health shall develop and implement biennial initiatives on
25770
women's health needs.

Sec. 3701.61. (A) The department of health shall establish25772the help me grow program for the purpose of encouraging early25773prenatal and well-baby care. The program shall include25774distributing subsidies to counties to provide the following25775services:25776

(1) Home-visiting services to newborn infants and their 25777 families; 25778

(2) Services to infants and toddlers under three years of age25779who are at risk for, or who have, a developmental delay or25780disability and their families.25781

(B) The department shall not provide home-visiting services25782under the help me grow program unless requested in writing by a25783parent of the infant or toddler.25784

(C) Pursuant to Chapter 119. of the Revised Code, the25785department shall adopt rules that are necessary and proper to25786implement this section.25787

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sec. 3701.77. There is hereby created provided in the 25788 department of health the governor's advisory council on physical 25789 fitness, wellness, and sports advisory board, which shall consist 25790 of eleven <u>fifteen</u> members, seven of whom shall be appointed by the 25791 governor and shall be representative of physicians, pediatricians, 25792 coaches, athletic trainers, athletes, educators, and such other 25793 25794 persons or professions interested in the physical fitness of the citizens of the state as the qovernor considers appropriate 25795 physical therapists, dentists, nutritionists, exercise 25796 physiologists, and one worksite wellness person. Four board 25797 council members shall be members of the general assembly, of whom 25798 one shall be appointed by the president of the senate, one by the 25799 minority leader of the senate, one by the speaker of the house of 25800 representatives, and one by the minority leader of the house of 25801 representatives. Four council members shall be appointed by the 25802 director of health. All members of the board council shall serve 25803 two-year terms, commencing on the first day of January of each 25804 odd-numbered year and ending on the thirty-first day of December 25805 of the following year, except that each member shall continue in 25806 office subsequent to the expiration date of his the member's term 25807 until his the member's successor is appointed, or until a period 25808 of sixty days has elapsed, whichever occurs first. Members may be 25809 reappointed to additional terms. Vacancies shall be filled in the 25810 manner provided for original appointments, and a vacancy shall be 25811 considered to occur whenever a member of the general assembly 25812 ceases to be a member of the house from which he the member was 25813 appointed. The director of health annually shall select from the 25814 membership of the board council a chairman chairperson, and the 25815 board council shall select from its membership a vice-chairman 25816 vice-chairperson and secretary. Members of the board council shall 25817 serve without compensation, but shall be reimbursed for actual and 25818 necessary expenses incurred in the performance of their duties. 25819

The director, upon the board's council's request, may provide an 25820 officer or employee of the department to act as an administrator 25821 of the board council, and may provide other employees as required 25822 by the board council. The board council shall meet in Columbus at 25823 least once each calendar guarter and at such other times and 25824 places as the director or the board council considers necessary. 25825 Seven members A simple majority of the board current appointed 25826 members of the council constitute a quorum, and a majority vote of 25827 those in attendance is necessary to take any action. 25828

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A member of the advisory council that is a member of the 25830 general assembly may designate a substitute to serve on the 25831 council in that member's absence. The substitute is entitled to 25832 perform the duties of a member of the council. A member of the 25833 general assembly shall inform the chairperson of the council of 25834 the substitution prior to the substitute assuming duties of that 25835 member. Whenever the member of the general assembly ceases to be a 25836 member of the house from which the member was appointed, the 25837 substitute may no longer serve on the council. 25838

Sec. 3701.771. (A) The governor's advisory council on 25839 physical fitness, wellness, and sports advisory board shall 25840 prepare and recommend to the director of health quidelines, 25841 programs, and activities related to health and physical fitness. 25842 The board council shall recommend information and educational 25843 materials to be prepared and distributed to the public that 25844 encourage wide participation in the recommended programs and 25845 activities. 25846

(B) The board council may, on behalf of the state, solicit, 25847
accept, hold, and administer any grants, devises, or bequests of 25848
moneys, securities, or property for the purposes of sections 25849
3701.85 3701.77 to 3701.861 3701.772 of the Revised Code and shall 25850
deposit any moneys resulting from those grants, devises, or 25851

bequests in the physical fitness, wellness, and sports fund, which25852is hereby created in the state treasury for use solely by the25853board council in administering those sections. The board council25854shall administer the fund.25855

(C) The board council shall assist the director of health in 25856
 promoting and sponsoring public sporting, wellness, and physical 25857
 fitness events, and members shall lend their names and presence to 25858
 these events to encourage greater public participation. 25859

(D) The board council may develop a program of statewide 25860 amateur athletic competition to be known as the "buckeye state 25861 games," which shall be patterned after the Olympic games to the 25862 extent possible considering the availability of facilities, 25863 equipment, and expertise. The buckeye state games shall be 25864 designed to encourage the participation of athletes representing a 25865 broad range of age groups, skill levels, and communities. 25866 Participants shall be residents of the state. Regional competition 25867 may be held throughout the state, and the top qualifiers in each 25868 sport shall proceed to the final competition to be held at a 25869 centrally located site in the state that has the necessary 25870 facilities and equipment for conducting the competition. The 25871 frequency of the games shall be determined by the board council. 25872

sec. 3701.772. The director of health shall cause to be 25874 prepared certificates and awards bearing the printed facsimile 25875 signature of the governor, to be awarded to persons who 25876 participate in physical fitness, wellness, and sports programs 25877 recommended by the governor's advisory council on physical 25878 fitness, wellness, and sports advisory board and adopted by the 25879 director. The director shall provide for the distribution of the 25880 certificates and awards to qualifying persons through agreements 25881 with civic groups, professional associations, running clubs, 25882 amateur and professional sports groups, individual citizens, 25883

Page 833

voluntary organizations, political subdivisions, school districts, 25884 and others interested in promoting and improving the health and 25885 physical fitness of the citizens of the state. 25886

The director may adopt such rules as necessary to carry out 25887 the purposes of sections 3701.85 3701.77 to 3701.861 3701.772 of 25888 the Revised Code. 25889

Sec. 3701.92. (A) There is hereby created in the department	25890
of health the Ohio hepatitis C advisory commission.	25891
(B) The commission shall consist of the following members:	25892
(1) Eleven members appointed by the director of health;	25893
(2) Two members of the house of representatives, one from	25894
each political party, appointed by the speaker of the house of	25895
<u>representatives;</u>	25896
(3) Two members of the senate, one from each political party,	25897

(3) Two members of the senate, one from each political party,25897appointed by the president of the senate.25898

Each member shall serve without compensation for a term of25899one year.25900

sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 25901
of the Revised Code, this section applies to the review of 25902
certificate of need applications during the period beginning July 25903
1, 1993, and ending June 30, 2001 2003. 25904

(B)(1) Except as provided in division (B)(2) of this section, 25905
the director of health shall neither grant nor deny any 25906
application for a certificate of need submitted prior to July 1, 25907
1993, if the application was for any of the following and the 25908
director had not issued a written decision concerning the 25909
application prior to that date: 25910

(a) Approval of beds in a new health care facility or an25911increase of beds in an existing health care facility, if the beds25912

are proposed to be licensed as nursing home beds under Chapter 25913 3721. of the Revised Code; 25914

(b) Approval of beds in a new county home or new county 25915 nursing home as defined in section 5155.31 of the Revised Code, or 25916 an increase of beds in an existing county home or existing county 25917 nursing home, if the beds are proposed to be certified as skilled 25918 nursing facility beds under Title XVIII or nursing facility beds 25919 under Title XIX of the <u>"Social Security Act,"</u> 49 Stat. 620 (1935), 25920 42 U.S.C.A. 301, as amended; 25911

(c) Recategorization of hospital beds as described in section 25922 3702.522 of the Revised Code, an increase of hospital beds 25923 registered pursuant to section 3701.07 of the Revised Code as 25924 long-term care beds or skilled nursing facility beds, or a 25925 recategorization of hospital beds that would result in an increase 25926 of beds registered pursuant to that section as long-term care beds 25927 or skilled nursing facility beds. 25928

On July 1, 1993, the director shall return each such 25929 application to the applicant and, notwithstanding section 3702.52 25930 of the Revised Code regarding the uses of the certificate of need 25931 fund, shall refund to the applicant the application fee paid under 25932 that section. Applications returned under division (B)(1) of this 25933 section may be resubmitted in accordance with section 3702.52 of 25934 the Revised Code no sooner than July 1, 2001 2003. 25935

(2) The director shall continue to review and shall issue a 25936 decision regarding any application submitted prior to July 1, 25937 1993, to increase beds for either of the purposes described in 25938 division (B)(1)(a) or (b) of this section if the proposed increase 25939 in beds is attributable solely to a replacement or relocation of 25940 existing beds within the same county. The director shall authorize 25941 under such an application no additional beds beyond those being 25942 replaced or relocated. 25943

(C)(1) Except as provided in division (C)(2) of this section, 25944 the director, during the period beginning July 1, 1993, and ending 25945 June 30, 2001 <u>2003</u>, shall not accept for review under section 25946 3702.52 of the Revised Code any application for a certificate of 25947 need for any of the purposes described in divisions (B)(1)(a) to 25948 (c) of this section. 25949

(2) The director shall accept for review any application for 25950 either of the purposes described in division (B)(1)(a) or (b) of 25951 this section if the proposed increase in beds is attributable 25952 solely to a replacement or relocation of existing beds within the 25953 same county. The director shall authorize under such an 25954 application no additional beds beyond those being replaced or 25955 relocated. The director also shall accept for review any 25956 application that seeks certificate of need approval for existing 25957 beds located in an infirmary that is operated exclusively by a 25958 religious order, provides care exclusively to members of religious 25959 orders who take vows of celibacy and live by virtue of their vows 25960 within the orders as if related, and was providing care 25961 exclusively to members of such a religious order on January 1, 25962 1994. 25963

(D) The director shall issue a decision regarding any case 25964
remanded by a court as the result of a decision issued by the 25965
director prior to July 1, 1993, to grant, deny, or withdraw a 25966
certificate of need for any of the purposes described in divisions 25967
(B)(1)(a) to (c) of this section. 25968

(E) The director shall not project the need for beds listed 25969
in division (B)(1) of this section for the period beginning July 25970
1, 1993, and ending June 30, 2001 2003. 25971

This section is an interim section effective until July 1,259722001 2003.25973

sec. 3704.034. (A) Within sixty days after the director of 25974

environmental protection or his the director's agent or authorized 25975 representative receives an application for the issuance of a 25976 permit to install pursuant to rules adopted under division (F) of 25977 section 3704.03 of the Revised Code, an application to modify such 25978 a permit, or an application for the issuance of an initial permit 25979 to operate, or for the modification or renewal of such a permit, 25980 pursuant to rules adopted under division (G) of section 3704.03 of 25981 the Revised Code, the director shall determine whether the 25982 application is substantially complete or materially deficient and, 25983 in writing, shall notify the applicant of his the director's 25984 determination. If the director fails to make such a completeness 25985 determination and provide written notice of his the determination 25986 to the applicant within sixty days after the application was 25987 submitted, the applicant may submit a written request to the 25988 director for the making of such a completeness determination. 25989

(B) Within thirty days after receiving a written request for 25990 the making of a completeness determination on an application under 25991 division (A) of this section, the director shall determine whether 25992 the application is substantially complete or materially deficient 25993 and, in writing, notify the applicant of his the determination. If 25994 the director fails to make a completeness determination and 25995 provide written notice of his the director's determination to the 25996 applicant within thirty days after receiving the applicant's 25997 written request for the making of the determination, the 25998 application shall be deemed to have been complete in all material 25999 respects at the time that it was submitted to the director or his 26000 the director's agent or authorized representative. 26001

(C) If, within the time prescribed in division (A) and, if 26002
 applicable, division (B) of this section, the director determines 26003
 that an application is materially deficient, the director shall 26004
 return the application to the applicant together with the written 26005
 notice of material deficiency. The running of the time prescribed 26006

under division (A) and, if applicable, division (B) of this 26007 section ceases at the time that the determination is made. If the 26008 applicant subsequently resubmits the application to the director, 26009 the time prescribed in division (A) of this section and, if 26010 applicable, division (B) of this section shall resume running at 26011 the time that the application is resubmitted. The resubmission of 26012 the application constitutes a request for the making of a 26013 completeness determination on the application. The director shall 26014 do one of the following within the time remaining pursuant to 26015 division (A) and, if applicable, division (B) of this section at 26016 the time that the application is resubmitted: 26017

(1) Make a completeness determination on the application and, 26018
 in writing, notify the applicant of his the determination; 26019

(2) Issue or deny or propose to issue or deny the permit or, 26020 modification, or renewal. 26021

(D) The director shall include in each written notice of the 26022
 completeness of an application provided under division (A), (B), 26023
 or (C)(1) of this section the date on which the application was 26024
 determined to be complete. 26025

(E) The director shall issue or deny or propose to issue or 26026 deny a permit to install pursuant to rules adopted under division 26027 (F) of section 3704.03 of the Revised Code, modification of such a 26028 permit, or an initial permit to operate, or a modification or 26029 renewal of such a permit, pursuant to rules adopted under division 26030 (G) of section 3704.03 of the Revised Code within one hundred 26031 eighty days after the date that the application for the permit or, 26032 modification, or renewal was determined to be complete as that 26033 date is set forth in the written notice of the determination of 26034 the completeness of the application provided under division (A), 26035 (B), or (C)(1) of this section or within one hundred eighty days 26036 after the application is deemed to be complete under division (B) 26037 of this section, as appropriate. If the director fails to issue or 26038

deny or propose to issue or deny the permit or, modification, or 26039 renewal within the appropriate one-hundred-eighty-day period, the 26040 applicant may bring a mandamus action to obtain a judgment that 26041 orders the director to take a final action on the application. 26042

26043

(F) The director, upon his the director's own motion or upon 26044
the written request of the applicant and in writing, may extend 26045
the time provided under division (E) of this section for issuing 26046
or denying or proposing to issue or deny the permit or, 26047
modification, or renewal for an additional sixty days if a public 26048
informational meeting or public hearing was held on the 26049
application for the permit or, modification, or renewal. 26050

(G) Upon the written request of the applicant, the director, 26051 in writing, may extend the time provided under division (E) of 26052 this section for issuing or denying or proposing to issue or deny 26053 the permit or, modification, or renewal for the additional time 26054 specified in the applicant's request for the extension. 26055

(H) Upon the written request of the person responsible for a 26056 facility, the director may consolidate or group applications for 26057 the issuance of permits pursuant to rules adopted under 26058 divisions(F) or division(G) of section 3704.03 of the Revised 26059 Code, or modifications or renewals of those permits, for 26060 individual air contaminant sources located at the facility in 26061 order to reduce the unnecessary paperwork and administrative 26062 burden to the applicant and the director in connection with the 26063 issuance of those permits, modifications, and renewals. Fees 26064 payable to the director under section 3745.11 of the Revised Code 26065 shall not be reduced by reason of any such consolidation or 26066 grouping of applications for permits, modifications, or renewals. 26067

Sec. 3704.143. (A) As used in this section, "contract" means 26068 a contract entered into by the state under section 3704.14 of the 26069

Revised Code with a private contractor for the purpose of	26070
conducting emissions inspections under a motor vehicle inspection	26071
and maintenance program.	26072
(B) Notwithstanding division (D)(5) of section 3704.14 of the	26073
Revised Code, the director of administrative services or the	26074
director of environmental protection, as applicable, shall not	26075
renew any contract that is in existence on the effective date of	26076
this section. Further, the director of administrative services or	26077
the director of environmental protection, as applicable, shall not	26078
enter into a new contract upon the expiration or termination of	26079
any contract that is in existence on the effective date of this	26080
section.	26081
(C) Notwithstanding section 3704.14 of the Revised Code or	26082
any other section of the Revised Code that requires emissions	26083
inspections to be conducted or proof of such inspections to be	26084
provided, upon the expiration or termination of all contracts that	26085
are in existence on the effective date of this section, the	26086
director of environmental protection shall terminate all motor	26087
vehicle inspection and maintenance programs in this state and	26088
shall not implement a new motor vehicle inspection and maintenance	26089
program unless this section is repealed and such a program is	26090
authorized by the general assembly.	26091
sec. 3721.10. As used in sections 3721.10 to 3721.18 of the	26092
Revised Code:	26093
(A) "Home" means all of the following:	26094
(1) A home as defined in section 3721.01 of the Revised Code;	26095
	26096
(2) Any facility or part of a facility not defined as a home	26097
under section 3721.01 of the Revised Code that is certified as a	26098

skilled nursing facility under Title XVIII of the "Social Security 26099

 Act,"
 49
 79
 Stat.
 620
 286
 (1935
 1965), 42
 U.S.C.A.
 301
 1395
 and
 26100

 1396, as amended, or as a nursing facility as defined in section
 26101
 26101

 5111.20 of the Revised Code;
 26102

(3) A county home or district home operated pursuant to 26103Chapter 5155. of the Revised Code. 26104

(B) "Resident" means a resident or a patient of a home. 26105

(C) "Administrator" means all of the following: 26106

(1) With respect to a home as defined in section 3721.01 of 26107
the Revised Code, a nursing home administrator as defined in 26108
section 4751.01 of the Revised Code; 26109

(2) With respect to a facility or part of a facility not
26110
defined as a home in section 3721.01 of the Revised Code that is
authorized to provide skilled nursing facility or nursing facility
26112
services, the administrator of the facility or part of a facility;
26113

(3) With respect to a county home or district home, the26114superintendent appointed under Chapter 5155. of the Revised Code.26115

(D) "Sponsor" means an adult relative, friend, or guardian of 26116a resident who has an interest or responsibility in the resident's 26117welfare. 26118

(E) "Residents' rights advocate" means:

(1) An employee or representative of any state or local
26120
government entity that has a responsibility regarding residents
26121
and that has registered with the department of health under
26122
division (B) of section 3701.07 of the Revised Code;
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(2) An employee or representative of any private nonprofit 26124 corporation or association that qualifies for tax-exempt status 26125 under section 501(a) of the "Internal Revenue Code of 1986," 100 26126 Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered 26127 with the department of health under division (B) of section 26128 3701.07 of the Revised Code and whose purposes include educating 26129

and counseling residents, assisting residents in resolving26130problems and complaints concerning their care and treatment, and26131assisting them in securing adequate services to meet their needs;26132

(3) A member of the general assembly.

(F) "Physical restraint" means, but is not limited to, any 26134
article, device, or garment that interferes with the free movement 26135
of the resident and that he the resident is unable to remove 26136
easily, a geriatric chair, or a locked room door. 26137

(G) "Chemical restraint" means any medication bearing the
American hospital formulary service therapeutic class 4.00,
28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the
26140
central nervous system in a manner that limits physical and
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cognitive functioning to the degree that the resident cannot
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attain his the resident's highest practicable physical, mental,
26143
and psychosocial well-being.

(H) "Ancillary service" means, but is not limited to, 26145
podiatry, dental, hearing, vision, physical therapy, occupational 26146
therapy, speech therapy, and psychological and social services. 26147

(I) "Facility" means a facility, or part of a facility,26148certified as a nursing facility or skilled nursing facility under26149Title XVIII or Title XIX of the "Social Security Act." "Facility"26150does not include an intermediate care facility for the mentally26151retarded, as defined in section 5111.20 of the Revised Code.26152

(J) "Medicare" means the program established by Title XVIII26153of the "Social Security Act."26154

(K) "Medicaid" means the program established by Title XIX of 26155 the "Social Security Act" and Chapter 5111. of the Revised Code. 26156

sec. 3721.12. (A) The administrator of a home shall: 26157
(1) With the advice of residents, their sponsors, or both, 26158

establish and review at least annually, written policies regarding26159the applicability and implementation of residents' rights under26160sections 3721.10 to 3721.17 of the Revised Code, the26161responsibilities of residents regarding the rights, and the home's26162grievance procedure established under division (A)(2) of this26163section. The administrator is responsible for the development of,26164and adherence to, procedures implementing the policies.26165

(2) Establish a grievance committee for review of complaints
by residents. The grievance committee shall be comprised of the
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home's staff and residents, sponsors, or outside representatives
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in a ratio of not more than one staff member to every two
26169
residents, sponsors, or outside representatives.
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(3) Furnish to each resident and sponsor prior to or at the 26171
time of admission, and to each member of the home's staff, at 26172
least one of each of the following: 26173

(a) A copy of the rights established under sections 3721.10 26174to 3721.17 of the Revised Code; 26175

(b) A written explanation of the provisions of section26176sections3721.16 to 3721.162 of the Revised Code;26177

(c) A copy of the home's policies and procedures established 26178
under this section; 26179

(d) A copy of the home's rules;

(e) A copy of the addresses and telephone numbers of the 26181 board of health of the health district of the county in which the 26182 home is located, the county department of job and family services 26183 of the county in which the home is located, the state departments 26184 of health and job and family services, the state and local offices 26185 of the department of aging, and any Ohio nursing home ombudsperson 26186 program. 26187

(B) Written acknowledgment of the receipt of copies of the 26188

26189 materials listed in this section shall be made part of the 26190 resident's record and the staff member's personnel record. (C) The administrator shall post all of the following 26191 prominently within the home: 26192 (1) A copy of the rights of residents as listed in division 26193 (A) of section 3721.13 of the Revised Code; 26194 (2) A copy of the home's rules and its policies and 26195 procedures regarding the rights and responsibilities of residents; 26196 (3) A notice that a copy of this chapter, rules of the 26197 department of health applicable to the home, and federal 26198 regulations adopted under Titles XVIII and XIX of the "Social 26199 Security Act, " 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended 26200 the medicare and medicaid programs, and the materials required to 26201 be available in the home under section 3721.021 of the Revised 26202 Code, are available for inspection in the home at reasonable 26203 hours; 26204 (4) A list of residents' rights advocates; 26205 (5) A notice that the following are available in a place 26206 readily accessible to residents: 26207

(a) If the home is licensed under section 3721.02 of the 26208
Revised Code, a copy of the most recent licensure inspection 26209
report prepared for the home under that section; 26210

(b) If the home is a nursing facility as defined in section
5111.20 of the Revised Code, a copy of the most recent statement
26212
of deficiencies issued to the home under section 5111.42 of the
26213
Revised Code.

(D) The administrator of a home may, with the advice of 26215
residents, their sponsors, or both, establish written policies 26216
regarding the applicability and administration of any additional 26217
residents' rights beyond those set forth in sections 3721.10 to 26218

3721.17 of the Revised Code, and the responsibilities of residents26219regarding the rights. Policies established under this division26220shall be reviewed, and procedures developed and adhered to as in26221division (A)(1) of this section.26222

sec. 3721.13. (A) The rights of residents of a home shall 26223
include, but are not limited to, the following: 26224

(1) The right to a safe and clean living environment pursuant 26225 to Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 26226 (1935), 42 U.S.C.A. 301, as amended, the medicare and medicaid 26227 programs and applicable state laws and regulations prescribed by 26228 the public health council; 26229

(2) The right to be free from physical, verbal, mental, and 26230
emotional abuse and to be treated at all times with courtesy, 26231
respect, and full recognition of dignity and individuality; 26232

(3) Upon admission and thereafter, the right to adequate and
appropriate medical treatment and nursing care and to other
ancillary services that comprise necessary and appropriate care
26235
consistent with the program for which the resident contracted.
26236
This care shall be provided without regard to considerations such
as race, color, religion, national origin, age, or source of
26238
payment for care.

(4) The right to have all reasonable requests and inquiries 26240responded to promptly; 26241

(5) The right to have clothes and bed sheets changed as the 26242need arises, to ensure the resident's comfort or sanitation; 26243

(6) The right to obtain from the home, upon request, the name 26244
and any specialty of any physician or other person responsible for 26245
the resident's care or for the coordination of care; 26246

26247

(7) The right, upon request, to be assigned, within the 26248

26249 capacity of the home to make the assignment, to the staff 26250 physician of the resident's choice, and the right, in accordance 26251 with the rules and written policies and procedures of the home, to 26252 select as the attending physician a physician who is not on the 26253 staff of the home. If the cost of a physician's services is to be 26254 met under a federally supported program, the physician shall meet 26255 the federal laws and regulations governing such services.

