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with all of the laws under which it exists and that the laws
permit the merger or consolidation;

(c) The name and mailing address of the person or entity that
is to provide, in response to any written request made by a
shareholder, partner, or other equity holder of a constituent
entity, a copy of the agreement of merger or consolidation;

(d) The effective date of the merger or consolidation, which
date may be on or after the date of the filing of the certificate;

(e) The signature of the representative or representatives
authorized to sign the certificate on behalf of each constituent
entity and the office held or the capacity in which the
representative is acting;

(f) A statement that the agreement of merger or consolidation
is authorized on behalf of each constituent entity and that the
persons who signed the certificate on behalf of each entity are
authorized to do so;

(g) In the case of a merger, a statement that one or more
specified constituent entities will be merged into a specified
surviving entity or, in the case of a consolidation, a statement
that the constituent entities will be consolidated into a new
entity;

(h) In the case of a merger, if the surviving entity is a
foreign entity not licensed to transact business in this state,
the name and address of the statutory agent upon whom any process,
notice, or demand may be served;

(i) In the case of a consolidation, the name and address of
the statutory agent upon whom any process, notice, or demand
against any constituent entity or the new entity may be served.

(2) In the case of a consolidation into a new domestic
corporation, limited liability company, or limited partnership,

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the articles of incorporation, the articles of organization, or
the certificate of limited partnership of the new domestic entity
shall be filed with the certificate of merger or consolidation.

(3) In the case of a merger into a domestic corporation,
limited liability company, or limited partnership, any amendments
to the articles of incorporation, articles of organization, or
certificate of limited partnership of the surviving domestic
entity shall be filed with the certificate of merger or
consolidation.

(4) If the surviving or new entity is a foreign entity that
desires to transact business in this state as a foreign
corporation, limited liability company, or limited partnership,
the certificate of merger or consolidation shall be accompanied by
the information required by division (B)(8), (9), or (10) of
section 1705.37 of the Revised Code.

(5) If a foreign or domestic corporation licensed to transact
business in this state is a constituent entity and the surviving
or new entity resulting from the merger or consolidation is not a
foreign or domestic corporation that is to be licensed to transact
business in this state, the certificate of merger or consolidation
shall be accompanied by the affidavits, receipts, certificates, or
other evidence required by division (H) of section 1701.86 of the
Revised Code, with respect to each domestic constituent
corporation, and by the affidavits, receipts, certificates, or
other evidence required by division (C) or (D) of section 1703.17
of the Revised Code, with respect to each foreign constituent
corporation licensed to transact business in this state.

(C) If any constituent entity in a merger or consolidation is
organized or formed under the laws of a state other than this
state or under any chapter of the Revised Code other than this
chapter, there also shall be filed in the proper office all

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documents that are required to be filed in connection with the 11893
merger or consolidation by the laws of that state or by that 11894
chapter. 11895

(D) Upon the filing of a certificate of merger or 11896
consolidation and other filings as described in division (C) of 11897
this section or at any later date that the certificate of merger 11898
or consolidation specifies, the merger or consolidation is 11899
effective. 11900

(E)(1) Upon request and payment of ~~a~~ the fee specified in 11901
division (D) of ~~ten dollars~~ section 111.16 of the Revised Code, 11902
the secretary of state shall furnish the secretary of state's 11903
certificate setting forth all of the following: 11904

(a) The name and form of entity of each constituent entity 11905
and the states under the laws of which each constituent entity 11906
existed prior to a merger or consolidation; 11907

(b) The name and the form of entity of the surviving or new 11908
entity and the state under the laws of which the surviving entity 11909
exists or the new entity is to exist; 11910

(c) The date of the filing of the certificate of merger or 11911
consolidation in the secretary of state's office; 11912

(d) The effective date of the merger or consolidation. 11913

(2) The certificate of the secretary of state or a copy of a 11914
certificate of merger or consolidation that has been certified by 11915
the secretary of state may be filed for record in the office of 11916
the recorder of any county in this state and, if filed, shall be 11917
recorded in the record of deeds for that county. For that 11918
recording, the county recorder shall charge and collect the same 11919
fees as for recording a deed. 11920

Sec. 1705.55. (A) If any statement in an application for 11921
registration as a foreign limited liability company is materially 11922

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false when made or if any facts described in the application have changed making it inaccurate in any material respect, the foreign limited liability company shall file promptly with the secretary of state a certificate correcting the application that shall be on a form that is prescribed by the secretary of state and be signed by an authorized representative of the company. If

(B) If the application for registration or a subsequent certificate of correction becomes inaccurate because the designated agent ~~resigns or~~ changes the agent's address from that appearing in the registration application or any subsequent certificate of correction of the registration application, the foreign limited liability company, or the designated agent on its behalf, shall file a notice of that resignation or change promptly with the secretary of state ~~a new certificate of correction setting forth the new address.~~

(C) A foreign limited liability company may revoke the appointment of its designated agent described in division (A) of section 1705.54 of the Revised Code by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and an acceptance of appointment in the manner described in division (B)(2) of section 1705.06 of the Revised Code and a statement indicating that the appointment of the former agent is revoked.

(D) The fee specified in division (R) of section 111.16 of the Revised Code shall accompany a filing under division (B) or (C) of this section.

Sec. 1746.04. (A) Except as set forth in section 1746.03 of the Revised Code, before transacting business in this state, a business trust shall file ~~a report~~ in the office of the secretary of state, on forms prescribed by the secretary of state, a report containing the following information:

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(1) A list of the names and addresses of its trustees;	11954
(2) The address of its principal office;	11955
(3) In the case of a foreign business trust, the address of its principal office within this state, if any;	11956 11957
(4) The business names of the business trust, including any fictitious or assumed names;	11958 11959
(5) The name and address within this state of a designated agent upon whom process against the business trust may be served;	11960 11961
(6) The irrevocable consent of the business trust to service of process upon its designated agent and to service of process upon the secretary of state if, without the registration of another agent with the secretary of state, its designated agent has died, resigned, lost authority, dissolved, become disqualified, or has removed from this state, or if its designated agent cannot, with due diligence, be found.	11962 11963 11964 11965 11966 11967 11968
Such report shall have attached as an exhibit an executed copy of the trust instrument or a true and correct copy of it, certified to be such by a trustee before an official authorized to administer oaths or by a public official in another state in whose office an executed copy is on file.	11969 11970 11971 11972 11973
(B) Not more than ninety days after the occurrence of any event causing any filing, including exhibits, made pursuant to division (A) of this section, or any previous filing made pursuant to this division, to be inaccurate or incomplete, there shall be filed in the office of the secretary of state all information necessary to maintain the accuracy and completeness of such filing.	11974 11975 11976 11977 11978 11979 11980
(C) The secretary of state shall charge and collect a fee <u>the fees specified in division (T) of seventy-five dollars section 111.16 of the Revised Code</u> for each filing made under division (A)	11981 11982 11983

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~~of this section and fifteen dollars for each filing under division~~ 11984
~~or (B) of this section, except for filings under division (B) of~~ 11985
~~this section pertaining solely to division (A)(5) of this section,~~ 11986
~~for which the secretary of state shall charge and collect the fee~~ 11987
~~specified in division (R) of section 111.16 of the Revised Code.~~ 11988

(D) The trust instrument and other information filed in the 11989
office of the secretary of state are matters of public record, and 11990
persons dealing with a business trust are charged with 11991
constructive notice of the contents of any such instrument or 11992
information by reason of such filing. 11993

(E) A copy of a trust instrument or other information filed 11994
in the office of the secretary of state shall be accepted as 11995
prima-facie evidence of the existence of the instrument or other 11996
information and of its contents, and conclusive evidence of the 11997
existence of such record. 11998

Sec. 1746.06. (A) No business trust that has made a filing 11999
pursuant to section 1746.04 of the Revised Code may use the words 12000
"Incorporated," "Corporation," "Inc.," "Co.," "Partnership," 12001
"Ltd.," or derivatives thereof in its name. 12002

(B) No business trust formed after the effective date of this 12003
chapter that has made a filing pursuant to section 1746.04 of the 12004
Revised Code shall assume the name of any corporation established 12005
under the laws of this state, or of a corporation, firm, or 12006
association, or trust whether or not as defined in section 1746.01 12007
of the Revised Code, or of an individual, carrying on business in 12008
this state at the time when the business trust is created, or 12009
assume a name so similar thereto as to be likely to be mistaken 12010
for it, except with the written consent of such existing 12011
corporation, firm, association, or trust, or of such individual, 12012
previously or concurrently filed with the secretary of state. 12013

(C) The secretary of state shall refuse to receive for filing 12014

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the trust instrument of a business trust if it appears to ~~him~~ the
secretary of state to have violated any provision of this section.
The courts of common pleas of this state shall have jurisdiction,
upon the application of any person interested or affected, to
enjoin a business trust from transacting business under any name
in violation of any provision of this section, notwithstanding
that the trust instrument of such business trust has been received
for filing under section 1746.04 of the Revised Code.

(D) Any person who wishes to reserve a name for a proposed
new business trust, or any business trust intending to change its
name, may submit to the secretary of state a written application
for the exclusive right to use a specified name as the name of a
business trust. If the secretary of state finds that, under this
section, the specified name is available for such use, ~~he~~ the
secretary of state shall indorse ~~his~~ the secretary of state's
approval upon and file such application and, from the date of such
indorsement, such applicant shall have the exclusive right for
~~sixty~~ one hundred eighty days to use the specified name as the
name of a business trust, counting the date of such indorsement as
the first of the ~~sixty~~ one hundred eighty days. The right so
obtained may be transferred by the applicant or other holder
thereof by the filing in the office of the secretary of state of a
written transfer stating the name and address of the transferee.
For filing any application for the exclusive right to use a
specified name under this division, the secretary of state shall
charge and collect ~~a~~ the fee specified in division (S)(1) of five
~~dollars~~ section 111.16 of the Revised Code. For each filing of a
transfer of the right to an exclusive name under this division,
the secretary of state shall charge and collect the fee specified
in division (S)(4) of section 111.16 of the Revised Code.

(E) Any business trust that has not made the filings

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described under section 1746.04 of the Revised Code may submit to
the secretary of state a written application for the exclusive
right to use a specified name as the name of such business trust.
If the secretary of state finds that, under this section, the
specified name is available for such use, ~~he~~ the secretary of
state shall indorse ~~his~~ the secretary of state's approval upon and
file such application and, from the date of such indorsement, such
applicant has the exclusive right to use the specified name for
the period that it transacts business. The right so obtained may
be transferred by the applicant or other holder thereof by the
filing in the office of the secretary of state of a written
transfer stating the name and address of the transferee. For
filing ~~any~~ an application for the exclusive right to use a
specified name under this division, the secretary of state shall
charge and collect ~~a~~ the fee specified in division (S)(1) of five
~~dollars~~ section 111.16 of the Revised Code.

Sec. 1746.15. Any business trust that has made the filings
described in section 1746.04 of the Revised Code may withdraw from
this state at any time by filing in the office of the secretary of
state a verified copy of a resolution duly adopted by its trustees
declaring its intention to withdraw and surrender its authority,
accompanied by ~~a the fee of fifteen dollars~~ specified in division
(T) of section 111.16 of the Revised Code.

Sec. 1747.03. (A) Before transacting real estate business in
this state, a real estate investment trust shall file the
following report in the office of the secretary of state, on forms
prescribed by the secretary of state:

(1) An executed copy of the trust instrument or a true and
correct copy of it, certified to be such by a trustee before an
official authorized to administer oaths or by a public official in
another state in whose office an executed copy is on file;

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(2) A list of the names and addresses of its trustees;	12078
(3) The address of its principal office;	12079
(4) In the case of a foreign real estate investment trust,	12080
the address of its principal office within this state, if any;	12081
(5) The business name of the trust;	12082
(6) The name and address within this state of a designated	12083
agent upon whom process against the trust may be served;	12084
(7) The irrevocable consent of the trust to service of	12085
process on its designated agent and to service of process upon the	12086
secretary of state if, without the registration of another agent	12087
with the secretary of state, its designated agent has died,	12088
resigned, lost authority, dissolved, become disqualified, or has	12089
removed from this state, or if its designated agent cannot, with	12090
due diligence, be found;	12091
(8) Not more than ninety days after the occurrence of any	12092
event causing any filing made pursuant to divisions (A)(2) to (6)	12093
of this section, or any previous filing made pursuant to this	12094
division, to be inaccurate or incomplete, all information	12095
necessary to maintain the accuracy and completeness of such	12096
filing.	12097
(B) For filing <u>filings</u> under this section, the secretary of	12098
state shall charge and collect a <u>the fee specified in division (T)</u>	12099
of fifty dollars, except that for filing under division (A)(8) of	12100
this section, the secretary of state shall charge and collect a	12101
fee of ten dollars <u>section 111.16 of the Revised Code, except for</u>	12102
<u>filings under division (A)(8) of this section pertaining solely to</u>	12103
<u>division (A)(6) of this section, for which the secretary of state</u>	12104
<u>shall charge and collect the fee specified in division (R) of</u>	12105
<u>section 111.16 of the Revised Code.</u>	12106
(C) All persons shall be given the opportunity to acquire	12107

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knowledge of the contents of the trust instrument and other
information filed in the office of the secretary of state, but no
person dealing with a real estate investment trust shall be
charged with constructive notice of the contents of any such
instrument or information by reason of such filing.

(D) A copy of a trust instrument or other information filed
in the office of the secretary of state ~~shall be~~ is prima-facie
evidence of the existence of the instrument or other information
and of its contents, and ~~as is~~ is conclusive evidence of the
existence of such record.

Sec. 1747.04. A trust instrument may be amended in the manner
specified in it or in any manner that is valid under the common or
statutory law applicable to the trust created ~~thereunder~~ under it.
However, no amendment adopted subsequent to the initial filings
required by section 1747.03 of the Revised Code is legally
effective in this state until an executed or certified true and
correct copy of the amendment has been filed in the office of the
secretary of state accompanied by ~~a~~ the fee specified in division
(T) of ~~twenty-five dollars~~ section 111.16 of the Revised Code.

Sec. 1747.10. Any domestic or foreign real estate investment
trust authorized to transact real estate business in this state
may surrender its authority at any time by filing in the office of
the secretary of state a verified copy of a resolution duly
adopted by its trustees declaring its intention to withdraw,
accompanied by ~~a~~ the fee specified in division (T) of ~~ten dollars~~
section 111.16 of the Revised Code. Such real estate investment
trust then ceases and is without authority to transact real estate
business in this state, except as necessary for ~~the concluding~~
thereof its conclusion.

Sec. 1775.63. (A) A domestic limited liability partnership or

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foreign registered limited liability partnership shall, ~~annually~~ 12138
~~biennially~~ during the month of July in odd-numbered years, file a 12139
report with the office of the secretary of state verifying and, if 12140
necessary, updating, as of the thirtieth day of June of that year, 12141
the information contained in the registration application required 12142
by division (A) of sections 1775.61 and 1775.64 of the Revised 12143
Code. The ~~annual~~ report shall be made on a form prescribed and 12144
furnished by the secretary of state and shall be signed by a 12145
majority in interest of the partners or by one or more partners 12146
authorized by the partnership to execute the report. 12147

(B) If a domestic limited liability partnership or foreign 12148
registered limited liability partnership fails to file the ~~annual~~ 12149
report in accordance with division (A) of this section, the 12150
secretary of state shall give notice of the failure by certified 12151
mail to the last known address of the partnership or its statutory 12152
agent. If the report is not filed within thirty days after the 12153
mailing of the notice, the secretary of state shall, upon the 12154
expiration of that period, cancel the registration of the 12155
partnership, give notice of the cancellation to the partnership by 12156
regular mail to the last known address of the partnership or its 12157
statutory agent, and make a notation of the cancellation on the 12158
secretary of state's records. 12159

(C) A domestic limited liability partnership or foreign 12160
registered limited liability partnership whose registration has 12161
been canceled pursuant to division (B) of this section may be 12162
reinstated by filing an application for reinstatement, together 12163
with the required ~~annual~~ report or reports, and by paying ~~a~~ the 12164
reinstatement fee specified in division (Q) of ~~ten dollars~~ section 12165
111.16 of the Revised Code. The secretary of state shall inform 12166
the tax commissioner of all cancellations and reinstatements under 12167
this section. 12168

Sec. 1775.64. (A) Before transacting business in this state, 12169

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a foreign limited liability partnership shall file a registration application with the secretary of state. The application shall be on a form prescribed by the secretary of state and shall set forth only the following information:

(1) The name of the partnership;

(2) The jurisdiction pursuant to the laws of which it was organized as a limited liability partnership;

(3) The address of its principal office or, if the partnership's principal office is not located in this state, the address of a registered office;

(4) The name and address of its agent for service of process in this state;

(5) A brief statement of the business in which the partnership engages.

(B) A registration application shall be accompanied by the application fee specified in division (F) of section 111.16 of the Revised Code.

(C) A foreign limited liability partnership transacting business in this state shall comply with the name, correction, and annual reporting requirements set forth in division (G) of section 1775.61, divisions (B) and (C) of section 1775.62, and section 1775.63 of the Revised Code and shall comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership engages.

(D) The secretary of state shall register as a foreign limited liability partnership, any foreign limited liability partnership that submits a completed registration application with the required fee.

(E) Registration as a foreign limited liability partnership ceases if ~~either of the following occurs:~~

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(1) ~~The registration is voluntarily withdrawn by filing with the secretary of state, on a form prescribed by the secretary of state, a written withdrawal notice signed by one or more partners authorized by the partnership to execute a withdrawal notice.~~

(2) ~~The registration is canceled by the secretary of state pursuant to section 1775.63 of the Revised Code.~~

Sec. 1782.04. (A) Each limited partnership shall maintain continuously in this state an agent for service of process on the limited partnership. The agent shall be a natural person who is a resident of this state, a domestic corporation, or a foreign corporation holding a license as such under the laws of this state.

(B) The secretary of state shall not accept a certificate of limited partnership for filing unless there is filed with the certificate a written appointment of an agent that is signed by the general partners of the limited partnership and a written acceptance of the appointment that is signed by the agent, or unless there is filed a written appointment of an agent that is signed by any authorized officer of the limited partnership and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

In the discretion of the secretary of state, an original appointment of statutory agent may be submitted on the same form as the certificate of limited partnership but shall not be considered a part of the certificate.

(C) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number or other particular description, and shall otherwise be in the form the secretary of state prescribes. The secretary of

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state shall keep a record of the names of limited partnerships, 12231
and the names and addresses of their respective agents. 12232

(D) If any agent dies, removes from the state, or resigns, 12233
the limited partnership shall forthwith appoint another agent and 12234
file with the secretary of state, on a form prescribed by the 12235
secretary of state, a written appointment of the new agent. 12236

(E) If the agent changes the agent's address from that 12237
appearing upon the record in the office of the secretary of state, 12238
the limited partnership or the agent forthwith shall file with the 12239
secretary of state, on a form prescribed by the secretary of 12240
state, a written statement setting forth the new address. 12241

(F) An agent may resign by filing with the secretary of 12242
state, on a form prescribed by the secretary of state, a written 12243
notice to that effect that is signed by the agent and by sending a 12244
copy of the notice to the limited partnership at its current or 12245
last known address or its principal office on or prior to the date 12246
the notice is filed with the secretary of state. The notice shall 12247
set forth the name of the limited partnership, the name and 12248
current address of the agent, the current or last known address, 12249
including the street and number or other particular description, 12250
of the limited partnership's principal office, the resignation of 12251
the agent, and a statement that a copy of the notice has been sent 12252
to the limited partnership within the time and in the manner 12253
prescribed by this division. Upon the expiration of thirty days 12254
after the filing, the authority of the agent shall terminate. 12255

(G) A limited partnership may revoke the appointment of an 12256
agent by filing with the secretary of state, on a form prescribed 12257
by the secretary of state, a written appointment of another agent 12258
and a statement that the appointment of the former agent is 12259
revoked. 12260

(H) Except when an original appointment of an agent is filed 12261

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with the certificate of limited partnership, a written appointment 12262
of an agent or a written statement filed by a limited partnership 12263
with the secretary of state shall be signed by any authorized 12264
officer of the limited partnership, or the general partners of the 12265
limited partnership, or a majority of them. 12266

Sec. 1782.08. (A) To form a limited partnership, a 12267
certificate of limited partnership shall be executed and filed 12268
with the secretary of state, as provided in section 1782.13 of the 12269
Revised Code. The certificate shall be on a form prescribed by the 12270
secretary of state and shall set forth all of the following: 12271

(1) The name of the limited partnership; 12272

(2) The address of the principal place of business of the 12273
limited partnership ~~and the name and address, including the street~~ 12274
~~and number or other particular description, of the agent for~~ 12275
~~service of process maintained pursuant to section 1782.04 of the~~ 12276
~~Revised Code;~~ 12277

(3) The name and business or residence address of each 12278
general partner; 12279

(4) Any other matters that the general partners determine to 12280
include in the certificate. 12281

(B) A written appointment of a statutory agent for the 12282
purpose set forth in section 1782.04 of the Revised Code shall be 12283
filed with the certificate of limited partnership. 12284

(C) A limited partnership is an entity formed at the time of 12285
filing the certificate of limited partnership pursuant to section 12286
1782.13 of the Revised Code or at any later time specified in the 12287
certificate if, in either case, there has been substantial 12288
compliance with the requirements of ~~division~~ divisions (A) and (B) 12289
of this section. 12290

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Sec. 1782.09. (A) A certificate of limited partnership shall 12291
be amended by filing a certificate of amendment with the secretary 12292
of state. The certificate of amendment shall be on a form 12293
prescribed by the secretary of state and shall state all of the 12294
following: 12295

(1) The name of the limited partnership and the file number 12296
assigned to it by the secretary of state; 12297

(2) The date of the first filing of the certificate of 12298
limited partnership and, if different, the date of the first 12299
filing by the partnership with the secretary of state pursuant to 12300
section 1782.63 of the Revised Code; 12301

(3) The amendment to the certificate of limited partnership. 12302

(B) Within thirty days after the occurrence of any of the 12303
following events, an amendment to a certificate of limited 12304
partnership reflecting the occurrence of the event shall be filed 12305
pursuant to division (A) of this section: 12306

(1) A new general partner is admitted; 12307

(2) A general partner withdraws; 12308

(3) The business is continued pursuant to section 1782.44 of 12309
the Revised Code after an event of withdrawal of a general 12310
partner; 12311

(4) The address of the principal place of business of the 12312
limited partnership changes; 12313

~~(5) The name or identity of the statutory agent changes;~~ 12314

~~+(6) The address of the statutory agent changes;~~ 12315

~~+(7) The name of the limited partnership is changes.~~ 12316

(C) A general partner who becomes aware that any statement in 12317
the certificate of limited partnership was materially false when 12318

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made or that any arrangements or other facts described have 12319
changed, thereby making the certificate materially inaccurate, 12320
promptly shall amend the certificate. 12321

~~If the certificate becomes inaccurate because the designated 12322
agent changes the agent's address from that appearing in the 12323
certificate of limited partnership or any subsequent amendment 12324
thereto, the limited partnership, or the designated agent on its 12325
behalf, shall file promptly with the secretary of state, on a form 12326
prescribed by the secretary of state, an amendment setting forth 12327
the new address. 12328~~

(D) A certificate of limited partnership may be amended at 12329
any time for any other proper purpose the general partners 12330
determine. 12331

(E) A person is not liable because an amendment to a 12332
certificate of limited partnership has not been filed to reflect 12333
the occurrence of an event referred to in division (B) of this 12334
section if the amendment is filed within the thirty-day period 12335
specified in that division. 12336

(F) A certificate of limited partnership may be restated at 12337
any time by filing a restatement of the certificate of limited 12338
partnership with the secretary of state. 12339

Sec. 1782.433. (A) Upon the adoption by each constituent 12340
entity of an agreement of merger or consolidation pursuant to 12341
section 1782.431 or 1782.432 of the Revised Code, a certificate of 12342
merger or consolidation shall be filed with the secretary of state 12343
that is signed by an authorized representative of each constituent 12344
entity. The certificate shall be on a form prescribed by the 12345
secretary of state and shall set forth only the information 12346
required by this section. 12347

(B)(1) The certificate of merger or consolidation shall set 12348

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forth all of the following: 12349

(a) The name and the form of entity of each constituent 12350
entity and the state under the laws of which each constituent 12351
entity exists; 12352

(b) A statement that each constituent entity has complied 12353
with all of the laws under which it exists and that the laws 12354
permit the merger or consolidation; 12355

(c) The name and mailing address of the person or entity that 12356
is to provide, in response to any written request made by a 12357
shareholder, partner, or other equity holder of a constituent 12358
entity, a copy of the agreement of merger or consolidation; 12359

(d) The effective date of the merger or consolidation, which 12360
date may be on or after the date of the filing of the certificate; 12361

(e) The signature of the representative or representatives 12362
authorized to sign the certificate on behalf of each constituent 12363
entity and the office held or the capacity in which the 12364
representative is acting; 12365

(f) A statement that the agreement of merger or consolidation 12366
is authorized on behalf of each constituent entity and that the 12367
persons who signed the certificate on behalf of each entity are 12368
authorized to do so; 12369

(g) In the case of a merger, a statement that one or more 12370
specified constituent entities will be merged into a specified 12371
surviving entity or, in the case of a consolidation, a statement 12372
that the constituent entities will be consolidated into a new 12373
entity; 12374

(h) In the case of a merger, if the surviving entity is a 12375
foreign entity not licensed to transact business in this state, 12376
the name and address of the statutory agent upon whom any process, 12377
notice, or demand may be served; 12378

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(i) In the case of a consolidation, the name and address of 12379
the statutory agent upon whom any process, notice, or demand 12380
against any constituent entity or the new entity may be served. 12381

(2) In the case of a consolidation into a new domestic 12382
corporation, limited liability company, or limited partnership, 12383
the articles of incorporation, the articles of organization, or 12384
the certificate of limited partnership of the new domestic entity 12385
shall be filed with the certificate of merger or consolidation. 12386

(3) In the case of a merger into a domestic corporation, 12387
limited liability company, or limited partnership, any amendments 12388
to the articles of incorporation, articles of organization, or 12389
certificate of limited partnership of the surviving domestic 12390
entity shall be filed with the certificate of merger or 12391
consolidation. 12392

(4) If the surviving or new entity is a foreign entity that 12393
desires to transact business in this state as a foreign 12394
corporation, limited liability company, or limited partnership, 12395
the certificate of merger or consolidation shall be accompanied by 12396
the information required by division (B)(7), (8), or (9) of 12397
section 1782.432 of the Revised Code. 12398

(5) If a foreign or domestic corporation licensed to transact 12399
business in this state is a constituent entity and the surviving 12400
or new entity resulting from the merger or consolidation is not a 12401
foreign or domestic corporation that is to be licensed to transact 12402
business in this state, the certificate of merger or consolidation 12403
shall be accompanied by the affidavits, receipts, certificates, or 12404
other evidence required by division (H) of section 1701.86 of the 12405
Revised Code, with respect to each domestic constituent 12406
corporation, and by the affidavits, receipts, certificates, or 12407
other evidence required by division (C) or (D) of section 1703.17 12408
of the Revised Code, with respect to each foreign constituent 12409
corporation licensed to transact business in this state. 12410

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(C) If any constituent entity in a merger or consolidation is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this chapter, there also shall be filed in the proper office all documents that are required to be filed in connection with the merger or consolidation by the laws of that state or by that chapter.

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(D) Upon the filing of a certificate of merger or consolidation and other filings as described in division (C) of this section or at any later date that the certificate of merger or consolidation specifies, the merger or consolidation is effective.

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(E) The secretary of state shall furnish, upon request and payment of ~~a~~ the fee specified in division (D) of ten dollars section 111.16 of the Revised Code, the secretary of state's certificate setting forth: the name and form of entity of each constituent entity and the states under the laws of which each constituent entity existed prior to the merger or consolidation; the name and the form of entity of the surviving or new entity and the state under the laws of which the surviving entity exists or the new entity is to exist; the date of filing of the certificate of merger or consolidation with the secretary of state; and the effective date of the merger or consolidation. The certificate of the secretary of state, or a copy of the certificate of merger or consolidation certified by the secretary of state, may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the records of deeds for that county. For that recording, the county recorder shall charge and collect the same fee as in the case of deeds.

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Sec. 1785.06. A professional association, within thirty days

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after the thirtieth day of June in each year, shall furnish a 12442
statement to the secretary of state showing the names and 12443
post-office addresses of all of the shareholders in the 12444
association and certifying that all of the shareholders are duly 12445
licensed, certificated, or otherwise legally authorized to render 12446
within this state the same professional service for which the 12447
association was organized or, in the case of a combination of 12448
professional services described in division (B) of section 1785.01 12449
of the Revised Code, to render within this state any of the 12450
applicable types of professional services for which the 12451
association was organized. This statement shall be made on a form 12452
that the secretary of state shall prescribe, shall be signed by an 12453
officer of the association, and shall be filed in the office of 12454
the secretary of state. 12455

If any professional association fails to file the annual 12456
statement within the time required by this section, the secretary 12457
of state shall give notice of the failure by certified mail, 12458
return receipt requested, to the last known address of the 12459
association or its agent. If the annual statement is not filed 12460
within thirty days after the mailing of the notice, the secretary 12461
of state, upon the expiration of that period, shall cancel the 12462
association's articles of incorporation, give notice of the 12463
cancellation to the association by mail sent to the last known 12464
address of the association or its agent, and make a notation of 12465
the cancellation on the records of the secretary of state. 12466

A professional association whose articles have been canceled 12467
pursuant to this section may be reinstated by filing an 12468
application for reinstatement and the required annual statement or 12469
statements and by paying ~~a~~ the reinstatement fee specified in 12470
division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. 12471
The rights, privileges, and franchises of a professional 12472
association whose articles have been reinstated are subject to 12473

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section 1701.922 of the Revised Code. The secretary of state shall 12474
inform the tax commissioner of all cancellations and 12475
reinstatements under this section. 12476

Sec. 1901.26. (A) Subject to division (E) of this section, 12477
costs in a municipal court shall be fixed and taxed as follows: 12478

(1) The municipal court shall require an advance deposit for 12479
the filing of any new civil action or proceeding when required by 12480
division (A)(9) of this section, and in all other cases, by rule, 12481
shall establish a schedule of fees and costs to be taxed in any 12482
civil or criminal action or proceeding. 12483

(2) The municipal court, by rule, may require an advance 12484
deposit for the filing of any civil action or proceeding and 12485
publication fees as provided in section 2701.09 of the Revised 12486
Code. The court may waive the requirement for advance deposit upon 12487
affidavit or other evidence that a party is unable to make the 12488
required deposit. 12489

(3) When a jury trial is demanded in any civil action or 12490
proceeding, the party making the demand may be required to make an 12491
advance deposit as fixed by rule of court, unless, upon affidavit 12492
or other evidence, the court concludes that the party is unable to 12493
make the required deposit. If a jury is called, the fees of a jury 12494
shall be taxed as costs. 12495

(4) In any civil or criminal action or proceeding, witnesses' 12496
fees shall be fixed in accordance with sections 2335.06 and 12497
2335.08 of the Revised Code. 12498

(5) A reasonable charge for driving, towing, carting, 12499
storing, keeping, and preserving motor vehicles and other personal 12500
property recovered or seized in any proceeding may be taxed as 12501
part of the costs in a trial of the cause, in an amount that shall 12502
be fixed by rule of court. 12503

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(6) Chattel property seized under any writ or process issued 12504
by the court shall be preserved pending final disposition for the 12505
benefit of all persons interested and may be placed in storage 12506
when necessary or proper for that preservation. The custodian of 12507
any chattel property so stored shall not be required to part with 12508
the possession of the property until a reasonable charge, to be 12509
fixed by the court, is paid. 12510

(7) The municipal court, as it determines, may refund all 12511
deposits and advance payments of fees and costs, including those 12512
for jurors and summoning jurors, when they have been paid by the 12513
losing party. 12514

(8) Charges for the publication of legal notices required by 12515
statute or order of court may be taxed as part of the costs, as 12516
provided by section 7.13 of the Revised Code. 12517

(B)(1) The municipal court may determine that, for the 12518
efficient operation of the court, additional funds are necessary 12519
to acquire and pay for special projects of the court including, 12520
but not limited to, the acquisition of additional facilities or 12521
the rehabilitation of existing facilities, the acquisition of 12522
equipment, the hiring and training of staff, community service 12523
programs, mediation or dispute resolution services, the employment 12524
of magistrates, the training and education of judges, acting 12525
judges, and magistrates, and other related services. Upon that 12526
determination, the court by rule may charge a fee, in addition to 12527
all other court costs, on the filing of each criminal cause, civil 12528
action or proceeding, or judgment by confession. 12529

If the municipal court offers a special program or service in 12530
cases of a specific type, the municipal court by rule may assess 12531
an additional charge in a case of that type, over and above court 12532
costs, to cover the special program or service. The municipal 12533
court shall adjust the special assessment periodically, but not 12534
retroactively, so that the amount assessed in those cases does not 12535

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exceed the actual cost of providing the service or program. 12536

All moneys collected under division (B) of this section shall 12537
be paid to the county treasurer if the court is a county-operated 12538
municipal court or to the city treasurer if the court is not a 12539
county-operated municipal court for deposit into either a general 12540
special projects fund or a fund established for a specific special 12541
project. Moneys from a fund of that nature shall be disbursed upon 12542
an order of the court in an amount no greater than the actual cost 12543
to the court of a project. If a specific fund is terminated 12544
because of the discontinuance of a program or service established 12545
under division (B) of this section, the municipal court may order 12546
that moneys remaining in the fund be transferred to an account 12547
established under this division for a similar purpose. 12548

(2) As used in division (B) of this section: 12549

(a) "Criminal cause" means a charge alleging the violation of 12550
a statute or ordinance, or subsection of a statute or ordinance, 12551
that requires a separate finding of fact or a separate plea before 12552
disposition and of which the defendant may be found guilty, 12553
whether filed as part of a multiple charge on a single summons, 12554
citation, or complaint or as a separate charge on a single 12555
summons, citation, or complaint. "Criminal cause" does not include 12556
separate violations of the same statute or ordinance, or 12557
subsection of the same statute or ordinance, unless each charge is 12558
filed on a separate summons, citation, or complaint. 12559

(b) "Civil action or proceeding" means any civil litigation 12560
that must be determined by judgment entry. 12561

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 12562
~~2003, the municipal court shall collect the sum of four dollars as~~ 12563
~~additional filing fees in each new civil action or proceeding for~~ 12564
~~the charitable public purpose of providing financial assistance to~~ 12565
~~legal aid societies that operate within the state. From January 1,~~ 12566

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~~1993, through December 31, 2002, the~~ The municipal court shall 12567
collect in all its divisions except the small claims division the 12568
sum of fifteen dollars as additional filing fees in each new civil 12569
action or proceeding for the charitable public purpose of 12570
providing financial assistance to legal aid societies that operate 12571
within the state. ~~From January 1, 1993, through December 31, 2002,~~ 12572
~~the~~ The municipal court shall collect in its small claims division 12573
the sum of seven dollars as additional filing fees in each new 12574
civil action or proceeding for the charitable public purpose of 12575
providing financial assistance to legal aid societies that operate 12576
within the state. This division does not apply to any execution on 12577
a judgment, proceeding in aid of execution, or other post-judgment 12578
proceeding arising out of a civil action. The filing fees required 12579
to be collected under this division shall be in addition to any 12580
other court costs imposed in the action or proceeding and shall be 12581
collected at the time of the filing of the action or proceeding. 12582
The court shall not waive the payment of the additional filing 12583
fees in a new civil action or proceeding unless the court waives 12584
the advanced payment of all filing fees in the action or 12585
proceeding. All such moneys shall be transmitted on the first 12586
business day of each month by the clerk of the court to the 12587
treasurer of state. The moneys then shall be deposited by the 12588
treasurer of state to the credit of the legal aid fund established 12589
under section 120.52 of the Revised Code. 12590

The court may retain up to one per cent of the moneys it 12591
collects under this division to cover administrative costs, 12592
including the hiring of any additional personnel necessary to 12593
implement this division. 12594

(D) In the Cleveland municipal court, reasonable charges for 12595
investigating titles of real estate to be sold or disposed of 12596
under any writ or process of the court may be taxed as part of the 12597
costs. 12598

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(E) Under the circumstances described in sections 2969.21 to 12599
2969.27 of the Revised Code, the clerk of the municipal court 12600
shall charge the fees and perform the other duties specified in 12601
those sections. 12602

Sec. 1907.24. (A) Subject to division (C) of this section, a 12603
county court shall fix and tax fees and costs as follows: 12604

(1) The county court shall require an advance deposit for the 12605
filing of any new civil action or proceeding when required by 12606
division (C) of this section and, in all other cases, shall 12607
establish a schedule of fees and costs to be taxed in any civil or 12608
criminal action or proceeding. 12609

(2) The county court by rule may require an advance deposit 12610
for the filing of a civil action or proceeding and publication 12611
fees as provided in section 2701.09 of the Revised Code. The court 12612
may waive an advance deposit requirement upon the presentation of 12613
an affidavit or other evidence that establishes that a party is 12614
unable to make the requisite deposit. 12615

(3) When a party demands a jury trial in a civil action or 12616
proceeding, the county court may require the party to make an 12617
advance deposit as fixed by rule of court, unless the court 12618
concludes, on the basis of an affidavit or other evidence 12619
presented by the party, that the party is unable to make the 12620
requisite deposit. If a jury is called, the county court shall tax 12621
the fees of a jury as costs. 12622

(4) In a civil or criminal action or proceeding, the county 12623
court shall fix the fees of witnesses in accordance with sections 12624
2335.06 and 2335.08 of the Revised Code. 12625

(5) A county court may tax as part of the costs in a trial of 12626
the cause, in an amount fixed by rule of court, a reasonable 12627
charge for driving, towing, carting, storing, keeping, and 12628

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preserving motor vehicles and other personal property recovered or
seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.

(B)(1) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court

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costs, to cover the special program or service. The county court
shall adjust the special assessment periodically, but not
retroactively, so that the amount assessed in those cases does not
exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall
be paid to the county treasurer for deposit into either a general
special projects fund or a fund established for a specific special
project. Moneys from a fund of that nature shall be disbursed upon
an order of the court in an amount no greater than the actual cost
to the court of a project. If a specific fund is terminated
because of the discontinuance of a program or service established
under division (B) of this section, the county court may order
that moneys remaining in the fund be transferred to an account
established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of
a statute or ordinance, or subsection of a statute or ordinance,
that requires a separate finding of fact or a separate plea before
disposition and of which the defendant may be found guilty,
whether filed as part of a multiple charge on a single summons,
citation, or complaint or as a separate charge on a single
summons, citation, or complaint. "Criminal cause" does not include
separate violations of the same statute or ordinance, or
subsection of the same statute or ordinance, unless each charge is
filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation
that must be determined by judgment entry.

(C) Subject to division (E) of this section, ~~prior to January~~
~~1, 1993, and on and after January 1, 2003, the county court shall~~
~~collect the sum of four dollars as additional filing fees in each~~
~~new civil action or proceeding for the charitable public purpose~~

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~~of providing financial assistance to legal aid societies that~~ 12691
~~operate within the state. Subject to division (E) of this section,~~ 12692
~~from January 1, 1993, through December 31, 2002,~~ the county court 12693
shall collect in all its divisions except the small claims 12694
division the sum of fifteen dollars as additional filing fees in 12695
each new civil action or proceeding for the charitable public 12696
purpose of providing financial assistance to legal aid societies 12697
that operate within the state. Subject to division (E) of this 12698
section, ~~from January 1, 1993, through December 31, 2002,~~ the 12699
county court shall collect in its small claims division the sum of 12700
seven dollars as additional filing fees in each new civil action 12701
or proceeding for the charitable public purpose of providing 12702
financial assistance to legal aid societies that operate within 12703
the state. This division does not apply to any execution on a 12704
judgment, proceeding in aid of execution, or other post-judgment 12705
proceeding arising out of a civil action. The filing fees required 12706
to be collected under this division shall be in addition to any 12707
other court costs imposed in the action or proceeding and shall be 12708
collected at the time of the filing of the action or proceeding. 12709
The court shall not waive the payment of the additional filing 12710
fees in a new civil action or proceeding unless the court waives 12711
the advanced payment of all filing fees in the action or 12712
proceeding. All such moneys collected during a month shall be 12713
transmitted on or before the twentieth day of the following month 12714
by the clerk of the court to the treasurer of state. The moneys 12715
then shall be deposited by the treasurer of state to the credit of 12716
the legal aid fund established under section 120.52 of the Revised 12717
Code. 12718

The court may retain up to one per cent of the moneys it 12719
collects under this division to cover administrative costs, 12720
including the hiring of any additional personnel necessary to 12721
implement this division. 12722

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(D) The county court shall establish by rule a schedule of fees for miscellaneous services performed by the county court or any of its judges in accordance with law. If judges of the court of common pleas perform similar services, the fees prescribed in the schedule shall not exceed the fees for those services prescribed by the court of common pleas.

(E) Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the county court shall charge the fees and perform the other duties specified in those sections.

Sec. 2303.201. (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed three dollars, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code.

(2) All fees collected under division (A)(1) of this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed, upon an order of the court, in an amount not greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both.

(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and expend those surplus

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funds for other appropriate technological expenses of the court. 12754

(B)(1) The court of common pleas of any county may determine 12755
that, for the efficient operation of the court, additional funds 12756
are required to computerize the office of the clerk of the court 12757
of common pleas and, upon that determination, authorize and direct 12758
the clerk of the court of common pleas to charge an additional 12759
fee, not to exceed ten dollars, on the filing of each cause of 12760
action or appeal, on the filing, docketing, and endorsing of each 12761
certificate of judgment, or on the docketing and indexing of each 12762
aid in execution or petition to vacate, revive, or modify a 12763
judgment under divisions (A), (P), (Q), (T), and (U) of section 12764
2303.20 of the Revised Code. Subject to division (B)(2) of this 12765
section, all moneys collected under division (B)(1) of this 12766
section shall be paid to the county treasurer to be disbursed, 12767
upon an order of the court of common pleas and subject to 12768
appropriation by the board of county commissioners, in an amount 12769
no greater than the actual cost to the court of procuring and 12770
maintaining computer systems for the office of the clerk of the 12771
court of common pleas. 12772

(2) If the court of common pleas of a county makes the 12773
determination described in division (B)(1) of this section, the 12774
board of county commissioners of that county may issue one or more 12775
general obligation bonds for the purpose of procuring and 12776
maintaining the computer systems for the office of the clerk of 12777
the court of common pleas. In addition to the purposes stated in 12778
division (B)(1) of this section for which the moneys collected 12779
under that division may be expended, the moneys additionally may 12780
be expended to pay debt charges on and financing costs related to 12781
any general obligation bonds issued pursuant to division (B)(2) of 12782
this section as they become due. General obligation bonds issued 12783
pursuant to division (B)(2) of this section are Chapter 133. 12784
securities. 12785

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(C) ~~Prior to January 1, 1993, and on and after January 1,~~ 12786
~~2003, the court of common pleas shall collect the sum of four~~ 12787
~~dollars as additional filing fees in each new civil action or~~ 12788
~~proceeding for the charitable public purpose of providing~~ 12789
~~financial assistance to legal aid societies that operate within~~ 12790
~~the state. From January 1, 1993, through December 31, 2002, the~~ 12791
The court of common pleas shall collect the sum of fifteen dollars 12792
as additional filing fees in each new civil action or proceeding 12793
for the charitable public purpose of providing financial 12794
assistance to legal aid societies that operate within the state. 12795
This division does not apply to proceedings concerning annulments, 12796
dissolutions of marriage, divorces, legal separation, spousal 12797
support, marital property or separate property distribution, 12798
support, or other domestic relations matters; to a juvenile 12799
division of a court of common pleas; to a probate division of a 12800
court of common pleas, except that the additional filing fees 12801
shall apply to name change, guardianship, and adoption 12802
proceedings; or to an execution on a judgment, proceeding in aid 12803
of execution, or other post-judgment proceeding arising out of a 12804
civil action. The filing fees required to be collected under this 12805
division shall be in addition to any other filing fees imposed in 12806
the action or proceeding and shall be collected at the time of the 12807
filing of the action or proceeding. The court shall not waive the 12808
payment of the additional filing fees in a new civil action or 12809
proceeding unless the court waives the advanced payment of all 12810
filing fees in the action or proceeding. All such moneys collected 12811
during a month shall be transmitted on or before the twentieth day 12812
of the following month by the clerk of the court to the treasurer 12813
of state. The moneys then shall be deposited by the treasurer of 12814
state to the credit of the legal aid fund established under 12815
section 120.52 of the Revised Code. 12816

The court may retain up to one per cent of the moneys it 12817

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collects under this division to cover administrative costs, 12818
including the hiring of any additional personnel necessary to 12819
implement this division. 12820

(D) On and after the thirtieth day after December 9, 1994, 12821
the court of common pleas shall collect the sum of thirty-two 12822
dollars as additional filing fees in each new action or proceeding 12823
for annulment, divorce, or dissolution of marriage for the purpose 12824
of funding shelters for victims of domestic violence pursuant to 12825
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 12826
required to be collected under this division shall be in addition 12827
to any other filing fees imposed in the action or proceeding and 12828
shall be collected at the time of the filing of the action or 12829
proceeding. The court shall not waive the payment of the 12830
additional filing fees in a new action or proceeding for 12831
annulment, divorce, or dissolution of marriage unless the court 12832
waives the advanced payment of all filing fees in the action or 12833
proceeding. On or before the twentieth day of each month, all 12834
moneys collected during the immediately preceding month pursuant 12835
to this division shall be deposited by the clerk of the court into 12836
the county treasury in the special fund used for deposit of 12837
additional marriage license fees as described in section 3113.34 12838
of the Revised Code. Upon their deposit into the fund, the moneys 12839
shall be retained in the fund and expended only as described in 12840
section 3113.34 of the Revised Code. 12841

(E)(1) The court of common pleas may determine that, for the 12842
efficient operation of the court, additional funds are necessary 12843
to acquire and pay for special projects of the court, including, 12844
but not limited to, the acquisition of additional facilities or 12845
the rehabilitation of existing facilities, the acquisition of 12846
equipment, the hiring and training of staff, community service 12847
programs, mediation or dispute resolution services, the employment 12848
of magistrates, the training and education of judges, acting 12849

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judges, and magistrates, and other related services. Upon that
determination, the court by rule may charge a fee, in addition to
all other court costs, on the filing of each criminal cause, civil
action or proceeding, or judgment by confession.