(8) The right to participate in decisions that affect the 26256 resident's life, including the right to communicate with the 26257 physician and employees of the home in planning the resident's 26258 treatment or care and to obtain from the attending physician 26259 complete and current information concerning medical condition, 26260 prognosis, and treatment plan, in terms the resident can 26261 reasonably be expected to understand; the right of access to all 26262 information in his the resident's medical record; and the right to 26263 give or withhold informed consent for treatment after the 26264 consequences of that choice have been carefully explained. When 26265 the attending physician finds that it is not medically advisable 26266 to give the information to the resident, the information shall be 26267 made available to the resident's sponsor on the resident's behalf, 26268 if the sponsor has a legal interest or is authorized by the 26269 resident to receive the information. The home is not liable for a 26270 violation of this division if the violation is found to be the 26271 result of an act or omission on the part of a physician selected 26272 by the resident who is not otherwise affiliated with the home. 26273

(9) The right to withhold payment for physician visitation if 26274 the physician did not visit the resident; 26275

(10) The right to confidential treatment of personal and 26276 medical records, and the right to approve or refuse the release of 26277 these records to any individual outside the home, except in case 26278 of transfer to another home, hospital, or health care system, as 26279 required by law or rule, or as required by a third-party payment 26280

contract;

(11) The right to privacy during medical examination or 26282 treatment and in the care of personal or bodily needs; 26283

(12) The right to refuse, without jeopardizing access to 26284 appropriate medical care, to serve as a medical research subject; 26285

(13) The right to be free from physical or chemical 26286 restraints or prolonged isolation except to the minimum extent 26287 necessary to protect the resident from injury to himself self, 26288 others, or to property and except as authorized in writing by the 26289 attending physician for a specified and limited period of time and 26290 documented in the resident's medical record. Prior to authorizing 26291 the use of a physical or chemical restraint on any resident, the 26292 attending physician shall make a personal examination of the 26293 resident and an individualized determination of the need to use 26294 the restraint on that resident. 26295

Physical or chemical restraints or isolation may be used in 26296 an emergency situation without authorization of the attending 26297 physician only to protect the resident from injury to himself self 26298 or others. Use of the physical or chemical restraints or isolation 26299 shall not be continued for more than twelve hours after the onset 26300 of the emergency without personal examination and authorization by 26301 the attending physician. The attending physician or a staff 26302 physician may authorize continued use of physical or chemical 26303 restraints for a period not to exceed thirty days, and at the end 26304 of this period and any subsequent period may extend the 26305 authorization for an additional period of not more than thirty 26306 days. The use of physical or chemical restraints shall not be 26307 continued without a personal examination of the resident and the 26308 written authorization of the attending physician stating the 26309 reasons for continuing the restraint. 26310

If physical or chemical restraints are used under this 26311

Page 847

division, the home shall ensure that the restrained resident 26312 receives a proper diet. In no event shall physical or chemical 26313 restraints or isolation be used for punishment, incentive, or 26315 convenience.

(14) The right to the pharmacist of the resident's choice and 26316 the right to receive pharmaceutical supplies and services at 26317 reasonable prices not exceeding applicable and normally accepted 26318 prices for comparably packaged pharmaceutical supplies and 26319 services within the community; 26320

(15) The right to exercise all civil rights, unless the 26321 resident has been adjudicated incompetent pursuant to Chapter 26322 2111. of the Revised Code and has not been restored to legal 26323 capacity, as well as the right to the cooperation of the home's 26324 administrator in making arrangements for the exercise of the right 26325 to vote; 26326

(16) The right of access to opportunities that enable the 26327 resident, at his the resident's own expense or at the expense of a 26328 third-party payer, to achieve his the resident's fullest 26329 potential, including educational, vocational, social, 26330 recreational, and habilitation programs; 26331

(17) The right to consume a reasonable amount of alcoholic 26332 beverages at <u>his the resident's</u> own expense, unless not medically 26333 advisable as documented in <u>his the resident's</u> medical record by 26334 the attending physician or unless contradictory to written 26335 admission policies; 26336

(18) The right to use tobacco at his the resident's own 26337
expense under the home's safety rules and under applicable laws 26338
and rules of the state, unless not medically advisable as 26339
documented in his the resident's medical record by the attending 26340
physician or unless contradictory to written admission policies; 26341

(19) The right to retire and rise in accordance with his the 26342

<u>resident's</u> reasonable requests, if he <u>the resident</u> does not 26343 disturb others or the posted meal schedules and upon the home's 26344 request remains in a supervised area, unless not medically 26345 advisable as documented by the attending physician; 26346

(20) The right to observe religious obligations and 26347 participate in religious activities; the right to maintain 26348 individual and cultural identity; and the right to meet with and 26349 participate in activities of social and community groups at the 26350 resident's or the group's initiative; 26351

(21) The right upon reasonable request to private and 26352 unrestricted communications with his the resident's family, social 26353 worker, and any other person, unless not medically advisable as 26354 documented in his the resident's medical record by the attending 26355 physician, except that communications with public officials or 26356 with his the resident's attorney or physician shall not be 26357 restricted. Private and unrestricted communications shall include, 26358 but are not limited to, the right to: 26359

(a) Receive, send, and mail sealed, unopened correspondence; 26360

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(b) Reasonable access to a telephone for private 26361communications; 26362
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(c) Private visits at any reasonable hour.

(22) The right to assured privacy for visits by the spouse, 26364 or if both are residents of the same home, the right to share a 26365 room within the capacity of the home, unless not medically 26366 advisable as documented in his the resident's medical record by 26367 the attending physician; 26368

(23) The right upon reasonable request to have room doors 26369 closed and to have them not opened without knocking, except in the 26370 case of an emergency or unless not medically advisable as 26371 documented in his the resident's medical record by the attending 26372 physician; 26373

(24) The right to retain and use personal clothing and a 26374 reasonable amount of possessions, in a reasonably secure manner, 26375 unless to do so would infringe on the rights of other residents or 26376 would not be medically advisable as documented in his the 26377 resident's medical record by the attending physician; 26378

(25) The right to be fully informed, prior to or at the time 26379 of admission and during his the resident's stay, in writing, of 26380 the basic rate charged by the home, of services available in the 26381 home, and of any additional charges related to such services, 26382 including charges for services not covered under Titles XVIII and 26383 XIX of the "Social Security Act the medicare or medicaid program." 26384 The basic rate shall not be changed unless thirty days notice is 26385 given to the resident or, if the resident is unable to understand 26386 this information, to his the resident's sponsor. 26387

(26) The right of the resident and person paying for the care 26388 to examine and receive a bill at least monthly for the resident's 26389 care from the home that itemizes charges not included in the basic 26390 rates; 26391

(27)(a) The right to be free from financial exploitation;

(b) The right to manage his the resident's own personal 26393 financial affairs, or, if he the resident has delegated this 26394 responsibility in writing to the home, to receive upon written 26395 request at least a quarterly accounting statement of financial 26396 transactions made on his the resident's behalf. The statement 26397 shall include: 26398

(i) A complete record of all funds, personal property, or 26399 possessions of a resident from any source whatsoever, that have 26400 been deposited for safekeeping with the home for use by the 26401 resident or his the resident's sponsor; 26402

(ii) A listing of all deposits and withdrawals transacted, 26403 which shall be substantiated by receipts which shall be available 26404

for inspection and copying by the resident or sponsor. 26405

(28) The right of the resident to be allowed unrestricted 26406 access to his the resident's property on deposit at reasonable 26407 hours, unless requests for access to property on deposit are so 26408 persistent, continuous, and unreasonable that they constitute a 26409 nuisance; 26410

(29) The right to receive reasonable notice before his the 26411
 resident's room or roommate is changed, including an explanation 26412
 of the reason for either change. 26413

(30) The right not to be transferred or discharged from the 26414 home except for medical reasons, for his welfare or another 26415 resident's, for nonpayment of charges due the home, if the home's 26416 license is revoked under this chapter, if the home is being closed 26417 pursuant to sections 5111.35 to 5111.62 or section 5155.31 of the 26418 Revised Code, if he is a recipient of medical assistance under 26419 26420 section 5111.01 of the Revised Code in a home whose participation 26421 in the medical assistance program is terminated or denied, or if he is a beneficiary under Title XVIII of the "Social Security Act" 26422 in a home whose certification under Title XVIII is terminated or 26423 denied unless the transfer is necessary because of one of the 26424 following: 26425

(a) The welfare and needs of the resident cannot be met in 26426 the home. 26427

(b) The resident's health has improved sufficiently so that 26428 the resident no longer needs the services provided by the home. 26429

(c) The safety of individuals in the home is endangered. 26430

(d) The health of individuals in the home would otherwise be 26431 endangered. 26432

(e) The resident has failed, after reasonable and appropriate 26433 notice, to pay or to have the medicare or medicaid program pay on 26434

Page 851

26435 the resident's behalf, for the care provided by the home. A 26436 resident shall not be considered to have failed to have the 26437 resident's care paid for if the resident has applied for medicaid, 26438 unless both of the following are the case: (i) The resident's application, or a substantially similar 26439 previous application, has been denied by the county department of 26440 job and family services. 26441 (ii) If the resident appealed the denial pursuant to division 26442 (C) of section 5101.35 of the Revised Code, the director of job 26443 and family services has upheld the denial. 26444 (f) The home's license has been revoked, the home is being 26445 closed pursuant to section 3721.08, sections 5111.35 to 5111.62, 26446 or section 5155.31 of the Revised Code, or the home otherwise 26447 ceases to operate. 26448 (q) The resident is a recipient of medicaid, and the home's 26449

participation in the medicaid program is involuntarily terminated 26450 or denied. 26451

(h) The resident is a beneficiary under the medicare program,26452and the home's participation in the medicare program is26453involuntarily terminated or denied.26454

(31) The right to voice grievances and recommend changes in 26455 policies and services to the home's staff, to employees of the 26456 department of health, or to other persons not associated with the 26457 operation of the home, of the resident's choice, free from 26458 restraint, interference, coercion, discrimination, or reprisal. 26459 This right includes access to a residents' rights advocate, and 26460 the right to be a member of, to be active in, and to associate 26461 with persons who are active in organizations of relatives and 26462 friends of nursing home residents and other organizations engaged 26463 in assisting residents. 26464

(32) The right to have any significant change in his the 26465

<u>resident's</u> health status reported to <u>his the resident's</u> sponsor. 26466 As soon as such a change is known to the home's staff, the home 26467 shall make a reasonable effort to notify the sponsor within twelve 26468 hours. 26469

(B) A sponsor may act on a resident's behalf to assure that 26470
the home does not deny the residents' rights under sections 26471
3721.10 to 3721.17 of the Revised Code. 26472

(C) Any attempted waiver of the rights listed in division (A) 26473of this section is void. 26474

Sec. 3721.15. (A) Authorization from a resident or a sponsor 26475 with a power of attorney for a home to manage the resident's 26476 financial affairs shall be in writing and shall be attested to by 26477 a witness who is not connected in any manner whatsoever with the 26478 home or its administrator. The home shall maintain accounts 26479 pursuant to division (A)(27) of section 3721.13 of the Revised 26480 Code. Upon the resident's transfer, discharge, or death, the 26481 account shall be closed and a final accounting made. All remaining 26482 funds shall be returned to the resident or resident's sponsor, 26483 except in the case of death, when all remaining funds shall be 26484 transferred or used in accordance with section 5111.112 of the 26485 Revised Code. 26486

(B) A home that manages a resident's financial affairs shall 26487 deposit the resident's funds in excess of one hundred dollars, and 26488 may deposit the resident's funds that are one hundred dollars or 26489 less, in an interest-bearing account separate from any of the 26490 home's operating accounts. Interest earned on the resident's funds 26491 shall be credited to the resident's account. A resident's funds 26492 that are one hundred dollars or less and have not been deposited 26493 26494 in an interest-bearing account may be deposited in a noninterest-bearing account or petty cash fund. 26495

(C) Each resident whose financial affairs are managed by a 26496

26497 home shall be promptly notified by the home when the total of the 26498 amount of funds in the resident's accounts and the petty cash fund 26499 plus other nonexempt resources reaches two hundred dollars less 26500 than the maximum amount permitted a recipient of medical 26501 assistance under Chapter 5111. of the Revised Code medicaid. The 26502 notice shall include an explanation of the potential effect on the 26503 resident's eligibility for medical assistance medicaid if the 26504 amount in the resident's accounts and the petty cash fund, plus 26505 the value of other nonexempt resources, exceeds the maximum assets 26506 a medicaid recipient of medical assistance may retain.

(D) Each home that manages the financial affairs of residents 26507
shall purchase a surety bond or otherwise provide assurance 26508
satisfactory to the director of health, or, in the case of a home 26509
that participates in the medical assistance medicaid program 26510
established under section 5111.01 of the Revised Code, to the 26511
director of job and family services, to assure the security of all 26512
residents' funds managed by the home. 26513

Sec. 3721.16. For each resident of a home, notice of a26514proposed transfer or discharge shall be in accordance with this26515section.26516

(A)(1) Except in an emergency or unless authorized by statute 26517 or by rules of the director of health, the The administrator of a 26518 home shall notify a resident in writing, and the resident's 26519 sponsor in writing by certified mail, return receipt requested, in 26520 advance of any proposed transfer or discharge from the home. The 26521 administrator shall send a copy of the notice to the state 26522 <u>department of health.</u> The notice shall be provided at least thirty 26523 days in advance of the proposed transfer or discharge, unless 26524 either any of the following applies: 26525

(a) The resident's health has improved sufficiently to allow 26526a more immediate discharge or transfer to a less skilled level of 26527

Page 854

Page 855

care;	26528
(b) The resident has resided in the home less than thirty days <u>;</u>	26529 26530
(c) An emergency arises in which the safety of individuals in the home is endangered;	26531 26532
(d) An emergency arises in which the health of individuals in the home would otherwise be endangered;	26533 26534
(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.	26535 26536
In the case any of a resident <u>the circumstances</u> described in division <u>divisions</u> (A)(1)(a) or (b) <u>to (e)</u> of this section, the	26537 26538
notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.	26539 26540
(2) The notice required under division (A)(1) of this section shall include all of the following:	26541 26542
(a) The reasons for the proposed transfer or discharge;	26543
(b) <u>The proposed date the resident is to be transferred or</u> <u>discharged;</u>	26544 26545
(c) The proposed location to which the resident is to be transferred or discharged;	26546 26547
<u>(d)</u> Notice of the right of the resident and his <u>the</u> resident's sponsor to an impartial hearing at the home on the	26548 26549
proposed transfer or discharge, and of the manner in which and the	26550
time within which the resident or his sponsor may request a hearing under division (C) of this <u>pursuant to</u> section <u>3721.161 of</u>	26551 26552
the Revised Code;	26552
(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home	26554 26555
	06556

and the resident or, if the resident is not competent to make a 26556

date;

department of health;

26557 decision, the home and the resident's sponsor, agree to an earlier 26558 $\frac{(c)}{(f)}$ The address of the legal services office of the 26559 26560 (d) (q) The name, address, and telephone number of a 26561

representative of the state long-term care ombudsman ombudsperson 26562 26563 program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone 26564 number of the Ohio legal rights service. 26565

(B) No home shall transfer or discharge a resident before the 26566 date specified in the notice required by division (A) of this 26567 section unless the home and the resident or, if the resident is 26568 not competent to make a decision, the home and the resident's 26569 sponsor, agree to an earlier date. 26570

(C) Transfer or discharge actions shall be documented in the 26571 resident's medical record by the home if there is a medical basis 26572 for the action. 26573

 $\frac{(C)}{(D)}$ A resident or his resident's sponsor may challenge a 26574 transfer or discharge by requesting an impartial hearing at the 26575 home pursuant to section 3721.161 of the Revised Code, unless the 26576 transfer or discharge is required because of an emergency or one 26577 of the following reasons: 26578

(1) The home's license has been revoked under this chapter; 26579

(2) The home is being closed pursuant to section 3721.08, 26580 sections 5111.35 to 5111.62, or section 5155.31 of the Revised Code; 26582

(3) The resident is a recipient of medical assistance under 26583 section 5111.01 of the Revised Code medicaid and the home's 26584 participation in the medical assistance medicaid program has been 26585 involuntarily terminated or denied by the federal government; 26586

- 26581

(4) The resident is a beneficiary under Title XVIII of the 26587
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 26588
amended the medicare program and the home's certification under 26589
Title XVIII the medicare program has been involuntarily terminated 26590
or denied by the federal government. 26591

26592 A request for a hearing under this section shall be sent in writing to the legal services office of the department of health 26593 not later than ten days after the resident and his sponsor receive 26594 notice of the proposed transfer or discharge. A hearing shall be 26595 held within ten days by the department of health. A representative 26596 of the department shall preside over the hearing and issue a 26597 recommendation within five days as to any advisable action to the 26598 administrator, the resident, and any interested sponsor. 26599

26600

(E) If a resident is transferred or discharged pursuant to 26601 this section, the home from which the resident is being 26602 transferred or discharged shall provide the resident with adequate 26603 preparation prior to the transfer or discharge to ensure a safe 26604 and orderly transfer or discharge from the home, and the home or 26605 alternative setting to which the resident is to be transferred or 26606 discharged shall have accepted the resident for transfer or 26607 26608 discharge.

(D) An impartial hearing on resident transfer or discharge is 26609 not subject to section 121.22 of the Revised Code. 26610

(E)(F) At the time of a transfer or discharge of a resident 26611 who is a recipient of medical assistance under section 5111.01 of 26612 the Revised Code medicaid from a home to a hospital or for 26613 therapeutic leave, the home shall provide notice in writing to the 26614 resident and in writing by certified mail, return receipt 26615 requested, to the resident's sponsor, specifying the number of 26616 days, if any, during which the resident will be permitted under 26617 the medical assistance medicaid program to return and resume 26618

residence in the home and specifying the medical assistance 26619 medicaid program's coverage of the days during which the resident 26620 is absent from the home. An individual who is absent from a home 26621 for more than the number of days specified in the notice and 26622 continues to require the services provided by the facility shall 26623 be given priority for the first available bed in a semi-private 26624 room. 26625

sec. 3721.161. (A) Not later than thirty days after the date 26626 a resident or the resident's sponsor receives notice of a proposed 26627 transfer or discharge, whichever is later, the resident or 26628 resident's sponsor may challenge the proposed transfer or 26629 discharge by submitting a written request for a hearing to the 26630 state department of health. On receiving the request, the 26631 department shall conduct a hearing in accordance with section 26632 3721.162 of the Revised Code to determine whether the proposed 26633 transfer or discharge complies with division (A)(30) of section 26634 3721.13 of the Revised Code. 26635

(B) Except in the circumstances described in divisions 26636 (A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a 26637 resident or resident's sponsor submits a written hearing request 26638 not later than ten days after the resident or the resident's 26639 sponsor received notice of the proposed transfer or discharge, 26640 whichever is later, the home shall not transfer or discharge the 26641 resident unless the department determines after the hearing that 26642 the transfer or discharge complies with division (A)(30) of 26643 section 3721.13 of the Revised Code or the department's 26644 determination to the contrary is reversed on appeal. 26645

(C) If a resident or resident's sponsor does not request a26646hearing pursuant to division (A) of this section, the home may26647transfer or discharge the resident on the date specified in the26648notice required by division (A) of section 3721.16 of the Revised26649Code or thereafter, unless the home and the resident or, if the26650

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resident is not competent to make a decision, the home and the 26652 resident's sponsor, agree to an earlier date. (D) If the resident or resident's sponsor requests a hearing 26653 in writing pursuant to division (A) of this section and the home 26654 transfers or discharges the resident before the department issues 26655 a hearing decision, the home shall readmit the resident in the 26656 first available bed if the department determines after the hearing 26657 that the transfer or discharge does not comply with division 26658 (A)(30) of section 3721.13 of the Revised Code or the department's 26659 determination to the contrary is reversed on appeal. 26660 26661 Sec. 3721.162. (A) On receiving a request pursuant to section 26662 3721.161 of the Revised Code, the department of health shall 26663 conduct hearings under this section in accordance with 42 C.F.R. 26664 431, subpart E, to determine whether the proposed transfer or 26665 discharge complies with division (A)(30) of section 3721.13 of the 26666 Revised Code. 26667 (B) The department shall employ or contract with an attorney 26668 to serve as hearing officer. The hearing officer shall conduct a 26669 hearing in the home not later than ten days after the date the 26670 department receives a request pursuant to section 3721.161 of the 26671 Revised Code, unless the resident and the home or, if the resident 26672 is not competent to make a decision, the resident's sponsor and 26673 the home, agree otherwise. The hearing shall be recorded on 26674 audiotape, but neither the recording nor a transcript of the 26675 recording shall be part of the official record of the hearing. A 26676 hearing conducted under this section is not subject to section 26677 121.22 of the Revised Code. 26678

(C) Unless the parties otherwise agree, the hearing officer26679shall issue a decision within five days of the date the hearing26680concludes. In all cases, a decision shall be issued not later than26681

thirty days after the department receives a request pursuant to	26682
section 3721.161 of the Revised Code. The hearing officer's	26683
decision shall be served on the resident or resident's sponsor and	26684
the home by certified mail. The hearing officer's decision shall	26685
be considered the final decision of the department.	26686
(D) A resident, resident's sponsor, or home may appeal the	26687
decision of the department to the court of common pleas pursuant	26688
to section 119.12 of the Revised Code. The appeal shall be	26689
governed by section 119.12 of the Revised Code, except for all of	26690
the following:	26691
(1) The resident, resident's sponsor, or home shall file the	26692
appeal in the court of common pleas of the county in which the	26693
home is located.	26694
(2) The resident or resident's sponsor may apply to the court	26695
for designation as an indigent and, if the court grants the	26696
application, the resident or resident's sponsor shall not be	26697
required to furnish the costs of the appeal.	26698
(3) The appeal shall be filed with the department and the	26699
court within thirty days after the hearing officer's decision is	26700
served. The appealing party shall serve the opposing party a copy	26701
of the notice of appeal by hand-delivery or certified mail, return	26702
receipt requested. If the home is the appealing party, it shall	26703
provide a copy of the notice of appeal to both the resident and	26704
<u>the resident's sponsor or attorney, if known.</u>	26705
(4) The department shall not file a transcript of the hearing	26706
with the court unless the court orders it to do so. The court	26707
shall issue such an order only if it finds that the parties are	26708
unable to stipulate to the facts of the case and that the	26709
transcript is essential to the determination of the appeal. If the	26710
court orders the department to file the transcript, the department	26711
shall do so not later than thirty days after the day the court	26712

issues the order.

(E) The court shall not require an appellant to pay a bond as 26714 a condition of issuing a stay pending its decision. 26715

(F) The resident, resident's sponsor, home, or department may 26716 commence a civil action in the court of common pleas of the county 26717 in which the home is located to enforce the decision of the 26718 department or the court. If the court finds that the resident or 26719 home has not complied with the decision, it shall enjoin the 26720 violation and order other appropriate relief, including attorney's 26721 26722 fees.

26723 Sec. 3721.17. (A) Any resident who believes that the resident's rights under sections 3721.10 to 3721.17 of the Revised 26724 Code have been violated may file a grievance under procedures 26725 adopted pursuant to division (A)(2) of section 3721.12 of the 26726 Revised Code. 26727

When the grievance committee determines a violation of 26728 sections 3721.10 to 3721.17 of the Revised Code has occurred, it 26729 shall notify the administrator of the home. If the violation 26730 cannot be corrected within ten days, or if ten days have elapsed 26731 without correction of the violation, the grievance committee shall 26732 refer the matter to the department of health. 26733

(B) Any person who believes that a resident's rights under 26734 sections 3721.10 to 3721.17 of the Revised Code have been violated 26735 may report or cause reports to be made of the information directly 26736 to the department of health. No person who files a report is 26737 liable for civil damages resulting from the report. 26738

(C)(1) Within thirty days of receiving a complaint under this 26739 section, the department of health shall investigate any complaint 26740 referred to it by a home's grievance committee and any complaint 26741 from any source that alleges that the home provided substantially 26742

less than adequate care or treatment, or substantially unsafe 26743
conditions, or, within seven days of receiving a complaint, refer 26744
it to the attorney general, if the attorney general agrees to 26745
investigate within thirty days. 26746

(2) Within thirty days of receiving a complaint under this 26747 section, the department of health may investigate any alleged 26748 violation of sections 3721.10 to 3721.17 of the Revised Code, or 26749 of rules, policies, or procedures adopted pursuant to those 26750 26751 sections, not covered by division (C)(1) of this section, or it may, within seven days of receiving a complaint, refer the 26752 complaint to the grievance committee at the home where the alleged 26753 violation occurred, or to the attorney general if the attorney 26754 general agrees to investigate within thirty days. 26755

(D) If, after an investigation, the department of health 26756 26757 finds probable cause to believe that a violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 26758 procedures adopted pursuant to those sections, has occurred at a 26759 home that is certified under Title XVIII or XIX of the "Social 26760 Security Act, " 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended 26761 the medicare or medicaid program, it shall cite one or more 26762 findings or deficiencies under sections 5111.35 to 5111.62 of the 26763 Revised Code. If the home is not so certified, the department 26764 shall hold an adjudicative hearing within thirty days under 26765 Chapter 119. of the Revised Code. 26766

(E) Upon a finding at an adjudicative hearing under division 26767 (D) of this section that a violation of sections 3721.10 to 26768 3721.17 of the Revised Code, or of rules, policies, or procedures 26769 adopted pursuant thereto, has occurred, the department of health 26770 shall make an order for compliance, set a reasonable time for 26771 compliance, and assess a fine pursuant to division (F) of this 26772 section. The fine shall be paid to the general revenue fund only 26773 if compliance with the order is not shown to have been made within 26774

the reasonable time set in the order. The department of health may26775issue an order prohibiting the continuation of any violation of26776sections 3721.10 to 3721.17 of the Revised Code.26777

Findings at the hearings conducted under this section may be 26778 appealed pursuant to Chapter 119. of the Revised Code, except that 26779 an appeal may be made to the court of common pleas of the county 26780 in which the home is located. 26781

The department of health shall initiate proceedings in court 26782 to collect any fine assessed under this section which is unpaid 26783 thirty days after the violator's final appeal is exhausted. 26784

(F) Any home found, pursuant to an adjudication hearing under 26785 division (D) of this section, to have violated sections 3721.10 to 26786 3721.17 of the Revised Code, or rules, policies, or procedures 26787 adopted pursuant to those sections may be fined not less than one 26788 hundred nor more than five hundred dollars for a first offense. 26789 For each subsequent offense, the home may be fined not less than 26790 two hundred nor more than one thousand dollars. 26791

A violation of sections 3721.10 to 3721.17 of the Revised 26792 Code is a separate offense for each day of the violation and for 26793 each resident who claims the violation. 26794

(G) No home or employee of a home shall retaliate against any 26795person who: 26796

(1) Exercises any right set forth in sections 3721.10 to 26797
3721.17 of the Revised Code, including, but not limited to, filing 26798
a complaint with the home's grievance committee or reporting an 26799
alleged violation to the department of health; 26800

(2) Appears as a witness in any hearing conducted under this
 26801
 section and or section 3721.16 3721.162 of the Revised Code;
 26802

(3) Files a civil action alleging a violation of sections 268033721.10 to 3721.17 of the Revised Code, or notifies a county 26804

26805 prosecuting attorney or the attorney general of a possible 26806 violation of sections 3721.10 to 3721.17 of the Revised Code.

If, under the procedures outlined in this section, a home or 26807 its employee is found to have retaliated, the violator may be fined up to one thousand dollars. 26809

(H) When legal action is indicated, any evidence of criminal 26810 activity found in an investigation under division (C) of this 26811 section shall be given to the prosecuting attorney in the county 26812 in which the home is located for investigation. 26813

(I)(1) Any resident whose rights under sections 3721.10 to 26814 3721.17 of the Revised Code are violated has a cause of action 26815 against any person or home committing the violation. The action 26816 may be commenced by the resident or by the resident's sponsor on 26817 behalf of the resident. 26818

(2)(a) If compensatory damages are awarded for a violation of 26819 the resident's rights, section 2315.21 of the Revised Code, except 26820 divisions (E)(1) and (2) of that section, shall apply to an award 26821 of punitive or exemplary damages for the violation. 26822

(b) The court may award to the prevailing party reasonable 26823 attorney's fees limited to the work reasonably performed. 26824

(3) Division (I)(2)(a) of this section shall be considered to 26825 be purely remedial in operation and shall be applied in a remedial 26826 manner in any civil action in which this section is relevant, 26827 whether the action is pending in court or commenced on or after 26828 the effective date of this amendment July 9, 1998. 26829

Sec. 3721.51. The department of job and family services 26830 shall: 26831

(A) For the purpose of providing home and community-based 26832 services to elderly and disabled persons purposes specified in 26833 section 3721.56 of the Revised Code, determine an annual franchise 26834

Page 864

permit fee on each nursing home in an amount equal to three 26835 dollars and thirty cents for fiscal years 2002 and 2003, and one 26836 dollar for each fiscal year thereafter, multiplied by the product 26837 of the following: 26838

(1) The number of beds licensed as nursing home beds, plus 26839 any other beds certified as skilled nursing facility beds under 26840 Title XVIII or nursing facility beds under Title XIX of the 26841 "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 26842 amended, on July 1, 1993, and, for each subsequent year, the first 26843 day of May of the calendar year in which the fee is determined 26844 pursuant to division (A) of section 3721.53 of the Revised Code; 26845

(2) The number of days in fiscal year 1994 and, for each 26846 subsequent year, the number of days in the fiscal year beginning 26847 on the first day of July of the calendar year in which the fee is 26848 determined pursuant to division (A) of section 3721.53 of the 26849 Revised Code. 26850

(B) For the purpose of providing home and community-based 26851 services to elderly and disabled persons purposes specified in 26852 section 3721.56 of the Revised Code, determine an annual franchise 26853 permit fee on each hospital in an amount equal to three dollars 26854 and thirty cents for fiscal years 2002 and 2003, and one dollar 26855 for each fiscal year thereafter, multiplied by the product of the 26856 following: 26857

(1) The number of beds registered pursuant to section 3701.07 26858 of the Revised Code as skilled nursing facility beds or long-term 26859 care beds, plus any other beds licensed as nursing home beds under 26860 section 3721.02 or 3721.09 of the Revised Code, on July 1, 1993, 26861 and, for each subsequent year, the first day of May of the 26862 calendar year in which the fee is determined pursuant to division 26863 (A) of section 3721.53 of the Revised Code; 26864

(2) The number of days in fiscal year 1994 and, for each 26865 subsequent year, the number of days in the fiscal year beginning 26866

26867 on the first day of July of the calendar year in which the fee is 26868 determined pursuant to division (A) of section 3721.53 of the 26869 Revised Code.

If the United States health care financing administration 26870 determines that the franchise permit fee established by sections 26871 3721.50 through 3721.58 of the Revised Code would be an impermissible health care related tax under section 1903(w) of the 26873 "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 26874 amended, the department of job and family services shall take all 26875 necessary actions to cease implementation of those sections in 26876 accordance with rules adopted under section 3721.58 of the Revised 26877 Code. 26878

sec. 3721.56. All (A) Thirty and three-tenths per cent of all 26879 payments and penalties paid by nursing homes and hospitals under 26880 sections 3721.53 and 3721.54 of the Revised Code for fiscal years 2002 and 2003, and all such payments and penalties paid for subsequent fiscal years, shall be deposited into the "home and 26883 community-based services for the aged fund, " which is hereby 26884 created in the state treasury. The departments of job and family 26885 services and aging shall use the moneys in the fund to fund the 26886 following in accordance with rules adopted under section 3721.58 26887 of the Revised Code: 26888

(A) (1) The medical assistance program established under Chapter 511. of the Revised Code; 26890

(B)(2) The PASSPORT program established under section 173.40 26891 of the Revised Code; 26892

 $\frac{(C)}{(3)}$ The residential state supplement program established 26893 under section 173.35 of the Revised Code. 26894

(B) Sixty-nine and seven-tenths per cent of all payments and 26895 penalties paid by nursing homes and hospitals under sections 26896

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3721.53 and 3721.54 of the Revised Code for fiscal years 2002 and268972003 shall be deposited into the nursing facility stabilization26898fund, which is hereby created in the state treasury. The26899department of job and family services shall use the money in the26900fund in the manner provided by Am. Sub. H.B. 94 of the 124th26901general assembly.26902

Sec. 3722.01. (A) As used in this chapter: 26903

(1) <u>"Owner"</u> means the person who owns the business of and who 26904 ultimately controls the operation of an adult care facility and to 26905 whom the manager, if different from the owner, is responsible. 26906

(2) <u>"Manager"</u> means the person responsible for the daily 26907
operation of an adult care facility. The manager and the owner of 26908
a facility may be the same person. 26909

(3) <u>"Adult"</u> means an individual eighteen years of age or 26910 older. 26911

(4) <u>"Unrelated"</u> means that an adult resident is not related 26912 to the owner or manager of an adult care facility or to the 26913 owner's or manager's spouse as a parent, grandparent, child, 26914 stepchild, grandchild, brother, sister, niece, nephew, aunt, or 26915 uncle, or as the child of an aunt or uncle. 26916

(5) <u>"Skilled nursing care"</u> means skilled nursing care as 26917
defined in section 3721.01 of the Revised Code. 26918

(6)(a) "Personal care services" means services including, but 26919
not limited to, the following: 26920

(i) Assisting residents with activities of daily living; 26921

(ii) Assisting residents with self-administration of 26922
 medication, in accordance with rules adopted by the public health 26923
 council pursuant to this chapter; 26924

(iii) Preparing special diets, other than complex therapeutic 26925

Page 867

diets, for residents pursuant to the instructions of a physician26926or a licensed dietitian, in accordance with rules adopted by the26927public health council pursuant to this chapter.26928

(b) "Personal care services" does not include "skilled 26929
nursing care" as defined in section 3721.01 of the Revised Code. A 26930
facility need not provide more than one of the services listed in 26931
division (A)(6)(a) of this section to be considered to be 26932
providing personal care services. 26933

(7) "Adult family home" means a residence or facility that 26934
provides accommodations to three to five unrelated adults and 26935
supervision and personal care services to at least three of those 26936
adults. 26937

(8) "Adult group home" means a residence or facility that 26938
provides accommodations to six to sixteen unrelated adults and 26939
provides supervision and personal care services to at least three 26940
of the unrelated adults. 26941

(9) "Adult care facility" means an adult family home or an 26942 adult group home. For the purposes of this chapter, any residence, 26943 facility, institution, hotel, congregate housing project, or 26944 similar facility that provides accommodations and supervision to 26945 three to sixteen unrelated adults, at least three of whom are 26946 provided personal care services, is an adult care facility 26947 regardless of how the facility holds itself out to the public. 26948 "Adult care facility" does not include: 26949

(a) A facility operated by a hospice care program licensed 26950
 under section 3712.04 of the Revised Code that is used exclusively 26951
 for care of hospice patients; 26952

(b) A nursing home, residential care facility, or home for 26953the aging as defined in section 3721.01 of the Revised Code; 26954

(c) A community alternative home as defined in section 269553724.01 of the Revised Code; 26956

section 3793.01 of the Revised Code;	26958
(e) A habilitation center as defined in section 5123.041 of	26959
the Revised Code;	26960
(f) A residential facility for the mentally ill licensed by	26961
the department of mental health under section 5119.22 of the	26962
Revised Code;	26963
(g) A facility licensed to provide methadone treatment under	26964
section 3793.11 of the Revised Code;	26965
(h) A residential facility licensed under section 5123.19 of	26966
the Revised Code or otherwise regulated by the department of	26967
mental retardation and developmental disabilities;	26968
(i) Any residence, institution, hotel, congregate housing	26969
project, or similar facility that provides personal care services	26970
to fewer than three residents or that provides, for any number of	26971
residents, only housing, housekeeping, laundry, meal preparation,	26972
social or recreational activities, maintenance, security,	26973
transportation, and similar services that are not personal care	26974
services or skilled nursing care;	26975
(j) Any facility that receives funding for operating costs	26976
from the department of development under any program established	26977
to provide emergency shelter housing or transitional housing for	26978
the homeless;	26979
(k) A terminal care facility for the homeless that has	26980
entered into an agreement with a hospice care program under	26981
section 3712.07 of the Revised Code;	26982
(1) A facility approved by the veterans administration under	26983
section 104(a) of the "Veterans Health Care Amendments of 1983,"	26984
97 Stat. 993, 38 U.S.C.A. 630, as amended, and used exclusively	26985
for the placement and care of veterans;	26986

(d) An alcohol and drug addiction program as defined in

Page 869

(m) Until January 1, 1994, the portion of a facility in which 26987 care is provided exclusively to members of a religious order if 26988 the facility is owned by or part of a nonprofit institution of 26989 higher education authorized to award degrees by the Ohio board of 26990 regents under Chapter 1713. of the Revised Code. 26991

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(10) <u>"Residents' rights advocate"</u> means: 26992
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(a) An employee or representative of any state or local
 26993
 government entity that has a responsibility for residents of adult
 26994
 care facilities and has registered with the department of health
 26995
 under section 3701.07 of the Revised Code;
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(b) An employee or representative, other than a manager or 26997 employee of an adult care facility or nursing home, of any private 26998 nonprofit corporation or association that qualifies for tax-exempt 26999 status under section 501(a) of the "Internal Revenue Code of 27000 1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has 27001 registered with the department of health under section 3701.07 of 27002 27003 the Revised Code, and whose purposes include educating and counseling residents, assisting residents in resolving problems 27004 and complaints concerning their care and treatment, and assisting 27005 them in securing adequate services. 27006

(11) <u>"Sponsor"</u> means an adult relative, friend, or guardian 27007 of a resident of an adult care facility who has an interest in or 27008 responsibility for the resident's welfare. 27009

(12) "Ombudsperson" means a "representative of the office of 27010 the state long-term care ombudsperson program" as defined in 27011 section 173.14 of the Revised Code. 27012

(13) "Mental health agency" means a community mental health27013agency, as defined in section 5119.22 of the Revised Code, under27014contract with a board of alcohol, drug addiction, and mental27015health services pursuant to division (A)(-6)(8)(a) of section27016340.03 of the Revised Code.27017

Page 870

(B) For purposes of this chapter, personal care services or 27018 skilled nursing care shall be considered to be provided by a 27019 facility if they are provided by a person employed by or 27020 associated with the facility or by another person pursuant to an 27021 agreement to which neither the resident who receives the services 27022 nor the resident's sponsor is a party. 27023 (C) Nothing in division (A)(6) of this section shall be 27024 construed to permit personal care services to be imposed upon a 27025 resident who is capable of performing the activity in question 27026 without assistance. 27027 Sec. 3722.15. (A) The following may enter an adult care 27028 facility at any time: 27029 (1) Employees designated by the director of health; 27030 (2) Employees designated by the director of aging; 27031 (3) Employees designated by the attorney general; 27032 (4) Employees designated by a county department of job and 27033 family services to implement sections 5101.60 to 5101.71 of the 27034 Revised Code; 27035 (5) Persons employed pursuant to division (M) of section 27036 173.01 of the Revised Code in the long-term care facilities 27037 ombudsperson program; 27038 (6) Employees of the department of mental health designated 27039 by the director of mental health; 27040 (7) Employees of a mental health agency, if the agency has a 27041 client residing in the facility; 27042 (8) Employees of a board of alcohol, drug addiction, and 27043 mental health services, when authorized by section 340.05 of the 27044

Revised Code or if an individual receiving mental health services

provided by the board pursuant to division $(A)\frac{(6)(8)}{(8)}$ (b) of section

Page 871

27045

340.03 of the Revised Code or a mental health agency under	27047
contract with the board resides in the facility.	27048
These employees shall be afforded access to all records of	27049
the facility, including records pertaining to residents, and may	27050
copy the records. Neither these employees nor the director of	27051
health shall release, without consent, any information obtained	27052
from the records of an adult care facility that reasonably would	27053
tend to identify a specific resident of the facility, except as	27054
ordered by a court of competent jurisdiction.	27055
(B) The following persons may enter any adult care facility	27056
during reasonable hours:	27057
(1) A resident's sponsor;	27058
(2) Residents' rights advocates;	27059
(3) A resident's attorney;	27060
(4) A minister, priest, rabbi, or other person ministering to	27061
a resident's religious needs;	27062
(5) A physician or other person providing health care	27063
services to a resident;	27064
(6) Employees authorized by county departments of job and	27065
family services and local boards of health or health departments	27066
to enter adult care facilities;	27067
(7) A prospective resident and prospective resident's	27068
sponsor.	27069
(C) The manager of an adult care facility may require a	27070
person seeking to enter the facility to present identification	27071
sufficient to identify the person as an authorized person under	27072
this section.	27073
Sec. 3722.16. (A) No person shall:	27074

(1) Operate an adult care facility unless the facility is 27075

validly licensed by the director of health under section 3722.04 27076 of the Revised Code; 27077

(2) Admit to an adult care facility more residents than the 27078number authorized in the facility's license; 27079

(3) Admit a resident to an adult care facility after the 27080 director has issued an order pursuant to section 3722.07 of the 27081 Revised Code suspending admissions to the facility. Violation of 27082 division (A)(3) of this section is cause for revocation of the 27083 facility's license. 27084

(4) Interfere with any authorized inspection of an adult care 27085facility conducted pursuant to section 3722.02 or 3722.04 of the 27086Revised Code; 27087

(5) Violate any of the provisions of this chapter or any of 27088the rules adopted pursuant to it. 27089

(B) No adult care facility shall provide, or admit or retain 27090any resident in need of, skilled nursing care unless all of the 27091following are the case: 27092

(1) The care will be provided on a part-time, intermittent 27093
basis for not more than a total of one hundred twenty days in any 27094
twelve-month period by one or more of the following: 27095

(a) A home health agency certified under Title XVIII of the 27096
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 27097
amended: 27098

(b) A hospice care program licensed under Chapter 3712. of 27099the Revised Code; 27100

(c) A nursing home licensed under Chapter 3721. of the 27101
Revised Code and owned and operated by the same person and located 27102
on the same site as the adult care facility; 27103

(d) A mental health agency or, pursuant to division27104(A) (-6) (8) (b) of section 340.03 of the Revised Code, a board of27105

alcohol, drug addiction, and mental health services. 27106

(2) The staff of the home health agency, hospice care 27107 program, nursing home, mental health agency, or board of alcohol, 27108 drug addiction, and mental health services does not train facility 27109 staff to provide the skilled nursing care; 27110

(3) The individual to whom the skilled nursing care is 27111 provided is suffering from a short-term illness; 27112

(4) If the skilled nursing care is to be provided by the 27113 nursing staff of a nursing home, all of the following are the 27114 27115 case:

(a) The adult care facility evaluates the individual 27116 receiving the skilled nursing care at least once every seven days 27117 to determine whether the individual should be transferred to a 27118 nursing home; 27119

(b) The adult care facility meets at all times staffing 27120 requirements established by rules adopted under section 3722.10 of 27121 the Revised Code; 27122

(c) The nursing home does not include the cost of providing 27123 skilled nursing care to the adult care facility residents in a 27124 cost report filed under section 5111.26 of the Revised Code; 27125

(d) The nursing home meets at all times the nursing home 27126 licensure staffing ratios established by rules adopted under 27127 section 3721.04 of the Revised Code; 27128

(e) The nursing home staff providing skilled nursing care to 27129 adult care facility residents are registered nurses or licensed 27130 practical nurses licensed under Chapter 4723. of the Revised Code 27131 and meet the personnel qualifications for nursing home staff 27132 established by rules adopted under section 3721.04 of the Revised 27133 Code; 27134

(f) The skilled nursing care is provided in accordance with 27135

rules established for nursing homes under section 3721.04 of the 27136 Revised Code; 27137

(g) The nursing home meets the skilled nursing care needs of 27138the adult care facility residents; 27139

(h) Using the nursing home's nursing staff does not prevent 27140 the nursing home or adult care facility from meeting the needs of 27141 the nursing home and adult care facility residents in a quality 27142 and timely manner. 27143

Notwithstanding section 3721.01 of the Revised Code, an adult 27144 care facility in which residents receive skilled nursing care as 27145 described in division (B) of this section is not a nursing home. 27146 No adult care facility shall provide skilled nursing care. 27147

(C) A home health agency or hospice care program that 27148 provides skilled nursing care pursuant to division (B) of this 27149 section may not be associated with the adult care facility unless 27150 the facility is part of a home for the aged as defined in section 27151 5701.13 of the Revised Code or the adult care facility is owned 27152 and operated by the same person and located on the same site as a 27153 nursing home licensed under Chapter 3721. of the Revised Code that 27154 is associated with the home health agency or hospice care program. 27155 In addition, the following requirements shall be met: 27156

(1) The adult care facility shall evaluate the individual 27157
 receiving the skilled nursing care not less than once every seven 27158
 days to determine whether the individual should be transferred to 27159
 a nursing home; 27160

(2) If the costs of providing the skilled nursing care are 27161 included in a cost report filed pursuant to section 5111.26 of the 27162 Revised Code by the nursing home that is part of the same home for 27163 the aged, the home health agency or hospice care program shall not 27164 seek reimbursement for the care under the medical assistance 27165 program established under Chapter 5111. of the Revised Code. 27166

(D)(1) No person knowingly shall place or recommend placement 27167 of any person in an adult care facility that is operating without 27168 a license. 27169

(2) No employee of a unit of local or state government, board 27170 of alcohol, drug addiction, and mental health services, mental 27171 health agency, or PASSPORT administrative agency shall place or 27172 recommend placement of any person in an adult care facility if the 27173 employee knows that the facility cannot meet the needs of the 27174 potential resident. 27175

(3) No person who has reason to believe that an adult care 27176 facility is operating without a license shall fail to report this 27177 information to the director of health. 27178

(E) In accordance with Chapter 119. of the Revised Code, the 27179 public health council shall adopt rules that define a short-term 27180 illness for purposes of division (B)(3) of this section and 27181 specify, consistent with rules pertaining to home health care 27182 adopted by the director of job and family services under the 27183 medical assistance program established under Chapter 5111. of the 27184 Revised Code and Title XIX of the "Social Security Act," 49 Stat. 27185 620 (1935), 42 U.S.C. 301, as amended, what constitutes a 27186 part-time, intermittent basis for purposes of division (B)(1) of 27187 this section. 27188

Sec. 3734.28. All moneys collected under sections 3734.122, 27189 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised 27190 Code and natural resource damages collected by the state under the 27191 "Comprehensive Environmental Response, Compensation, and Liability 27192 Act of 1980, " 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall 27193 be paid into the state treasury to the credit of the hazardous 27194 waste clean-up fund, which is hereby created. The environmental 27195 protection agency shall use the moneys in the fund for the 27196 purposes set forth in division (D) of section 3734.122, sections 27197

3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, 27198 and, through June 30, 2001 2003, divisions (A)(1) and (2) of 27199 section 3745.12 and Chapter 3746. of the Revised Code and for, 27200 including any related enforcement expenses. In addition, the 27201 agency shall use the moneys in the fund to pay the state's 27202 long-term operation and maintenance costs or matching share for 27203 actions taken under the "Comprehensive Environmental Response, 27204 Compensation, and Liability Act of 1980, " as amended. If those 27205 moneys are reimbursed by grants or other moneys from the United 27206 States or any other person, the moneys shall be placed in the fund 27207 and not in the general revenue fund. 27208

Sec. 3734.57. (A) For the purposes of paying the state's 27209 long-term operation costs or matching share for actions taken 27210 under the "Comprehensive Environmental Response, Compensation, and 27211 Liability Act of 1980, 94 Stat. 2767, 42 U.S.C.A. 9601, as 27212 amended; paying the costs of measures for proper clean-up of sites 27213 where polychlorinated biphenyls and substances, equipment, and 27214 devices containing or contaminated with polychlorinated biphenyls 27215 have been stored or disposed of; paying the costs of conducting 27216 surveys or investigations of solid waste facilities or other 27217 locations where it is believed that significant quantities of 27218 hazardous waste were disposed of and for conducting enforcement 27219 actions arising from the findings of such surveys or 27220 investigations; paying the costs of acquiring and cleaning up, or 27221 providing financial assistance for cleaning up, any hazardous 27222 waste facility or solid waste facility containing significant 27223 quantities of hazardous waste, that constitutes an imminent and 27224 substantial threat to public health or safety or the environment; 27225 and, from July 1, 1999 2001, through June 30, 2001 2004, for the 27226 purposes of paying the costs of administering and enforcing the 27227 27228 laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, 27229

Page 877

ground water evaluations related to solid wastes, infectious 27230 wastes, and construction and demolition debris, under this chapter 27231 and Chapter 3714. of the Revised Code and any rules adopted under 27232 them, and paying a share of the administrative costs of the 27233 environmental protection agency pursuant to section 3745.014 of 27234 the Revised Code, the following fees are hereby levied on the 27235 disposal of solid wastes in this state: 27236

(1) One dollar per ton on and after July 1, 1993; 27237

(2) An additional seventy-five cents per ton on and after 27238July 1, 1999 <u>2001</u>, through June 30, 2001 <u>2004</u>. 27239

The owner or operator of a solid waste disposal facility 27240 shall collect the fees levied under this division as a trustee for 27241 the state and shall prepare and file with the director of 27242 environmental protection monthly returns indicating the total 27243 tonnage of solid wastes received for disposal at the gate of the 27244 facility and the total amount of the fees collected under this 27245 division. Not later than thirty days after the last day of the 27246 month to which such a return applies, the owner or operator shall 27247 mail to the director the return for that month together with the 27248 fees collected during that month as indicated on the return. The 27249 owner or operator may request an extension of not more than thirty 27250 days for filing the return and remitting the fees, provided that 27251 the owner or operator has submitted such a request in writing to 27252 the director together with a detailed description of why the 27253 extension is requested, the director has received the request not 27254 later than the day on which the return is required to be filed, 27255 and the director has approved the request. If the fees are not 27256 remitted within sixty days after the last day of the month during 27257 which they were collected, the owner or operator shall pay an 27258 additional fifty per cent of the amount of the fees for each month 27259 27260 that they are late.