If the court of common pleas offers a special program or
service in cases of a specific type, the court by rule may assess
an additional charge in a case of that type, over and above court
costs, to cover the special program or service. The court shall
adjust the special assessment periodically, but not retroactively,
so that the amount assessed in those cases does not exceed the
actual cost of providing the service or program.

All moneys collected under division (E) of this section shall
be paid to the county treasurer for deposit into either a general
special projects fund or a fund established for a specific special
project. Moneys from a fund of that nature shall be disbursed upon
an order of the court in an amount no greater than the actual cost
to the court of a project. If a specific fund is terminated
because of the discontinuance of a program or service established
under division (E) of this section, the court may order that
moneys remaining in the fund be transferred to an account
established under this division for a similar purpose.

(2) As used in division (E) of this section:

(a) "Criminal cause" means a charge alleging the violation of
a statute or ordinance, or subsection of a statute or ordinance,
that requires a separate finding of fact or a separate plea before
disposition and of which the defendant may be found guilty,
whether filed as part of a multiple charge on a single summons,
citation, or complaint or as a separate charge on a single
summons, citation, or complaint. "Criminal cause" does not include
separate violations of the same statute or ordinance, or
subsection of the same statute or ordinance, unless each charge is
filed on a separate summons, citation, or complaint.

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(b) "Civil action or proceeding" means any civil litigation 12882
that must be determined by judgment entry. 12883

Sec. 2317.02. The following persons shall not testify in 12884
certain respects: 12885

(A) An attorney, concerning a communication made to the 12886
attorney by a client in that relation or the attorney's advice to 12887
a client, except that the attorney may testify by express consent 12888
of the client or, if the client is deceased, by the express 12889
consent of the surviving spouse or the executor or administrator 12890
of the estate of the deceased client and except that, if the 12891
client voluntarily testifies or is deemed by section 2151.421 of 12892
the Revised Code to have waived any testimonial privilege under 12893
this division, the attorney may be compelled to testify on the 12894
same subject; 12895

(B)(1) A physician or a dentist concerning a communication 12896
made to the physician or dentist by a patient in that relation or 12897
the physician's or dentist's advice to a patient, except as 12898
otherwise provided in this division, division (B)(2), and division 12899
(B)(3) of this section, and except that, if the patient is deemed 12900
by section 2151.421 of the Revised Code to have waived any 12901
testimonial privilege under this division, the physician may be 12902
compelled to testify on the same subject. 12903

The testimonial privilege established under this division 12904
does not apply, and a physician or dentist may testify or may be 12905
compelled to testify, in any of the following circumstances: 12906

(a) In any civil action, in accordance with the discovery 12907
provisions of the Rules of Civil Procedure in connection with a 12908
civil action, or in connection with a claim under Chapter 4123. of 12909
the Revised Code, under any of the following circumstances: 12910

(i) If the patient or the guardian or other legal 12911

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representative of the patient gives express consent; 12912

(ii) If the patient is deceased, the spouse of the patient or 12913
the executor or administrator of the patient's estate gives 12914
express consent; 12915

(iii) If a medical claim, dental claim, chiropractic claim, 12916
or optometric claim, as defined in section 2305.11 of the Revised 12917
Code, an action for wrongful death, any other type of civil 12918
action, or a claim under Chapter 4123. of the Revised Code is 12919
filed by the patient, the personal representative of the estate of 12920
the patient if deceased, or the patient's guardian or other legal 12921
representative. 12922

(b) In any civil action concerning court-ordered treatment or 12923
services received by a patient, if the court-ordered treatment or 12924
services were ordered as part of a case plan journalized under 12925
section 2151.412 of the Revised Code or the court-ordered 12926
treatment or services are necessary or relevant to dependency, 12927
neglect, or abuse or temporary or permanent custody proceedings 12928
under Chapter 2151. of the Revised Code. 12929

(c) In any criminal action concerning any test or the results 12930
of any test that determines the presence or concentration of 12931
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 12932
patient's blood, breath, urine, or other bodily substance at any 12933
time relevant to the criminal offense in question. 12934

(d) In any criminal action against a physician or dentist. In 12935
such an action, the testimonial privilege established under this 12936
division does not prohibit the admission into evidence, in 12937
accordance with the Rules of Evidence, of a patient's medical or 12938
dental records or other communications between a patient and the 12939
physician or dentist that are related to the action and obtained 12940
by subpoena, search warrant, or other lawful means. A court that 12941
permits or compels a physician or dentist to testify in such an 12942

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action or permits the introduction into evidence of patient 12943
records or other communications in such an action shall require 12944
that appropriate measures be taken to ensure that the 12945
confidentiality of any patient named or otherwise identified in 12946
the records is maintained. Measures to ensure confidentiality that 12947
may be taken by the court include sealing its records or deleting 12948
specific information from its records. 12949

(2)(a) If any law enforcement officer submits a written 12950
statement to a health care provider that states that an official 12951
criminal investigation has begun regarding a specified person or 12952
that a criminal action or proceeding has been commenced against a 12953
specified person, that requests the provider to supply to the 12954
officer copies of any records the provider possesses that pertain 12955
to any test or the results of any test administered to the 12956
specified person to determine the presence or concentration of 12957
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 12958
person's blood, breath, or urine at any time relevant to the 12959
criminal offense in question, and that conforms to section 12960
2317.022 of the Revised Code, the provider, except to the extent 12961
specifically prohibited by any law of this state or of the United 12962
States, shall supply to the officer a copy of any of the requested 12963
records the provider possesses. If the health care provider does 12964
not possess any of the requested records, the provider shall give 12965
the officer a written statement that indicates that the provider 12966
does not possess any of the requested records. 12967

(b) If a health care provider possesses any records of the 12968
type described in division (B)(2)(a) of this section regarding the 12969
person in question at any time relevant to the criminal offense in 12970
question, in lieu of personally testifying as to the results of 12971
the test in question, the custodian of the records may submit a 12972
certified copy of the records, and, upon its submission, the 12973
certified copy is qualified as authentic evidence and may be 12974

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admitted as evidence in accordance with the Rules of Evidence. 12975
Division (A) of section 2317.422 of the Revised Code does not 12976
apply to any certified copy of records submitted in accordance 12977
with this division. Nothing in this division shall be construed to 12978
limit the right of any party to call as a witness the person who 12979
administered the test to which the records pertain, the person 12980
under whose supervision the test was administered, the custodian 12981
of the records, the person who made the records, or the person 12982
under whose supervision the records were made. 12983

(3)(a) If the testimonial privilege described in division 12984
(B)(1) of this section does not apply as provided in division 12985
(B)(1)(a)(iii) of this section, a physician or dentist may be 12986
compelled to testify or to submit to discovery under the Rules of 12987
Civil Procedure only as to a communication made to the physician 12988
or dentist by the patient in question in that relation, or the 12989
physician's or dentist's advice to the patient in question, that 12990
related causally or historically to physical or mental injuries 12991
that are relevant to issues in the medical claim, dental claim, 12992
chiropractic claim, or optometric claim, action for wrongful 12993
death, other civil action, or claim under Chapter 4123. of the 12994
Revised Code. 12995

(b) If the testimonial privilege described in division (B)(1) 12996
of this section does not apply to a physician or dentist as 12997
provided in division (B)(1)(c) of this section, the physician or 12998
dentist, in lieu of personally testifying as to the results of the 12999
test in question, may submit a certified copy of those results, 13000
and, upon its submission, the certified copy is qualified as 13001
authentic evidence and may be admitted as evidence in accordance 13002
with the Rules of Evidence. Division (A) of section 2317.422 of 13003
the Revised Code does not apply to any certified copy of results 13004
submitted in accordance with this division. Nothing in this 13005
division shall be construed to limit the right of any party to 13006

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call as a witness the person who administered the test in
question, the person under whose supervision the test was
administered, the custodian of the results of the test, the person
who compiled the results, or the person under whose supervision
the results were compiled.

(4) The testimonial privilege described in division (B)(1) of
this section is not waived when a communication is made by a
physician to a pharmacist or when there is communication between a
patient and a pharmacist in furtherance of the physician-patient
relation.

(5)(a) As used in divisions (B)(1) to (4) of this section,
"communication" means acquiring, recording, or transmitting any
information, in any manner, concerning any facts, opinions, or
statements necessary to enable a physician or dentist to diagnose,
treat, prescribe, or act for a patient. A "communication" may
include, but is not limited to, any medical or dental, office, or
hospital communication such as a record, chart, letter,
memorandum, laboratory test and results, x-ray, photograph,
financial statement, diagnosis, or prognosis.

(b) As used in division (B)(2) of this section, "health care
provider" ~~has the same meaning as in section 3729.01 of the~~
Revised Code means a hospital, ambulatory care facility, long-term
care facility, pharmacy, emergency facility, or health care
practitioner.

(c) As used in division (B)(5)(b) of this section:

(i) "Ambulatory care facility" means a facility that provides
medical, diagnostic, or surgical treatment to patients who do not
require hospitalization, including a dialysis center, ambulatory
surgical facility, cardiac catheterization facility, diagnostic
imaging center, extracorporeal shock wave lithotripsy center, home
health agency, inpatient hospice, birthing center, radiation

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therapy center, emergency facility, and an urgent care center. 13038
"Ambulatory health care facility" does not include the private 13039
office of a physician or dentist, whether the office is for an 13040
individual or group practice. 13041

(ii) "Emergency facility" means a hospital emergency 13042
department or any other facility that provides emergency medical 13043
services. 13044

(iii) "Health care practitioner" has the same meaning as in 13045
section 4769.01 of the Revised Code. 13046

(iv) "Hospital" has the same meaning as in section 3727.01 of 13047
the Revised Code. 13048

(v) "Long-term care facility" means a nursing home, 13049
residential care facility, or home for the aging, as those terms 13050
are defined in section 3721.01 of the Revised Code; an adult care 13051
facility, as defined in section 3722.01 of the Revised Code; a 13052
nursing facility or intermediate care facility for the mentally 13053
retarded, as those terms are defined in section 5111.20 of the 13054
Revised Code; a facility or portion of a facility certified as a 13055
skilled nursing facility under Title XVIII of the "Social Security 13056
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 13057

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 13058
the Revised Code. 13059

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 13060
apply to doctors of medicine, doctors of osteopathic medicine, 13061
doctors of podiatry, and dentists. 13062

(7) Nothing in divisions (B)(1) to (6) of this section 13063
affects, or shall be construed as affecting, the immunity from 13064
civil liability conferred by section 307.628 or 2305.33 of the 13065
Revised Code upon physicians who report an employee's use of a 13066
drug of abuse, or a condition of an employee other than one 13067
involving the use of a drug of abuse, to the employer of the 13068

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employee in accordance with division (B) of that section. As used 13069
in division (B)(7) of this section, "employee," "employer," and 13070
"physician" have the same meanings as in section 2305.33 of the 13071
Revised Code. 13072

(C) A member of the clergy, rabbi, priest, or regularly 13073
ordained, accredited, or licensed minister of an established and 13074
legally cognizable church, denomination, or sect, when the member 13075
of the clergy, rabbi, priest, or minister remains accountable to 13076
the authority of that church, denomination, or sect, concerning a 13077
confession made, or any information confidentially communicated, 13078
to the member of the clergy, rabbi, priest, or minister for a 13079
religious counseling purpose in the member of the clergy's, 13080
rabbi's, priest's, or minister's professional character; however, 13081
the member of the clergy, rabbi, priest, or minister may testify 13082
by express consent of the person making the communication, except 13083
when the disclosure of the information is in violation of a sacred 13084
trust; 13085

(D) Husband or wife, concerning any communication made by one 13086
to the other, or an act done by either in the presence of the 13087
other, during coverture, unless the communication was made, or act 13088
done, in the known presence or hearing of a third person competent 13089
to be a witness; and such rule is the same if the marital relation 13090
has ceased to exist; 13091

(E) A person who assigns a claim or interest, concerning any 13092
matter in respect to which the person would not, if a party, be 13093
permitted to testify; 13094

(F) A person who, if a party, would be restricted under 13095
section 2317.03 of the Revised Code, when the property or thing is 13096
sold or transferred by an executor, administrator, guardian, 13097
trustee, heir, devisee, or legatee, shall be restricted in the 13098
same manner in any action or proceeding concerning the property or 13099
thing. 13100

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(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, or independent social worker, or registered under Chapter 4757. of the Revised Code as a social work assistant concerning a confidential communication received from a client in that relation or the person's advice to a client unless any of the following applies:

(a) The communication or advice indicates clear and present danger to the client or other persons. For the purposes of this division, cases in which there are indications of present or past child abuse or neglect of the client constitute a clear and present danger.

(b) The client gives express consent to the testimony.

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part

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of a case plan journalized under section 2151.412 of the Revised
Code or the court-ordered treatment or services are necessary or
relevant to dependency, neglect, or abuse or temporary or
permanent custody proceedings under ~~chapter~~ Chapter 2151. of the
Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve
a school guidance counselor or a person licensed or registered
under Chapter 4757. of the Revised Code from the requirement to
report information concerning child abuse or neglect under section
2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under
division (A) of section 3109.052 of the Revised Code or otherwise
issued in any proceeding for divorce, dissolution, legal
separation, annulment, or the allocation of parental rights and
responsibilities for the care of children, in any action or
proceeding, other than a criminal, delinquency, child abuse, child
neglect, or dependent child action or proceeding, that is brought
by or against either parent who takes part in mediation in
accordance with the order and that pertains to the mediation
process, to any information discussed or presented in the
mediation process, to the allocation of parental rights and
responsibilities for the care of the parents' children, or to the
awarding of parenting time rights in relation to their children;

(I) A communications assistant, acting within the scope of
the communication assistant's authority, when providing
telecommunications relay service pursuant to section 4931.35 of
the Revised Code or Title II of the "Communications Act of 1934,"
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication
made through a telecommunications relay service. Nothing in this
section shall limit the obligation of a communications assistant
to divulge information or testify when mandated by federal law or
regulation or pursuant to subpoena in a criminal proceeding.

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Nothing in this section shall limit any immunity or privilege granted under federal law or regulation.

(J)(1) A chiropractor in a civil proceeding concerning a communication made to the chiropractor by a patient in that relation or the chiropractor's advice to a patient, except as otherwise provided in this division. The testimonial privilege established under this division does not apply, and a chiropractor may testify or may be compelled to testify, in any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

(a) If the patient or the guardian or other legal representative of the patient gives express consent.

(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent.

(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.11 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to

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physical or mental injuries that are relevant to issues in the 13195
 medical claim, dental claim, chiropractic claim, or optometric 13196
 claim, action for wrongful death, other civil action, or claim 13197
 under Chapter 4123. of the Revised Code. 13198

(3) The testimonial privilege established under this division 13199
 does not apply, and a chiropractor may testify or be compelled to 13200
 testify, in any criminal action or administrative proceeding. 13201

13202

(4) As used in this division, "communication" means 13203
 acquiring, recording, or transmitting any information, in any 13204
 manner, concerning any facts, opinions, or statements necessary to 13205
 enable a chiropractor to diagnosis, treat, or act for a patient. A 13206
 communication may include, but is not limited to, any 13207
 chiropractic, office, or hospital communication such as a record, 13208
 chart, letter, memorandum, laboratory test and results, x-ray, 13209
 photograph, financial statement, diagnosis, or prognosis. 13210

Sec. 2317.022. (A) As used in this section, "health care 13211
 provider" has the same meaning as in section ~~3729.01~~ 2317.02 of 13212
 the Revised Code. 13213

(B) If an official criminal investigation has begun regarding 13214
 a person or if a criminal action or proceeding is commenced 13215
 against a person, any law enforcement officer who wishes to obtain 13216
 from any health care provider a copy of any records the provider 13217
 possesses that pertain to any test or the result of any test 13218
 administered to the person to determine the presence or 13219
 concentration of alcohol, a drug of abuse, or alcohol and a drug 13220
 of abuse in the person's blood, breath, or urine at any time 13221
 relevant to the criminal offense in question shall submit to the 13222
 health care facility a written statement in the following form: 13223

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 13224

To: (insert name of the health care 13225

provider in question). 13226

I hereby state that an official criminal investigation has 13227
begun regarding, or a criminal action or proceeding has been 13228
commenced against, (insert the name of the 13229
person in question), and that I believe that one or more tests has 13230
been administered to ~~him~~ that person by this health care provider 13231
to determine the presence or concentration of alcohol, a drug of 13232
abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, 13233
breath, or urine at a time relevant to the criminal offense in 13234
question. Therefore, I hereby request that, pursuant to division 13235
(B)(2) of section 2317.02 of the Revised Code, this health care 13236
provider supply me with copies of any records the provider 13237
possesses that pertain to any test or the results of any test 13238
administered to the person specified above to determine the 13239
presence or concentration of alcohol, a drug of abuse, or alcohol 13240
and a drug of abuse in ~~his~~ that person's blood, breath, or urine 13241
at any time relevant to the criminal offense in question. 13242

..... 13243

(Name of officer) 13244

..... 13245

(Officer's title) 13246

..... 13247

(Officer's employing agency) 13248

..... 13249

(Officer's telephone number) 13250

..... 13251

..... 13252

..... 13253

(Agency's address) 13254

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..... 13255

(Date written statement submitted)" 13256

(C) A health care provider that receives a written statement 13257
of the type described in division (B) of this section shall comply 13258
with division (B)(2) of section 2317.02 of the Revised Code 13259
relative to the written statement. 13260

Sec. 2329.66. (A) Every person who is domiciled in this state 13261
may hold property exempt from execution, garnishment, attachment, 13262
or sale to satisfy a judgment or order, as follows: 13263

(1)(a) In the case of a judgment or order regarding money 13264
owed for health care services rendered or health care supplies 13265
provided to the person or a dependent of the person, one parcel or 13266
item of real or personal property that the person or a dependent 13267
of the person uses as a residence. Division (A)(1)(a) of this 13268
section does not preclude, affect, or invalidate the creation 13269
under this chapter of a judgment lien upon the exempted property 13270
but only delays the enforcement of the lien until the property is 13271
sold or otherwise transferred by the owner or in accordance with 13272
other applicable laws to a person or entity other than the 13273
surviving spouse or surviving minor children of the judgment 13274
debtor. Every person who is domiciled in this state may hold 13275
exempt from a judgment lien created pursuant to division (A)(1)(a) 13276
of this section the person's interest, not to exceed five thousand 13277
dollars, in the exempted property. 13278

(b) In the case of all other judgments and orders, the 13279
person's interest, not to exceed five thousand dollars, in one 13280
parcel or item of real or personal property that the person or a 13281
dependent of the person uses as a residence. 13282

(2) The person's interest, not to exceed one thousand 13283
dollars, in one motor vehicle; 13284

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(3) The person's interest, not to exceed two hundred dollars 13285
in any particular item, in wearing apparel, beds, and bedding, and 13286
the person's interest, not to exceed three hundred dollars in each 13287
item, in one cooking unit and one refrigerator or other food 13288
preservation unit; 13289

(4)(a) The person's interest, not to exceed four hundred 13290
dollars, in cash on hand, money due and payable, money to become 13291
due within ninety days, tax refunds, and money on deposit with a 13292
bank, savings and loan association, credit union, public utility, 13293
landlord, or other person. Division (A)(4)(a) of this section 13294
applies only in bankruptcy proceedings. This exemption may include 13295
the portion of personal earnings that is not exempt under division 13296
(A)(13) of this section. 13297

(b) Subject to division (A)(4)(d) of this section, the 13298
person's interest, not to exceed two hundred dollars in any 13299
particular item, in household furnishings, household goods, 13300
appliances, books, animals, crops, musical instruments, firearms, 13301
and hunting and fishing equipment, that are held primarily for the 13302
personal, family, or household use of the person; 13303

(c) Subject to division (A)(4)(d) of this section, the 13304
person's interest in one or more items of jewelry, not to exceed 13305
four hundred dollars in one item of jewelry and not to exceed two 13306
hundred dollars in every other item of jewelry; 13307

(d) Divisions (A)(4)(b) and (c) of this section do not 13308
include items of personal property listed in division (A)(3) of 13309
this section. 13310

If the person does not claim an exemption under division 13311
(A)(1) of this section, the total exemption claimed under division 13312
(A)(4)(b) of this section shall be added to the total exemption 13313
claimed under division (A)(4)(c) of this section, and the total 13314
shall not exceed two thousand dollars. If the person claims an 13315

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exemption under division (A)(1) of this section, the total
exemption claimed under division (A)(4)(b) of this section shall
be added to the total exemption claimed under division (A)(4)(c)
of this section, and the total shall not exceed one thousand five
hundred dollars.

(5) The person's interest, not to exceed an aggregate of
seven hundred fifty dollars, in all implements, professional
books, or tools of the person's profession, trade, or business,
including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart,
appropriated, or paid by a benevolent association or society, as
exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment
insurance or annuities, as exempted by section 3911.10 of the
Revised Code;

(c) The person's interest in a policy of group insurance or
the proceeds of a policy of group insurance, as exempted by
section 3917.05 of the Revised Code;

(d) The person's interest in money, benefits, charity,
relief, or aid to be paid, provided, or rendered by a fraternal
benefit society, as exempted by section 3921.18 of the Revised
Code;

(e) The person's interest in the portion of benefits under
policies of sickness and accident insurance and in ~~lump-sum~~ lump
sum payments for dismemberment and other losses insured under
those policies, as exempted by section 3923.19 of the Revised
Code.