One-half of the moneys remitted to the director under

Page 878

27262 division (A)(1) of this section shall be credited to the hazardous 27263 waste facility management fund created in section 3734.18 of the 27264 Revised Code, and one-half shall be credited to the hazardous 27265 waste clean-up fund created in section 3734.28 of the Revised 27266 Code. The moneys remitted to the director under division (A)(2) of 27267 this section shall be credited to the solid waste fund, which is 27268 hereby created in the state treasury. The environmental protection 27269 agency shall use moneys in the solid waste fund only to pay the 27270 costs of administering and enforcing the laws pertaining to solid 27271 wastes, infectious wastes, and construction and demolition debris, 27272 including, without limitation, ground water evaluations related to 27273 solid wastes, infectious wastes, and construction and demolition 27274 debris, under this chapter and Chapter 3714. of the Revised Code 27275 and rules adopted under them and to pay a share of the 27276 administrative costs of the environmental protection agency 27277 pursuant to section 3745.014 of the Revised Code.

The fees levied under this division and divisions (B) and (C) 27279 of this section are in addition to all other applicable fees and 27280 taxes and shall be added to any other fee or amount specified in a 27281 contract that is charged by the owner or operator of a solid waste 27282 disposal facility or to any other fee or amount that is specified 27283 in a contract entered into on or after March 4, 1992, and that is 27284 charged by a transporter of solid wastes. 27285

(B) For the purpose of preparing, revising, and implementing 27286 the solid waste management plan of the county or joint solid waste 27287 management district, including, without limitation, the 27288 development and implementation of solid waste recycling or 27289 27290 reduction programs; providing financial assistance to boards of health within the district, if solid waste facilities are located 27291 within the district, for the enforcement of this chapter and rules 27292 adopted and orders and terms and conditions of permits, licenses, 27293

27294 and variances issued under it, other than the hazardous waste 27295 provisions of this chapter and rules adopted and orders and terms 27296 and conditions of permits issued under those provisions; providing 27297 financial assistance to the county to defray the added costs of 27298 maintaining roads and other public facilities and of providing 27299 emergency and other public services resulting from the location 27300 and operation of a solid waste facility within the county under 27301 the district's approved solid waste management plan; paying the 27302 costs incurred by boards of health for collecting and analyzing 27303 water samples from public or private wells on lands adjacent to 27304 solid waste facilities that are contained in the approved or 27305 amended plan of the district; paying the costs of developing and 27306 implementing a program for the inspection of solid wastes 27307 generated outside the boundaries of this state that are disposed 27308 of at solid waste facilities included in the district's approved 27309 solid waste management plan or amended plan; providing financial 27310 assistance to boards of health within the district for enforcing 27311 laws prohibiting open dumping; providing financial assistance to 27312 local law enforcement agencies within the district for enforcing 27313 laws and ordinances prohibiting littering; providing financial 27314 assistance to boards of health of health districts within the 27315 district that are on the approved list under section 3734.08 of 27316 the Revised Code for the training and certification required for 27317 their employees responsible for solid waste enforcement by rules 27318 adopted under division (L) of section 3734.02 of the Revised Code; 27319 providing financial assistance to individual municipal 27320 corporations and townships within the district to defray their 27321 added costs of maintaining roads and other public facilities and 27322 of providing emergency and other public services resulting from 27323 the location and operation within their boundaries of a 27324 composting, energy or resource recovery, incineration, or 27325 recycling facility that either is owned by the district or is 27326 furnishing solid waste management facility or recycling services

to the district pursuant to a contract or agreement with the board27327of county commissioners or directors of the district; and payment27328of any expenses that are agreed to, awarded, or ordered to be paid27329under section 3734.35 of the Revised Code and of any27330administrative costs incurred pursuant to that section, the solid27331waste management policy committee of a county or joint solid waste27332management district may levy fees upon the following activities:27333

(1) The disposal at a solid waste disposal facility located 27334in the district of solid wastes generated within the district; 27335

(2) The disposal at a solid waste disposal facility within
 27336
 the district of solid wastes generated outside the boundaries of
 27337
 the district, but inside this state;
 27338

(3) The disposal at a solid waste disposal facility within 27339the district of solid wastes generated outside the boundaries of 27340this state. 27341

If any such fees are levied prior to January 1, 1994, fees 27342 levied under division (B)(1) of this section always shall be equal 27343 to one-half of the fees levied under division (B)(2) of this 27344 section, and fees levied under division (B)(3) of this section, 27345 which shall be in addition to fees levied under division (B)(2) of 27346 this section, always shall be equal to fees levied under division 27347 (B)(1) of this section, except as otherwise provided in this 27348 division. The solid waste management plan of the county or joint 27349 district approved under section 3734.521 or 3734.55 of the Revised 27350 Code and any amendments to it, or the resolution adopted under 27351 this division, as appropriate, shall establish the rates of the 27352 fees levied under divisions (B)(1), (2), and (3) of this section, 27353 if any, and shall specify whether the fees are levied on the basis 27354 of tons or cubic yards as the unit of measurement. Although the 27355 fees under divisions (A)(1) and (2) of this section are levied on 27356 the basis of tons as the unit of measurement, the solid waste 27357 management plan of the district and any amendments to it or the 27358

27359 solid waste management policy committee in its resolution levying 27360 fees under this division may direct that the fees levied under 27361 those divisions be levied on the basis of cubic yards as the unit 27362 of measurement based upon a conversion factor of three cubic yards 27363 per ton generally or one cubic yard per ton for baled wastes if 27364 the fees under divisions (B)(1) to (3) of this section are being 27365 levied on the basis of cubic yards as the unit of measurement 27366 under the plan, amended plan, or resolution.

On and after January 1, 1994, the fee levied under division 27367 (B)(1) of this section shall be not less than one dollar per ton 27368 nor more than two dollars per ton, the fee levied under division 27369 (B)(2) of this section shall be not less than two dollars per ton 27370 nor more than four dollars per ton, and the fee levied under 27371 division (B)(3) of this section shall be not more than the fee 27372 levied under division (B)(1) of this section, except as otherwise 27373 provided in this division and notwithstanding any schedule of 27374 those fees established in the solid waste management plan of a 27375 county or joint district approved under section 3734.55 of the 27376 Revised Code or a resolution adopted and ratified under this 27377 division that is in effect on that date. If the fee that a 27378 district is levying under division (B)(1) of this section on that 27379 date under its approved plan or such a resolution is less than one 27380 dollar per ton, the fee shall be one dollar per ton on and after 27381 January 1, 1994, and if the fee that a district is so levying 27382 under that division exceeds two dollars per ton, the fee shall be 27383 two dollars per ton on and after that date. If the fee that a 27384 district is so levying under division (B)(2) of this section is 27385 less than two dollars per ton, the fee shall be two dollars per 27386 ton on and after that date, and if the fee that the district is so 27387 levying under that division exceeds four dollars per ton, the fee 27388 shall be four dollars per ton on and after that date. On that 27389 date, the fee levied by a district under division (B)(3) of this 27390

27391 section shall be equal to the fee levied under division (B)(1) of 27392 this section. Except as otherwise provided in this division, the 27393 fees established by the operation of this amendment shall remain 27394 in effect until the district's resolution levying fees under this 27395 division is amended or repealed in accordance with this division 27396 to amend or abolish the schedule of fees, the schedule of fees is 27397 amended or abolished in an amended plan of the district approved 27398 under section 3734.521 or division (A) or (D) of section 3734.56 27399 of the Revised Code, or the schedule of fees is amended or 27400 abolished through an amendment to the district's plan under 27401 division (E) of section 3734.56 of the Revised Code; the 27402 notification of the amendment or abolishment of the fees has been 27403 given in accordance with this division; and collection of the 27404 amended fees so established commences, or collection of the fees 27405 ceases, in accordance with this division.

The solid waste management policy committee of a district 27406 levying fees under divisions (B)(1) to (3) of this section on 27407 October 29, 1993, under its solid waste management plan approved 27408 under section 3734.55 of the Revised Code or a resolution adopted 27409 and ratified under this division that are within the ranges of 27410 rates prescribed by this amendment, by adoption of a resolution 27411 not later than December 1, 1993, and without the necessity for 27412 ratification of the resolution under this division, may amend 27413 those fees within the prescribed ranges, provided that the 27414 estimated revenues from the amended fees will not substantially 27415 exceed the estimated revenues set forth in the district's budget 27416 for calendar year 1994. Not later than seven days after the 27417 adoption of such a resolution, the committee shall notify by 27418 certified mail the owner or operator of each solid waste disposal 27419 facility that is required to collect the fees of the adoption of 27420 the resolution and of the amount of the amended fees. Collection 27421 of the amended fees shall take effect on the first day of the 27422

Page 883

27423 first month following the month in which the notification is sent 27424 to the owner or operator. The fees established in such a 27425 resolution shall remain in effect until the district's resolution 27426 levying fees that was adopted and ratified under this division is 27427 amended or repealed, and the amendment or repeal of the resolution 27428 is ratified, in accordance with this division, to amend or abolish 27429 the fees, the schedule of fees is amended or abolished in an 27430 amended plan of the district approved under section 3734.521 or 27431 division (A) or (D) of section 3734.56 of the Revised Code, or the 27432 schedule of fees is amended or abolished through an amendment to 27433 the district's plan under division (E) of section 3734.56 of the 27434 Revised Code; the notification of the amendment or abolishment of 27435 the fees has been given in accordance with this division; and 27436 collection of the amended fees so established commences, or 27437 collection of the fees ceases, in accordance with this division.

Prior to the approval of the solid waste management plan of 27438 the district under section 3734.55 of the Revised Code, the solid 27439 waste management policy committee of a district may levy fees 27440 under this division by adopting a resolution establishing the 27441 proposed amount of the fees. Upon adopting the resolution, the 27442 committee shall deliver a copy of the resolution to the board of 27443 county commissioners of each county forming the district and to 27444 the legislative authority of each municipal corporation and 27445 township under the jurisdiction of the district and shall prepare 27446 and publish the resolution and a notice of the time and location 27447 where a public hearing on the fees will be held. Upon adopting the 27448 resolution, the committee shall deliver written notice of the 27449 adoption of the resolution; of the amount of the proposed fees; 27450 and of the date, time, and location of the public hearing to the 27451 director and to the fifty industrial, commercial, or institutional 27452 generators of solid wastes within the district that generate the 27453 largest quantities of solid wastes, as determined by the 27454

Page 884

27455 committee, and to their local trade associations. The committee 27456 shall make good faith efforts to identify those generators within 27457 the district and their local trade associations, but the 27458 nonprovision of notice under this division to a particular 27459 generator or local trade association does not invalidate the 27460 proceedings under this division. The publication shall occur at 27461 least thirty days before the hearing. After the hearing, the 27462 committee may make such revisions to the proposed fees as it 27463 considers appropriate and thereafter, by resolution, shall adopt 27464 the revised fee schedule. Upon adopting the revised fee schedule, 27465 the committee shall deliver a copy of the resolution doing so to 27466 the board of county commissioners of each county forming the 27467 district and to the legislative authority of each municipal 27468 corporation and township under the jurisdiction of the district. 27469 Within sixty days after the delivery of a copy of the resolution 27470 adopting the proposed revised fees by the policy committee, each 27471 such board and legislative authority, by ordinance or resolution, 27472 shall approve or disapprove the revised fees and deliver a copy of 27473 the ordinance or resolution to the committee. If any such board or 27474 legislative authority fails to adopt and deliver to the policy 27475 committee an ordinance or resolution approving or disapproving the 27476 revised fees within sixty days after the policy committee 27477 delivered its resolution adopting the proposed revised fees, it 27478 shall be conclusively presumed that the board or legislative 27479 authority has approved the proposed revised fees.

In the case of a county district or a joint district formed 27480 by two or three counties, the committee shall declare the proposed 27481 revised fees to be ratified as the fee schedule of the district 27482 upon determining that the board of county commissioners of each 27483 county forming the district has approved the proposed revised fees 27484 and that the legislative authorities of a combination of municipal 27485 corporations and townships with a combined population within the 27486

27487 district comprising at least sixty per cent of the total 27488 population of the district have approved the proposed revised 27489 fees, provided that in the case of a county district, that 27490 combination shall include the municipal corporation having the 27491 largest population within the boundaries of the district, and 27492 provided further that in the case of a joint district formed by 27493 two or three counties, that combination shall include for each 27494 county forming the joint district the municipal corporation having 27495 the largest population within the boundaries of both the county in 27496 which the municipal corporation is located and the joint district. 27497 In the case of a joint district formed by four or more counties, 27498 the committee shall declare the proposed revised fees to be 27499 ratified as the fee schedule of the joint district upon 27500 determining that the boards of county commissioners of a majority 27501 of the counties forming the district have approved the proposed 27502 revised fees; that, in each of a majority of the counties forming 27503 the joint district, the proposed revised fees have been approved 27504 by the municipal corporation having the largest population within 27505 the county and the joint district; and that the legislative 27506 authorities of a combination of municipal corporations and 27507 townships with a combined population within the joint district 27508 comprising at least sixty per cent of the total population of the 27509 joint district have approved the proposed revised fees.

For the purposes of this division, only the population of the 27510 unincorporated area of a township shall be considered. For the 27511 purpose of determining the largest municipal corporation within 27512 each county under this division, a municipal corporation that is 27513 located in more than one solid waste management district, but that 27514 is under the jurisdiction of one county or joint solid waste 27515 management district in accordance with division (A) of section 27516 3734.52 of the Revised Code shall be considered to be within the 27517 boundaries of the county in which a majority of the population of 27518

the municipal corporation resides.

The committee may amend the schedule of fees levied pursuant 27520 to a resolution or amended resolution adopted and ratified under 27521 this division by adopting a resolution establishing the proposed 27522 27523 amount of the amended fees. The committee may abolish the fees levied pursuant to such a resolution or amended resolution by 27524 adopting a resolution proposing to repeal them. Upon adopting such 27525 a resolution, the committee shall proceed to obtain ratification 27526 of the resolution in accordance with this division. 27527

Not later than fourteen days after declaring the fees or 27528 amended fees to be ratified under this division, the committee 27529 shall notify by certified mail the owner or operator of each solid 27530 waste disposal facility that is required to collect the fees of 27531 the ratification and the amount of the fees. Collection of any 27532 fees or amended fees ratified on or after March 24, 1992, shall 27533 commence on the first day of the second month following the month 27534 in which notification is sent to the owner or operator. 27535

Not later than fourteen days after declaring the repeal of 27536 the district's schedule of fees to be ratified under this 27537 division, the committee shall notify by certified mail the owner 27538 or operator of each facility that is collecting the fees of the 27539 repeal. Collection of the fees shall cease on the first day of the 27540 second month following the month in which notification is sent to 27541 the owner or operator. 27542

Not later than fourteen days after the director issues an 27543 order approving a district's solid waste management plan under 27544 section 3734.55 of the Revised Code or amended plan under division 27545 (A) or (D) of section 3734.56 of the Revised Code that establishes 27546 or amends a schedule of fees levied by the district, or the 27547 ratification of an amendment to the district's approved plan or 27548 amended plan under division (E) of section 3734.56 of the Revised 27549 Code that establishes or amends a schedule of fees, as 27550

27551 appropriate, the committee shall notify by certified mail the 27552 owner or operator of each solid waste disposal facility that is 27553 required to collect the fees of the approval of the plan or 27554 amended plan, or the amendment to the plan, as appropriate, and 27555 the amount of the fees or amended fees. In the case of an initial 27556 or amended plan approved under section 3734.521 of the Revised 27557 Code in connection with a change in district composition, other 27558 than one involving the withdrawal of a county from a joint 27559 district, that establishes or amends a schedule of fees levied 27560 under divisions (B)(1) to (3) of this section by a district 27561 resulting from the change, the committee, within fourteen days 27562 after the change takes effect pursuant to division (G) of that 27563 section, shall notify by certified mail the owner or operator of 27564 each solid waste disposal facility that is required to collect the 27565 fees that the change has taken effect and of the amount of the 27566 fees or amended fees. Collection of any fees set forth in a plan 27567 or amended plan approved by the director on or after April 16, 27568 1993, or an amendment of a plan or amended plan under division (E) 27569 of section 3734.56 of the Revised Code that is ratified on or 27570 after April 16, 1993, shall commence on the first day of the 27571 second month following the month in which notification is sent to 27572 the owner or operator.

Not later than fourteen days after the director issues an 27573 order approving a district's plan under section 3734.55 of the 27574 Revised Code or amended plan under division (A) or (D) of section 27575 3734.56 of the Revised Code that abolishes the schedule of fees 27576 levied under divisions (B)(1) to (3) of this section, or an 27577 amendment to the district's approved plan or amended plan 27578 abolishing the schedule of fees is ratified pursuant to division 27579 (E) of section 3734.56 of the Revised Code, as appropriate, the 27580 committee shall notify by certified mail the owner or operator of 27581 each facility that is collecting the fees of the approval of the 27582

27583 plan or amended plan, or the amendment of the plan or amended 27584 plan, as appropriate, and the abolishment of the fees. In the case 27585 of an initial or amended plan approved under section 3734.521 of 27586 the Revised Code in connection with a change in district 27587 composition, other than one involving the withdrawal of a county 27588 from a joint district, that abolishes the schedule of fees levied 27589 under divisions (B)(1) to (3) of this section by a district 27590 resulting from the change, the committee, within fourteen days 27591 after the change takes effect pursuant to division (G) of that 27592 section, shall notify by certified mail the owner or operator of 27593 each solid waste disposal facility that is required to collect the 27594 fees that the change has taken effect and of the abolishment of 27595 the fees. Collection of the fees shall cease on the first day of 27596 the second month following the month in which notification is sent 27597 to the owner or operator.

Except as otherwise provided in this division, if the 27598 schedule of fees that a district is levying under divisions (B)(1)27599 to (3) of this section pursuant to a resolution or amended 27600 resolution adopted and ratified under this division, the solid 27601 waste management plan of the district approved under section 27602 3734.55 of the Revised Code, an amended plan approved under 27603 division (A) or (D) of section 3734.56 of the Revised Code, or an 27604 amendment to the district's approved plan or amended plan under 27605 division (E) of section 3734.56 of the Revised Code, is amended by 27606 the adoption and ratification of an amendment to the resolution or 27607 amended resolution or an amendment of the district's approved plan 27608 or amended plan, the fees in effect immediately prior to the 27609 approval of the plan or the amendment of the resolution, amended 27610 resolution, plan, or amended plan, as appropriate, shall continue 27611 to be collected until collection of the amended fees commences 27612 pursuant to this division. 27613

If, in the case of a change in district composition involving 27614

Page 889

27615 the withdrawal of a county from a joint district, the director 27616 completes the actions required under division (G)(1) or (3) of 27617 section 3734.521 of the Revised Code, as appropriate, forty-five 27618 days or more before the beginning of a calendar year, the policy 27619 committee of each of the districts resulting from the change that 27620 obtained the director's approval of an initial or amended plan in 27621 connection with the change, within fourteen days after the 27622 director's completion of the required actions, shall notify by 27623 certified mail the owner or operator of each solid waste disposal 27624 facility that is required to collect the district's fees that the 27625 change is to take effect on the first day of January immediately 27626 following the issuance of the notice and of the amount of the fees 27627 or amended fees levied under divisions (B)(1) to (3) of this 27628 section pursuant to the district's initial or amended plan as so 27629 approved or, if appropriate, the abolishment of the district's 27630 fees by that initial or amended plan. Collection of any fees set 27631 forth in such a plan or amended plan shall commence on the first 27632 day of January immediately following the issuance of the notice. 27633 If such an initial or amended plan abolishes a schedule of fees, 27634 collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving 27635 the withdrawal of a county from a joint district, the director 27636 completes the actions required under division (G)(1) or (3) of 27637 section 3734.521 of the Revised Code, as appropriate, less than 27638 forty-five days before the beginning of a calendar year, the 27639 director, on behalf of each of the districts resulting from the 27640 change that obtained the director's approval of an initial or 27641 amended plan in connection with the change proceedings, shall 27642 notify by certified mail the owner or operator of each solid waste 27643 disposal facility that is required to collect the district's fees 27644 that the change is to take effect on the first day of January 27645 immediately following the mailing of the notice and of the amount 27646

27647 of the fees or amended fees levied under divisions (B)(1) to (3)27648 of this section pursuant to the district's initial or amended plan 27649 as so approved or, if appropriate, the abolishment of the 27650 district's fees by that initial or amended plan. Collection of any 27651 fees set forth in such a plan or amended plan shall commence on 27652 the first day of the second month following the month in which 27653 notification is sent to the owner or operator. If such an initial 27654 or amended plan abolishes a schedule of fees, collection of the 27655 fees shall cease on the first day of the second month following 27656 the month in which notification is sent to the owner or operator.