(7) The person's professionally prescribed or medically
necessary health aids;

(8) The person's interest in a burial lot, including, but not

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limited to, exemptions under section 517.09 or 1721.07 of the
Revised Code; 13346
13347

(9) The person's interest in the following: 13348

(a) Moneys paid or payable for living maintenance or rights,
as exempted by section 3304.19 of the Revised Code; 13349
13350

(b) Workers' compensation, as exempted by section 4123.67 of
the Revised Code; 13351
13352

(c) Unemployment compensation benefits, as exempted by
section 4141.32 of the Revised Code; 13353
13354

(d) Cash assistance payments under the Ohio works first
program, as exempted by section 5107.75 of the Revised Code; 13355
13356

(e) Benefits and services under the prevention, retention,
and contingency program, as exempted by section 5108.08 of the
Revised Code; 13357
13358
13359

(f) Disability assistance payments, as exempted by section
5115.07 of the Revised Code. 13360
13361

(10)(a) Except in cases in which the person was convicted of 13362
or pleaded guilty to a violation of section 2921.41 of the Revised 13363
Code and in which an order for the withholding of restitution from 13364
payments was issued under division (C)(2)(b) of that section or in 13365
cases in which an order for withholding was issued under section 13366
2907.15 of the Revised Code, and only to the extent provided in 13367
the order, and except as provided in sections 3105.171, 3105.63, 13368
3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised 13369
Code, the person's right to a pension, benefit, annuity, 13370
retirement allowance, or accumulated contributions, the person's 13371
right to a participant account in any deferred compensation 13372
program offered by the Ohio public employees deferred compensation 13373
board, a government unit, or a municipal corporation, or the 13374
person's other accrued or accruing rights, as exempted by section 13375

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145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 13376
the Revised Code, and the person's right to benefits from the Ohio 13377
public safety officers death benefit fund; 13378

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 13379
3121.03, and 3123.06 of the Revised Code, the person's right to 13380
receive a payment under any pension, annuity, or similar plan or 13381
contract, not including a payment from a stock bonus or 13382
profit-sharing plan or a payment included in division (A)(6)(b) or 13383
(10)(a) of this section, on account of illness, disability, death, 13384
age, or length of service, to the extent reasonably necessary for 13385
the support of the person and any of the person's dependents, 13386
except if all the following apply: 13387

(i) The plan or contract was established by or under the 13388
auspices of an insider that employed the person at the time the 13389
person's rights under the plan or contract arose. 13390

(ii) The payment is on account of age or length of service. 13391

(iii) The plan or contract is not qualified under the 13392
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 13393
amended. 13394

(c) Except for any portion of the assets that were deposited 13395
for the purpose of evading the payment of any debt and except as 13396
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 13397
3123.06 of the Revised Code, the person's right in the assets held 13398
in, or to receive any payment under, any individual retirement 13399
account, individual retirement annuity, "Roth IRA," or education 13400
individual retirement account that provides benefits by reason of 13401
illness, disability, death, or age, to the extent that the assets, 13402
payments, or benefits described in division (A)(10)(c) of this 13403
section are attributable to any of the following: 13404

(i) Contributions of the person that were less than or equal 13405
to the applicable limits on deductible contributions to an 13406

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individual retirement account or individual retirement annuity in 13407
the year that the contributions were made, whether or not the 13408
person was eligible to deduct the contributions on the person's 13409
federal tax return for the year in which the contributions were 13410
made; 13411

(ii) Contributions of the person that were less than or equal 13412
to the applicable limits on contributions to a Roth IRA or 13413
education individual retirement account in the year that the 13414
contributions were made; 13415

(iii) Contributions of the person that are within the 13416
applicable limits on rollover contributions under subsections 219, 13417
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 13418
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 13419
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 13420

(d) Except for any portion of the assets that were deposited 13421
for the purpose of evading the payment of any debt and except as 13422
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 13423
3123.06 of the Revised Code, the person's right in the assets held 13424
in, or to receive any payment under, any Keogh or "H.R. 10" plan 13425
that provides benefits by reason of illness, disability, death, or 13426
age, to the extent reasonably necessary for the support of the 13427
person and any of the person's dependents. 13428

(11) The person's right to receive spousal support, child 13429
support, an allowance, or other maintenance to the extent 13430
reasonably necessary for the support of the person and any of the 13431
person's dependents; 13432

(12) The person's right to receive, or moneys received during 13433
the preceding twelve calendar months from, any of the following: 13434
13435

(a) An award of reparations under sections 2743.51 to 2743.72 13436
of the Revised Code, to the extent exempted by division (D) of 13437

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section 2743.66 of the Revised Code; 13438

(b) A payment on account of the wrongful death of an 13439
individual of whom the person was a dependent on the date of the 13440
individual's death, to the extent reasonably necessary for the 13441
support of the person and any of the person's dependents; 13442

(c) Except in cases in which the person who receives the 13443
payment is an inmate, as defined in section 2969.21 of the Revised 13444
Code, and in which the payment resulted from a civil action or 13445
appeal against a government entity or employee, as defined in 13446
section 2969.21 of the Revised Code, a payment, not to exceed five 13447
thousand dollars, on account of personal bodily injury, not 13448
including pain and suffering or compensation for actual pecuniary 13449
loss, of the person or an individual for whom the person is a 13450
dependent; 13451

(d) A payment in compensation for loss of future earnings of 13452
the person or an individual of whom the person is or was a 13453
dependent, to the extent reasonably necessary for the support of 13454
the debtor and any of the debtor's dependents. 13455

(13) Except as provided in sections 3119.80, 3119.81, 13456
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 13457
earnings of the person owed to the person for services in an 13458
amount equal to the greater of the following amounts: 13459

(a) If paid weekly, thirty times the current federal minimum 13460
hourly wage; if paid biweekly, sixty times the current federal 13461
minimum hourly wage; if paid semimonthly, sixty-five times the 13462
current federal minimum hourly wage; or if paid monthly, one 13463
hundred thirty times the current federal minimum hourly wage that 13464
is in effect at the time the earnings are payable, as prescribed 13465
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 13466
U.S.C. 206(a)(1), as amended; 13467

(b) Seventy-five per cent of the disposable earnings owed to 13468

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the person. 13469

(14) The person's right in specific partnership property, as 13470
exempted by division (B)(3) of section 1775.24 of the Revised 13471
Code; 13472

(15) A seal and official register of a notary public, as 13473
exempted by section 147.04 of the Revised Code; 13474

(16) The person's interest in a tuition credit or a payment 13475
under section 3334.09 of the Revised Code pursuant to a tuition 13476
credit contract, as exempted by section 3334.15 of the Revised 13477
Code; 13478

(17) Any other property that is specifically exempted from 13479
execution, attachment, garnishment, or sale by federal statutes 13480
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 13481
U.S.C.A. 101, as amended; 13482

(18) The person's interest, not to exceed four hundred 13483
dollars, in any property, except that division (A)(18) of this 13484
section applies only in bankruptcy proceedings. 13485

(B) As used in this section: 13486

(1) "Disposable earnings" means net earnings after the 13487
garnishee has made deductions required by law, excluding the 13488
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 13489
3121.03, or 3123.06 of the Revised Code. 13490

(2) "Insider" means: 13491

(a) If the person who claims an exemption is an individual, a 13492
relative of the individual, a relative of a general partner of the 13493
individual, a partnership in which the individual is a general 13494
partner, a general partner of the individual, or a corporation of 13495
which the individual is a director, officer, or in control; 13496

(b) If the person who claims an exemption is a corporation, a 13497
director or officer of the corporation; a person in control of the 13498

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corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (B)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a

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person or entity to which division (B)(2)(d)(i), (ii), (iii), or 13530
(iv) of this section applies, as if the person or entity were a 13531
person who claims an exemption; 13532

(f) A managing agent of the person who claims an exemption. 13533

(3) "Participant account" has the same meaning as in section 13534
148.01 of the Revised Code. 13535

(4) "Government unit" has the same meaning as in section 13536
148.06 of the Revised Code. 13537

(C) For purposes of this section, "interest" shall be 13538
determined as follows: 13539

(1) In bankruptcy proceedings, as of the date a petition is 13540
filed with the bankruptcy court commencing a case under Title 11 13541
of the United States Code; 13542

(2) In all cases other than bankruptcy proceedings, as of the 13543
date of an appraisal, if necessary under section 2329.68 of the 13544
Revised Code, or the issuance of a writ of execution. 13545

An interest, as determined under division (C)(1) or (2) of 13546
this section, shall not include the amount of any lien otherwise 13547
valid pursuant to section 2329.661 of the Revised Code. 13548

Sec. 2715.041. (A) Upon the filing of a motion for an order 13549
of attachment pursuant to section 2715.03 of the Revised Code, the 13550
plaintiff shall file with the clerk of the court a praecipe 13551
instructing the clerk to issue to the defendant against whom the 13552
motion was filed a notice of the proceeding. Upon receipt of the 13553
praecipe, the clerk shall issue the notice which shall be in 13554
substantially the following form: 13555

"(Name and Address of Court) 13556

Case No..... 13557

(Case Caption) 13558

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NOTICE

13559

You are hereby notified that (name and address of plaintiff),
the plaintiff in this proceeding, has applied to this court for
the attachment of property in your possession. The basis for this
application is indicated in the documents that are enclosed with
this notice.

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The law of Ohio and the United States provides that certain
benefit payments cannot be taken from you to pay a debt. Typical
among the benefits that cannot be attached or executed on by a
creditor are:

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13566

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(1) Workers' compensation benefits;

13569

(2) Unemployment compensation payments;

13570

(3) Cash assistance payments under the Ohio works first
program;

13571

13572

(4) Benefits and services under the prevention, retention,
and contingency program;

13573

13574

(5) Disability assistance administered by the Ohio department
of job and family services;

13575

13576

~~(5)~~(6) Social security benefits;

13577

~~(6)~~(7) Supplemental security income (S.S.I.);

13578

~~(7)~~(8) Veteran's benefits;

13579

~~(8)~~(9) Black lung benefits;

13580

~~(9)~~(10) Certain pensions.

13581

Additionally, your wages never can be taken to pay a debt
until a judgment has been obtained against you. There may be other
benefits not included in this list that apply in your case.

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If you dispute the plaintiff's claim and believe that you are
entitled to retain possession of the property because it is exempt
or for any other reason, you may request a hearing before this

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court by disputing the claim in the request for hearing form 13588
appearing below, or in a substantially similar form, and 13589
delivering the request for the hearing to this court, at the 13590
office of the clerk of this court, not later than the end of the 13591
fifth business day after you receive this notice. You may state 13592
your reasons for disputing the claim in the space provided on the 13593
form, but you are not required to do so. If you do state your 13594
reasons for disputing the claim in the space provided on the form, 13595
you are not prohibited from stating any other reasons at the 13596
hearing, and if you do not state your reasons, it will not be held 13597
against you by the court and you can state your reasons at the 13598
hearing. 13599

If you request a hearing, it will be conducted in 13600
..... courtroom, (address of court), at 13601
.....m. on, 13602

You may avoid having a hearing but retain possession of the 13603
property until the entry of final judgment in the action by filing 13604
with the court, at the office of the clerk of this court, not 13605
later than the end of the fifth business day after you receive 13606
this notice, a bond executed by an acceptable surety in the amount 13607
of \$..... 13608

If you do not request a hearing or file a bond on or before 13609
the end of the fifth business day after you receive this notice, 13610
the court, without further notice to you, may order a law 13611
enforcement officer or bailiff to take possession of the property. 13612
Notice of the dates, times, places, and purposes of any subsequent 13613
hearings and of the date, time, and place of the trial of the 13614
action will be sent to you. 13615

..... 13616

Clerk of Court 13617

Date: " 13618

(B) Along with the notice required by division (A) of this 13619

section, the clerk of the court also shall deliver to the
defendant, in accordance with division (C) of this section, a
request for hearing form together with a postage-paid,
self-addressed envelope or a request for hearing form on a
postage-paid, self-addressed postcard. The request for hearing
shall be in substantially the following form:

"(Name and Address of Court)

Case Number Date

REQUEST FOR HEARING

I dispute the claim for the attachment of property in the
above case and request that a hearing in this matter be held at
the time and place set forth in the notice that I previously
received.

I dispute the claim for the following reasons:

.....

(Optional)

.....

.....

.....

(Name of Defendant)

.....

(Signature)

.....

(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING."

(C) The notice required by division (A) of this section shall

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be served on the defendant in duplicate not less than seven
business days prior to the date on which the hearing is scheduled,
together with a copy of the complaint and summons, if not
previously served, and a copy of the motion for the attachment of
property and the affidavit attached to the motion, in the same
manner as provided in the Rules of Civil Procedure for the service
of process. Service may be effected by publication as provided in
the Rules of Civil Procedure except that the number of weeks for
publication may be reduced by the court to the extent appropriate.

Sec. 2715.045. (A) Upon the filing of a motion for
attachment, a court may issue an order of attachment without
issuing notice to the defendant against whom the motion was filed
and without conducting a hearing if the court finds that there is
probable cause to support the motion and that the plaintiff that
filed the motion for attachment will suffer irreparable injury if
the order is delayed until the defendant against whom the motion
has been filed has been given the opportunity for a hearing. The
court's findings shall be based upon the motion and affidavit
filed pursuant to section 2715.03 of the Revised Code and any
other relevant evidence that it may wish to consider.

(B) A finding by the court that the plaintiff will suffer
irreparable injury may be made only if the court finds the
existence of either of the following circumstances:

(1) There is present danger that the property will be
immediately disposed of, concealed, or placed beyond the
jurisdiction of the court.

(2) The value of the property will be impaired substantially
if the issuance of an order of attachment is delayed.

(C)(1) Upon the issuance by a court of an order of attachment
without notice and hearing pursuant to this section, the plaintiff
shall file the order with the clerk of the court, together with a

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praecipe instructing the clerk to issue to the defendant against
whom the order was issued a copy of the motion, affidavit, and
order of attachment, and a notice that an order of attachment was
issued and that the defendant has a right to a hearing on the
matter. The clerk then immediately shall serve upon the defendant,
in the manner provided by the Rules of Civil Procedure for service
of process, a copy of the complaint and summons, if not previously
served, a copy of the motion, affidavit, and order of attachment,
and the following notice:

"(Name and Address of the Court) 13690

(Case Caption) Case No. 13691

NOTICE 13692

You are hereby notified that this court has issued an order
in the above case in favor of (name and address of plaintiff), the
plaintiff in this proceeding, directing that property now in your
possession, be taken from you. This order was issued on the basis
of the plaintiff's claim against you as indicated in the documents
that are enclosed with this notice.

The law of Ohio and the United States provides that certain
benefit payments cannot be taken from you to pay a debt. Typical
among the benefits that cannot be attached or executed on by a
creditor are:

(1) Workers' compensation benefits; 13703

(2) Unemployment compensation payments; 13704

(3) Cash assistance payments under the Ohio works first
program; 13706

(4) Benefits and services under the prevention, retention,
and contingency program; 13708

(5) Disability assistance administered by the Ohio department
of job and family services; 13710

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- ~~(5)~~(6) Social security benefits; 13711
- ~~(6)~~(7) Supplemental security income (S.S.I.); 13712
- ~~(7)~~(8) Veteran's benefits; 13713
- ~~(8)~~(9) Black lung benefits; 13714
- ~~(9)~~(10) Certain pensions. 13715

Additionally, your wages never can be taken to pay a debt 13716
until a judgment has been obtained against you. There may be other 13717
benefits not included in this list that apply in your case. 13718

If you dispute the plaintiff's claim and believe that you are 13719
entitled to possession of the property because it is exempt or for 13720
any other reason, you may request a hearing before this court by 13721
disputing the claim in the request for hearing form, appearing 13722
below, or in a substantially similar form, and delivering the 13723
request for hearing to this court at the above address, at the 13724
office of the clerk of this court, no later than the end of the 13725
fifth business day after you receive this notice. You may state 13726
your reasons for disputing the claim in the space provided on the 13727
form; however, you are not required to do so. If you do state your 13728
reasons for disputing the claim, you are not prohibited from 13729
stating any other reasons at the hearing, and if you do not state 13730
your reasons, it will not be held against you by the court and you 13731
can state your reasons at the hearing. If you request a hearing, 13732
it will be held within three business days after delivery of your 13733
request for hearing and notice of the date, time, and place of the 13734
hearing will be sent to you. 13735

You may avoid a hearing but recover and retain possession of 13736
the property until the entry of final judgment in the action by 13737
filing with the court, at the office of the clerk of this court, 13738
not later than the end of the fifth business day after you receive 13739
this notice, a bond executed by an acceptable surety in the amount 13740
of \$..... 13741

If you do not request a hearing or file a bond before the end
of the fifth business day after you receive this notice,
possession of the property will be withheld from you during the
pendency of the action. Notice of the dates, times, places, and
purposes of any subsequent hearings and of the date, time, and
place of the trial of the action will be sent to you.

.....
Clerk of the Court
.....
Date"

(2) Along with the notice required by division (C)(1) of this
section, the clerk of the court also shall deliver to the
defendant a request for hearing form together with a postage-paid,
self-addressed envelope or a request for hearing form on a
postage-paid, self-addressed postcard. The request for hearing
shall be in substantially the following form:

"(Name and Address of Court)
Case Number Date
REQUEST FOR HEARING

I dispute the claim for possession of property in the above
case and request that a hearing in this matter be held within
three business days after delivery of this request to the court.

I dispute the claim for the following reasons:
.....

(Optional)
.....

.....
.....

.....
(Name of Defendant)
.....
(Signature)

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..... 13773

(Date) 13774

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 13775
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 13776
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 13777
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 13778
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 13779

(D) The defendant may receive a hearing in accordance with 13780
section 2715.043 of the Revised Code by delivering a written 13781
request for hearing to the court within five business days after 13782
receipt of the notice provided pursuant to division (C) of this 13783
section. The request may set forth the defendant's reasons for 13784
disputing the plaintiff's claim for possession of property. 13785
However, neither the defendant's inclusion of nor failure to 13786
include such reasons upon the request constitutes a waiver of any 13787
defense of the defendant or affects the defendant's right to 13788
produce evidence at any hearing or at the trial of the action. If 13789
the request is made by the defendant, the court shall schedule a 13790
hearing within three business days after the request is made, send 13791
notice to the parties of the date, time, and place of the hearing, 13792
and hold the hearing accordingly. 13793

(E) If, after hearing, the court finds that there is not 13794
probable cause to support the motion, it shall order that the 13795
property be redelivered to the defendant without the condition of 13796
bond. 13797

Sec. 2716.13. (A) Upon the filing of a proceeding in 13798
garnishment of property, other than personal earnings, under 13799
section 2716.11 of the Revised Code, the court shall cause the 13800
matter to be set for hearing within twelve days after that filing. 13801

(B) Upon the scheduling of a hearing relative to a proceeding 13802
in garnishment of property, other than personal earnings, under 13803

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division (A) of this section, the clerk of the court immediately
shall issue to the garnishee three copies of the order of
garnishment of property, other than personal earnings, and of a
written notice that the garnishee answer as provided in section
2716.21 of the Revised Code and the garnishee's fee required by
section 2716.12 of the Revised Code. The copies of the order and
of the notice shall be served upon the garnishee in the same
manner as a summons is served. The copies of the order and of the
notice shall not be served later than seven days prior to the date
on which the hearing is scheduled. The order shall bind the
property, other than personal earnings, of the judgment debtor in
the possession of the garnishee at the time of service.

The order of garnishment of property, other than personal
earnings, and notice to answer shall be in substantially the
following form:

"ORDER AND NOTICE OF GARNISHMENT
OF PROPERTY OTHER THAN PERSONAL EARNINGS

AND ANSWER OF GARNISHEE

Docket No.

Case No.

In the Court

....., Ohio

The State of Ohio

County of, ss

....., Judgment Creditor

vs.

....., Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To:, Garnishee

The judgment creditor in the above case has filed an
affidavit, satisfactory to the undersigned, in this Court stating

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that you have money, property, or credits, other than personal
earnings, in your hands or under your control that belong to the
judgment debtor, and that some of the money, property, or credits
may not be exempt from garnishment under the laws of the State of
Ohio or the laws of the United States.

You are therefore ordered to complete the "ANSWER OF
GARNISHEE" in section (B) of this form. Return one completed and
signed copy of this form to the clerk of this court together with
the amount determined in accordance with the "ANSWER OF GARNISHEE"
by the following date on which a hearing is tentatively scheduled
relative to this order of garnishment: Deliver one
completed and signed copy of this form to the judgment debtor
prior to that date. Keep the other completed and signed copy of
this form for your files.

The total probable amount now due on this judgment is
\$..... The total probable amount now due includes the unpaid
portion of the judgment in favor of the judgment creditor, which
is \$.....; interest on that judgment and, if applicable,
prejudgment interest relative to that judgment at the rate of
.....% per annum payable until that judgment is satisfied in full;
and court costs in the amount of \$.....

You also are ordered to hold safely anything of value that
belongs to the judgment debtor and that has to be paid to the
court, as determined under the "ANSWER OF GARNISHEE" in section
(B) of this form, but that is of such a nature that it cannot be
so delivered, until further order of the court.

Witness my hand and the seal of this court this
day of,

.....

Judge

SECTION B. ANSWER OF GARNISHEE

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Now comes the garnishee, who says: 13866

1. That the garnishee has money, property, or credits, other 13867
than personal earnings, of the judgment debtor under the 13868
garnishee's control and in the garnishee's possession. 13869
..... 13870
yes no if yes, amount 13871

2. That property is described as: 13872

3. If the answer to line 1 is "yes" and the amount is less 13873
than the probable amount now due on the judgment, as indicated in 13874
section (A) of this form, sign and return this form and pay the 13875
amount of line 1 to the clerk of this court. 13876

4. If the answer to line 1 is "yes" and the amount is greater 13877
than that probable amount now due on the judgment, as indicated in 13878
section (A) of this form, sign and return this form and pay that 13879
probable amount now due to the clerk of this court. 13880

5. If the answer to line 1 is "yes" but the money, property, 13881
or credits are of such a nature that they cannot be delivered to 13882
the clerk of the court, indicate that by placing an "X" in this 13883
space: Do not dispose of that money, property, or credits 13884
or give them to anyone else until further order of the court. 13885

6. If the answer to line 1 is "no," sign and return this form 13886
to the clerk of this court. 13887

I certify that the statements above are true. 13888
..... 13889
(Print Name of Garnishee) 13890
..... 13891
(Print Name and Title of 13892
Person Who Completed Form) 13893

Signed 13894
(Signature of Person Completing Form) 13895

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Dated this day of," 13896

Section A of the form described in this division shall be 13897
completed before service. Section B of the form shall be completed 13898
by the garnishee, and the garnishee shall file one completed and 13899
signed copy of the form with the clerk of the court as the 13900
garnishee's answer. The garnishee may keep one completed and 13901
signed copy of the form and shall deliver the other completed and 13902
signed copy of the form to the judgment debtor. 13903

If several affidavits seeking orders of garnishment of 13904
property, other than personal earnings, are filed against the same 13905
judgment debtor in accordance with section 2716.11 of the Revised 13906
Code, the court involved shall issue the requested orders in the 13907
same order in which the clerk received the associated affidavits. 13908

(C)(1) At the time of the filing of a proceeding in 13909
garnishment of property, other than personal earnings, under 13910
section 2716.11 of the Revised Code, the judgment creditor also 13911
shall file with the clerk of the court a praecipe instructing the 13912
clerk to issue to the judgment debtor a notice to the judgment 13913
debtor form and a request for hearing form. Upon receipt of the 13914
praecipe and the scheduling of a hearing relative to an action in 13915
garnishment of property, other than personal earnings, under 13916
division (A) of this section, the clerk of the court immediately 13917
shall serve upon the judgment debtor, in accordance with division 13918
(D) of this section, two copies of the notice to the judgment 13919
debtor form and of the request for hearing form. The copies of the 13920
notice to the judgment debtor form and of the request for hearing 13921
form shall not be served later than seven days prior to the date 13922
on which the hearing is scheduled. 13923

(a) The notice to the judgment debtor that must be served 13924
upon the judgment debtor shall be in substantially the following 13925
form: 13926

"(Name and Address of the Court) 13927

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(Case Caption)	Case No.	13928
NOTICE TO THE JUDGMENT DEBTOR		13929
You are hereby notified that this court has issued an order		13930
in the above case in favor of (name and address of judgment		13931
creditor), the judgment creditor in this proceeding, directing		13932
that some of your money, property, or credits, other than personal		13933
earnings, now in the possession of (name and address of		13934
garnishee), the garnishee in this proceeding, be used to satisfy		13935
your debt to the judgment creditor. This order was issued on the		13936
basis of the judgment creditor's judgment against you that was		13937
obtained in (name of court) in (case number) on (date). Upon your		13938
receipt of this notice, you are prohibited from removing or		13939
attempting to remove the money, property, or credits until		13940
expressly permitted by the court. Any violation of this		13941
prohibition subjects you to punishment for contempt of court.		13942
The law of Ohio and the United States provides that certain		13943
benefit payments cannot be taken from you to pay a debt. Typical		13944
among the benefits that cannot be attached or executed upon by a		13945
creditor are the following:		13946
(1) Workers' compensation benefits;		13947
(2) Unemployment compensation payments;		13948
(3) Cash assistance payments under the Ohio works first		13949
program;		13950
(4) <u>Benefits and services under the prevention, retention,</u>		13951
<u>and contingency program;</u>		13952
(5) Disability assistance administered by the Ohio department		13953
of job and family services;		13954
(5) (6) Social security benefits;		13955
(6) (7) Supplemental security income (S.S.I.);		13956
(7) (8) Veteran's benefits;		13957

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~~(8)~~(9) Black lung benefits; 13958

~~(9)~~(10) Certain pensions. 13959

There may be other benefits not included in the above list 13960
that apply in your case. 13961

If you dispute the judgment creditor's right to garnish your 13962
property and believe that the judgment creditor should not be 13963
given your money, property, or credits, other than personal 13964
earnings, now in the possession of the garnishee because they are 13965
exempt or if you feel that this order is improper for any other 13966
reason, you may request a hearing before this court by disputing 13967
the claim in the request for hearing form, appearing below, or in 13968
a substantially similar form, and delivering the request for 13969
hearing to this court at the above address, at the office of the 13970
clerk of this court no later than the end of the fifth business 13971
day after you receive this notice. You may state your reasons for 13972
disputing the judgment creditor's right to garnish your property 13973
in the space provided on the form; however, you are not required 13974
to do so. If you do state your reasons for disputing the judgment 13975
creditor's right, you are not prohibited from stating any other 13976
reason at the hearing. If you do not state your reasons, it will 13977
not be held against you by the court, and you can state your 13978
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 13979
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 13980
the hearing will be limited to a consideration of the amount of 13981
your money, property, or credits, other than personal earnings, in 13982
the possession or control of the garnishee, if any, that can be 13983
used to satisfy all or part of the judgment you owe to the 13984
judgment creditor. 13985

If you request a hearing by delivering your request for 13986
hearing no later than the end of the fifth business day after you 13987
receive this notice, it will be conducted in courtroom 13988
....., (address of court), at m. on, 13989

..... You may request the court to conduct the hearing before
this date by indicating your request in the space provided on the
form; the court then will send you notice of any change in the
date, time, or place of the hearing. If you do not request a
hearing by delivering your request for a hearing no later than the
end of the fifth business day after you receive this notice, some
of your money, property, or credits, other than personal earnings,
will be paid to the judgment creditor.