In the case of a change in district composition, the schedule 27657 of fees that the former districts that existed prior to the change 27658 were levying under divisions (B)(1) to (3) of this section 27659 pursuant to a resolution or amended resolution adopted and 27660 ratified under this division, the solid waste management plan of a 27661 former district approved under section 3734.521 or 3734.55 of the 27662 Revised Code, an amended plan approved under section 3734.521 or 27663 division (A) or (D) of section 3734.56 of the Revised Code, or an 27664 amendment to a former district's approved plan or amended plan 27665 under division (E) of section 3734.56 of the Revised Code, and 27666 that were in effect on the date that the director completed the 27667 actions required under division (G)(1) or (3) of section 3734.521 27668 of the Revised Code shall continue to be collected until the 27669 collection of the fees or amended fees of the districts resulting 27670 from the change is required to commence, or if an initial or 27671 amended plan of a resulting district abolishes a schedule of fees, 27672 collection of the fees is required to cease, under this division. 27673 Moneys so received from the collection of the fees of the former 27674 districts shall be divided among the resulting districts in 27675 accordance with division (B) of section 343.012 of the Revised 27676 Code and the agreements entered into under division (B) of section 27677 343.01 of the Revised Code to establish the former and resulting 27678

Page 891

27679 districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this 27680 section establishing the times when newly established or amended 27681 fees levied by a district are required to commence and the 27682 collection of fees that have been amended or abolished is required 27683 to cease, "fees" or "schedule of fees" includes, in addition to 27684 fees levied under divisions (B)(1) to (3) of this section, those 27685 levied under section 3734.573 or 3734.574 of the Revised Code. 27686

(C) For the purposes of defraying the added costs to a 27687 municipal corporation or township of maintaining roads and other 27688 public facilities and of providing emergency and other public 27689 services, and compensating a municipal corporation or township for 27690 reductions in real property tax revenues due to reductions in real 27691 property valuations resulting from the location and operation of a 27692 solid waste disposal facility within the municipal corporation or 27693 township, a municipal corporation or township in which such a 27694 solid waste disposal facility is located may levy a fee of not 27695 more than twenty-five cents per ton on the disposal of solid 27696 wastes at a solid waste disposal facility located within the 27697 boundaries of the municipal corporation or township regardless of 27698 where the wastes were generated. 27699

The legislative authority of a municipal corporation or 27700 township may levy fees under this division by enacting an 27701 ordinance or adopting a resolution establishing the amount of the 27702 fees. Upon so doing the legislative authority shall mail a 27703 certified copy of the ordinance or resolution to the board of 27704 county commissioners or directors of the county or joint solid 27705 waste management district in which the municipal corporation or 27706 township is located or, if a regional solid waste management 27707 authority has been formed under section 343.011 of the Revised 27708 Code, to the board of trustees of that regional authority, the 27709 owner or operator of each solid waste disposal facility in the 27710

27711 municipal corporation or township that is required to collect the 27712 fee by the ordinance or resolution, and the director of 27713 environmental protection. Although the fees levied under this 27714 division are levied on the basis of tons as the unit of 27715 measurement, the legislative authority, in its ordinance or 27716 resolution levying the fees under this division, may direct that 27717 the fees be levied on the basis of cubic yards as the unit of 27718 measurement based upon a conversion factor of three cubic yards 27719 per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or 27720 adopting a resolution under this division, the legislative 27721 authority shall so notify by certified mail the owner or operator 27722 of each solid waste disposal facility that is required to collect 27723 the fee. Collection of any fee levied on or after March 24, 1992, 27724 shall commence on the first day of the second month following the 27725 month in which notification is sent to the owner or operator. 27726

(D)(1) The fees levied under divisions (A), (B), and (C) of 27727 this section do not apply to the disposal of solid wastes that: 27728

(a) Are disposed of at a facility owned by the generator of 27729
 the wastes when the solid waste facility exclusively disposes of 27730
 solid wastes generated at one or more premises owned by the 27731
 generator regardless of whether the facility is located on a 27732
 premises where the wastes are generated; 27733

(b) Are disposed of at facilities that exclusively dispose of 27734 wastes that are generated from the combustion of coal, or from the 27735 combustion of primarily coal in combination with scrap tires, that 27736 is not combined in any way with garbage at one or more premises 27737 owned by the generator.

(2) Except as provided in section 3734.571 of the Revised 27739
Code, any fees levied under division (B)(1) of this section apply 27740
to solid wastes originating outside the boundaries of a county or 27741

joint district that are covered by an agreement for the joint use27742of solid waste facilities entered into under section 343.02 of the27743Revised Code by the board of county commissioners or board of27744directors of the county or joint district where the wastes are27745generated and disposed of.27746

(3) When solid wastes, other than solid wastes that consist 27747 of scrap tires, are burned in a disposal facility that is an 27748 incinerator or energy recovery facility, the fees levied under 27749 divisions (A), (B), and (C) of this section shall be levied upon 27750 the disposal of the fly ash and bottom ash remaining after burning 27751 of the solid wastes and shall be collected by the owner or 27752 operator of the sanitary landfill where the ash is disposed of. 27753

(4) When solid wastes are delivered to a solid waste transfer 27754 facility, the fees levied under divisions (A), (B), and (C) of 27755 this section shall be levied upon the disposal of solid wastes 27756 transported off the premises of the transfer facility for disposal 27757 and shall be collected by the owner or operator of the solid waste 27758 disposal facility where the wastes are disposed of. 27759

(5) The fees levied under divisions (A), (B), and (C) of this 27760 section do not apply to sewage sludge that is generated by a waste 27761 water treatment facility holding a national pollutant discharge 27762 elimination system permit and that is disposed of through 27763 incineration, land application, or composting or at another 27764 resource recovery or disposal facility that is not a landfill. 27765

27766

(6) The fees levied under divisions (A), (B), and (C) of this 27767 section do not apply to solid wastes delivered to a solid waste 27768 composting facility for processing. When any unprocessed solid 27769 waste or compost product is transported off the premises of a 27770 composting facility and disposed of at a landfill, the fees levied 27771 under divisions (A), (B), and (C) of this section shall be 27772 collected by the owner or operator of the landfill where the 27773

unprocessed waste or compost product is disposed of. 27774

(7) When solid wastes that consist of scrap tires are 27775 processed at a scrap tire recovery facility, the fees levied under 27776 divisions (A), (B), and (C) of this section shall be levied upon 27777 the disposal of the fly ash and bottom ash or other solid wastes 27778 remaining after the processing of the scrap tires and shall be 27779 collected by the owner or operator of the solid waste disposal 27780 facility where the ash or other solid wastes are disposed of. 27781

(E) The fees levied under divisions (B) and (C) of this 27782 section shall be collected by the owner or operator of the solid 27783 waste disposal facility where the wastes are disposed of as a 27784 trustee for the county or joint district and municipal corporation 27785 or township where the wastes are disposed of. Moneys from the fees 27786 levied under division (B) of this section shall be forwarded to 27787 the board of county commissioners or board of directors of the 27788 district in accordance with rules adopted under division (H) of 27789 this section. Moneys from the fees levied under division (C) of 27790 this section shall be forwarded to the treasurer or such other 27791 officer of the municipal corporation as, by virtue of the charter, 27792 has the duties of the treasurer or to the clerk of the township, 27793 as appropriate, in accordance with those rules. 27794

(F) Moneys received by the treasurer or such other officer of 27795 the municipal corporation under division (E) of this section shall 27796 be paid into the general fund of the municipal corporation. Moneys 27797 received by the clerk of the township under that division shall be 27798 paid into the general fund of the township. The treasurer or such 27799 other officer of the municipal corporation or the clerk, as 27800 appropriate, shall maintain separate records of the moneys 27801 received from the fees levied under division (C) of this section. 27802

27803

(G) Moneys received by the board of county commissioners or 27804board of directors under division (E) of this section or section 27805

27806 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 27807 shall be paid to the county treasurer, or other official acting in 27808 a similar capacity under a county charter, in a county district or 27809 to the county treasurer or other official designated by the board 27810 of directors in a joint district and kept in a separate and 27811 distinct fund to the credit of the district. If a regional solid 27812 waste management authority has been formed under section 343.011 27813 of the Revised Code, moneys received by the board of trustees of 27814 that regional authority under division (E) of this section shall 27815 be kept by the board in a separate and distinct fund to the credit 27816 of the district. Moneys in the special fund of the county or joint 27817 district arising from the fees levied under division (B) of this 27818 section and the fee levied under division (A) of section 3734.573 27819 of the Revised Code shall be expended by the board of county 27820 commissioners or directors of the district in accordance with the 27821 district's solid waste management plan or amended plan approved 27822 under section 3734.521, 3734.55, or 3734.56 of the Revised Code 27823 exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the 27824 district under section 3734.54 of the Revised Code, monitoring 27825 implementation of the plan, and conducting the periodic review and 27826 amendment of the plan required by section 3734.56 of the Revised 27827 Code by the solid waste management policy committee; 27828

(2) Implementation of the approved solid waste management
 27829
 plan or amended plan of the district, including, without
 27830
 limitation, the development and implementation of solid waste
 27831
 recycling or reduction programs;
 27832

(3) Providing financial assistance to boards of health within 27833 the district, if solid waste facilities are located within the 27834 district, for enforcement of this chapter and rules, orders, and 27835 terms and conditions of permits, licenses, and variances adopted 27836 or issued under it, other than the hazardous waste provisions of 27837

27838 this chapter and rules adopted and orders and terms and conditions 27839 of permits issued under those provisions;

(4) Providing financial assistance to each county within the 27840 district to defray the added costs of maintaining roads and other 27841 public facilities and of providing emergency and other public 27842 services resulting from the location and operation of a solid 27843 waste facility within the county under the district's approved 27844 solid waste management plan or amended plan; 27845

(5) Pursuant to contracts entered into with boards of health 27846 within the district, if solid waste facilities contained in the 27847 district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health 27849 for collecting and analyzing samples from public or private water 27850 wells on lands adjacent to those facilities; 27851

(6) Developing and implementing a program for the inspection 27852 of solid wastes generated outside the boundaries of this state 27853 that are disposed of at solid waste facilities included in the 27854 district's approved solid waste management plan or amended plan; 27855

(7) Providing financial assistance to boards of health within 27856 the district for the enforcement of section 3734.03 of the Revised 27857 Code or to local law enforcement agencies having jurisdiction 27858 within the district for enforcing anti-littering laws and 27859 ordinances; 27860

(8) Providing financial assistance to boards of health of 27861 health districts within the district that are on the approved list 27862 under section 3734.08 of the Revised Code to defray the costs to 27863 the health districts for the participation of their employees 27864 responsible for enforcement of the solid waste provisions of this 27865 chapter and rules adopted and orders and terms and conditions of 27866 permits, licenses, and variances issued under those provisions in 27867 the training and certification program as required by rules 27868

adopted under division (L) of section 3734.02 of the Revised Code; 27869

(9) Providing financial assistance to individual municipal 27870 corporations and townships within the district to defray their 27871 added costs of maintaining roads and other public facilities and 27872 of providing emergency and other public services resulting from 27873 the location and operation within their boundaries of a 27874 composting, energy or resource recovery, incineration, or 27875 recycling facility that either is owned by the district or is 27876 furnishing solid waste management facility or recycling services 27877 to the district pursuant to a contract or agreement with the board 27878 of county commissioners or directors of the district; 27879

(10) Payment of any expenses that are agreed to, awarded, or 27880 ordered to be paid under section 3734.35 of the Revised Code and 27881 of any administrative costs incurred pursuant to that section. In 27882 the case of a joint solid waste management district, if the board 27883 of county commissioners of one of the counties in the district is 27884 negotiating on behalf of affected communities, as defined in that 27885 section, in that county, the board shall obtain the approval of 27886 the board of directors of the district in order to expend moneys 27887 for administrative costs incurred. 27888

Prior to the approval of the district's solid waste 27889 management plan under section 3734.55 of the Revised Code, moneys 27890 in the special fund of the district arising from the fees shall be 27891 expended for those purposes in the manner prescribed by the solid 27892 waste management policy committee by resolution. 27893

Notwithstanding division (G)(6) of this section as it existed 27894 prior to October 29, 1993, or any provision in a district's solid 27895 waste management plan prepared in accordance with division 27896 (B)(2)(e) of section 3734.53 of the Revised Code as it existed 27897 prior to that date, any moneys arising from the fees levied under 27898 division (B)(3) of this section prior to January 1, 1994, may be 27899 expended for any of the purposes authorized in divisions (G)(1) to 27900

(10) of this section.

(H) The director shall adopt rules in accordance with Chapter 27902 119. of the Revised Code prescribing procedures for collecting and 27903 forwarding the fees levied under divisions (B) and (C) of this 27904 section to the boards of county commissioners or directors of 27905 county or joint solid waste management districts and to the 27906 treasurers or other officers of municipal corporations or to the 27907 clerks of townships. The rules also shall prescribe the dates for 27908 27909 forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or 27910 appropriate to implement and administer divisions (A), (B), and 27911 (C) of this section. Collection of the fees levied under division 27912 (A)(1) of this section shall commence on July 1, 1993. Collection 27913 of the fees levied under division (A)(2) of this section shall 27914 commence on January 1, 1994. 27915

sec. 3734.82. (A) The annual fee for a scrap tire recovery 27916
facility license issued under section 3734.81 of the Revised Code 27917
shall be in accordance with the following schedule: 27918

Daily Design	Annual	27919
Input Capacity	License	27920
(Tons)	Fee	27921
1 or less	\$ 100	27922
2 to 25	500	27923
26 to 50	1,000	27924
51 to 100	1,500	27925
101 to 200	2,500	27926
201 to 500	3,500	27927
501 or more	5,500	27928

For the purpose of determining the applicable license fee27929under this division, the daily design input capacity shall be the27930quantity of scrap tires the facility is designed to process daily27931

Page 899

as set forth in the registration certificate or permit for the27932facility, and any modifications to the permit, if applicable,27933issued under section 3734.78 of the Revised Code.27934

(B) The annual fee for a scrap tire monocell or monofill27935facility license shall be in accordance with the following27936schedule:27937

Authorized Maximum	Annual	27938
Daily Waste Receipt	License	27939
(Tons)	Fee	27940
100 or less	\$ 5,000	27941
101 to 200	12,500	27942
201 to 500	30,000	27943
501 or more	60,000	27944

For the purpose of determining the applicable license fee 27945 under this division, the authorized maximum daily waste receipt 27946 shall be the maximum amount of scrap tires the facility is 27947 authorized to receive daily that is established in the permit for 27948 the facility, and any modification to that permit, issued under 27949 section 3734.77 of the Revised Code. 27950

(C)(1) Except as otherwise provided in division (C)(2) of 27951 this section, the annual fee for a scrap tire storage facility 27952 license shall equal one thousand dollars times the number of acres 27953 on which scrap tires are to be stored at the facility during the 27954 license year, as set forth on the application for the annual 27955 license, except that the total annual license fee for any such 27956 facility shall not exceed three thousand dollars. 27957

(2) The annual fee for a scrap tire storage facility license 27958
for a storage facility that is owned or operated by a motor 27959
vehicle salvage dealer licensed under Chapter 4738. of the Revised 27960
Code is one hundred dollars. 27961

(D)(1) Except as otherwise provided in division (D)(2) of 27962

Page 900

27963 this section, the annual fee for a scrap tire collection facility 27964 license is two hundred dollars.

(2) The annual fee for a scrap tire collection facility license for a collection facility that is owned or operated by a 27966 motor vehicle salvage dealer licensed under Chapter 4738. of the 27967 27968 Revised Code is fifty dollars.

(E) Except as otherwise provided in divisions (C)(2) and 27969 (D)(2) of this section, the same fees apply to private operators 27970 and to the state and its political subdivisions and shall be paid 27971 within thirty days after the issuance of a license. The fees 27972 include the cost of licensing, all inspections, and other costs 27973 associated with the administration of the scrap tire provisions of 27974 this chapter and rules adopted under them. Each license shall 27975 specify that it is conditioned upon payment of the applicable fee 27976 to the board of health or the director of environmental 27977 protection, as appropriate, within thirty days after the issuance 27978 of the license. 27979

(F) The board of health shall retain fifteen thousand dollars 27980 of each license fee collected by the board under division (B) of 27981 this section, or the entire amount of any such fee that is less 27982 than fifteen thousand dollars, and the entire amount of each 27983 license fee collected by the board under divisions (A), (C), and 27984 (D) of this section. The moneys retained shall be paid into a 27985 special fund, which is hereby created in each health district, and 27986 used solely to administer and enforce the scrap tire provisions of 27987 this chapter and rules adopted under them. The remainder, if any, 27988 of each license fee collected by the board under division (B) of 27989 this section shall be transmitted to the director within 27990 forty-five days after receipt of the fee. 27991

(G) The director shall transmit the moneys received by the 27992 director from license fees collected under division (B) of this 27993 section to the treasurer of state to be credited to the scrap tire 27994

management fund, which is hereby created in the state treasury.
The fund shall consist of all federal moneys received by the
environmental protection agency for the scrap tire management
program; all grants, gifts, and contributions made to the director
for that program; and all other moneys that may be provided by law
for that program. The director shall use moneys in the fund as
28001

(1) Expend not more than seven hundred fifty thousand dollars 28002 during each fiscal year to implement, administer, and enforce the 28003 scrap tire provisions of this chapter and rules adopted under 28004 them; 28005

(2) For fiscal years 1998 and 1999, grant not more than one 28006 hundred fifty thousand dollars during each fiscal year to the 28007 polymer institute at the university of Akron for the purpose of 28008 expediting research concerning and evaluation of alternative 28009 methods of recycling scrap tires. The institute shall report to 28010 the director annually concerning research programs under review, 28011 and the results of scrap tire recycling experiments conducted, by 28012 or in conjunction with the institute. The university shall report 28013 to the director biennially concerning the expenditures of moneys 28014 received by the institute under division (G)(2) of this section. 28015

(3) During each fiscal year, request the director of budget 28016
 and management to, and the director of budget and management 28017
 shall, transfer one million dollars to the scrap tire loans and 28018
 grants grant fund created in section 166.032 1502.12 of the 28019
 Revised Code for the purposes specified in that section; 28020

(4) Annually transfer to the central support indirect fund28021created in section 3745.014 of the Revised Code an amount equal to28022not more than twelve per cent of each fiscal year's appropriation28023to the scrap tire management fund.28024

(H)(1) If, during a fiscal year, more than three million five 28025

hundred thousand dollars are credited to the scrap tire management28026fund, the director, at the conclusion of the fiscal year, shall28027request the director of budget and management to, and the director28028of budget and management shall, transfer to the scrap tire loans28029and grants fund one-half of the moneys credited to the scrap tire28030management fund in excess of that amount.28031

(2) In each fiscal year, if more than three million five28032hundred thousand dollars are credited to the scrap tire management28033fund during the preceding fiscal year, the director shall expend28034during the current fiscal year one-half of that excess amount to28035conduct removal operations under section 3734.85 of the Revised28036Code.28037

(3) Expend not more than three million dollars per year 28038 during fiscal years 2002 and 2003 to conduct removal actions under 28039 section 3734.85 of the Revised Code and to make grants to boards 28040 of health under section 3734.042 of the Revised Code. However, 28041 more than three million dollars may be expended in fiscal years 28042 2002 and 2003 for the purposes of division (G)(3) of this section 28043 if more moneys are collected from the fee levied under division 28044 (A)(2) of section 3734.901 of the Revised Code. During each 28045 subsequent fiscal year the director shall expend not more than 28046 four million five hundred thousand dollars to conduct removal 28047 actions under section 3734.85 of the Revised Code and to make 28048 grants to boards of health under section 3734.042 of the Revised 28049 Code. However, more than four million five hundred thousand 28050 dollars may be expended in a fiscal year for the purposes of 28051 division (G)(3) of this section if more moneys are collected from 28052 the fee levied under division (A)(2) of section 3734.901 of the 28053 Revised Code. The director shall request the approval of the 28054 controlling board prior to the use of the moneys to conduct 28055 removal actions under section 3734.85 of the Revised Code. The 28056 request shall be accompanied by a plan describing the removal 28057

actions to be conducted during the fiscal year and an estimate of	28058
the costs of conducting them. The controlling board shall approve	28059
the plan only if it finds that the proposed removal actions are in	28060
accordance with the priorities set forth in division (B) of	28061
section 3734.85 of the Revised Code and that the costs of	28062
conducting them are reasonable. Controlling board approval is not	28063
required for grants made to boards of health under section	28064
3734.042 of the Revised Code.	28065

(H) If, during a fiscal year, more than seven million dollars 28066 are credited to the scrap tire management fund, the director, at 28067 the conclusion of the fiscal year, shall request the director of 28068 budget and management to, and the director of budget and 28069 management shall, transfer one-half of those excess moneys to the 28070 scrap tire grant fund. The director shall expend the remaining 28071 excess moneys in the scrap tire management fund to conduct removal 28072 actions under section 3734.85 of the Revised Code in accordance 28073 with the procedures established under division (I) of this 28074 section. 28075

(I) After the actions in divisions (G)(1) to (4)(3) and (H)28076 of this section are completed during each prior fiscal year, the 28077 director may expend up to the balance remaining from prior fiscal 28078 years in the scrap tire management fund to conduct removal actions 28079 under section 3734.85 of the Revised Code. Prior to using any 28080 moneys in the fund for that purpose in a fiscal year, the director 28081 shall request the approval of the controlling board for that use 28082 of the moneys. The request shall be accompanied by a plan 28083 describing the removal actions to be conducted during the fiscal 28084 year and an estimate of the costs of conducting them. The 28085 controlling board shall approve the plan only if the board finds 28086 that the proposed removal actions are in accordance with the 28087 priorities set forth in division (B) of section 3734.85 of the 28088 Revised Code and that the costs of conducting them are reasonable. 28089

Page 904

Sec. 3734.821. Beginning on the effective date of this	28090
section and ending on June 30, 2011, at least sixty-five per cent	28091
of the moneys collected under division (A)(2) of section 3734.901	28092
of the Revised Code and deposited in the state treasury to the	28093
credit of the scrap tire management fund created in section	28094
3734.82 of the Revised Code shall be expended for clean-up and	28095
removal activities at the Kirby tire site in Wyandot county.	28096

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 28097 defray the cost of administering and enforcing the scrap tire 28098 provisions of this chapter, rules adopted under those provisions, 28099 and terms and conditions of orders, variances, and licenses issued 28100 under those provisions; to abate accumulations of scrap tires; to 28101 make grants to promote research regarding alternative methods of 28102 recycling scrap tires and loans to promote the recycling or 28103 recovery of energy from scrap tires; and to defray the costs of 28104 administering and enforcing sections 3734.90 to 3734.9014 of the 28105 Revised Code, a fee of fifty cents per tire is hereby levied on 28106 the sale of tires. The fee is levied from the first day of the 28107 calendar month that begins next after thirty days from October 29, 28108 1993, through June 30, 2006. 28109

(2) Beginning on the effective date of this section and28110ending on June 30, 2011, there is hereby levied an additional fee28111of fifty cents per tire on the sale of tires the proceeds of which28112shall be deposited in the scrap tire management fund created in28113section 3734.82 of the Revised Code and be used exclusively for28114the purposes specified in division (G)(3) of that section.28115

(B) Only one sale of the same article shall be used in28116computing the amount of the fee due.28117

Sec. 3734.904. (A) By the twentieth day of each month, each 28118 person required to pay the fee imposed by section 3734.901 of the 28119

Revised Code shall file with the treasurer of state tax 28120 commissioner a return as prescribed by the tax commissioner and 28121 shall make payment of the full amount of the fee due for the 28122 preceding month after deduction of any discount provided for under 28123 division (E) of this section. The return shall be signed by the 28124 person required to file it, or an authorized employee, officer, or 28125 agent. The treasurer shall mark on the return the date it was 28126 received and indicate payment or nonpayment of the fee shown to be 28127 due on the return. The treasurer immediately shall transmit all 28128 returns to the tax commissioner. The return shall be deemed filed 28129 when received by the treasurer of state tax commissioner. 28130

(B) Any person required by this section to file a return who 28131 fails to file such a return within the period prescribed may be 28132 required to pay an additional charge of fifty dollars or ten per 28133 cent of the fee required to be paid for the reporting period, 28134 whichever is greater. The commissioner may collect the additional 28135 charge by assessment pursuant to section 3734.907 of the Revised 28136 Code. The commissioner may remit all or a portion of the 28137 additional charge and may adopt rules relating thereto. 28138

(C) If any fee due is not paid timely in accordance with this 28139 section, the person liable for the fee shall pay interest, 28140 calculated at the rate per annum as prescribed by section 5703.47 28141 of the Revised Code, from the date the fee payment was due to the 28142 date of payment or to the date an assessment is issued, whichever 28143 occurs first. Interest shall be paid in the same manner as the 28144 fee, and the commissioner may collect the interest by assessment 28145 pursuant to section 3734.907 of the Revised Code. 28146

(D) If, in the estimation of the tax commissioner, the 28147 average liability of the person liable for the fee is such as not 28148 to merit monthly filing, the commissioner may authorize the person 28149 to file and pay at less frequent intervals. Returns are due by the 28150 twentieth day of the month following the close of the applicable 28151

28152 reporting period authorized under this division.