If you have any questions concerning this matter, you may
contact the office of the clerk of this court. If you want legal
representation, you should contact your lawyer immediately. If you
need the name of a lawyer, contact the local bar association.

.....
Clerk of the Court
.....
Date"

(b) The request for hearing form that must be served upon the
judgment debtor shall have attached to it a postage-paid,
self-addressed envelope or shall be on a postage-paid
self-addressed postcard, and shall be in substantially the
following form:

"(Name and Address of Court)

Case Number Date

REQUEST FOR HEARING

I dispute the judgment creditor's right to garnish my money,
property, or credits, other than personal earnings, in the above
case and request that a hearing in this matter be held

.....
(Insert "on" or "earlier than")

the date and time set forth in the document entitled "NOTICE TO

THE JUDGMENT DEBTOR" that I received with this request form.	14021
I dispute the judgment creditor's right to garnish my	14022
property for the following reasons:	14023
.....	14024
(Optional)	14025
.....	14026
.....	14027
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	14028
BE HEARD OR CONSIDERED AT THE HEARING.	14029
.....	14030
(Name of Judgment Debtor)	14031
.....	14032
(Signature)	14033
.....	14034
(Date)	14035
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	14036
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	14037
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	14038
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,	14039
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE	14040
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT	14041
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT	14042
CREDITOR'S NAME)." ."	14043
(2) The judgment debtor may receive a hearing in accordance	14044
with this division by delivering a written request for hearing to	14045
the court within five business days after receipt of the notice	14046
provided pursuant to division (C)(1) of this section. The request	14047
may set forth the judgment debtor's reasons for disputing the	14048
judgment creditor's right to garnish the money, property, or	14049
credits, other than personal earnings; however, neither the	14050

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judgment debtor's inclusion of nor failure to include those
reasons upon the request constitutes a waiver of any defense of
the judgment debtor or affects the judgment debtor's right to
produce evidence at the hearing. If the request is made by the
judgment debtor within the prescribed time, the hearing shall be
limited to a consideration of the amount of money, property, or
credits, other than personal earnings, of the judgment debtor in
the hands of the garnishee, if any, that can be used to satisfy
all or part of the debt owed by the judgment debtor to the
judgment creditor. If a request for a hearing is not received by
the court within the prescribed time, the hearing scheduled
pursuant to division (A) of this section shall be canceled unless
the court grants the judgment debtor a continuance in accordance
with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the
action within the prescribed time pursuant to division (C)(2) of
this section, the court nevertheless may grant a continuance of
the scheduled hearing if the judgment debtor, prior to the time at
which the hearing was scheduled, as indicated on the notice to the
judgment debtor required by division (C)(1) of this section,
establishes a reasonable justification for failure to request the
hearing within the prescribed time. If the court grants a
continuance of the hearing, it shall cause the matter to be set
for hearing as soon as practicable thereafter. The continued
hearing shall be conducted in accordance with division (C)(2) of
this section.

(4) The court may conduct the hearing on the matter prior to
the time at which the hearing was scheduled, as indicated on the
notice to the judgment debtor required by division (C)(1) of this
section, upon the request of the judgment debtor. The parties
shall be sent notice, by the clerk of the court, by regular mail,
of any change in the date, time, or place of the hearing.

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(5) If the scheduled hearing is canceled and no continuance is granted, the court shall issue an order to the garnishee to pay all or some of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order into court if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to this section. If the scheduled hearing is conducted or if it is continued and conducted, the court shall determine at the hearing the amount of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor form and the request for hearing form described in division (C) of this section shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the forms shall be served in accordance with the Rules of Civil Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.

Sec. 2921.13. (A) No person shall knowingly make a false

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statement, or knowingly swear or affirm the truth of a false	14115
statement previously made, when any of the following applies:	14116
(1) The statement is made in any official proceeding.	14117
(2) The statement is made with purpose to incriminate	14118
another.	14119
(3) The statement is made with purpose to mislead a public	14120
official in performing the public official's official function.	14121
(4) The statement is made with purpose to secure the payment	14122
of unemployment compensation; Ohio works first; prevention,	14123
retention, and contingency assistance <u>benefits and services</u> ;	14124
disability assistance; retirement benefits; economic development	14125
assistance, as defined in section 9.66 of the Revised Code; or	14126
other benefits administered by a governmental agency or paid out	14127
of a public treasury.	14128
(5) The statement is made with purpose to secure the issuance	14129
by a governmental agency of a license, permit, authorization,	14130
certificate, registration, release, or provider agreement.	14131
	14132
(6) The statement is sworn or affirmed before a notary public	14133
or another person empowered to administer oaths.	14134
(7) The statement is in writing on or in connection with a	14135
report or return that is required or authorized by law.	14136
(8) The statement is in writing and is made with purpose to	14137
induce another to extend credit to or employ the offender, to	14138
confer any degree, diploma, certificate of attainment, award of	14139
excellence, or honor on the offender, or to extend to or bestow	14140
upon the offender any other valuable benefit or distinction, when	14141
the person to whom the statement is directed relies upon it to	14142
that person's detriment.	14143
(9) The statement is made with purpose to commit or	14144

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facilitate the commission of a theft offense. 14145

(10) The statement is knowingly made to a probate court in 14146
connection with any action, proceeding, or other matter within its 14147
jurisdiction, either orally or in a written document, including, 14148
but not limited to, an application, petition, complaint, or other 14149
pleading, or an inventory, account, or report. 14150

(11) The statement is made on an account, form, record, 14151
stamp, label, or other writing that is required by law. 14152

(12) The statement is made in connection with the purchase of 14153
a firearm, as defined in section 2923.11 of the Revised Code, and 14154
in conjunction with the furnishing to the seller of the firearm of 14155
a fictitious or altered driver's or commercial driver's license or 14156
permit, a fictitious or altered identification card, or any other 14157
document that contains false information about the purchaser's 14158
identity. 14159

(13) The statement is made in a document or instrument of 14160
writing that purports to be a judgment, lien, or claim of 14161
indebtedness and is filed or recorded with the secretary of state, 14162
a county recorder, or the clerk of a court of record. 14163

(B) No person, in connection with the purchase of a firearm, 14164
as defined in section 2923.11 of the Revised Code, shall knowingly 14165
furnish to the seller of the firearm a fictitious or altered 14166
driver's or commercial driver's license or permit, a fictitious or 14167
altered identification card, or any other document that contains 14168
false information about the purchaser's identity. 14169

(C) It is no defense to a charge under division (A)(4) of 14170
this section that the oath or affirmation was administered or 14171
taken in an irregular manner. 14172

(D) If contradictory statements relating to the same fact are 14173
made by the offender within the period of the statute of 14174
limitations for falsification, it is not necessary for the 14175

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prosecution to prove which statement was false but only that one 14176
or the other was false. 14177

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 14178
(6), (7), (8), (10), (11), or (13) of this section is guilty of 14179
falsification, a misdemeanor of the first degree. 14180

(2) Whoever violates division (A)(9) of this section is 14181
guilty of falsification in a theft offense. Except as otherwise 14182
provided in this division, falsification in a theft offense is a 14183
misdemeanor of the first degree. If the value of the property or 14184
services stolen is five hundred dollars or more and is less than 14185
five thousand dollars, falsification in a theft offense is a 14186
felony of the fifth degree. If the value of the property or 14187
services stolen is five thousand dollars or more and is less than 14188
one hundred thousand dollars, falsification in a theft offense is 14189
a felony of the fourth degree. If the value of the property or 14190
services stolen is one hundred thousand dollars or more, 14191
falsification in a theft offense is a felony of the third degree. 14192

(3) Whoever violates division (A)(12) or (B) of this section 14193
is guilty of falsification to purchase a firearm, a felony of the 14194
fifth degree. 14195

(F) A person who violates this section is liable in a civil 14196
action to any person harmed by the violation for injury, death, or 14197
loss to person or property incurred as a result of the commission 14198
of the offense and for reasonable attorney's fees, court costs, 14199
and other expenses incurred as a result of prosecuting the civil 14200
action commenced under this division. A civil action under this 14201
division is not the exclusive remedy of a person who incurs 14202
injury, death, or loss to person or property as a result of a 14203
violation of this section. 14204

Sec. 2953.21. (A)(1) Any person who has been convicted of a 14205
criminal offense or adjudicated a delinquent child and who claims 14206

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that there was such a denial or infringement of the person's 14207
rights as to render the judgment void or voidable under the Ohio 14208
Constitution or the Constitution of the United States may file a 14209
petition in the court that imposed sentence, stating the grounds 14210
for relief relied upon, and asking the court to vacate or set 14211
aside the judgment or sentence or to grant other appropriate 14212
relief. The petitioner may file a supporting affidavit and other 14213
documentary evidence in support of the claim for relief. 14214

(2) A petition under division (A)(1) of this section shall be 14215
filed no later than one hundred eighty days after the date on 14216
which the trial transcript is filed in the court of appeals in the 14217
direct appeal of the judgment of conviction or adjudication or, if 14218
the direct appeal involves a sentence of death, the date on which 14219
the trial transcript is filed in the supreme court. If no appeal 14220
is taken, the petition shall be filed no later than one hundred 14221
eighty days after the expiration of the time for filing the 14222
appeal. 14223

(3) In a petition filed under division (A) of this section, a 14224
person upon whom a sentence of death has been imposed may ask the 14225
court to render void or voidable the judgment with respect to the 14226
conviction of aggravated murder or the specification of an 14227
aggravating circumstance. 14228

(4) A petitioner shall state in the original or amended 14229
petition filed under division (A) of this section all grounds for 14230
relief claimed by the petitioner. Except as provided in section 14231
2953.23 of the Revised Code, any ground for relief that is not so 14232
stated in the petition is waived. 14233

(5) If the petitioner in a petition filed under division (A) 14234
of this section was convicted of or pleaded guilty to a felony, 14235
the petition may include a claim that the petitioner was denied 14236
the equal protection of the laws in violation of the Ohio 14237
Constitution or the United States Constitution because the 14238

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14239 sentence imposed upon the petitioner for the felony was part of a
14240 consistent pattern of disparity in sentencing by the judge who
14241 imposed the sentence, with regard to the petitioner's race,
14242 gender, ethnic background, or religion. If the supreme court
14243 adopts a rule requiring a court of common pleas to maintain
14244 information with regard to an offender's race, gender, ethnic
14245 background, or religion, the supporting evidence for the petition
14246 shall include, but shall not be limited to, a copy of that type of
14247 information relative to the petitioner's sentence and copies of
14248 that type of information relative to sentences that the same judge
14249 imposed upon other persons.

(B) 14250 The clerk of the court in which the petition is filed
14251 shall docket the petition and bring it promptly to the attention
14252 of the court. The petitioner need not serve a copy of the petition
14253 on the prosecuting attorney. The clerk of the court in which the
14254 petition is filed immediately shall forward a copy of the petition
14255 to the prosecuting attorney of that county.

(C) 14256 The court shall consider a petition that is timely filed
14257 under division (A)(2) of this section even if a direct appeal of
14258 the judgment is pending. Before granting a hearing on a petition
14259 filed under division (A) of this section, the court shall
14260 determine whether there are substantive grounds for relief. In
14261 making such a determination, the court shall consider, in addition
14262 to the petition, the supporting affidavits, and the documentary
14263 evidence, all the files and records pertaining to the proceedings
14264 against the petitioner, including, but not limited to, the
14265 indictment, the court's journal entries, the journalized records
14266 of the clerk of the court, and the court reporter's transcript.
14267 The court reporter's transcript, if ordered and certified by the
14268 court, shall be taxed as court costs. If the court dismisses the
14269 petition, it shall make and file findings of fact and conclusions
14270 of law with respect to such dismissal.

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(D) Within ten days after the docketing of the petition, or 14271
within any further time that the court may fix for good cause 14272
shown, the prosecuting attorney shall respond by answer or motion. 14273
Within twenty days from the date the issues are made up, either 14274
party may move for summary judgment. The right to summary judgment 14275
shall appear on the face of the record. 14276

(E) Unless the petition and the files and records of the case 14277
show the petitioner is not entitled to relief, the court shall 14278
proceed to a prompt hearing on the issues even if a direct appeal 14279
of the case is pending. If the court notifies the parties that it 14280
has found grounds for granting relief, either party may request an 14281
appellate court in which a direct appeal of the judgment is 14282
pending to remand the pending case to the court. 14283

(F) At any time before the answer or motion is filed, the 14284
petitioner may amend the petition with or without leave or 14285
prejudice to the proceedings. The petitioner may amend the 14286
petition with leave of court at any time thereafter. 14287

(G) If the court does not find grounds for granting relief, 14288
it shall make and file findings of fact and conclusions of law and 14289
shall enter judgment denying relief on the petition. If no direct 14290
appeal of the case is pending and the court finds grounds for 14291
relief or if a pending direct appeal of the case has been remanded 14292
to the court pursuant to a request made pursuant to division (E) 14293
of this section and the court finds grounds for granting relief, 14294
it shall make and file findings of fact and conclusions of law and 14295
shall enter a judgment that vacates and sets aside the judgment in 14296
question, and, in the case of a petitioner who is a prisoner in 14297
custody, shall discharge or resentence the petitioner or grant a 14298
new trial as the court determines appropriate. The court also may 14299
make supplementary orders to the relief granted, concerning such 14300
matters as rearraignment, retrial, custody, and bail. If the trial 14301
court's order granting the petition is reversed on appeal and if 14302

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the direct appeal of the case has been remanded from an appellate
court pursuant to a request under division (E) of this section,
the appellate court reversing the order granting the petition
shall notify the appellate court in which the direct appeal of the
case was pending at the time of the remand of the reversal and
remand of the trial court's order. Upon the reversal and remand of
the trial court's order granting the petition, regardless of
whether notice is sent or received, the direct appeal of the case
that was remanded is reinstated.

(H) Upon the filing of a petition pursuant to division (A) of
this section by a prisoner in a state correctional institution who
has received the death penalty, the court may stay execution of
the judgment challenged by the petition.

(I)(1) If a person who has received the death penalty intends
to file a petition under this section, the court shall appoint
counsel to represent the person upon a finding that the person is
indigent and that the person either accepts the appointment of
counsel or is unable to make a competent decision whether to
accept or reject the appointment of counsel. The court may decline
to appoint counsel for the person only upon a finding, after a
hearing if necessary, that the person rejects the appointment of
counsel and understands the legal consequences of that decision or
upon a finding that the person is not indigent.

(2) The court shall not appoint as counsel under division
(I)(1) of this section an attorney who represented the petitioner
at trial in the case to which the petition relates unless the
person and the attorney expressly request the appointment. The
court shall appoint as counsel under division (I)(1) of this
section only an attorney who is certified under Rule ~~65~~ 20 of the
Rules of Superintendence for the Courts of ~~Common Pleas~~ Ohio to
represent indigent defendants charged with or convicted of an
offense for which the death penalty can be or has been imposed.

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The ineffectiveness or incompetence of counsel during proceedings 14335
under this section does not constitute grounds for relief in a 14336
proceeding under this section, in an appeal of any action under 14337
this section, or in an application to reopen a direct appeal. 14338

(3) Division (I) of this section does not preclude attorneys 14339
who represent the state of Ohio from invoking the provisions of 28 14340
U.S.C. 154 with respect to capital cases that were pending in 14341
federal habeas corpus proceedings prior to the effective date of 14342
this amendment insofar as the petitioners in those cases were 14343
represented in proceedings under this section by one or more 14344
counsel appointed by the court under this section or section 14345
120.06, 120.16, 120.26, or 120.33 of the Revised Code and those 14346
appointed counsel meet the requirements of division (I)(2) of this 14347
section. 14348

(J) Subject to the appeal of a sentence for a felony that is 14349
authorized by section 2953.08 of the Revised Code, the remedy set 14350
forth in this section is the exclusive remedy by which a person 14351
may bring a collateral challenge to the validity of a conviction 14352
or sentence in a criminal case or to the validity of an 14353
adjudication of a child as a delinquent child for the commission 14354
of an act that would be a criminal offense if committed by an 14355
adult or the validity of a related order of disposition. 14356

Sec. 3109.14. (A) As used in this section, "birth record" and 14357
"certification of birth" have the meanings given in section 14358
3705.01 of the Revised Code. 14359

(B)(1) The director of health, a person authorized by the 14360
director, a local commissioner of health, or a local registrar of 14361
vital statistics shall charge and collect a fee for each certified 14362
copy of a birth record ~~and,~~ for each certification of birth ~~a fee~~ 14363
~~of two dollars,~~ and for each copy of a death record ~~a fee of two~~ 14364
~~dollars,~~ Until October 1, 2001, the fee shall be two dollars. On 14365

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and after October 1, 2001, the fee shall be three dollars. The fee 14366
is in addition to the fee imposed by section 3705.24 or any other 14367
section of the Revised Code. A local commissioner of health or a 14368
local registrar of vital statistics may retain an amount of each 14369
additional fee collected, not to exceed three per cent of the 14370
amount of the additional fee, to be used for costs directly 14371
related to the collection of the fee and the forwarding of the fee 14372
to the treasurer of state. 14373

(2) Upon the filing for a divorce decree under section 14374
3105.10 or a decree of dissolution under section 3105.65 of the 14375
Revised Code, a court of common pleas shall charge and collect a 14376
fee of ten dollars. Until October 1, 2001, the fee shall be ten 14377
dollars. On and after October 1, 2001, the fee shall be eleven 14378
dollars. The fee is in addition to any other court costs or fees. 14379
The county clerk of courts may retain an amount of each additional 14380
fee collected, not to exceed three per cent of the amount of the 14381
additional fee, to be used for costs directly related to the 14382
collection of the fee and the forwarding of the fee to the 14383
treasurer of state. 14384

(C) The additional fees collected, but not retained, under 14385
this section during each month shall be forwarded not later than 14386
the tenth day of the immediately following month to the treasurer 14387
of state, who shall deposit the fees in the state treasury to the 14388
credit of the children's trust fund, which is hereby created. A 14389
person or government entity that fails to forward the fees in a 14390
timely manner, as determined by the treasurer of state, shall 14391
forward to the treasurer of state, in addition to the fees, a 14392
penalty equal to ten per cent of the fees. 14393

The treasurer of state shall invest the moneys in the fund, 14394
and all earnings resulting from investment of the fund shall be 14395
credited to the fund, except that actual administrative costs 14396
incurred by the treasurer of state in administering the fund may 14397

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be deducted from the earnings resulting from investments. The
amount that may be deducted shall not exceed three per cent of the
total amount of fees credited to the fund in each fiscal year,
except that the children's trust fund board may approve an amount
for actual administrative costs exceeding three per cent but not
exceeding four per cent of such amount. The balance of the
investment earnings shall be credited to the fund. Moneys credited
to the fund shall be used only for the purposes described in
sections 3109.13 to 3109.18 of the Revised Code.

Sec. 3109.17. (A) For each fiscal biennium, the children's
trust fund board shall establish a biennial state plan for
comprehensive child abuse and child neglect prevention. The plan
shall be transmitted to the governor, the president and minority
leader of the senate, and the speaker and minority leader of the
house of representatives and shall be made available to the
general public.

(B) In developing and carrying out the state plan, the
children's trust fund board shall, in accordance with Chapter 119.
of the Revised Code, do all of the following:

(1) Ensure that an opportunity exists for assistance through
child abuse and child neglect prevention programs to persons
throughout the state of various social and economic backgrounds;

(2) Before the thirtieth day of October of each year, notify
each child abuse and child neglect prevention advisory board of
the amount estimated to be block granted to that advisory board
for the following fiscal year.

(3) Develop criteria for county or district comprehensive
allocation plans, including criteria for determining the plans'
effectiveness;

(4) Review county or district comprehensive allocation plans;

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14428

(5) Make a block grant to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. The block grants shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty district, the advisory board shall receive, subject to available funds, a minimum of ten thousand dollars per fiscal year for each county in the district. Block grants shall be disbursed to the advisory boards twice annually. At least fifty per cent of the amount of the block grant allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day of September. The remainder of the block grant allocated to the advisory board for that fiscal year shall be disbursed before the thirty-first day of March.

14448

If the children's trust fund board determines, based on county or district performance or on the annual report submitted by an advisory board, that the advisory board is not operating in accordance with the criteria established in division (B)(3) of this section, it may revise the allocation of funds that the advisory board receives.

14454

(6) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

14457

(7) Establish reporting requirements for advisory boards;

14458

(8) Collaborate with appropriate persons and government

14459

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entities and facilitate the exchange of information among those 14460
persons and entities for the purpose of child abuse and child 14461
neglect prevention; 14462

(9) Provide for the education of the public and professionals 14463
for the purpose of child abuse and child neglect prevention. 14464
14465

(C) The children's trust fund board shall prepare a report 14466
for each fiscal biennium that evaluates the expenditure of money 14467
from the children's trust fund. On or before January 1, 2002, and 14468
on or before the first day of January of a year that follows the 14469
end of a fiscal biennium of this state, the board shall file a 14470
copy of the report with the governor, the president and minority 14471
leader of the senate, and the speaker and minority leader of the 14472
house of representatives. 14473

~~(D) In addition to the duties described in this section and 14474
in section 3109.16 of the Revised Code, the children's trust fund 14475
board shall perform the duties described in section 121.371 of the 14476
Revised Code with regard to the wellness block grant program. 14477~~

Sec. 3119.022. When a court or child support enforcement 14478
agency calculates the amount of child support to be paid pursuant 14479
to a child support order in a proceeding in which one parent is 14480
the residential parent and legal custodian of all of the children 14481
who are the subject of the child support order or in which the 14482
court issues a shared parenting order, the court or agency shall 14483
use a worksheet identical in content and form to the following: 14484

CHILD SUPPORT COMPUTATION WORKSHEET 14485

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER 14486

Name of parties 14487

Case No. 14488

Number of minor children 14489

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The following parent was designated as residential parent and				14490
legal custodian: mother father shared				14491
	Column I	Column II	Column III	14492
	Father	Mother	Combined	14493
INCOME				14494
1.a. Annual gross income from				14495
employment or, when				14496
determined appropriate				14497
by the court or agency,				14498
average annual gross income				14499
from employment over a				14500
reasonable period of years.				14501
(Exclude overtime, bonuses,				14502
self-employment income, or				14503
commissions).....	\$.....	\$.....		14504
b. Amount of overtime,				14505
bonuses, and commissions				14506
(year 1 representing the				14507
most recent year)				14508
Father		Mother		14509
Yr. 3 \$.....		Yr. 3 \$.....		14510
(Three years ago)		(Three years ago)		14511
Yr. 2 \$.....		Yr. 2 \$.....		14512
(Two years ago)		(Two years ago)		14513
Yr. 1 \$.....		Yr. 1 \$.....		14514
(Last calendar year)		(Last calendar year)		14515
Average \$.....		Average \$.....		14516
(Include in Col. I and/or				14517
Col. II the average of the				14518
three years or the year 1				14519
amount, whichever is less,				14520
if there exists a reasonable				14521
expectation that the total				14522

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earnings from overtime and/or			14523
bonuses during the current			14524
calendar year will meet or			14525
exceed the amount that is			14526
the lower of the average			14527
of the three years or the			14528
year 1 amount. If, however,			14529
there exists a reasonable			14530
expectation that the total			14531
earnings from overtime/			14532
bonuses during the current			14533
calendar year will be less			14534
than the lower of the average			14535
of the 3 years or the year 1			14536
amount, include only the			14537
amount reasonably expected			14538
to be earned this year.)... \$..... \$.....			14539
			14540
2. For self-employment income:			14541
a. Gross receipts from			14542
business..... \$..... \$.....			14543
b. Ordinary and necessary			14544
business expenses..... \$..... \$.....			14545
c. 5.6% of adjusted gross			14546
income or the actual			14547
marginal difference between			14548
the actual rate paid by the			14549
self-employed individual			14550
and the F.I.C.A. rate \$..... \$.....			14551
d. Adjusted gross income from			14552
self-employment (subtract			14553
the sum of 2b and 2c from			14554
2a)..... \$..... \$.....			14555

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			14556
3.	Annual income from interest		14557
	and dividends (whether or		14558
	not taxable).....	\$..... \$.....	14559
			14560
4.	Annual income from		14561
	unemployment compensation...	\$..... \$.....	14562
			14563
5.	Annual income from workers'		14564
	compensation, disability		14565
	insurance benefits, or social		14566
	security disability/		14567
	retirement benefits.....	\$..... \$.....	14568
			14569
6.	Other annual income		14570
	(identify).....	\$..... \$.....	14571
			14572
7.	Total annual gross income		14573
	(add lines 1a, 1b, 2d, and		14574
	3-6).....	\$..... \$.....	14575
			14576
ADJUSTMENTS TO INCOME			14577
8.	Adjustment for minor children		14578
	born to or adopted by either		14579
	parent and another parent who		14580
	are living with this parent;		14581
	adjustment does not apply		14582
	to stepchildren (number of		14583
	children times federal income		14584
	tax exemption less child		14585
	support received, not to		14586
	exceed the federal tax		14587
	exemption).....	\$..... \$.....	14588

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			14589
9.	Annual court-ordered support		14590
	paid for other children....	\$..... \$.....	14591
			14592
10.	Annual court-ordered spousal		14593
	support paid to any spouse		14594
	or former spouse.....	\$..... \$.....	14595
			14596
11.	Amount of local income taxes		14597
	actually paid or estimated		14598
	to be paid.....	\$..... \$.....	14599
			14600
12.	Mandatory work-related		14601
	deductions such as union		14602
	dues, uniform fees, etc.		14603
	(not including taxes, social		14604
	security, or retirement)...	\$..... \$.....	14605
			14606
13.	Total gross income		14607
	adjustments (add lines		14608
	8 through 12).....	\$..... \$.....	14609
			14610
14.	Adjusted annual gross		14611
	income (subtract line 13		14612
	from line 7).....	\$..... \$.....	14613
			14614
15.	Combined annual income that		14615
	is basis for child support		14616
	order (add line 14, Col. I		14617
	and Col. II).....	\$.....	14618
			14619
16.	Percentage of parent's		14620
	income to total income		14621

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a.	Father (divide line 14,	14622
	Col. I, by line 15, Col.	14623
	III).....%	14624
b.	Mother (divide line 14,	14625
	Col. II, by line 15, Col.	14626
	III).....%	14627
		14628
17.	Basic combined child	14629
	support obligation (refer	14630
	to schedule, first column,	14631
	locate the amount nearest	14632
	to the amount on line 15,	14633
	Col. III, then refer to	14634
	column for number of	14635
	children in this family.	14636
	If the income of the	14637
	parents is more than one	14638
	sum but less than another,	14639
	you may calculate the	14640
	difference.).....	\$..... 14641
		14642
18.	Annual support obligation per parent	14643
a.	Father (multiply line 17,	14644
	Col. III, by line 16a).....	\$..... 14645
b.	Mother (multiply line 17,	14646
	Col. III, by line 16b).....	\$..... 14647
		14648
19.	Annual child care expenses	14649
	for children who are the	14650
	subject of this order that	14651
	are work-, employment	14652
	training-, or education-	14653
	related, as approved by	14654

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the court or agency			14655
(deduct tax credit from			14656
annual cost, whether or			14657
not claimed).....	\$.....	\$.....	14658
			14659
20. Marginal, out-of-pocket			14660
costs, necessary to provide			14661
for health insurance for			14662
the children who are the			14663
subject of this order.....	\$.....	\$.....	14664
			14665
21. ADJUSTMENTS TO CHILD SUPPORT			14666
Father (only if obligor	Mother (only if obligor		14667
or shared parenting)	or shared parenting)		14668
a. Additions: line 16a	b. Additions: line 16b		14669
times sum of amounts	times sum of amounts		14670
shown on line 19, Col. II	shown on line 19, Col. I		14671
and line 20, Col. II	and line 20, Col. I		14672
\$.....	\$.....		14673
c. Subtractions: line 16b	d. Subtractions: line 16a		14674
times sum of amounts	times sum of amounts		14675
shown on line 19, Col. I	shown on line 19, Col. II		14676
and line 20, Col. I	and line 20, Col. II		14677
\$.....	\$.....		14678
			14679
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT:			14680
a. Father: line 18a plus <u>or minus</u>			14681
<u>the difference between</u> line			
21a minus line 21c (if the			14682
amount on line 21c is			14683
greater than or equal to			14684
the amount on line 21a or			14685
if 21a and 21c are not			14686

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applicable--enter the	14687
number on line 18a in	14688
Col. I) \$.....	14689
b. Mother: line 18b plus <u>or minus</u>	14690
<u>the difference between line</u>	
21b minus line 21d (if the	14691
amount on line 21d is	14692
greater than or equal to	14693
the amount on line 21b or	14694
if 21b and 21d are not	14695
applicable--enter the	14696
number on line 18b in	14697
Col. II) \$.....	14698
	14699
23. ACTUAL ANNUAL OBLIGATION:	14700
a. (Line 22a or <u>22b</u> , whichever	14701
line corresponds to the	14702
parent who is the obligor). \$.....	14703
b. Any non-means-tested	14704
benefits, including social	14705
security and veterans'	14706
benefits, paid to and	14707
received by a child or a	14708
person on behalf of the	14709
child due to death,	14710
disability, or retirement	14711
of the parent..... \$.....	14712
c. Actual annual obligation	14713
(subtract line 23b from	14714
line 23a)..... \$.....	14715
	14716
24.a.Deviation from sole residential parent support amount shown	14717
on line 23c if amount would be unjust or inappropriate: (see	14718

section 3119.23 of the Revised Code.) (Specific facts and	14719
monetary value must be stated.)	14720
.....	14721
.....	14722
.....	14723
.....	14724
b. Deviation from shared parenting order: (see sections 3119.23	14725
and 3119.24 of the Revised Code.) (Specific facts including	14726
amount of time children spend with each parent, ability of	14727
each parent to maintain adequate housing for children, and	14728
each parent's expenses for children must be stated to justify	14729
deviation.)	14730
.....	14731
.....	14732
.....	14733
.....	14734
	14735
25. FINAL FIGURE (This amount	14736
reflects final annual child	14737
support obligation; line	14738
23c plus or minus any	14739
amounts indicated in line	14740
24a or 24b \$..... Father/Mother,	14741
OBLIGOR	
	14742
26. FOR DECREE: Child support	14743
per month (divide obligor's	14744
annual share, line 25, by	14745
12) plus any processing	14746
charge..... \$.....	14747
Prepared by:	14748
Counsel: Pro se:	14749
(For mother/father)	14750

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CSEA:	Other:	14751
Worksheet Has Been Reviewed and Agreed To:		14752
.....	14753
Mother	Date	14754
.....	14755
Father	Date	14756

Sec. 3301.075. The state board of education shall adopt rules governing the purchasing and leasing of data processing services and equipment for all local, exempted village, city, and joint vocational school districts and all educational service centers. Such rules shall include provisions for the establishment of an Ohio education computer network under procedures, guidelines, and specifications of the department of education.

The department shall administer funds appropriated for the Ohio education computer network to ensure its efficient and economical operation and shall approve no more than twenty-seven data acquisition sites to operate concurrently. Such sites shall be approved for funding in accordance with rules of the state board adopted under this section that shall provide for the superintendent of public instruction to require the membership of each data acquisition site to be composed of combinations of school districts and educational service centers ~~from contiguous counties~~ having sufficient students to support an efficient, economical comprehensive program of computer services to member districts and educational service centers. Each data acquisition site, ~~other than sites organized under Chapter 167. of the Revised Code prior to the effective date of this section,~~ shall be organized in accordance with section 3313.92 or Chapter 167. of the Revised Code.

The department of education may contract with an independent for profit or nonprofit entity to provide current and historical

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information on Ohio government through the Ohio education computer 14783
network to school district libraries operating in accordance with 14784
section 3375.14 of the Revised Code in order to assist school 14785
teachers in social studies course instruction and support student 14786
research projects. Any such contract shall be awarded in 14787
accordance with Chapter 125. of the Revised Code. 14788

Sec. 3301.70. (A) The state board of education is the 14789
designated state agency responsible for the coordination and 14790
administration of sections 110 to 118 of the "National and 14791
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 14792
12401 to 12431, ~~and amendments thereto as amended~~. With the 14793
assistance of the ~~state Ohio~~ community service ~~advisory committee~~ 14794
council created in section 121.40 of the Revised Code, the state 14795
board shall coordinate with other state agencies to apply for 14796
funding under the act when appropriate. 14797

(B) With the assistance of the ~~state Ohio~~ community service 14798
~~advisory committee~~ council, the state board of education shall 14799
develop a plan to assist school districts in the implementation of 14800
section 3313.605 of the Revised Code and other community service 14801
activities of school districts. The state board shall encourage 14802
the development of school district programs meeting the 14803
requirements for funding under the "National and Community Service 14804
Act of 1990." The plan shall include the investigation of funding 14805
from all available sources for school community service education 14806
programs, including funds available under the "National and 14807
Community Service Act of 1990," and the provision of technical 14808
assistance to school districts for the implementation of community 14809
service education programs. The plan shall also provide for 14810
technical assistance to be given to school boards to assist in 14811
obtaining funds for community service education programs from any 14812
source. 14813

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(C) With the assistance of the ~~state~~ Ohio community service
~~advisory committee~~ council, the state board of education shall do
all of the following:

(1) Disseminate information about school district community
service education programs to other school districts and to
statewide organizations involved with or promoting volunteerism;

(2) Recruit additional school districts to develop community
service education programs;

(3) Identify or develop model community service programs,
teacher training courses, and community service curricula and
teaching materials for possible use by school districts in their
programs.

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet
commission as an independent agency. The commission shall
administer programs to provide financial and other assistance to
school districts and other educational institutions for the
acquisition and utilization of educational technology.

The commission is a body corporate and politic, an agency of
the state performing essential governmental functions of the
state.

(B)(1) The commission shall consist of eleven members, seven
of whom are voting members. Of the voting members, one shall be
appointed by the speaker of the house of representatives and one
shall be appointed by the president of the senate. The members
appointed by the speaker of the house and the president of the
senate shall not be members of the general assembly. The state
superintendent of public instruction or a designee of the
superintendent, the director of budget and management or a
designee of the director, the director of administrative services
or a designee of the director, the chairperson of the public

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utilities commission or a designee of the chairperson, and the
director of the Ohio educational telecommunications network
commission or a designee of the director shall serve on the
commission as ex officio voting members. Of the nonvoting members,
two shall be members of the house of representatives appointed by
the speaker of the house and two shall be members of the senate
appointed by the president of the senate. The members appointed
from each house shall not be members of the same political party.
The superintendent of public instruction or the superintendent's
designee shall be the chairperson of the commission.

(2) The members shall serve without compensation. The voting
members appointed by the speaker of the house of representatives
and the president of the senate shall be reimbursed, pursuant to
office of budget and management guidelines, for necessary expenses
incurred in the performance of official duties.

(3) The terms of office for the members appointed by the
speaker of the house and the president of the senate shall be for
two years, with each term ending on the same day of the same month
as did the term that it succeeds. The members appointed by the
speaker of the house and the president of the senate may be
reappointed. Any member appointed from the house of
representatives or senate who ceases to be a member of the
legislative house from which the member was appointed shall cease
to be a member of the commission. Vacancies among appointed
members shall be filled in the manner provided for original
appointments. Any member appointed to fill a vacancy occurring
prior to the expiration date of the term for which a predecessor
was appointed shall hold office as a member for the remainder of
that term. The members appointed by the speaker of the house and
the president of the senate shall continue in office subsequent to

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the expiration date of that member's term until a successor takes
office or until a period of sixty days has elapsed, whichever
occurs first.

(C)(1) The commission shall be under the supervision of an
executive director who shall be appointed by the commission. The
executive director shall serve at the pleasure of the commission
and shall direct commission employees in the administration of all
programs for the provision of financial and other assistance to
school districts and other educational institutions for the
acquisition and utilization of educational technology.

(2) The employees of the Ohio SchoolNet commission shall be
placed in the unclassified service. The commission shall fix the
compensation of the executive director. The executive director
shall employ and fix the compensation for such employees as
necessary to facilitate the activities and purposes of the
commission. The employees shall serve at the pleasure of the
executive director.

(3) The employees of the Ohio SchoolNet commission shall be
exempt from Chapter 4117. of the Revised Code and shall not be
public employees as defined in section 4117.01 of the Revised
Code.

(D) The Ohio SchoolNet commission shall do all of the
following:

(1) Make grants to institutions and other organizations as
prescribed by the general assembly for the provision of technical
assistance, professional development, and other support services
to enable school districts, community schools established under
Chapter 3314. of the Revised Code, and other educational
institutions to utilize educational technology;

(2) Contract with the department of education, state
institutions of higher education, private nonprofit institutions

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of higher education holding certificates of authorization under 14907
section 1713.02 of the Revised Code, and such other public or 14908
private entities as the executive director deems necessary for the 14909
administration and implementation of the programs under the 14910
commission's jurisdiction; 14911

(3) Establish a reporting system to which school districts, 14912
community schools established under Chapter 3314. of the Revised 14913
Code, and other educational institutions receiving financial 14914
assistance pursuant to this section for the acquisition of 14915
educational technology report information as to the manner in 14916
which such assistance was expended, the manner in which the 14917
equipment or services purchased with the assistance is being 14918
utilized, the results or outcome of this utilization, and other 14919
information as may be required by the commission; 14920

(4) Establish necessary guidelines governing purchasing and 14921
procurement by participants in programs administered by the 14922
commission that facilitate the timely and effective implementation 14923
of such programs; 14924

(5) Take into consideration the efficiency and cost savings 14925
of statewide procurement prior to allocating and releasing funds 14926
for any programs under its administration. 14927

(E)(1) The executive director shall implement policies and 14928
directives issued by the Ohio SchoolNet commission. 14929

(2) The Ohio SchoolNet commission may establish a systems 14930
support network to facilitate the timely implementation of the 14931
programs, projects, or activities for which it provides 14932
assistance. 14933

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 14934
9.332, and 9.333 of the Revised Code do not apply to contracts, 14935
programs, projects, or activities of the Ohio SchoolNet 14936
commission. 14937

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Sec. 3301.85. (A) The OhioReads office is hereby established 14938
within the department of education. The office shall be under the 14939
supervision of an executive ~~director~~ administrator, who shall be 14940
appointed by the superintendent of public instruction, with the 14941
advice and consent of the OhioReads council. The executive 14942
~~director~~ administrator shall serve at the pleasure of and report 14943
to the superintendent, but shall discharge the position according 14944
to guidelines issued by the council and shall perform any task 14945
designated by the council. The executive ~~director~~ administrator 14946
shall devote full time to the duties of that position and shall 14947
hold no other position within the department. The superintendent 14948
may hire additional staff for the office and shall fix the 14949
compensation of such employees as necessary to facilitate the 14950
activities and purposes of the office. All such employee positions 14951
shall be administrative staff positions, and all persons employed 14952
in those positions shall serve at the pleasure of the 14953
superintendent and shall not be subject to the provisions of 14954
Chapter 4117. of the Revised Code. The department shall provide 14955
the executive ~~director~~ administrator and any additional staff 14956
hired by the superintendent with offices within the department's 14957
office space. 14958

(B) Any employee of the OhioReads office who is a member of a 14959
bargaining unit on the effective date of this amendment shall 14960
retain that status. However, when any position encumbered by such 14961
employee is vacated for any reason, the position shall cease to be 14962
subject to any provision of Chapter 4117. of the Revised Code, and 14963
any person hired to fill such position after the effective date of 14964
this amendment shall be hired in accordance with division (A) of 14965
this section as that division exists after the effective date of 14966
this amendment. 14967

Sec. 3302.041. (A) Each school district that in 1999 was 14968

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declared to be in a state of academic emergency, under an academic 14969
watch, or in need of continuous improvement under section 3302.03 14970
of the Revised Code and that is projected to receive any parity 14971
aid payments under section 3317.0217 of the Revised Code for 14972
either of the two fiscal years beginning July 1, 2001, or July 1, 14973
2002, shall amend its continuous improvement plan required under 14974
section 3302.04 of the Revised Code to include a budget for 14975
expending the parity aid for either of those two fiscal years that 14976
the district is projected to receive such aid. For each year 14977
included in the budget, the district shall allocate the full 14978
amount of projected parity aid among one or more of the following: 14979

(1) Upgrading, or purchasing additional classroom equipment, 14980
materials, textbooks, or technology; 14981

(2) Lowering the teacher/student ratios in additional 14982
classrooms; 14983

(3) Providing additional advanced curriculum opportunities; 14984

(4) Providing additional electives or required courses for 14985
graduation; 14986

(5) Increasing the number of days of professional 14987
development; 14988

(6) Providing all-day kindergarten to more students; 14989

(7) Providing preschool to more students; 14990

(8) Providing additional programming and services for special 14991
student populations such as gifted, disadvantaged, or disabled 14992
students; 14993

(9) Providing new programs or increasing the number of 14994
students served by existing programs to prevent academic failure 14995
or to intervene in the case of students in danger of academic 14996
failure, such as tutoring or summer school programs. 14997

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(B) For each expenditure of parity aid allocated in the 14998
budget under division (A) of this section, the district's amended 14999
continuous improvement plan shall describe: 15000

(1) How the expenditure will result in new programs or 15001
opportunities, or an expanded availability of programs or 15002
opportunities to more students, and will not simply fund existing 15003
programs with parity aid instead of general revenue fund moneys or 15004
other district income. 15005

(2) How the proposed expenditure is expected to enhance the 15006
district's continuous improvement plan, improve the district's 15007
academic success, and promote the district's achievement of the 15008
standard unit of improvement required by the department of 15009
education under rules adopted pursuant to section 3302.04 of the 15010
Revised Code. 15011

(C) A copy of each amended continuous improvement plan 15012
required to contain a budget under this section shall be submitted 15013
to the department by September 1, 2001. The department, beginning 15014
July 1, 2002, shall assess a random sampling of the districts in 15015
each of fiscal years 2003 and 2004 to determine whether the 15016
district did in fact make the expenditures included in its 15017
proposed parity aid budget during the preceding fiscal year. 15018

(D) If in either year, the department finds that a district 15019
did not spend its preceding year's parity aid funds in the manner 15020
specified in the budget for that year, it shall notify the state 15021
board of education of its findings and shall subtract the amount 15022
of any parity aid funds not spent in the manner specified in the 15023
budget from any parity aid otherwise due to the district under 15024
section 3317.0217 of the Revised Code in the current fiscal year. 15025
If payments are reduced to any district under this division, the 15026
department shall continue to assess the expenditures of such 15027
district in each ensuing year and shall continue to make 15028
deductions in accordance with this section until such year as the 15029

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district is found to be in compliance with this section. 15030

(E) Whenever the department reexamines the status of school districts under division (A) of section 3302.03 of the Revised Code, it shall require all districts expected to receive parity aid payments and determined either to need continuous improvement, be under an academic watch, or be in a state of academic emergency to submit their three-year continuous improvement plans to the department and to include as an integral part of such plans, budgets meeting the requirements of divisions (A) and (B) of this section. The department shall annually assess a random sampling of all such districts and withhold parity aid payments from noncomplying districts in the same manner as required under divisions (C) and (D) of this section. 15031
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(F) At any time, for good cause and with the approval of the department, a school district may amend a budget adopted under this section. Any such amendment, however, shall provide that any parity aid payments the district proposes not to spend on one of the items listed in division (A) of this section are instead reallocated to other items listed in such division. 15043
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(G) The superintendent of public instruction may authorize a school district to spend parity aid payments for a purpose not listed in division (A) of this section upon request of the district if the superintendent considers it appropriate. 15049
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Sec. 3303.01. Except when utilized in Chapter 3311. of the Revised Code, whenever the term vocational education occurs anywhere in the Revised Code, it shall be deemed to refer to career-technical education, except that joint vocational school districts shall continue to be styled as and shall maintain their legal existence as either joint vocational school districts or vocational school districts pursuant to section 3311.01. 15053
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Sec. 3305.061. Notwithstanding section 171.07 and division (D) of section 3305.06 of the Revised Code, the percentage of an electing employee's compensation contributed by a public institution of higher education under division (D) of section 3305.06 of the Revised Code shall not exceed the percentage of compensation transferred under section 145.87, 3307.84, or 3309.88 of the Revised Code, as appropriate, by the state retirement system that otherwise applies to the electing employee's position. A change in the percentage of compensation contributed under division (D) of section 3305.06 of the Revised Code, as required by this section, shall take effect on the same day a change in the percentage of compensation takes effect under section 145.87, 3307.84, or 3309.88 of the Revised Code, as appropriate.