(E) If a return is filed and the amount of the fee shown to 28153 be due on the return is paid on or before the date that the return 28154 is required to be filed under division (A) of this section or 28155 pursuant to division (D) of this section, whichever is applicable, 28156 the person liable for the fee is entitled to a discount of four 28157 per cent of the amount shown to be due on the return. 28158

(F) All money collected by the tax commissioner under this 28159 section shall be paid to the treasurer of state as revenue arising 28160 from the fee imposed by section 3734.901 of the Revised Code. 28161

Sec. 3735.27. (A) Whenever the director of development has 28162 determined that there is need for a housing authority in any 28163 portion of any county that comprises two or more political 28164 subdivisions or portions thereof but is less than all the 28165 territory within the county, a metropolitan housing authority 28166 shall be declared to exist and the territorial limits thereof 28167 shall be defined by a letter from the director. The director shall 28168 issue a determination from the department of development declaring 28169 that there is need for a housing authority within such territorial 28170 limits if he finds after finding either: 28171

(1) Unsanitary or unsafe inhabited housing accommodations 28172 exist in such area; 28173

(2) There is a shortage of safe and sanitary housing 28174 accommodations in such area available to persons who lack the 28175 amount of income which is necessary, as determined by the 28176 director, to enable them, without financial assistance, to live in 28177 decent, safe, and sanitary dwellings without congestion. 28178

In determining whether dwelling accommodations are unsafe or 28179 unsanitary the director may take into consideration the degree of 28180 congestion, the percentage of land coverage, the light, air, 28181

space, and access available to the inhabitants of such dwelling28182accommodations, the size and arrangement of the rooms, the28183sanitary facilities, and the extent to which conditions exist in28184such buildings which endanger life or property by fire or other28185causes.28186

The territorial limits of a housing authority, defined by the 28187 director, shall be fixed for such authority upon proof of a letter 28188 from the director declaring the need for such authority to 28189 function in those territorial limits. Any such letter from the 28190 director, any certificate of determination issued by the director, 28191 and any certificate of appointment of members of the authority 28192 shall be admissible in evidence in any suit, action, or 28193 proceeding. 28194

A certified copy of the letter from the director, declaring 28195 the existence and boundaries of a housing authority district, 28196 shall be immediately forwarded to each appointing authority. A 28197 housing authority shall consist of five members, who shall be 28198 residents of the territory embraced in such metropolitan housing 28199 authority district. 28200

(B) Except as otherwise provided in division (C) of this 28201 section, one member shall be appointed by the probate court, one 28202 member by the court of common pleas, one member by the board of 28203 county commissioners, and two members by the chief executive 28204 officer of the most populous city in the territory included in the 28205 district, in accordance with the last preceding federal census. At 28206 the time of the initial appointment of the authority, the member 28207 appointed by the probate court shall be appointed for a period of 28208 four years, the appointee of the court of common pleas for three 28209 years, the appointee of the board of county commissioners for two 28210 years, one appointee of the chief executive officer for one year 28211 and one appointee of the chief executive officer for five years. 28212 Thereafter, all members of the authority shall be appointed for 28213

Page 908

28214 five-year terms and vacancies due to expired terms shall be filled 28215 by the same appointing powers.

(C) For any metropolitan housing authority district that 28216 contains contained, as of the 1990 federal census, a population of 28217 at least one million, two members of the authority shall be 28218 appointed by the municipal legislative authority of the most 28219 populous city in the territory included in the district, two 28220 members by the chief executive officer of the most populous city 28221 in the territory included in the district, and one member by the 28222 chief executive officer, with the approval of the municipal 28223 legislative authority, of the city in the district which has the 28224 second highest number of housing units owned or managed by the 28225 authority. 28226

At the time of the initial appointment of the authority, one 28227 member appointed by the municipal legislative authority of the 28228 most populous city in the territory included in the district shall 28229 be appointed for three years, and one for one year; the appointee 28230 of the chief executive officer of the city with the second highest 28231 number of housing units owned or managed by the authority shall be 28232 appointed, with the approval of the municipal legislative 28233 authority, for three years; one appointee of the chief executive 28234 officer of the most populous city in the district shall be 28235 appointed for three years, and one for one year. Thereafter, all 28236 members of the authority shall be appointed for three-year terms, 28237 and any vacancy shall be filled by the same appointing power that 28238 made the initial appointment. At the expiration of the term of any 28239 member appointed by the chief executive officer of the most 28240 populous city in the territory included in the district prior to 28241 March 15, 1983, the chief executive officer of the most populous 28242 city in the district shall fill the vacancy by appointment for a 28243 three-year term. At the expiration of the term of any member 28244 appointed by the board of county commissioners prior to March 15, 28245

28246 1983, the chief executive officer of the city in the district with 28247 the second highest number of housing units owned or managed by the 28248 authority shall, with the approval of the municipal legislative 28249 authority, fill the vacancy by appointment for a three-year term. 28250 At the expiration of the term of any member appointed prior to 28251 March 15, 1983 by the court of common pleas or the probate court, 28252 the legislative authority of the most populous city in the 28253 territory included in the district shall fill the vacancy by 28254 appointment for a three-year term.

After March 15, 1983, at least one of the members appointed 28255 by the chief executive officer of the most populous city shall be 28256 a resident of a dwelling unit owned or managed by the housing 28257 authority. At least one of the initial appointments by the chief 28258 executive officer of the most populous city, after March 15, 1983, 28259 shall be a resident of a dwelling unit owned or managed by the 28260 housing authority. Thereafter, any member appointed by the chief 28261 executive officer for the term established by this initial 28262 appointment, or for any succeeding term thereof, shall be a person 28263 who resides in a dwelling unit owned or managed by the housing 28264 authority. If there is an elected, representative body of all 28265 residents of the housing authority, then the chief executive 28266 officer shall, whenever there is a vacancy in this resident term, 28267 provide written notice of the vacancy to the representative body. 28268 If the representative body submits to the chief executive officer, 28269 in writing and within sixty days after the date on which it was 28270 notified of the vacancy, the names of at least five residents of 28271 the housing authority who are willing and qualified to serve as a 28272 member, then the chief executive officer shall appoint to the 28273 28274 resident term one of the residents recommended by the representative body. At no time shall residents constitute a 28275 majority of the members of the authority. 28276

(D) Public officials, other than the officers having the 28277

Page 910

appointing power under this section, shall be eligible to serve as28278members, officers, or employees of the housing authority28279notwithstanding any statute, charter, or law to the contrary. Not28280more than two such public officials shall be members of the28281authority at any one time.28282

All members of such housing authority shall serve without 28283 compensation but shall be entitled to be reimbursed for all 28284 necessary expenses incurred. After such district has been formed, 28285 the director may enlarge the territory within such district to 28286 include other political subdivisions, or portions thereof, but the 28287 territorial limits of which shall be less than that of the county. 28288

Sec. 3745.014. There is hereby created in the state treasury 28289 the central support indirect fund, which shall be administered by 28290 the director of environmental protection. Money credited to the 28291 fund shall be used for administrative costs of the environmental 28292 protection agency that are related to expenditures by the agency 28293 from funds of the general services fund group and the state 28294 28295 special revenue fund group. The director may assess any operating funds of from which the agency within the general services fund 28296 group or the state special revenue fund group receives 28297 appropriations, except the central support indirect fund, for a 28298 share of the administrative costs of the agency. The assessments 28299 shall be paid from the general services funds and state special 28300 revenue funds designated by the director and amounts assessed 28301 shall be transferred to the central support indirect fund by means 28302 of intrastate transfer vouchers. The director, with the approval 28303 of the director of budget and management, shall determine the rate 28304 of assessments, which shall not exceed twelve per cent of the 28305 total fiscal year appropriation from any such fund for the fiscal 28306 year unless the controlling board approves a request from the 28307 28308 director for a higher rate.

Sec. 3745.04. As used in this section, "any person" means any 28309 individual, any partnership, corporation, association, or other 28310 legal entity, or any political subdivision, instrumentality, or 28311 agency of a state, whether or not the individual or legal entity 28312 is an applicant for or holder of a license, permit, or variance 28313 from the environmental protection agency, and includes any 28314 department, agency, or instrumentality of the federal government 28315 that is an applicant for or holder of a license, permit, or 28316 variance from the environmental protection agency. 28317

As used in this section, "action" or "act" includes the 28318 adoption, modification, or repeal of a rule or standard, the 28319 issuance, modification, or revocation of any lawful order other 28320 than an emergency order, and the issuance, denial, modification, 28321 or revocation of a license, permit, lease, variance, or 28322 certificate, or the approval or disapproval of plans and 28323 specifications pursuant to law or rules adopted thereunder. 28324

Any person who was a party to a proceeding before the 28325 director of environmental protection may participate in an appeal 28326 to the environmental review appeals commission for an order 28327 vacating or modifying the action of the director of environmental 28328 protection or a local board of health, or ordering the director or 28329 board of health to perform an act. The environmental review 28330 appeals commission has exclusive original jurisdiction over any 28331 matter that may, under this section, be brought before it. 28332

The person so appealing to the commission shall be known as 28333 appellant, and the director and any party to a proceeding 28334 substantially supporting the finding from which the appeal is 28335 taken shall be known as appellee, except that when an appeal 28336 involves a license to operate a disposal site or facility, the 28337 local board of health or the director of environmental protection, 28338 and any party to a proceeding substantially supporting the finding 28339

28340 from which the appeal is taken, shall, as appropriate, be known as 28341 the appellee. Appellant and appellee shall be deemed to be parties 28342 to the appeal.

The appeal shall be in writing and shall set forth the action 28343 complained of and the grounds upon which the appeal is based. 28344

The appeal shall be filed with the commission within thirty 28345 days after notice of the action. Notice of the filing of the 28346 appeal shall be filed with the appellee within three days after 28347 the appeal is filed with the commission. 28348

The appeal shall be accompanied by a filing fee of forty 28349 sixty dollars, which the commission, in its discretion, may waive 28350 in cases of extreme hardship. 28351

Within seven days after receipt of the notice of appeal, the 28352 director or local board of health shall prepare and certify to the 28353 commission a record of the proceedings out of which the appeal 28354 arises, including all documents and correspondence, and a 28355 transcript of all testimony. 28356

Upon the filing of the appeal, the commission shall fix the 28357 time and place at which the hearing on the appeal will be held. 28358 The commission shall give the appellant and the appellee at least 28359 ten days' written notice thereof by certified mail. The commission 28360 shall hold the hearing within thirty days after the notice of 28361 appeal is filed. The commission may postpone or continue any 28362 hearing upon its own motion or upon application of the appellant 28363 or of the appellee. 28364

The filing of an appeal does not automatically suspend or 28365 stay execution of the action appealed from. Upon application by 28366 the appellant, the commission may suspend or stay such the 28367 execution pending immediate determination of the appeal without 28368 interruption by continuances, other than for unavoidable 28369 circumstances. 28370

As used in this section and sections 3745.05 and 3745.06 of 28371 the Revised Code, "director of environmental protection" and 28372 "director" are deemed to include the director of agriculture and 28373 "environmental protection agency" is deemed to include the 28374 department of agriculture with respect to actions that are 28375 appealable to the commission under Chapter 903. of the Revised 28376 Code. 28377

Sec. 3745.10. (A) Not later than ten business days after 28378 receipt of an application for a permit to install, or a 28379 modification of such a permit, under rules adopted under division 28380 (F) of section 3704.03 of the Revised Code or for the approval of 28381 plans under section 6111.44, 6111.45, or 6111.46 of the Revised 28382 Code, the director of environmental protection shall send to the 28383 applicant written acknowledgement of receipt of the application. 28384 The written acknowledgement shall contain a completeness 28385 determination indicating either that the application contains all 28386 of the information that is necessary to perform a technical review 28387 or that the application is incomplete. If the application is 28388 incomplete, the written acknowledgement also shall provide a 28389 description of the information that is missing from the 28390 application. 28391

(B) If the director fails to make the completeness28392determination and provide written notice of that determination not28393later than ten business days after receipt of the application, the28394application shall be deemed to be complete in all material28395respects as of the eleventh business day after receipt of the28396application by the director or the director's agent or authorized28397representative.28398

sec. 3745.11. (A) Applicants for and holders of permits, 28399
licenses, variances, plan approvals, and certifications issued by 28400
the director of environmental protection pursuant to Chapters 28401

(2) Incinerators

3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 28402 to the environmental protection agency for each such issuance and 28403 each application for an issuance as provided by this section. No 28404 fee shall be charged for any issuance for which no application has 28405 been submitted to the director. 28406

(B) Prior to January 1, 1994, each person issued a permit to 28407
 operate, variance, or permit to install under section 3704.03 of 28408
 the Revised Code shall pay the fees specified in the following 28409
 schedule: 28410

(1) Fuel-Burning Equipment 28411 Input capacity Permit Permit 28412 (million British to to 28413 thermal units per hour) operate Variance install 28414 0 or more, but less than 10 \$ 75 \$225 \$ 100 28415 10 or more, but less than 100 210 450 390 28416 100 or more, but less than 300 270 675 585 28417 300 or more, but less than 500 330 900 780 28418 500 or more 500 1000 975 28419

Any fuel-burning equipment using only natural gas, propane, 28420 liquefied petroleum gas, or number two or lighter fuel oil shall 28421 be assessed a fee one-half of that shown. 28422

Permit Permit 28424 Input capacity 28425 to to (pounds per hour) Variance install 28426 operate 0 to 50 \$ 50 \$225 \$ 65 28427 51 to 500 210 450 390 28428 501 to 2000 270 675 28429 585 2001 to 30,000 330 900 780 28430 more than 30,000 500 975 1000 28431 28432 (3) Process Permit Permit 28433

Page 915

Process weight rate	to		to	28434
(pounds per hour)	operate	Variance	install	28435
0 to 1000	\$100	\$225	\$ 200	28436
1001 to 5000	210	450	390	28437
5001 to 10,000	270	675	585	28438
10,001 to 50,000	330	900	780	28439
more than 50,000	500	975	1000	28440
In any process where process we	eight rate	cannot be		28441
ascertained, the minimum fee shall b	oe assessed	1.		28442
(4) Storage tanks				28443
	Permit		Permit	28444
Gallons	to	variance	to	28445
(capacity)	operate	<u>Variance</u>	install	28446
less <u>Less</u> than 40,000	\$150	\$225	\$ 195	28447
40,000 or more, but less				28448
than 100,000	210	450	390	28449
100,000 or more, but less				28450
than 400,000	270	675	585	28451
400,000 or more, but less				28452
than 1,000,000	330	900	780	28453
1,000,000 or more	500	975	1000	28454
(5) Gasoline				28455
	Permit		Permit	28456
Gasoline dispensing	to		to	28457
facilities	operate	Variance	install	28458
For each gasoline				28459
dispensing facility	\$20	\$100	\$50	28460
(6) Dry cleaning				28461
	Permit		Permit	28462
Dry cleaning	to		to	28463
facilities	operate	Variance	install	28464
For each dry cleaning				28465

facility	\$50	\$200	\$100	28466
(7) Coal mining operations	regulated unde	er Chapter	1513. of	28467
the Revised Code shall be assess	ed a fee of to	wo hundred	fifty	28468
dollars per mine or location.				28469
(C)(1) Except as otherwise p	provided in d	ivision (C)	(2) of	28470
this section, beginning July 1, 2	1994, each pei	rson who ow	ns or	28471
operates an air contaminant sour	ce and who is	required t	o apply	28472

for and obtain a Title V permit under section 3704.036 of the

Revised Code shall pay the fees set forth in division (C)(1) of

this section. For the purposes of that division, total emissions 28475 of air contaminants may be calculated using engineering 28476 calculations, emissions factors, material balance calculations, or 28477 performance testing procedures, as authorized by the director. 28478 The following fees shall be assessed on the total actual 28479 emissions from a source in tons per year of the regulated 28480 pollutants particulate matter, sulfur dioxide, nitrogen oxides, 28481 organic compounds, and lead: 28482

(a) Fifteen dollars per ton on the total actual emissions of 28483
each such regulated pollutant during the period July through 28484
December 1993, to be collected no sooner than July 1, 1994; 28485

(b) Twenty dollars per ton on the total actual emissions of 28486
each such regulated pollutant during calendar year 1994, to be 28487
collected no sooner than April 15, 1995; 28488

(c) Twenty-five dollars per ton on the total actual emissions 28489 of each such regulated pollutant in calendar year 1995, and each 28490 subsequent calendar year, to be collected no sooner than the 28491 fifteenth day of April of the year next succeeding the calendar 28492 year in which the emissions occurred. 28493

The fees levied under division (C)(1) of this section do not 28494 apply to that portion of the emissions of a regulated pollutant at 28495 a facility that exceed four thousand tons during a calendar year. 28496

28473

(2) The fees assessed under division (C)(1) of this section 28497 are for the purpose of providing funding for the Title V permit 28498 28499 program.

(3) The fees assessed under division (C)(1) of this section 28500 do not apply to emissions from any electric generating unit 28501 designated as a Phase I unit under Title IV of the federal Clean 28502 Air Act prior to calendar year 2000. Those fees shall be assessed 28503 on the emissions from such a generating unit commencing in 28504 28505 calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be 28506 assessed each subsequent calendar year based on the total actual 28507 emissions from the generating unit during the preceding calendar 28508 28509 <u>year</u>.

(4) The director shall issue invoices to owners or operators 28510 of air contaminant sources who are required to pay a fee assessed 28511 under division (C) or (D) of this section. Any such invoice shall 28512 be issued no sooner than the applicable date when the fee first 28513 may be collected in a year under the applicable division, shall 28514 identify the nature and amount of the fee assessed, and shall 28515 indicate that the fee is required to be paid within thirty days 28516 after the issuance of the invoice. 28517

(D)(1) Except as provided in division (D)(2) of this section, 28518 beginning January 1, 1994, each person who owns or operates an air 28519 contaminant source; who is required to apply for a permit to 28520 operate pursuant to rules adopted under division (G), or a 28521 variance pursuant to division (H), of section 3704.03 of the 28522 Revised Code; and who is not required to apply for and obtain a 28523 Title V permit under section 3704.036 of the Revised Code shall 28524 pay a single fee based upon the sum of the actual annual emissions 28525 from the facility of the regulated pollutants particulate matter, 28526 sulfur dioxide, nitrogen oxides, organic compounds, and lead in 28527 accordance with the following schedule: 28528

Total tons per year		28529
of regulated pollutants	Annual fee	28530
emitted	per facility	28531
More than 0, but less than 50	\$ 75	28532
50 or more, but less than 100	300	28533
100 or more	700	28534

(2)(a) As used in division (D) of this section, "synthetic 28535 minor facility" means a facility for which one or more permits to 28536 install or permits to operate have been issued for the air 28537 contaminant sources at the facility that include terms and 28538 conditions that lower the facility's potential to emit air 28539 contaminants below the major source thresholds established in 28540 rules adopted under section 3704.036 of the Revised Code. 28541

(b) Beginning January 1, 2000, through June 30, 2001 2004, 28542 each person who owns or operates a synthetic minor facility shall 28543 pay an annual fee based on the sum of the actual annual emissions 28544 from the facility of particulate matter, sulfur dioxide, nitrogen 28545 dioxide, organic compounds, and lead in accordance with the 28546 following schedule: 28547

Combined total tons			28548
per year of all regula	ated	Annual fee	28549
pollutants emitted		per facility	28550
Less than 10		\$ 170	28551
10 or more, but less th	han 20	340	28552
20 or more, but less th	chan 30	670	28553
30 or more, but less th	chan 40	1,010	28554
40 or more, but less th	han 50	1,340	28555
50 or more, but less th	han 60	1,680	28556
60 or more, but less th	han 70	2,010	28557
70 or more, but less th	chan 80	2,350	28558
80 or more, but less th	han 90	2,680	28559
90 or more, but less th	han 100	3,020	28560

100 or more	3,350	28561
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(3) The fees assessed under division (D)(1) of this section 28562 shall be collected annually no sooner than the fifteenth day of 28563 April, commencing in 1995. The fees assessed under division (D)(2) 28564 of this section shall be collected no sooner than the fifteenth 28565 day of April, commencing in 2000, and shall continue through June 28566 30, 2001. The fees assessed under division (D) of this section in 28567 a calendar year shall be based upon the sum of the actual 28568 emissions of those regulated pollutants during the preceding 28569 calendar year. For the purpose of division (D) of this section, 28570 emissions of air contaminants may be calculated using engineering 28571 calculations, emission factors, material balance calculations, or 28572 performance testing procedures, as authorized by the director. The 28573 director, by rule, may require persons who are required to pay the 28574 fees assessed under division (D) of this section to pay those fees 28575 biennially rather than annually. 28576

(E)(1) Consistent with the need to cover the reasonable costs 28577 of the Title V permit program, the director annually shall 28578 increase the fees prescribed in division (C)(1) of this section by 28579 the percentage, if any, by which the consumer price index for the 28580 most recent calendar year ending before the beginning of a year 28581 exceeds the consumer price index for calendar year 1989. Upon 28582 calculating an increase in fees authorized by division (E)(1) of 28583 this section, the director shall compile revised fee schedules for 28584 the purposes of division (C)(1) of this section and shall make the 28585 revised schedules available to persons required to pay the fees 28586 assessed under that division and to the public. 28587

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of 28589
the consumer price index for all urban consumers published by the 28590
United States department of labor as of the close of the 28591
twelve-month period ending on the thirty-first day of August of 28592

that year i .		28593
(b) If the 1989 consumer price index shall use the revision of the consumer pr consistent with that for calendar year 19	ice index that is most	28594 28595 28596
(F) Each person who is issued a perm rules adopted under division (F) of secti Code on or after January 1, 1994, shall p the following schedules:	on 3704.03 of the Revised	28597 28598 28599 28600
(1) Fuel-burning equipment (boilers)Input capacity (maximum)		28601 28602
(million British thermal units per hour) Greater than 0, but less than 10 10 or more, but less than 100	Permit to install \$ 200 400	28603 28604 28605
100 or more, but less than 300 300 or more, but less than 500	800 1500	28605 28606 28607
500 or more, but less than 1000 1000 or more, but less than 5000	2500 4000	28608 28609
5000 or more Units burning exclusively natural ga		28610 28611
or both shall be assessed a fee that is o amount shown in division (F)(1) of this s		28612 28613
 (2) Incinerators Input capacity (pounds per hour) 0 to 100 101 to 500 501 to 2000 2001 to 20,000 	Permit to install \$ 100 400 750 1000	28614 28615 28616 28617 28618 28619
more than 20,000 (3)(a) Process	2500	28620 28621
Process weight rate (pounds per hour) 0 to 1000	Permit to install \$ 200	28621 28622 28623

1001 to 5000	400	28624
5001 to 10,000	600	28625
10,001 to 50,000	800	28626
more than 50,000	1000	28627

In any process where process weight rate cannot be 28628 ascertained, the minimum fee shall be assessed. 28629

(b) Notwithstanding division (F)(3)(a) of this section, any 28630 person issued a permit to install pursuant to rules adopted under 28631 division (F) of section 3704.03 of the Revised Code shall pay the 28632 fees set forth in division (F)(3)(c) of this section for a process 28633 used in any of the following industries, as identified by the 28634 28635 applicable four-digit standard industrial classification code according to the Standard Industrial Classification Manual 28636 published by the United States office of management and budget in 28637 the executive office of the president, 1972, as revised: 28638