Sec. 3307.05. The state teachers retirement board shall consist of the following nine members:

(A) The superintendent of public instruction;

(B) The auditor of state;

(C) The attorney general;

(D) Five members, known as teacher members, who shall be members of the state teachers retirement system;

(E) A former member of the system, known as the retired teacher member, who shall be a superannuate and who is not otherwise employed in a position requiring the retired teacher member to make contributions to the system.

Sec. 3311.057. (A) Any educational service center that is formed by merging two or more educational service centers or former county school districts after July 1, 1995, but prior to July 1, 1999 2003, may determine the number of members of its governing board of education and whether the members are to be

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elected at large or by subdistrict, provided each board shall have 15089
an odd number of members. 15090

(B) If an educational service center described in division 15091
(A) of this section is formed on or after the effective date of 15092
this section, the governing board ~~of education~~ of each service 15093
center that is merging to form the new service center shall 15094
include identical provisions for electing the new service center's 15095
governing board in its resolution adopted pursuant to division (A) 15096
of section 3311.053 of the Revised Code. If there is any 15097
transition period between the effective date of the merger of the 15098
service centers and the assumption of control of the new service 15099
center by the new board, the resolutions shall include provisions 15100
for an interim governing board which shall be appointed to govern 15101
the service center until the time the new board is elected and 15102
assumes control of the service center. 15103

(C) If an educational service center described in division 15104
(A) of this section was formed prior to the effective date of this 15105
section, the governing board of the service center may adopt at 15106
any time prior to July 1, ~~1999~~ 2003, a resolution setting forth 15107
provisions for changing the number of members and the manner of 15108
electing its board and provisions for any transitional period 15109
between the abolition of the existing board and the assumption of 15110
control by the new board. 15111

(D) Any provisions for electing a governing board adopted 15112
pursuant to division (B) or (C) of this section may provide for 15113
the election of members at large, may provide for the 15114
establishment of subdistricts within the district, or may require 15115
some members to be elected at large and some to be elected from 15116
subdistricts. If subdistricts are included, the resolutions shall 15117
specify the manner in which their boundaries are to be drawn. The 15118
provisions shall attempt to ensure that each elected member of the 15119
board represents an equal number of residents of the service 15120

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center. To accomplish this, any subdistrict containing a multiple
of the number of electors in another subdistrict, may elect
at-large within that subdistrict, a number of board members equal
to the multiple that its population is of the population of the
other subdistrict.

(E) The provisions for selecting board members set forth in
the latest resolution adopted pursuant to division (B) or (C) of
this section prior to July 1, ~~1999~~ 2003, shall remain the method
of electing ~~school~~ board members within that educational service
center.

Sec. 3311.058. Notwithstanding anything to the contrary in
Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly,
146 Ohio Laws 900, 1805, as subsequently amended, or in Chapter
3311. of the Revised Code, no educational service center shall be
required to merge in order to achieve any prescribed minimum
average daily membership if such a merger will cause the territory
of the resultant joint educational service center to comprise more
than eight hundred square miles.

Sec. 3311.062. Notwithstanding anything prohibiting the
existence of school districts with noncontiguous territory in
section 3311.06 or 3311.37 of the Revised Code or in any other
section of this chapter, a new school district may be formed under
this chapter after the effective date of this section from the
territory of noncontiguous school districts, provided that the
board of education of any school district containing territory
lying between the noncontiguous portions of such a new school
district adopts a resolution approving the establishment of the
new district.

Sec. 3313.21. The board of education of each city, local, and
exempted village school district shall formulate a written policy

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detailing procedures for the identification of gifted students as
defined by rule of the state board of education. Annually, in
accordance with the policy, the school board shall identify those
students enrolled in the district who are gifted children.

Each school district may offer multiple strategies, programs,
or services for identified gifted students. A district may employ
flexible instructional grouping in the delivery of educational
services for identified gifted students. Student grouping options
may be based on student interests, abilities, or needs. Grouping
alternatives may include any of the following:

(A) Cluster grouping with curriculum differentiation;

(B) Advanced placement and honors courses;

(C) Special schools;

(D) Self-contained classrooms;

(E) Cross-grade-level grouping for subject-area instruction;

(F) Resource rooms.

Sec. 3313.37. (A)(1) The board of education of any city,
local, or exempted village school district may build, enlarge,
repair, and furnish the necessary schoolhouses, purchase or lease
sites therefor, or rights-of-way thereto, or purchase or lease
real estate to be used as playgrounds for children or rent
suitable schoolrooms, either within or without the district, and
provide the necessary apparatus and make all other necessary
provisions for the schools under its control. ~~The governing board~~
~~of any educational service center may build, enlarge, repair, and~~
~~furnish the necessary facilities for conducting special education~~
~~programs and driver education courses, purchase or lease sites~~
~~therefor, or rights-of-way thereto, or purchase or lease real~~

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~~estate or rent suitable facilities to be used for such purposes 15180~~
~~and provide the necessary apparatus and make all other necessary 15181~~
~~provisions for such facilities as are under its control. 15182~~

(2) A governing board of an educational service center may 15183
acquire, lease, or enter into a contract to purchase, lease, or 15184
sell real and personal property and may construct, enlarge, 15185
repair, renovate, furnish, or equip facilities, buildings, or 15186
structures for the educational service center's purposes. The 15187
board may enter into loan agreements, including mortgages, for the 15188
acquisition of such property. If a governing board exercises any 15189
of these powers to acquire office or classroom space, the board of 15190
county commissioners has no obligation to provide and equip 15191
offices and to provide heat, light, water, and janitorial services 15192
for the use of the service center pursuant to section 3319.19 of 15193
the Revised Code, unless there is a contract as provided by 15194
division (D) of that section. 15195

(3) A board of county commissioners may issue securities of 15196
the county pursuant to Chapter 133. of the Revised Code for the 15197
acquisition of real and personal property or for the construction, 15198
enlargement, repair, or renovation of facilities, buildings, or 15199
structures by an educational service center, but only if the 15200
county has a contract under division (D) of section 3319.19 of the 15201
Revised Code with the educational service center whereby the 15202
educational service center agrees to pay the county an amount 15203
equal to the debt charges on the issued securities on or before 15204
the date those charges fall due. For the purposes of this section, 15205
"debt charges" and "securities" have the same meanings as in 15206
section 133.01 of the Revised Code. 15207

(B)(1) Boards of education of city, local, and exempted 15208
village school districts may acquire land by gift or devise, by 15209
purchase, or by appropriation. Lands purchased may be purchased 15210
for cash, by installment payments, with or without a mortgage, by 15211

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entering into lease-purchase agreements, or by lease with an
option to purchase, provided that if the purchase price is to be
paid over a period of time, such payments shall not extend for a
period of more than five years. A special tax levy may be
authorized by the voters of the school district in accordance with
section 5705.21 of the Revised Code to provide a special fund to
meet the future time payments.

(2) For the purposes of section 5705.21 of the Revised Code,
acquisition of land under the provisions of this division shall be
considered a necessary requirement of the school district.

(3) Boards of education of city, local, and exempted village
school districts may acquire federal land at a discount by a
lease-purchase agreement for use as a site for the construction of
educational facilities or for other related purposes. External
administrative and other costs pertaining to the acquisition of
federal land at a discount may be paid from funds available to the
school district for operating purposes. Such boards of education
may also acquire federal land by lease-purchase agreements, by
negotiation, or otherwise.

(4) As used in this division:

(a) "Office equipment" includes but is not limited to
typewriters, copying and duplicating equipment, and computer and
data processing equipment.

(b) "Software for instructional purposes" includes computer
programs usable for computer assisted instruction, computer
managed instruction, drill and practice, and problem simulations.

A board of education or governing board of an educational
service center may acquire the necessary office equipment, and
computer hardware and software for instructional purposes, for the
schools under its control by purchase, by lease, by installment
payments, by entering into lease-purchase agreements, or by lease

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with an option to purchase. In the case of a city, exempted
village, or local school district, if the purchase price is to be
paid over a period of time, the contract setting forth the terms
of such purchase shall be considered a continuing contract
pursuant to section 5705.41 of the Revised Code. Payments shall
not extend for a period of more than five years. Costs relating to
the acquisition of necessary apparatus may be paid from funds
available to the school district or educational service center for
operating purposes.

(5) A board of education or governing board of an educational
service center may acquire the necessary equipment for the
maintenance or physical upkeep of facilities and land under its
control by entering into lease-purchase agreements. If payments
under the lease-purchase agreement are to be made over a period of
time, the agreement shall be considered a continuing contract
pursuant to section 5705.41 of the Revised Code, and such payments
shall not extend for a period of more than five years.

Sec. 3313.41. (A) Except as provided in divisions (C), (D),
~~and (F), and (G)~~ of this section, when a board of education
decides to dispose of real or personal property that it owns in
its corporate capacity, and that exceeds in value ten thousand
dollars, it shall sell the property at public auction, after
giving at least thirty days' notice of the auction by publication
in a newspaper of general circulation or by posting notices in
five of the most public places in the school district in which the
property, if it is real property, is situated, or, if it is
personal property, in the school district of the board of
education that owns the property. The board may offer real
property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal
property for sale at public auction at least once pursuant to

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division (A) of this section, and the property has not been sold, 15274
the board may sell it at a private sale. Regardless of how it was 15275
offered at public auction, at a private sale, the board shall, as 15276
it considers best, sell real property as an entire tract or in 15277
parcels, and personal property in a single lot or in several lots. 15278

(C) If a board of education decides to dispose of real or 15279
personal property that it owns in its corporate capacity and that 15280
exceeds in value ten thousand dollars, it may sell the property to 15281
the adjutant general; to any subdivision or taxing authority as 15282
respectively defined in divisions (A) and (C) of section 5705.01 15283
of the Revised Code, township park district, board of park 15284
commissioners established under Chapter 755. of the Revised Code, 15285
or park district established under Chapter 1545. of the Revised 15286
Code; to a wholly or partially tax-supported university, 15287
university branch, or college; or to the board of trustees of a 15288
school district library, upon such terms as are agreed upon. The 15289
sale of real or personal property to the board of trustees of a 15290
school district library is limited, in the case of real property, 15291
to a school district library within whose boundaries the real 15292
property is situated, or, in the case of personal property, to a 15293
school district library whose boundaries lie in whole or in part 15294
within the school district of the selling board of education. 15295

(D) When a board of education decides to trade as a part or 15296
an entire consideration, an item of personal property on the 15297
purchase price of an item of similar personal property, it may 15298
trade the same upon such terms as are agreed upon by the parties 15299
to the trade. 15300

(E) The president and the treasurer of the board of education 15301
shall execute and deliver deeds or other necessary instruments of 15302
conveyance to complete any sale or trade under this section. 15303

(F) When a board of education has identified a parcel of real 15304
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property that it determines is needed for school purposes, the
board may, upon a majority vote of the members of the board,
acquire that property by exchanging real property that the board
owns in its corporate capacity for the identified real property or
by using real property that the board owns in its corporate
capacity as part or an entire consideration for the purchase price
of the identified real property. Any exchange or acquisition made
pursuant to this division shall be made by a conveyance executed
by the president and the treasurer of the board.

(G) When a school district board of education decides to
dispose of real property suitable for use as classroom space,
prior to disposing of such property under division (A) through (F)
of this section, it shall first offer that property for sale to
the governing authorities of the start-up community schools,
established under Chapter 3314. of the Revised Code and located
within the territory of the school district, at a price that is
not higher than the appraised fair market value of that property.
If more than one community school governing authority accepts the
offer made by the school district board, the board shall sell the
property to the governing authority that accepted the offer first
in time. If no community school governing authority accepts the
offer within sixty days after the offer is made by the school
district board, the board may dispose of the property in the
applicable manner prescribed under divisions (A) to (F) of this
section.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of
course instruction, except that for a laboratory course, "one
unit" means a minimum of one hundred fifty hours of course
instruction.

(2) "One-half unit" means a minimum of sixty hours of course

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instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 15337
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(B) Beginning September 15, 2001, the requirements for graduation from every high school shall include ~~twenty-one~~ twenty units earned in grades nine through twelve and shall be distributed as follows: 15340
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(1) English language arts, four units; 15344

(2) Health, one-half unit; 15345

(3) Mathematics, three units; 15346

(4) Physical education, one-half unit; 15347

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 15348
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(a) Biological sciences, one unit; 15351

(b) Physical sciences, one unit. 15352

(6) Social studies, three units, which shall include both of the following: 15353
15354

(a) American history, one-half unit; 15355

(b) American government, one-half unit. 15356

(7) Elective units, ~~eight~~ seven units until September 15, 2003, and ~~seven~~ six units thereafter. 15357
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Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language. 15359
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(C) Every high school may permit students below the ninth grade to take advanced work for credit. A high school shall count such advanced work toward the graduation requirements of division 15362
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(B) of this section if the advanced work was both:	15365
(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;	15366 15367 15368
(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.	15369 15370 15371 15372 15373
(D) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and technical instruction are eligible to meet the graduation requirements of division (B) of this section.	15374 15375 15376 15377
Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:	15378 15379
(1) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.	15380 15381 15382 15383 15384 15385 15386 15387 15388 15389 15390 15391 15392 15393
(2) "Legal custody," "permanent custody," and "residual	15394

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parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or

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sections 5103.20 to 5103.28 of the Revised Code.	15425
(6) A child is placed for adoption if either of the following occurs:	15426
	15427
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	15428
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	15431
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	15432
	15433
	15434
(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.	15435
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(8) "Child," unless otherwise indicated, includes handicapped preschool children.	15440
	15441
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.	15442
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	15446
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	15447
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(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:	15449
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	15452
(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or	15453
	15454

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adoptive parent. 15455

(b) The child resides in a home. 15456

(c) The child requires special education. 15457

(3) A child who is not entitled under division (B)(2) of this 15458
section to be admitted to the schools of the district where the 15459
child resides and who is residing with a resident of this state 15460
with whom the child has been placed for adoption shall be admitted 15461
to the schools of the district where the child resides unless 15462
either of the following applies: 15463

(a) The placement for adoption has been terminated. 15464

(b) Another school district is required to admit the child 15465
under division (B)(1) of this section. 15466

Division (B) of this section does not prohibit the board of 15467
education of a school district from placing a handicapped child 15468
who resides in the district in a special education program outside 15469
of the district or its schools in compliance with Chapter 3323. of 15470
the Revised Code. 15471

(C) A district shall not charge tuition for children admitted 15472
under division (B)(1) or (3) of this section. If the district 15473
admits a child under division (B)(2) of this section, tuition 15474
shall be paid to the district that admits the child as follows: 15475
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(1) If the child receives special education in accordance 15477
with Chapter 3323. of the Revised Code, tuition shall be paid in 15478
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 15479
the Revised Code regardless of who has custody of the child or 15480
whether the child resides in a home. 15481

(2) Except as otherwise provided in division (C)(2)(d) of 15482
this section, if the child is in the permanent or legal custody of 15483
a government agency or person other than the child's parent, 15484

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tuition shall be paid by: 15485

(a) The district in which the child's parent resided at the 15486
time the court removed the child from home or at the time the 15487
court vested legal or permanent custody of the child in the person 15488
or government agency, whichever occurred first; 15489

(b) If the parent's residence at the time the court removed 15490
the child from home or placed the child in the legal or permanent 15491
custody of the person or government agency is unknown, tuition 15492
shall be paid by the district in which the child resided at the 15493
time the child was removed from home or placed in legal or 15494
permanent custody, whichever occurred first; 15495

(c) If a school district cannot be established under division 15496
(C)(2)(a) or (b) of this section, tuition shall be paid by the 15497
district determined as required by section 2151.357 of the Revised 15498
Code by the court at the time it vests custody of the child in the 15499
person or government agency; 15500

(d) If at the time the court removed the child from home or 15501
vested legal or permanent custody of the child in the person or 15502
government agency, whichever occurred first, one parent was in a 15503
residential or correctional facility or a juvenile residential 15504
placement and the other parent, if living and not in such a 15505
facility or placement, was not known to reside in this state, 15506
tuition shall be paid by the district determined under division 15507
(D) of section 3313.65 of the Revised Code as the district 15508
required to pay any tuition while the parent was in such facility 15509
or placement. 15510

(3) If the child is not in the permanent or legal custody of 15511
a government agency or person other than the child's parent and 15512
the child resides in a home, tuition shall be paid by one of the 15513
following: 15514

(a) The school district in which the child's parent resides; 15515

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(b) If the child's parent is not a resident of this state, 15516
the home in which the child resides. 15517

(D) Tuition required to be paid under divisions (C)(2) and 15518
(3)(a) of this section shall be computed in accordance with 15519
section 3317.08 of the Revised Code. Tuition required to be paid 15520
under division (C)(3)(b) of this section shall be computed in 15521
accordance with section 3317.081 of the Revised Code. If a home 15522
fails to pay the tuition required by division (C)(3)(b) of this 15523
section, the board of education providing the education may 15524
recover in a civil action the tuition and the expenses incurred in 15525
prosecuting the action, including court costs and reasonable 15526
attorney's fees. If the prosecuting attorney or city director of 15527
law represents the board in such action, costs and reasonable 15528
attorney's fees awarded by the court, based upon the prosecuting 15529
attorney's, director's, or one of their designee's time spent 15530
preparing and presenting the case, shall be deposited in the 15531
county or city general fund. 15532

(E) A board of education may enroll a child free of any 15533
tuition obligation for a period not to exceed sixty days, on the 15534
sworn statement of an adult resident of the district that the 15535
resident has initiated legal proceedings for custody of the child. 15536

(F) In the case of any individual entitled to attend school 15537
under this division, no tuition shall be charged by the school 15538
district of attendance and no other school district shall be 15539
required to pay tuition for the individual's attendance. 15540
Notwithstanding division (B), (C), or (E) of this section: 15541

(1) All persons at least eighteen but under twenty-two years 15542
of age who live apart from their parents, support themselves by 15543
their own labor, and have not successfully completed the high 15544
school curriculum or the individualized education program 15545
developed for the person by the high school pursuant to section 15546
3323.08 of the Revised Code, are entitled to attend school in the 15547

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district in which they reside. 15548

(2) Any child under eighteen years of age who is married is 15549
entitled to attend school in the child's district of residence. 15550

(3) A child is entitled to attend school in the district in 15551
which either of the child's parents is employed if the child has a 15552
medical condition that may require emergency medical attention. 15553
The parent of a child entitled to attend school under division 15554
(F)(3) of this section shall submit to the board of education of 15555
the district in which the parent is employed a statement from the 15556
child's physician certifying that the child's medical condition 15557
may require emergency medical attention. The statement shall be 15558
supported by such other evidence as the board may require. 15559

(4) Any child residing with a person other than the child's 15560
parent is entitled, for a period not to exceed twelve months, to 15561
attend school in the district in which that person resides if the 15562
child's parent files an affidavit with the superintendent of the 15563
district in which the person with whom the child is living resides 15564
stating all of the following: 15565

(a) That the parent is serving outside of the state in the 15566
armed services of the United States; 15567

(b) That the parent intends to reside in the district upon 15568
returning to this state; 15569

(c) The name and address of the person with whom the child is 15570
living while the parent is outside the state. 15571

(5) Any child under the age of twenty-two years who, after 15572
the death of a parent, resides in a school district other than the 15573
district in which the child attended school at the time of the 15574
parent's death is entitled to continue to attend school in the 15575
district in which the child attended school at the time of the 15576
parent's death for the remainder of the school year, subject to 15577
approval of that district board. 15578

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(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to

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attend school under division (F)(6) or (7) of this section may
attend without tuition obligation. A student attending a school
under division (F)(6) or (7) of this section shall be eligible to
participate in interscholastic athletics under the auspices of
that school, provided the board of education of the school
district where the student's parent resides, by a formal action,
releases the student to participate in interscholastic athletics
at the school where the student is attending, and provided the
student receives any authorization required by a public agency or
private organization of which the school district is a member
exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city,
local, or exempted village school district, or of an educational
service center, may be admitted to the schools of the district
where the child's parent is employed, or in the case of a child
whose parent is employed by an educational service center, in the
district that serves the location where the parent's job is
primarily located, provided the district board of education
establishes such an admission policy by resolution adopted by a
majority of its members. Any such policy shall take effect on the
first day of the school year and the effective date of any
amendment or repeal may not be prior to the first day of the
subsequent school year. The policy shall be uniformly applied to
all such children and shall provide for the admission of any such
child upon request of the parent. No child may be admitted under
this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of
a shelter for victims of domestic violence, as defined in section
3113.33 of the Revised Code, is entitled to attend school free in
the district in which the child is with the child's parent, and no
other school district shall be required to pay tuition for the
child's attendance in that school district.

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The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for

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such attendance, describing the nature of this good cause, and
consenting to such attendance.

In lieu of a consent form signed by a parent, a board of
education may request the grandparent of a child attending school
in the district in which the grandparent resides pursuant to
division (F)(11) of this section to complete any consent form
required by the district, including any authorization required by
sections 3313.712, 3313.713, and 3313.716 of the Revised Code.
Upon request, the grandparent shall complete any consent form
required by the district. A school district shall not incur any
liability solely because of its receipt of a consent form from a
grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall
not be construed as creating, a new cause of action or substantive
legal right against a school district, a member of a board of
education, or an employee of a school district. This section does
not affect, and shall not be construed as affecting, any
immunities from defenses to tort liability created or recognized
by Chapter 2744. of the Revised Code for a school district,
member, or employee.

(12) A child under the age of twenty-two years is entitled to
attend school in a school district other than the district in
which the child is entitled to attend school under division (B),
(C), or (E) of this section provided that, prior to such
attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is
entitled to attend school under division (B), (C), or (E) of this
section contacts the superintendent of another district for
purposes of this division;

(b) The superintendents of both districts enter into a
written agreement that consents to the attendance and specifies

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that the purpose of such attendance is to protect the student's
physical or mental well-being or to deal with other extenuating
circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a
student who is not receiving special education under Chapter 3323.
of the Revised Code and notwithstanding Chapter 3327. of the
Revised Code, the board of education of neither school district
involved in the agreement is required to provide transportation
for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this
division shall be allowed to participate in all student
activities, including interscholastic athletics, at the school
where the student is attending on the same basis as any student
who has always attended the schools of that district while of
compulsory school age.