1211 Bituminous coal and lignite mining; 28639

1213 Bituminous coal and lignite mining services; 28640

- 1411 Dimension stone;
- 1422 Crushed and broken limestone;

1427 Crushed and broken stone, not elsewhere classified; 28643

1442 Construction sand and gravel;

1446 Industrial sand;

3281 Cut stone and stone products;

3295 Minerals and earth, ground or otherwise treated. 28647

(c) The fees set forth in the following schedule apply to the 28648 issuance of a permit to install pursuant to rules adopted under 28649 division (F) of section 3704.03 of the Revised Code for a process 28650 identified in division (F)(3)(b) of this section: 28651 Gallons (maximum 28652

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28646

useful capacity)	Permit to install	28653
0 to 20,000	\$ 100	28654
20,001 to 40,000	150	28655
40,001 to 100,000	200	28656
100,001 to 250,000	250	28657
250,001 to 500,000	350	28658
500,001 to 1,000,000	500	28659
1,000,001 or greater	750	28660
(4) Storage tanks		28661
Gallons (maximum useful capacity)	Permit to install	28662
0 to 20,000	\$100	28663
20,001 to 40,000	150	28664
40,001 to 100,000	200	28665
100,001 to 250,000	250	28666
250,001 to 500,000	350	28667
500,001 to 1,000,000	500	28668
1,000,001 or greater	750	28669
(5) Gasoline/fuel dispensing facilit	ties	28670
For each gasoline/fuel	Permit to install	28671
dispensing facility	\$ 100	28672
(6) Dry cleaning facilities		28673
For each dry cleaning		28674
facility (includes all units	Permit to install	28675
at the facility)	\$ 100	28676
(7) Registration status		28677
For each source covered	Permit to install	28678
by registration status	\$ 75	28679
(G) An owner or operator who is resp	ponsible for an asbestos	28680
demolition or renovation project pursuant to rules adopted under		

demolition or renovation project pursuant to rules adopted under 2868section 3704.03 of the Revised Code shall pay the fees set forth 28682 in the following schedule: 28683 28684 Fee

Action

Each notification	\$75	28685
Asbestos removal	\$3/unit	28686
Asbestos cleanup	\$4/cubic yard	28687

For purposes of this division, "unit" means any combination of 28688 linear feet or square feet equal to fifty. 28689

(H) A person who is issued an extension of time for a permit 28690 to install an air contaminant source pursuant to rules adopted 28691 under division (F) of section 3704.03 of the Revised Code shall 28692 pay a fee equal to one-half the fee originally assessed for the 28693 permit to install under this section, except that the fee for such 28694 an extension shall not exceed two hundred dollars. 28695

(I) A person who is issued a modification to a permit to 28696 install an air contaminant source pursuant to rules adopted under 28697 section 3704.03 of the Revised Code shall pay a fee equal to 28698 one-half of the fee that would be assessed under this section to 28699 obtain a permit to install the source. The fee assessed by this 28700 division only applies to modifications that are initiated by the 28701 owner or operator of the source and shall not exceed two thousand 28702 dollars. 28703

(J) Notwithstanding division (B) or (F) of this section, a 28704 person who applies for or obtains a permit to install pursuant to 28705 rules adopted under division (F) of section 3704.03 of the Revised 28706 Code after the date actual construction of the source began shall 28707 pay a fee for the permit to install that is equal to twice the fee 28708 that otherwise would be assessed under the applicable division 28709 unless the applicant received authorization to begin construction 28710 under division (W) of section 3704.03 of the Revised Code. This 28711 division only applies to sources for which actual construction of 28712 the source begins on or after July 1, 1993. The imposition or 28713 payment of the fee established in this division does not preclude 28714 the director from taking any administrative or judicial 28715 enforcement action under this chapter, Chapter 3704., 3714., 28716

28717 3734., or 6111. of the Revised Code, or a rule adopted under any 28718 of them, in connection with a violation of rules adopted under 28719 division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" 28720 means the initiation of physical on-site construction activities 28721 in connection with improvements to the source that are permanent 28722 in nature, including, without limitation, the installation of 28723 building supports and foundations and the laying of underground pipework. 28725

(K) Fifty cents per ton of each fee assessed under division 28726 (C) of this section on actual emissions from a source and received 28727 by the environmental protection agency pursuant to that division 28728 shall be deposited into the state treasury to the credit of the 28729 small business assistance fund created in section 3706.19 of the 28730 Revised Code. The remainder of the moneys received by the division 28731 pursuant to that division and moneys received by the agency 28732 pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 28733 section shall be deposited in the state treasury to the credit of 28734 the clean air fund created in section 3704.035 of the Revised 28735 Code. 28736

(L)(1)(a) Except as otherwise provided in division (L)(1)(b)28737 or (c) of this section, a person issued a water discharge permit 28738 or renewal of a water discharge permit pursuant to Chapter 6111. 28739 of the Revised Code shall pay a fee based on each point source to 28740 which the issuance is applicable in accordance with the following 28741 schedule: 28742

Design flow discharge (gallons per day) 28743 Fee 0 to 1000 28744 \$ 0 1,001 to 5000 100 28745 5,001 to 50,000 200 28746 50,001 to 100,000 300 28747 100,001 to 300,000 525 28748

28724

over 300,000 750 28749

(b) Notwithstanding the fee schedule specified in division 28750
(L)(1)(a) of this section, the fee for a water discharge permit 28751
that is applicable to coal mining operations regulated under 28752
Chapter 1513. of the Revised Code shall be two hundred fifty 28753
dollars per mine. 28754

(c) Notwithstanding the fee schedule specified in division 28755
 (L)(1)(a) of this section, the fee for a water discharge permit 28756
 for a public discharger identified by I in the third character of 28757
 the permittee's NPDES permit number shall not exceed seven hundred 28758
 fifty dollars. 28759

(2) A person applying for a plan approval for a wastewater 28760 treatment works pursuant to section 6111.44, 6111.45, or 6111.46 28761 of the Revised Code shall pay a fee of one hundred dollars plus 28762 sixty-five one-hundredths of one per cent of the estimated project 28763 cost through June 30, 2002 2004, and one hundred dollars plus 28764 two-tenths of one per cent of the estimated project cost on and 28765 after July 1, 2002 2004, except that the total fee shall not 28766 exceed fifteen thousand dollars through June 30, 2002 2004, and 28767 five thousand dollars on and after July 1, 2002 2004. The fee 28768 shall be paid at the time the application is submitted. 28769

(3) A person issued a modification of a water discharge 28770
permit shall pay a fee equal to one-half the fee that otherwise 28771
would be charged for a water discharge permit, except that the fee 28772
for the modification shall not exceed four hundred dollars. 28773

(4) A person who has entered into an agreement with the 28774 director under section 6111.14 of the Revised Code shall pay an 28775 administrative service fee for each plan submitted under that 28776 section for approval that shall not exceed the minimum amount 28777 necessary to pay administrative costs directly attributable to 28778 processing plan approvals. The director annually shall calculate 28779 the fee and shall notify all persons who have entered into 28780

28781 agreements under that section, or who have applied for agreements, 28782 of the amount of the fee.

(5)(a)(i) Not later than January 30, 2000 2002, and January 28783 30, 2001 2003, a person holding an NPDES discharge permit issued 28784 pursuant to Chapter 6111. of the Revised Code with an average 28785 daily discharge flow of five thousand gallons or more shall pay a 28786 nonrefundable annual discharge fee. Any person who fails to pay 28787 the fee at that time shall pay an additional amount that equals 28788 ten per cent of the required annual discharge fee. 28789

(ii) The billing year for the annual discharge fee 28790 established in division (L)(5)(a)(i) of this section shall consist 28791 of a twelve-month period beginning on the first day of January of 28792 the year preceding the date when the annual discharge fee is due. 28793 In the case of an existing source that permanently ceases to 28794 discharge during a billing year, the director shall reduce the 28795 annual discharge fee, including the surcharge applicable to 28796 certain industrial facilities pursuant to division (L)(5)(c) of 28797 this section, by one-twelfth for each full month during the 28798 billing year that the source was not discharging, but only if the 28799 person holding the NPDES discharge permit for the source notifies 28800 the director in writing, not later than the first day of October 28801 of the billing year, of the circumstances causing the cessation of 28802 discharge. 28803

(iii) The annual discharge fee established in division 28804 (L)(5)(a)(i) of this section, except for the surcharge applicable 28805 to certain industrial facilities pursuant to division (L)(5)(c) of 28806 this section, shall be based upon the average daily discharge flow 28807 in gallons per day calculated using first day of May through 28808 thirty-first day of October flow data for the period two years 28809 prior to the date on which the fee is due. In the case of NPDES 28810 discharge permits for new sources, the fee shall be calculated 28811 using the average daily design flow of the facility until actual 28812

average daily discharge flow values are available for the time28813period specified in division (L)(5)(a)(iii) of this section. The28814annual discharge fee may be prorated for a new source as described28815in division (L)(5)(a)(ii) of this section.28816

(b) An NPDES permit holder that is a public discharger shall28817pay the fee specified in the following schedule:28818Average dailyFee due byFee due bydischarge flowJanuary 30, 2000January 30, 200128820

		<u>January 30, 2003</u>	28822
		<u>Uanuary 30, 2003</u>	20022
5,000 to 49,999	\$-180	\$ 200	28823
50,000 to 100,000	450	500	28824
100,001 to 250,000	900	1,050	28825
250,001 to 1,000,000	2,250	2,600	28826
1,000,001 to 5,000,000	4,500	5,200	28827
5,000,001 to 10,000,000	9,000	10,350	28828
10,000,001 to 20,000,000	13,500	15,550	28829
20,000,001 to 50,000,000	22,500	25,900	28830
50,000,001 to 100,000,000	36,000	41,400	28831
100,000,001 or more	54,000	62,100	28832

Public dischargers owning or operating two or more publicly 28833 owned treatment works serving the same political subdivision, as 28834 "treatment works" is defined in section 6111.01 of the Revised 28835 Code, and that serve exclusively political subdivisions having a 28836 population of fewer than one hundred thousand shall pay an annual 28837 discharge fee under division (L)(5)(b) of this section that is 28838 based on the combined average daily discharge flow of the 28839 treatment works. 28840

(C)(c) An NPDES permit holder that is an industrial28841discharger, other than a coal mining operator identified by P in28842the third character of the permittee's NPDES permit number, shall28843pay the fee specified in the following schedule:28844

28821

<u>2002, and</u>

Average daily	Fee due by	Fee due by	28845
discharge flow	January 30, 2000	January 30, 2001	28846
		<u>2002, and</u>	28847
		<u>January 30, 2003</u>	28848
5,000 to 49,999	\$ 180	\$ 250	28849
50,000 to 250,000	900	1,200	28850
250,001 to 1,000,000	2,250	2,950	28851
1,000,001 to 5,000,000	4,500	5,850	28852
5,000,001 to 10,000,000	6,750	8,800	28853
10,000,001 to 20,000,000	9,000	11,700	28854
20,000,001 to 100,000,000	10,800	14,050	28855
100,000,001 to 250,000,000	12,600	16,400	28856
250,000,001 or more	14,400	18,700	28857

In addition to the fee specified in the above schedule, an 28858 NPDES permit holder that is an industrial discharger classified as 28859 a major discharger during all or part of the annual discharge fee 28860 billing year specified in division (L)(5)(a)(ii) of this section 28861 shall pay a nonrefundable annual surcharge of six thousand seven 28862 hundred fifty dollars not later than January 30, 2000, and a 28863 nonrefundable annual surcharge of seven thousand five hundred 28864 dollars not later than January 30, 2001 2002, and not later than 28865 January 30, 2003. Any person who fails to pay the surcharge at 28866 that time shall pay an additional amount that equals ten per cent 28867 of the amount of the surcharge. 28868

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 28869 section, a public discharger identified by I in the third 28870 character of the permittee's NPDES permit number and an industrial 28871 discharger identified by I, J, L, V, W, X, Y, or Z in the third 28872 character of the permittee's NPDES permit number shall pay a 28873 nonrefundable annual discharge fee of one hundred eighty dollars 28874 not later than January 30, 2000 2002, and not later than January 28875 30, 2001 <u>2003</u>. Any person who fails to pay the fee at that time 28876

shall pay an additional amount that equals ten per cent of the	28877
required fee.	28878
(6) <u>Each person obtaining a national pollutant discharge</u>	28879
elimination system general or individual permit for municipal	28880
storm water discharge shall pay a nonrefundable storm water	28881
discharge fee of one hundred dollars per square mile of area	28882
permitted. The fee shall not exceed ten thousand dollars and shall	28883
be payable on or before January 30, 2004, and the thirtieth day of	28884
January of each year thereafter. Any person who fails to pay the	28885
fee on the date specified in division (L)(6) of this section shall	28886
pay an additional amount per year equal to ten per cent of the	28887
annual fee that is unpaid.	28888
(7) The director shall transmit all moneys collected under	28889
division (L) of this section to the treasurer of state for deposit	28890
into the state treasury to the credit of the surface water	28891
protection fund created in section 6111.038 of the Revised Code.	28892
(7)(8) As used in division (L) of this section:	28893
(a) "NPDES" means the federally approved national pollutant	28894
discharge elimination system program for issuing, modifying,	28895
revoking, reissuing, terminating, monitoring, and enforcing	28896
permits and imposing and enforcing pretreatment requirements under	28897
Chapter 6111. of the Revised Code and rules adopted under it.	28898
(b) "Public discharger" means any holder of an NPDES permit	28899
identified by P in the second character of the NPDES permit number	28900
assigned by the director.	28901
(c) "Industrial discharger" means any holder of an NPDES	28902
permit identified by I in the second character of the NPDES permit	28903
number assigned by the director.	28904
(d) "Major discharger" means any holder of an NPDES permit	28905
classified as major by the regional administrator of the United	28906

States environmental protection agency in conjunction with the 28907

150,000 to 199,999

director.

(M) Through June 30, 2002 2004, a person applying for a 28909 license or license renewal to operate a public water system under 28910 section 6109.21 of the Revised Code shall pay the appropriate fee 28911 established under this division at the time of application to the 28912 director. Any person who fails to pay the fee at that time shall 28913 pay an additional amount that equals ten per cent of the required 28914 fee. The director shall transmit all moneys collected under this 28915 division to the treasurer of state for deposit into the drinking 28916 water protection fund created in section 6109.30 of the Revised 28917 Code. 28918

Fees required under this division shall be calculated and28919paid in accordance with the following schedule:28920

(1) For the initial license required under division (A)(1) of 28921 section 6109.21 of the Revised Code for any public water system 28922 that is a community water system as defined in section 6109.01 of 28923 the Revised Code, and for each license renewal required for such a 28924 system prior to January 31, 2002 2004, the fee is: 28925 Number of service connections 28926 Fee amount Not more than 49 \$56 28927 50 to 99 88 28928 Number of service connections Average cost per connection 28929 100 to 2,499 \$.96 28930 2,500 to 4,999 .92 28931 5,000 to 7,499 .88 28932 7,500 to 9,999 .84 28933 10,000 to 14,999 .80 28934 15,000 to 24,999 .76 28935 25,000 to 49,999 .72 28936 50,000 to 99,999 .68 28937 100,000 to 149,999 .64 28938

.60

Page 931

28908

28939

200,000 or more	.56	28940
A public water system may dete	rmine how it will pay the total	28941
amount of the fee calculated under	division (M)(1) of this	28942
section, including the assessment o	f additional user fees that may	28943
be assessed on a volumetric basis.		28944
As used in division $(M)(1)$ of	this section, "service	28945
connection" means the number of act	ive or inactive pipes,	28946
goosenecks, pigtails, and any other	fittings connecting a water	28947
main to any building outlet.		28948
(2) For the initial license re	quired under division (A)(2) of	28949
section 6109.21 of the Revised Code	for any public water system	28950
that is not a community water syste	m and serves a nontransient	28951
population, and for each license re	newal required for such a	28952
system prior to January 31, 2002 <u>20</u>	<u>04</u> , the fee is:	28953
Population served	Fee amount	28954
Fewer than 150	\$ 56	28955
150 to 299	88	28956
300 to 749	192	28957
750 to 1,499	392	28958
1,500 to 2,999	792	28959
3,000 to 7,499	1,760	28960
7,500 to 14,999	3,800	28961
15,000 to 22,499	6,240	28962
22,500 to 29,999	8,576	28963
30,000 or more	11,600	28964

As used in division (M)(2) of this section, "population 28965 served" means the total number of individuals receiving water from 28966 the water supply during a twenty-four-hour period for at least 28967 sixty days during any calendar year. In the absence of a specific 28968 population count, that number shall be calculated at the rate of 28969 three individuals per service connection. 28970

(3) For the initial license required under division (A)(3) of 28971

section 6109.21 of the Revised Code for any public water system28972that is not a community water system and serves a transient28973population, and for each license renewal required for such a28974system prior to January 31, 2002 2004, the fee is:28975Number of wells supplying systemFee amount28976

ramber of weild supplying system	ree amourie	20070
1	\$ 56	28977
2	56	28978
3	88	28979
4	192	28980
5	392	28981
System supplied by surface		28982
water, springs, or dug wells	792	28983

As used in division (M)(3) of this section, "number of wells 28984 supplying system" means those wells that are physically connected 28985 to the plumbing system serving the public water system. 28986

(N)(1) A person applying for a plan approval for a public 28987 water supply system under section 6109.07 of the Revised Code 28988 shall pay a fee of one hundred dollars plus two-tenths of one per 28989 cent of the estimated project cost, except that the total fee 28990 shall not exceed fifteen thousand dollars through June 30, 2002 28991 2004, and five thousand dollars on and after July 1, 2002 2004. 28992 The fee shall be paid at the time the application is submitted. 28993

(2) A person who has entered into an agreement with the 28994 director under division (A)(2) of section 6109.07 of the Revised 28995 Code shall pay an administrative service fee for each plan 28996 submitted under that section for approval that shall not exceed 28997 the minimum amount necessary to pay administrative costs directly 28998 attributable to processing plan approvals. The director annually 28999 shall calculate the fee and shall notify all persons that have 29000 entered into agreements under that division, or who have applied 29001 for agreements, of the amount of the fee. 29002

(3) Through June 30, 2002 2004, the following fee, on a per 29003

survey basis,	shall be charged any persor	for services rendered by	29004
the state in	the evaluation of laboratori	es and laboratory	29005
personnel for	compliance with accepted ar	alytical techniques and	29006
procedures es	tablished pursuant to Chapte	er 6109. of the Revised	29007
Code for dete	ermining the qualitative char	acteristics of water:	29008
	microbiological	\$1,650	29009
	organic chemical	3,500	29010
	inorganic chemical	3,500	29011
	standard chemistry	1,800	29012
	limited chemistry	1,000	29013
On and a	fter July 1, 2002 <u>2004</u> , the	following fee, on a per	29014
survey basis,	shall be charged any such p	person:	29015
	microbiological	\$250	29016
	chemical/radiological	250	29017
	nitrate/turbidity (only)	150	29018

The fee for those services shall be paid at the time the request 29019 for the survey is made. Through June 30, 2002 <u>2004</u>, an individual 29020 laboratory shall not be assessed a fee under this division more 29021 than once in any three-year period. 29022

The director shall transmit all moneys collected under this 29023 division to the treasurer of state for deposit into the drinking 29024 water protection fund created in section 6109.30 of the Revised 29025 Code. 29026

(0) Any person applying to the director for examination for 29027 certification as an operator of a water supply system or 29028 wastewater system under Chapter 6109. or 6111. of the Revised 29029 Code, at the time the application is submitted, shall pay an 29030 application fee of twenty-five dollars through June 30, 2002 2004, 29031 and ten dollars on and after July 1, 2002 2004. Upon approval from 29032 the director that the applicant is eligible to take the 29033 examination therefor, the applicant shall pay a fee in accordance 29034 with the following schedule through June 30, 2002 2004: 29035

Class I operator	\$45	29036
Class II operator	55	29037
Class III operator	65	29038
Class IV operator	75	29039

On and after July 1, 2002 <u>2004</u>, the applicant shall pay a fee 29040 in accordance with the following schedule: 29041

Class I operator	\$25	29042
Class II operator	35	29043
Class III operator	45	29044
Class IV operator	55	29045

The director shall transmit all moneys collected under this 29046 division to the treasurer of state for deposit into the drinking 29047 water protection fund created in section 6109.30 of the Revised 29048 Code. 29049

(P) Through June 30, 2002 2004, any person submitting an 29050 application for an industrial water pollution control certificate 29051 under section 6111.31 of the Revised Code shall pay a 29052 nonrefundable fee of five hundred dollars at the time the 29053 application is submitted. The director shall transmit all moneys 29054 collected under this division to the treasurer of state for 29055 deposit into the surface water protection fund created in section 29056 6111.038 of the Revised Code. A person paying a certificate fee 29057 under this division shall not pay an application fee under 29058 division (S)(1) of this section. 29059

(Q) Except as otherwise provided in division (R) of this 29060 section, a person issued a permit by the director for a new solid 29061 waste disposal facility other than an incineration or composting 29062 facility, a new infectious waste treatment facility other than an 29063 incineration facility, or a modification of such an existing 29064 facility that includes an increase in the total disposal or 29065 treatment capacity of the facility pursuant to Chapter 3734. of 29066 the Revised Code shall pay a fee of ten dollars per thousand cubic 29067

29068 yards of disposal or treatment capacity, or one thousand dollars, 29069 whichever is greater, except that the total fee for any such 29070 permit shall not exceed eighty thousand dollars. A person issued a 29071 modification of a permit for a solid waste disposal facility or an 29072 infectious waste treatment facility that does not involve an 29073 increase in the total disposal or treatment capacity of the 29074 facility shall pay a fee of one thousand dollars. A person issued 29075 a permit to install a new, or modify an existing, solid waste 29076 transfer facility under that chapter shall pay a fee of two 29077 thousand five hundred dollars. A person issued a permit to install 29078 a new or to modify an existing solid waste incineration or 29079 composting facility, or an existing infectious waste treatment 29080 facility using incineration as its principal method of treatment, 29081 under that chapter shall pay a fee of one thousand dollars. The 29082 increases in the permit fees under this division resulting from 29083 the amendments made by Amended Substitute House Bill 592 of the 29084 117th general assembly do not apply to any person who submitted an 29085 application for a permit to install a new, or modify an existing, 29086 solid waste disposal facility under that chapter prior to 29087 September 1, 1987; any such person shall pay the permit fee 29088 established in this division as it existed prior to June 24, 1988. 29089 In addition to the applicable permit fee under this division, a 29090 person issued a permit to install or modify a solid waste facility 29091 or an infectious waste treatment facility under that chapter who 29092 fails to pay the permit fee to the director in compliance with 29093 division (V) of this section shall pay an additional ten per cent 29094 of the amount of the fee for each week that the permit fee is 29095 late.

Permit and late payment fees paid to the director under this 29096 division shall be credited to the general revenue fund. 29097

(R)(1) A person issued a registration certificate for a scrap 29098tire collection facility under section 3734.75 of the Revised Code 29099

29100 shall pay a fee of two hundred dollars, except that if the 29101 facility is owned or operated by a motor vehicle salvage dealer 29102 licensed under Chapter 4738. of the Revised Code, the person shall 29103 pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new 29104 scrap tire storage facility under section 3734.76 of the Revised 29105 Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer 29108 licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars. 29109

(3) A person issued a permit for a scrap tire storage 29110 facility under section 3734.76 of the Revised Code shall pay a fee 29111 of one thousand dollars, except that if the facility is owned or 29112 operated by a motor vehicle salvage dealer licensed under Chapter 29113 4738. of the Revised Code, the person shall pay a fee of fifty 29114 dollars. 29115

29116 (4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall 29117 pay a fee of ten dollars per thousand cubic yards of disposal 29118 capacity or one thousand dollars, whichever is greater, except 29119 that the total fee for any such permit shall not exceed eighty 29120 thousand dollars. 29121

(5) A person issued a registration certificate for a scrap 29122 tire recovery facility under section 3734.78 of the Revised Code 29123 shall pay a fee of one hundred dollars. 29124

(6) A person issued a permit for a scrap tire recovery 29125 facility under section 3734.78 of the Revised Code shall pay a fee 29126 of one thousand dollars. 29127

(7) In addition to the applicable registration certificate or 29128 permit fee under divisions (R)(1) to (6) of this section, a person 29129 issued a registration certificate or permit for any such scrap 29130

29106 29107

29131 tire facility who fails to pay the registration certificate or 29132 permit fee to the director in compliance with division (V) of this 29133 section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment 29135 fees paid to the director under divisions (R)(1) to (7) of this 29136 section shall be credited to the scrap tire management fund 29137 created in section 3734.82 of the Revised Code. 29138

(S)(1) Except as provided by divisions (L), (M), (N), (O), 29139 (P), and (S)(2) of this section, division (A)(2) of section 29140 3734.05 of the Revised Code, section 3734.79 of the Revised Code, 29141 and rules adopted under division (T)(1) of this section, any 29142 person applying for a registration certificate under section 29143 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 29144 variance, or plan approval under Chapter 3734. of the Revised Code 29145 shall pay a nonrefundable fee of fifteen dollars at the time the 29146 application is submitted. 29147

Except as otherwise provided, any person applying for a 29148 permit, variance, or plan approval under Chapter 6109. or 6111. of 29149 the Revised Code shall pay a nonrefundable fee of one hundred 29150 dollars at the time the application is submitted through June 30, 29151 2002 2004, and a nonrefundable fee of fifteen dollars at the time 29152 the application is submitted on and after July 1, 2002 2004. 29153 Through June 30, 2002 2004, any person applying for a national 29154 pollutant discharge elimination system permit under Chapter 6111. 29155 of the Revised Code shall pay a nonrefundable fee of two hundred 29156 dollars at the time of application for the permit. On and after 29157 July 1, 2002 2004, such a person shall pay a nonrefundable fee of 29158 fifteen dollars at the time of application. 29159

In addition to the application fee established under division 29160 (S)(1) of this section, any person applying for a national 29161 pollutant discharge elimination system general storm water 29162

construction permit shall pay a nonrefundable fee of twenty	29163
dollars per acre for each acre that is permitted above five acres	29164
at the time the application is submitted. However, the per acreage	29165
fee shall not exceed three hundred dollars. In addition, any	29166
person applying for a national pollutant discharge elimination	29167
<u>system general storm water industrial permit shall pay a</u>	29168
nonrefundable fee of one hundred fifty dollars at the time the	29169
application is submitted.	29170

The director shall transmit all moneys collected under29171division (S)(1) of this section pursuant to Chapter 6109. of the29172Revised Code to the treasurer of state for deposit into the29173drinking water protection fund created in section 6109.30 of the29174Revised Code.29175

The director shall transmit all moneys collected under29176division (S)(1) of this section pursuant to Chapter 6111. of the29177Revised Code to the treasurer of state for deposit into the29178surface water protection fund created in section 6111.038 of the29179Revised Code.29180

If a registration certificate is issued under section291813734.75, 3734.76, or 3734.78 of the Revised Code, the amount of29182the application fee paid shall be deducted from the amount of the29183registration certificate fee due under division (R)(1), (2), or29184(5) of this section, as applicable.29185

(2) Division (S)(1) of this section does not apply to an
application for a registration certificate for a scrap tire
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collection or storage facility submitted under section 3734.75 or
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3734.76 of the Revised Code, as applicable, if the owner or
29189
operator of the facility or proposed facility is a motor vehicle
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salvage dealer licensed under Chapter 4738. of the Revised Code.

(T) The director may adopt, amend, and rescind rules in 29192accordance with Chapter 119. of the Revised Code that do all of 29193

the following:

(1) Prescribe fees to be paid by applicants for and holders 29195 of any license, permit, variance, plan approval, or certification 29196 required or authorized by Chapter 3704., 3734., 6109., or 6111. of 29197 the Revised Code that are not specifically established in this 29198 section. The fees shall be designed to defray the cost of 29199 processing, issuing, revoking, modifying, denying, and enforcing 29200 the licenses, permits, variances, plan approvals, and 29201 certifications. 29202

The director shall transmit all moneys collected under rules 29203 adopted under division (T)(1) of this section pursuant to Chapter 29204 29205 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 29206 of the Revised Code. 29207

The director shall transmit all moneys collected under rules 29208 adopted under division (T)(1) of this section pursuant to Chapter 29209 6111. of the Revised Code to the treasurer of state for deposit 29210 into the surface water protection fund created in section 6111.038 29211 of the Revised Code. 29212

(2) Exempt the state and political subdivisions thereof, 29213 including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from 29215 taxation by section 5709.07 or 5709.12 of the Revised Code, from 29216 any fee required by this section; 29217

(3) Provide for the waiver of any fee, or any part thereof, 29218 otherwise required by this section whenever the director 29219 determines that the imposition of the fee would constitute an 29220 unreasonable cost of doing business for any applicant, class of 29221 applicants, or other person subject to the fee; 29222

(4) Prescribe measures that the director considers necessary 29223 to carry out this section. 29224

Page 940

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29214

(U) When the director reasonably demonstrates that the direct 29225 cost to the state associated with the issuance of a permit to 29226 install, license, variance, plan approval, or certification 29227 exceeds the fee for the issuance or review specified by this 29228 section, the director may condition the issuance or review on the 29229 payment by the person receiving the issuance or review of, in 29230 addition to the fee specified by this section, the amount, or any 29231 portion thereof, in excess of the fee specified under this 29232 section. The director shall not so condition issuances for which 29233 fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 29234 section. 29235

(V) Except as provided in divisions (L), (M), and (P) of this 29236 section or unless otherwise prescribed by a rule of the director 29237 adopted pursuant to Chapter 119. of the Revised Code, all fees 29238 required by this section are payable within thirty days after the 29239 issuance of an invoice for the fee by the director or the 29240 effective date of the issuance of the license, permit, variance, 29241 plan approval, or certification. If payment is late, the person 29242 responsible for payment of the fee shall pay an additional ten per 29243 cent of the amount due for each month that it is late. 29244

(W) As used in this section, "fuel-burning equipment," 29245 "fuel-burning equipment input capacity," "incinerator," 29246 "incinerator input capacity," "process," "process weight rate," 29247 "storage tank," "gasoline dispensing facility," "dry cleaning 29248 facility, " "design flow discharge, " and "new source treatment 29249 works" have the meanings ascribed to those terms by applicable 29250 rules or standards adopted by the director under Chapter 3704. or 29251 6111. of the Revised Code. 29252

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 29253
and (J) of this section, and in any other provision of this 29254
section pertaining to fees paid pursuant to Chapter 3704. of the 29255
Revised Code: 29256

(1) "Facility," "federal Clean Air Act," "person," and "Title 29257 V permit" have the same meanings as in section 3704.01 of the 29258 Revised Code. 29259

(2) "Title V permit program" means the following activities 29260 as necessary to meet the requirements of Title V of the federal 29261 Clean Air Act and 40 C.F.R. part 70, including at least: 29262

(a) Preparing and adopting, if applicable, generally 29263 applicable rules or quidance regarding the permit program or its 29264 implementation or enforcement; 29265

(b) Reviewing and acting on any application for a Title V 29266 permit, permit revision, or permit renewal, including the 29267 development of an applicable requirement as part of the processing 29268 of a permit, permit revision, or permit renewal; 29269

29270 (c) Administering the permit program, including the supporting and tracking of permit applications, compliance 29271 certification, and related data entry; 29272

(d) Determining which sources are subject to the program and 29273 implementing and enforcing the terms of any Title V permit, not 29274 including any court actions or other formal enforcement actions; 29275

- (e) Emission and ambient monitoring; 29276
- (f) Modeling, analyses, or demonstrations; 29277
- 29278 (g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business 29279 stationary sources to determine and meet their obligations under 29280 the federal Clean Air Act pursuant to the small business 29281 stationary source technical and environmental compliance 29282 assistance program required by section 507 of that act and 29283 established in sections 3704.18, 3704.19, and 3706.19 of the 29284 Revised Code. 29285

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)29286

29287 of this section, each sewage sludge facility shall pay a 29288 nonrefundable annual sludge fee equal to three dollars and fifty 29289 cents per dry ton of sewage sludge, including the dry tons of 29290 sewage sludge in materials derived from sewage sludge, that the 29291 sewage sludge facility treats or disposes of in this state. The 29292 annual volume of sewage sludge treated or disposed of by a sewage 29293 sludge facility shall be calculated using the first day of January 29294 through the thirty-first day of December of the calendar year 29295 preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division (Y)(2)(d) of this 29296 section, each sewage sludge facility shall pay a minimum annual 29297 sewage sludge fee of one hundred dollars. 29298

(b) The annual sludge fee required to be paid by a sewage 29299 sludge facility that treats or disposes of exceptional quality 29300 sludge in this state shall be thirty-five per cent less per dry 29301 ton of exceptional quality sludge than the fee assessed under 29302 division (Y)(1) of this section, subject to the following 29303 exceptions: 29304

(i) Except as provided in division (Y)(2)(d) of this section, 29305 a sewage sludge facility that treats or disposes of exceptional 29306 quality sludge shall pay a minimum annual sewage sludge fee of one 29307 hundred dollars. 29308

(ii) A sewage sludge facility that treats or disposes of 29309 exceptional quality sludge shall not be required to pay the annual 29310 sludge fee for treatment or disposal in this state of exceptional 29311 quality sludge generated outside of this state and contained in 29312 bags or other containers not greater than one hundred pounds in 29313 capacity. 29314

A thirty-five per cent reduction for exceptional quality 29315 sludge applies to the maximum annual fees established under 29316 division (Y)(3) of this section. 29317

(c) A sewage sludge facility that transfers sewage sludge to 29318 another sewage sludge facility in this state for further treatment 29319 prior to disposal in this state shall not be required to pay the 29320 annual sludge fee for the tons of sewage sludge that have been 29321 transferred. In such a case, the sewage sludge facility that 29322 disposes of the sewage sludge shall pay the annual sludge fee. 29323 However, the facility transferring the sewage sludge shall pay the 29324 one-hundred-dollar minimum fee required under division (Y)(2)(a) 29325 of this section. 29326

In the case of a sewage sludge facility that treats sewage 29327 sludge in this state and transfers it out of this state to another 29328 entity for disposal, the sewage sludge facility in this state 29329 shall be required to pay the annual sludge fee for the tons of 29330 sewage sludge that have been transferred. 29331

(d) A sewage sludge facility that generates sewage sludge 29332 resulting from an average daily discharge flow of less than five 29333 thousand gallons per day is not subject to the fees assessed under 29334 division (Y) of this section. 29335

(3) No sewage sludge facility required to pay the annual 29336 sludge fee shall be required to pay more than the maximum annual 29337 fee for each disposal method that the sewage sludge facility uses. 29338 The maximum annual fee does not include the additional amount that 29339 may be charged under division (Y)(5) of this section for late 29340 payment of the annual sludge fee. The maximum annual fee for the 29341 following methods of disposal of sewage sludge is as follows: 29342

(a) Incineration: five thousand dollars; 29343

(b) Preexisting land reclamation project or disposal in a 29344 landfill: five thousand dollars; 29345

(c) Land application, land reclamation, surface disposal, or 29346 any other disposal method not specified in division (Y)(3)(a) or 29347 (b) of this section: twenty thousand dollars. 29348

(4)(a) In the case of an entity that generates sewage sludge 29349 or a sewage sludge facility that treats sewage sludge and 29350 transfers the sewage sludge to an incineration facility for 29351 disposal, the incineration facility, and not the entity generating 29352 the sewage sludge or the sewage sludge facility treating the 29353 sewage sludge, shall pay the annual sludge fee for the tons of 29354 sewage sludge that are transferred. However, the entity or 29355 facility generating or treating the sewage sludge shall pay the 29356 one-hundred-dollar minimum fee required under division (Y)(2)(a) 29357 of this section. 29358

(b) In the case of an entity that generates sewage sludge and 29359 transfers the sewage sludge to a landfill for disposal or to a 29360 sewage sludge facility for land reclamation or surface disposal, 29361 the entity generating the sewage sludge, and not the landfill or 29362 sewage sludge facility, shall pay the annual sludge fee for the 29363 tons of sewage sludge that are transferred. 29364

(5) Not later than the first day of April of the calendar 29365 year following the effective date of this amendment March 17, 29366 2000, and each first day of April thereafter, the director shall 29367 issue invoices to persons who are required to pay the annual 29368 sludge fee. The invoice shall identify the nature and amount of 29369 the annual sludge fee assessed and state the first day of May as 29370 the deadline for receipt by the director of objections regarding 29371 the amount of the fee and the first day of July as the deadline 29372 for payment of the fee. 29373

Not later than the first day of May following receipt of an29374invoice, a person required to pay the annual sludge fee may submit29375objections to the director concerning the accuracy of information29376regarding the number of dry tons of sewage sludge used to29377calculate the amount of the annual sludge fee or regarding whether29378the sewage sludge qualifies for the exceptional quality sludge29379discount established in division (Y)(2)(b) of this section. The29380

director may consider the objections and adjust the amount of the 29381 fee to ensure that it is accurate. 29382

If the director does not adjust the amount of the annual 29383 sludge fee in response to a person's objections, the person may 29384 appeal the director's determination in accordance with Chapter 29385 119. of the Revised Code. 29386

Not later than the first day of June, the director shall 29387 notify the objecting person regarding whether the director has 29388 found the objections to be valid and the reasons for the finding. 29389 If the director finds the objections to be valid and adjusts the 29390 amount of the annual sludge fee accordingly, the director shall 29391 issue with the notification a new invoice to the person 29392 identifying the amount of the annual sludge fee assessed and 29393 stating the first day of July as the deadline for payment. 29394

Not later than the first day of July, any person who is 29395 required to do so shall pay the annual sludge fee. Any person who 29396 is required to pay the fee, but who fails to do so on or before 29397 that date shall pay an additional amount that equals ten per cent 29398 of the required annual sludge fee. 29399

(6) The director shall transmit all moneys collected under 29400 division (Y) of this section to the treasurer of state for deposit 29401 into the surface water protection fund created in section 6111.038 29402 of the Revised Code. The moneys shall be used to defray the costs 29403 of administering and enforcing provisions in Chapter 6111. of the 29404 Revised Code and rules adopted under it that govern the use, 29405 storage, treatment, or disposal of sewage sludge. 29404

(7) Beginning in fiscal year 2001, and every two years 29407 thereafter, the director shall review the total amount of moneys 29408 generated by the annual sludge fees to determine if that amount 29409 exceeds exceeded six hundred thousand dollars in either of the two 29410 preceding fiscal years. If the total amount of moneys in the fund 29411

exceeded six hundred thousand dollars in either fiscal year, the 29412 director, after review of the fee structure and consultation with 29413 affected persons, shall issue an order reducing the amount of the 29414 fees levied under division (Y) of this section so that the 29415 estimated amount of moneys resulting from the fees will not exceed 29416 six hundred thousand dollars in any fiscal year. 29417

If, upon review of the fees under division (Y)(7) of this 29418 section and after the fees have been reduced, the director 29419 determines that the total amount of moneys collected and 29420 accumulated is less than six hundred thousand dollars, the 29421 director, after review of the fee structure and consultation with 29422 affected persons, may issue an order increasing the amount of the 29423 fees levied under division (Y) of this section so that the 29424 estimated amount of moneys resulting from the fees will be 29425 approximately six hundred thousand dollars. Fees shall never be 29426 increased to an amount exceeding the amount specified in division 29427 (Y)(7) of this section. 29428

Notwithstanding section 119.06 of the Revised Code, the 29429 director may issue an order under division (Y)(7) of this section 29430 without the necessity to hold an adjudicatory hearing in 29431 connection with the order. The issuance of an order under this 29432 division is not an act or action for purposes of section 3745.04 29433 of the Revised Code. 29434

(8) As used in division (Y) of this section: 29435

(a) "Sewage sludge facility" means an entity that performs 29436 treatment on or is responsible for the disposal of sewage sludge. 29437

(b) "Sewage sludge" means a solid, semi-solid, or liquid 29438 residue generated during the treatment of domestic sewage in a 29439 treatment works as defined in section 6111.01 of the Revised Code. 29440 "Sewage sludge" includes, but is not limited to, scum or solids 29441 29442 removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during 29443

the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage. 29444 29445 29446 29446

(c) "Exceptional quality sludge" means sewage sludge that 29448meets all of the following qualifications: 29449

(i) Satisfies the class A pathogen standards in 40 C.F.R. 29450503.32(a); 29451

(ii) Satisfies one of the vector attraction reduction 29452
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 29453

(iii) Does not exceed the ceiling concentration limitations 29454
for metals listed in table one of 40 C.F.R. 503.13; 29455

(iv) Does not exceed the concentration limitations for metals 29456 listed in table three of 40 C.F.R. 503.13. 29457

(d) "Treatment" means the preparation of sewage sludge for 29458
final use or disposal and includes, but is not limited to, 29459
thickening, stabilization, and dewatering of sewage sludge. 29460

(e) "Disposal" means the final use of sewage sludge, 29461including, but not limited to, land application, land reclamation, 29462surface disposal, or disposal in a landfill or an incinerator. 29463

(f) "Land application" means the spraying or spreading of 29464 sewage sludge onto the land surface, the injection of sewage 29465 sludge below the land surface, or the incorporation of sewage 29466 sludge into the soil for the purposes of conditioning the soil or 29467 fertilizing crops or vegetation grown in the soil. 29468

(g) "Land reclamation" means the returning of disturbed land 29469 to productive use. 29470

(h) "Surface disposal" means the placement of sludge on an 29471
area of land for disposal, including, but not limited to, 29472
monofills, surface impoundments, lagoons, waste piles, or 29473

dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage 29475 sludge through the combustion of organic matter and inorganic 29476 matter in sewage sludge by high temperatures in an enclosed 29477 device. 29478

(j) "Incineration facility" includes all incinerators owned 29479 or operated by the same entity and located on a contiguous tract 29480 of land. Areas of land are considered to be contiguous even if 29481 they are separated by a public road or highway. 29482

(k) "Annual sludge fee" means the fee assessed under division 29483 (Y)(1) of this section. 29484

(1) "Landfill" means a sanitary landfill facility, as defined 29485 in rules adopted under section 3734.02 of the Revised Code, that 29486 is licensed under section 3734.05 of the Revised Code. 29487

(m) "Preexisting land reclamation project" means a 29488 property-specific land reclamation project that has been in 29489 29490 continuous operation for not less than five years pursuant to approval of the activity by the director and includes the 29491 implementation of a community outreach program concerning the 29492 29493 activity.

Sec. 3745.15. (A)(1) Not later than one hundred fifty days 29494 after receipt of a complete application for a permit to install, 29495 or a modification of such a permit, under rules adopted under 29496 division (F) of section 3704.03 of the Revised Code or for the 29497 approval of plans under section 6111.44, 6111.45, or 6111.46 of 29498 the Revised Code, the director of environmental protection shall 29499 either issue or deny the permit or modification or approve or 29500 disapprove the plans, whichever is applicable. The director shall 29501 send written notification to the applicant of the issuance or 29502 denial or the approval or disapproval, whichever is applicable. If 29503

Page 949

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the director fails to issue or deny the permit or modification or	29504
approve or disapprove the plans, whichever is applicable, not	29505
later than one hundred fifty days after receipt of a complete	29506
application, the director and the director's authorized	29507
representatives shall not collect the applicable permit to install	29508
fee established under division (F) or (I) of section 3745.11 of	29509
the Revised Code or the applicable plan approval fee established	29510
under division (L)(2) of section 3745.11 of the Revised Code,	29511
whichever is applicable.	29512
For purposes of this section, a complete application is an	29513
application that has been determined or deemed to be complete	29514
under section 3745.10 of the Revised Code.	29515
(2) If the director fails to issue or deny a permit to	29516
install or modification of such a permit within the	29517
one-hundred-fifty-day period, the applicant may bring a mandamus	29518
action to obtain a judgment that orders the director to take a	29519
final action on the application.	29520
(B)(1) Upon the written request of the applicant, the	29521
director, in writing, may extend the time provided under division	29522
(A)(1) of this section for issuing or denying a permit to install	29523
or modification of such a permit for the additional time specified	29524
in the applicant's request for the extension.	29525
(2) If the time for the issuance or denial of a permit to	29526
install or modification of such a permit is extended under	29527
division (B)(1) of this section, the preclusion against the	29528
collection of the applicable permit to install fee established	29529
under division (A)(1) of this section does not apply unless the	29530
preclusion is included in a written agreement providing for the	29531
<u>extension of time.</u>	29532
(C) Upon the written request of the person who is responsible	29533

for a facility, the director may consolidate or group applications 29534

for the issuance of permits to install under rules adopted under	29535
division (F) of section 3704.03 of the Revised Code, or	29536
modifications or renewals of those permits, for individual air	29537
contaminant sources located at the facility in order to reduce the	29538
unnecessary paperwork and administrative burden to the applicant	29539
and the director in connection with the issuance of those permits,	29540
modifications, and renewals. Applicable fees that are payable to	29541
the director under section 3745.11 of the Revised Code shall not	29542
be reduced by reason of any such consolidation or grouping of	29543
applications for permits, modifications, or renewals.	29544

(D) Notwithstanding any provision of Chapter 3704., 3734., 29545 3746., or 6111. of the Revised Code to the contrary, not later 29546 than one hundred fifty days after the receipt of an application 29547 for a permit under any of those chapters other than a permit 29548 specified in division (A)(1) of this section, the director shall 29549 either issue or deny the permit. The director shall send written 29550 notification to the applicant of the issuance or denial. If the 29551 director fails to issue or deny the permit by the end of the 29552 one-hundred-fifty-day period, the application is deemed approved, 29553 and the director shall issue the permit. The director shall send 29554 written notification to the applicant of the issuance. 29555

Sec. 3745.22. (A) As used in this section, "eligible29556institution of higher education" means any of the state29557universities listed in section 3345.011 of the Revised Code, or a29558community college, technical college, university branch, state29559community college, or an institution that is nonprofit and holds a29560certificate of authorization issued under section 1713.02 of the29561Revised Code.29562

(B) There is hereby created in the state treasury the 29563 environmental education fund consisting of moneys credited to the 29564 fund pursuant to sections 3704.06 and 6111.09 of the Revised Code 29565

and any gifts, grants, or contributions received by the director 29566 of environmental protection for the purposes of the fund. The fund 29567 shall be administered by the director with the advice and 29568 assistance of the environmental education council created in 29569 section 3745.21 of the Revised Code. Moneys in the fund shall be 29570 used exclusively to develop, implement, and administer a program 29571 to enhance public awareness and the objective understanding within 29572 this state of issues affecting environmental quality. Toward that 29573 end, moneys in the fund may be used for purposes that include, 29574 without limitation, developing elementary and secondary school and 29575 collegiate curricula on environmental issues; providing training 29576 for this state's elementary and secondary school teachers on 29577 environmental issues; providing educational seminars for concerned 29578 members of the public regarding the scientific and technical 29579 aspects of environmental issues; providing educational seminars 29580 regarding pollution prevention and waste minimization for persons 29581 29582 regulated by the environmental protection agency; providing educational seminars for persons regulated by the environmental 29583 protection agency, including, without limitation, small 29584 businesses, regarding the regulatory requirements of the agency 29585 and the means of achieving and maintaining compliance with them; 29586 29587 and providing one or more scholarships in environmental sciences or environmental engineering at one or more state colleges or 29588 universities, as "state college or university" is defined in 29589 section 3345.27 of the Revised Code for students enrolled at an 29590 eligible institution of higher education. 29591

The director may expend not more than one million five 29592 hundred thousand dollars of the moneys credited to the 29593 environmental education fund under sections 3704.06 and 6111.09 of 29594 the Revised Code in any fiscal year for the purposes specified in 29595 this division. The director may request authority from the 29596 controlling board to expend any moneys credited to that fund in 29597 any fiscal year in excess of that amount. 29598