(13) For as long as this state receives grants under the
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et
seq., for the education of homeless children, each city, local,
and exempted village school district shall comply with the
requirements of that act governing the provision of a free,
appropriate public education, including public preschool, to each
homeless child.

(G) A board of education, after approving admission, may
waive tuition for students who will temporarily reside in the
district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who
request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not
of Ohio who request admission as participants in an exchange
program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04,

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3327.04, and 3327.06 of the Revised Code, a child may attend
school or participate in a special education program in a school
district other than in the district where the child is entitled to
attend school under division (B) of this section.

(I) This division does not apply to a child receiving special
education.

A school district required to pay tuition pursuant to
division (C)(2) or (3) of this section or section 3313.65 of the
Revised Code shall have an amount deducted under division (F) of
section 3317.023 of the Revised Code equal to its own tuition rate
for the same period of attendance. A school district entitled to
receive tuition pursuant to division (C)(2) or (3) of this section
or section 3313.65 of the Revised Code shall have an amount
credited under division (F) of section 3317.023 of the Revised
Code equal to its own tuition rate for the same period of
attendance. If the tuition rate credited to the district of
attendance exceeds the rate deducted from the district required to
pay tuition, the department of education shall pay the district of
attendance the difference from amounts deducted from all
districts' payments under division (F) of section 3317.023 of the
Revised Code but not credited to other school districts under such
division and from appropriations made for such purpose. The
treasurer of each school district shall, by the fifteenth day of
January and July, furnish the superintendent of public instruction
a report of the names of each child who attended the district's
schools under divisions (C)(2) and (3) of this section or section
3313.65 of the Revised Code during the preceding six calendar
months, the duration of the attendance of those children, the
school district responsible for tuition on behalf of the child,
and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to
division (F) of section 3317.023 of the Revised Code, shall deduct

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each district's tuition obligations under divisions (C)(2) and (3) 15768
of this section or section 3313.65 of the Revised Code and pay to 15769
the district of attendance that amount plus any amount required to 15770
be paid by the state. 15771

(J) In the event of a disagreement, the superintendent of 15772
public instruction shall determine the school district in which 15773
the parent resides. 15774

(K) Nothing in this section requires or authorizes, or shall 15775
be construed to require or authorize, the admission to a public 15776
school in this state of a pupil who has been permanently excluded 15777
from public school attendance by the superintendent of public 15778
instruction pursuant to sections 3301.121 and 3313.662 of the 15779
Revised Code. 15780

Sec. 3314.07. (A) The expiration of the contract for a 15781
community school between a sponsor and a school shall be the date 15782
provided in the contract. A successor contract may be entered into 15783
unless the contract is terminated or not renewed pursuant to this 15784
section. 15785

(B)(1) A sponsor may choose not to renew a contract at its 15786
expiration or may choose to terminate a contract prior to its 15787
expiration for any of the following reasons: 15788

(a) Failure to meet student performance requirements stated 15789
in the contract; 15790

(b) Failure to meet generally accepted standards of fiscal 15791
management; 15792

(c) Violation of any provision of the contract or applicable 15793
state or federal law; 15794

(d) Other good cause. 15795

~~A termination shall be effective only at the conclusion of a~~ 15796

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~~school year.~~ 15797

(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code. 15798 15799 15800

(3) At least ~~one hundred eighty~~ ninety days prior to the termination or nonrenewal of a contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within seventy days of the receipt of a request for the hearing. Promptly following the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract. 15801 15802 15803 15804 15805 15806 15807 15808 15809 15810 15811 15812

~~(3)~~(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The decision by the state board pertaining to an appeal under this division is final. If the sponsor is the state board, its decision to terminate a contract under division (B)(4) of this section shall be final. 15813 15814 15815 15816 15817

(5) The termination of a contract under this section shall be effective upon the occurrence of the later of the following events: 15818 15819 15820

(a) Ninety days following the date the sponsor notifies the school of its decision to terminate the contract as prescribed in division (B)(3) of this section; 15821 15822 15823

(b) If an informal hearing is requested under division (B)(3) of this section and as a result of that hearing the sponsor affirms its decision to terminate the contract, the effective date of the termination specified in the notice issued under division 15824 15825 15826 15827

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(B)(3) of this section, or if that decision is appealed to the 15828
state board under division (B)(4) of this section and the state 15829
board affirms that decision, the date established in the 15830
resolution of the state board affirming the sponsor's decision. 15831

(C) A child attending a community school whose contract has 15832
been terminated ~~or~~, nonrenewed, or suspended or that closes for 15833
any reason shall be admitted to the schools of the district in 15834
which the child is entitled to attend under section 3313.64 or 15835
3313.65 of the Revised Code. Any deadlines established for the 15836
purpose of admitting students under section 3313.97 or 3313.98 15837
shall be waived for students to whom this division pertains. 15838

(D) A sponsor of a community school and the officers, 15839
directors, or employees of such a sponsor are not liable in 15840
damages in a tort or other civil action for harm allegedly arising 15841
from either of the following: 15842

(1) A failure of the community school or any of its officers, 15843
directors, or employees to perform any statutory or common law 15844
duty or responsibility or any other legal obligation; 15845

(2) An action or omission of the community school or any of 15846
its officers, directors, or employees that results in harm. 15847

(E) As used in this section: 15848

(1) "Harm" means injury, death, or loss to person or 15849
property. 15850

(2) "Tort action" means a civil action for damages for 15851
injury, death, or loss to person or property other than a civil 15852
action for damages for a breach of contract or another agreement 15853
between persons. 15854

Sec. 3314.072. The provisions of this section are enacted to 15855
promote the public health, safety, and welfare by establishing 15856
procedures under which the governing authorities of community 15857

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schools established under this chapter will be held accountable 15858
for their compliance with the terms of the contracts they enter 15859
into with their school's sponsors and the law relating to the 15860
school's operation. Suspension of the operation of a school 15861
imposed under this section is intended to encourage the governing 15862
authority's compliance with the terms of the school's contract and 15863
the law and is not intended to be an alteration of the terms of 15864
that contract. 15865

(A) If a sponsor of a community school established under this 15866
chapter suspends the operation of that school pursuant to 15867
procedures set forth in this section, the governing authority 15868
shall not operate that school while the suspension is in effect. 15869
Any such suspension shall remain in effect until the sponsor 15870
notifies the governing authority that it is no longer in effect. 15871
The contract of a school of which operation is suspended under 15872
this section also may be subject to termination or nonrenewal 15873
under section 3314.07 of the Revised Code. 15874

(B) If at any time the sponsor of a community school 15875
established under this chapter determines that conditions at the 15876
school do not comply with a health and safety standard established 15877
by law for school buildings, the sponsor shall immediately suspend 15878
the operation of the school pursuant to procedures set forth in 15879
division (D) of this section. 15880

(C)(1) For any of the reasons prescribed in division 15881
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 15882
sponsor of a community school established under this chapter may 15883
suspend the operation of the school only if it first issues to the 15884
governing authority notice of the sponsor's intent to suspend the 15885
operation of the contract. Such notice shall explain the reasons 15886
for the sponsor's intent to suspend operation of the contract and 15887
shall provide the school's governing authority with five business 15888
days to submit to the sponsor a proposal to remedy the conditions 15889

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cited as reasons for the suspension.

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(2) The sponsor shall promptly review any proposed remedy
timely submitted by the governing authority and either approve or
disapprove the remedy. If the sponsor disapproves the remedy
proposed by the governing authority, if the governing authority
fails to submit a proposed remedy in the manner prescribed by the
sponsor, or if the governing authority fails to implement the
remedy as approved by the sponsor, the sponsor may suspend
operation of the school pursuant to procedures set forth in
division (D) of this section.

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(D)(1) If division (B) of this section applies or if the
sponsor of a community school established under this chapter
decides to suspend the operation of a school as permitted in
division (C)(2) of this section, the sponsor shall promptly send
written notice to the governing authority stating that the
operation of the school is immediately suspended, and explaining
the specific reasons for the suspension. The notice shall state
that the governing authority has five business days to submit a
proposed remedy to the conditions cited as reasons for the
suspension or face potential contract termination.

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(2) Upon receipt of the notice of suspension prescribed under
division (D)(1) of this section, the governing authority shall
immediately notify the employees of the school and the parents of
the students enrolled in the school of the suspension and the
reasons therefore, and shall cease all school operations on the
next business day.

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Sec. 3314.08. (A) As used in this section:

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(1) "Base formula amount" means the amount specified as such
in a community school's financial plan for a school year pursuant
to division (A)(15) of section 3314.03 of the Revised Code.

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(2) "Cost-of-doing-business factor" has the same meaning as 15920
in section 3317.02 of the Revised Code. 15921

(3) "IEP" means an individualized education program as 15922
defined in section 3323.01 of the Revised Code. 15923

(4) "Applicable special education weight" means: 15924

(a) For a student receiving special education and related 15925
services pursuant to an IEP for a handicap described in division 15926
(A) of section 3317.013 of the Revised Code, the multiple 15927
specified in that division; 15928

(b) For a student receiving special education and related 15929
services pursuant to an IEP for a handicap described in division 15930
(B) of section 3317.013 or division (F)(3) of section 3317.02 of 15931
the Revised Code, the multiple specified in division (B) of 15932
section 3317.013 of the Revised Code. 15933

~~(5) "Total special education weight" means the sum of the 15934
following: 15935~~

~~(a) The number of students reported under division (B)(2)(c) 15936
of this section who are entitled to attend school in the district, 15937
are enrolled in grades one through twelve in a community school, 15938
and are receiving from their community school special education 15939
and related services pursuant to an IEP for a handicap described 15940
in division (A) of section 3317.013 of the Revised Code, 15941
multiplied by the multiple specified in division (A) of section 15942
3317.013 of the Revised Code; 15943~~

~~(b) One-half the number of students reported under division 15944
(B)(2)(c) of this section who are entitled to attend school in the 15945
district, are enrolled in kindergarten in a community school, and 15946
are receiving from their community school special education and 15947
related services pursuant to an IEP for a handicap described in 15948
division (A) of section 3317.013 of the Revised Code, multiplied 15949
by the multiple specified in division (A) of section 3317.013 of 15950~~

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the Revised Code; 15951

~~(c) The number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in grades one through twelve in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;~~ 15952 15953 15954 15955 15956 15957 15958 15959

~~(d) One-half the number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in kindergarten in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code~~ 15960 15961 15962 15963 15964 15965 15966 15967

"Applicable vocational education weight" means: 15968

(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division; 15969 15970 15971

(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division. 15972 15973 15974

(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code. 15975 15976 15977

(7) "DPIA reduction factor" means the percentage figure, if any, for reducing the per pupil amount of disadvantaged pupil impact aid a community school is entitled to receive pursuant to divisions (D)(4)(5) and (5)(6) of this section in any year, as 15978 15979 15980 15981

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specified in the school's financial plan for the year pursuant to 15982
division (A)(15) of section 3314.03 of the Revised Code. 15983

(8) "All-day kindergarten" has the same meaning as in section 15984
3317.029 of the Revised Code. 15985

(B) The state board of education shall adopt rules requiring 15986
both of the following: 15987

(1) The board of education of each city, exempted village, 15988
and local school district to annually report the number of 15989
students entitled to attend school in the district who are 15990
enrolled in grades one through twelve in a community school 15991
established under this chapter, the number of students entitled to 15992
attend school in the district who are enrolled in kindergarten in 15993
a community school, the number of those kindergartners who are 15994
enrolled in all-day kindergarten in their community school, and 15995
for each child, the community school in which the child is 15996
enrolled. 15997

(2) The governing authority of each community school 15998
established under this chapter to annually report all of the 15999
following: 16000

(a) The number of students enrolled in grades one through 16001
twelve and the number of students enrolled in kindergarten in the 16002
school who are not receiving special education and related 16003
services pursuant to an IEP; 16004

(b) The number of enrolled students in grades one through 16005
twelve and the number of enrolled students in kindergarten, who 16006
are receiving special education and related services pursuant to 16007
an IEP; 16008

(c) The number of students reported under division (B)(2)(b) 16009
of this section receiving special education and related services 16010
pursuant to an IEP for a handicap described in each of divisions 16011
(A) and (B) of section 3317.013 and division (F)(3) of section 16012

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3317.02 of the Revised Code; 16013

(d) The full-time equivalent number of students reported 16014
under divisions (B)(2)(a) and (b) of this section who are enrolled 16015
in vocational education programs or classes described in each of 16016
divisions (A) and (B) of section 3317.014 of the Revised Code that 16017
are provided by the community school; 16018

(e) The number of enrolled preschool handicapped students 16019
receiving special education services in a state-funded unit; 16020

~~(e)~~(f) The community school's base formula amount; 16021

~~(f)~~(g) For each student, the city, exempted village, or local 16022
school district in which the student is entitled to attend school; 16023
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~~(g)~~(h) Any DPIA reduction factor that applies to a school 16025
year. 16026

(C) From the payments made to a city, exempted village, or 16027
local school district under Chapter 3317. of the Revised Code and, 16028
if necessary, sections 321.14 and 323.156 of the Revised Code, the 16029
department of education shall annually subtract all of the 16030
following: 16031

(1) An amount equal to the sum of the amounts obtained when, 16032
for each community school where the district's students are 16033
enrolled, the number of the district's students reported under 16034
divisions (B)(2)(a) and (b) of this section who are enrolled in 16035
grades one through twelve, and one-half the number of students 16036
reported under those divisions who are enrolled in kindergarten, 16037
in that community school is multiplied by the base formula amount 16038
of that community school as adjusted by the school district's 16039
cost-of-doing-business factor. 16040

(2) ~~The product of the number of district students reported~~ 16041
~~under division (B)(2)(c) of this section as enrolled in grades one~~ 16042

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~~through twelve, and one-half of the number of district students~~ 16043
~~reported under that division as enrolled in kindergarten, who are~~ 16044
~~receiving special education and related services pursuant to an~~ 16045
~~IEP in their respective community schools for a handicap described~~ 16046
~~in division (A) or (B) of section 3317.013 or division (F)(3) of~~ 16047
~~section 3317.02 of the Revised Code, multiplied by the total~~ 16048
~~special education weight times the community school's base formula~~ 16049
~~amount;~~ sum of the amounts calculated under divisions (C)(2)(a) 16050
and (b) of this section: 16051

(a) For each of the district's students reported under 16052
division (B)(2)(c) of this section as enrolled in a community 16053
school in grades one through twelve and receiving special 16054
education and related services pursuant to an IEP for a handicap 16055
described in section 3317.013 or division (F)(3) of section 16056
3317.02 of the Revised Code, the product of the applicable weight 16057
times the community school's base formula amount; 16058

(b) For each of the district's students reported under 16059
division (B)(2)(c) of this section as enrolled in kindergarten in 16060
a community school and receiving special education and related 16061
services pursuant to an IEP for a handicap described in section 16062
3317.013 or division (F)(3) of section 3317.02 of the Revised 16063
Code, one-half of the amount calculated as prescribed in division 16064
(C)(2)(a) of this section. 16065

(3) For each of the district's students reported under 16066
division (B)(2)(d) of this section for whom payment is made under 16067
division (D)(4) of this section, the amount of that payment; 16068

(4) An amount equal to the sum of the amounts obtained when, 16069
for each community school where the district's students are 16070
enrolled, the number of the district's students enrolled in that 16071
community school and residing in the district in a family 16072
participating in Ohio works first under Chapter 5107. of the 16073
Revised Code is multiplied by the per pupil amount of 16074

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disadvantaged pupil impact aid the school district receives that 16075
year pursuant to division (B) or (C) of section 3317.029 of the 16076
Revised Code, as adjusted by any DPIA reduction factor of that 16077
community school. If the district receives disadvantaged pupil 16078
impact aid under division (B) of that section, the per pupil 16079
amount of that aid is the quotient of the amount the district 16080
received under that division divided by the number of children 16081
ages five through seventeen residing in the district and living in 16082
a family participating in Ohio works first, as most recently 16083
reported under section 3317.10 of the Revised Code. If the 16084
district receives disadvantaged pupil impact aid under division 16085
(C) of section 3317.029 of the Revised Code, the per pupil amount 16086
of that aid is the per pupil dollar amount prescribed for the 16087
district in division (C)(1) or (2) of that section. 16088

~~(4)~~(5) An amount equal to the sum of the amounts obtained 16089
when, for each community school where the district's students are 16090
enrolled, the district's per pupil amount of aid received under 16091
division (E) of section 3317.029 of the Revised Code, as adjusted 16092
by any DPIA reduction factor of the community school, is 16093
multiplied by the sum of the following: 16094

(a) The number of the district's students reported under 16095
division (B)(2)(a) of this section who are enrolled in grades one 16096
to three in that community school and who are not receiving 16097
special education and related services pursuant to an IEP; 16098

(b) One-half of the district's students who are enrolled in 16099
all-day or any other kindergarten class in that community school 16100
and who are not receiving special education and related services 16101
pursuant to an IEP; 16102

(c) One-half of the district's students who are enrolled in 16103
all-day kindergarten in that community school and who are not 16104
receiving special education and related services pursuant to an 16105
IEP. 16106

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The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.

(D) The department shall annually pay to a community school established under this chapter all of the following:

(1) An amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one-half of the kindergarten students in the school, reported under divisions (B)(2)(a) and (b) of this section who are not receiving special education and related services pursuant to an IEP for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code is multiplied by the community school's base formula amount, as adjusted by the cost-of-doing-business factor of the school district in which the student is entitled to attend school;

(2) The greater of the following:

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds;

(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section:

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, the following amount:

(the community school's base formula amount X the

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cost-of-doing-business factor of the district where the student 16138
is entitled to attend school) + (the applicable special education 16139
weight 16140

X the community school's base formula amount); 16141

(ii) For each student reported under division (B)(2)(c) of 16142
this section as enrolled in kindergarten and receiving special 16143
education and related services pursuant to an IEP for a handicap 16144
described in division (A) or (B) of section 3317.013 or division 16145
(F)(3) of section 3317.02 of the Revised Code, one-half of the 16146
amount calculated under the formula prescribed in division 16147
(D)(2)(b)(i) of this section. 16148

(3) An amount received from federal funds to provide special 16149
education and related services to students in the community 16150
school, as determined by the superintendent of public instruction. 16151

(4) For each student reported under division (B)(2)(d) of 16152
this section as enrolled in vocational education programs or 16153
classes that are described in section 3317.014 of the Revised 16154
Code, are provided by the community school, and are comparable as 16155
determined by the superintendent of public instruction to school 16156
district vocational education programs and classes eligible for 16157
state weighted funding under section 3317.014 of the Revised Code, 16158
an amount equal to the applicable vocational education weight 16159
times the community school's base formula amount times the 16160
percentage of time the student spends in the vocational education 16161
programs or classes. 16162

(5) An amount equal to the sum of the amounts obtained when, 16163
for each school district where the community school's students are 16164
entitled to attend school, the number of that district's students 16165
enrolled in the community school and participating in Ohio works 16166
first is multiplied by the per pupil amount of disadvantaged pupil 16167
impact aid that school district receives that year pursuant to 16168
division (B) or (C) of section 3317.029 of the Revised Code, as 16169

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adjusted by any DPIA reduction factor of the community school. The 16170
per pupil amount of aid shall be determined as described in 16171
division (C)(3) of this section. 16172

~~(5)~~(6) An amount equal to the sum of the amounts obtained 16173
when, for each school district where the community school's 16174
students are entitled to attend school, the district's per pupil 16175
amount of aid received under division (E) of section 3317.029 of 16176
the Revised Code, as adjusted by any DPIA reduction factor of the 16177
community school, is multiplied by the sum of the following: 16178

(a) The number of the district's students reported under 16179
division (B)(2)(a) of this section who are enrolled in grades one 16180
to three in that community school and who are not receiving 16181
special education and related services pursuant to an IEP; 16182

(b) One-half of the district's students who are enrolled in 16183
all-day or any other kindergarten class in that community school 16184
and who are not receiving special education and related services 16185
pursuant to an IEP; 16186

(c) One-half of the district's students who are enrolled in 16187
all-day kindergarten in that community school and who are not 16188
receiving special education and related services pursuant to an 16189
IEP. 16190

The district's per pupil amount of aid under division (E) of 16191
section 3317.029 of the Revised Code shall be determined as 16192
described in division (C)~~(4)~~(5) of this section. 16193

(E)(1) If a community school's costs for a fiscal year for a 16194
student receiving special education and related services pursuant 16195
to an IEP for a handicap described in ~~division (F)(3) of section~~ 16196
~~3317.02~~ 3317.013 of the Revised Code are twenty-five thousand 16197
dollars or more, the school may submit to the superintendent of 16198
public instruction documentation, as prescribed by the 16199
superintendent, of all its costs for that student. Upon submission 16200

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of documentation for a student of the type and in the manner 16201
prescribed, the department shall pay to the community school an 16202
amount equal to the school's costs for the student in excess of 16203
twenty-five thousand dollars. 16204

(2) In fiscal year 2002, if a community school's costs for a 16205
student receiving special education and related services pursuant 16206
to an IEP for a handicap described in division (F)(3) of section 16207
3317.013 of the Revised Code are twenty-five thousand dollars or 16208
more, the school may submit to the superintendent of public 16209
instruction documentation, as prescribed by the superintendent, of 16210
all its costs for that student. Upon submission of documentation 16211
for a student of the type and in the manner prescribed, the 16212
department shall pay to the community school an amount equal to 16213
the school's costs for the student in excess of twenty-five 16214
thousand dollars. 16215

(3) In any fiscal year after fiscal year 2002, if a community 16216
school's costs for a student receiving special education and 16217
related services pursuant to an IEP for a handicap described in 16218
division (F)(3) of section 3317.013 of the Revised Code are twenty 16219
thousand dollars or more, the school may submit to the 16220
superintendent of public instruction documentation, as prescribed 16221
by the superintendent, of all its costs for that student. Upon 16222
submission of documentation for a student of the type and in the 16223
manner prescribed, the department shall pay to the community 16224
school an amount equal to the school's costs for the student in 16225
excess of twenty thousand dollars. 16226

(4) The community school shall only report under divisions 16227
(E)(1) to (3) of this section, and the department shall only pay 16228
for, the costs of educational expenses and the related services 16229
provided to the student in accordance with the student's 16230
individualized education program. Any legal fees, court costs, or 16231
other costs associated with any cause of action relating to the 16232

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student may not be included in the amount. 16233

(F) A community school may apply to the department of 16234
education for preschool handicapped or gifted unit funding the 16235
school would receive if it were a school district. Upon request of 16236
its governing authority, a community school that received unit 16237
funding as a school district-operated school before it became a 16238
community school shall retain any units awarded to it as a school 16239
district-operated school provided the school continues to meet 16240
eligibility standards for the unit. 16241

A community school shall be considered a school district and 16242
its governing authority shall be considered a board of education 16243
for the purpose of applying to any state or federal agency for 16244
grants that a school district may receive under federal or state 16245
law or any appropriations act of the general assembly. The 16246
governing authority of a community school may apply to any private 16247
entity for additional funds. 16248

(G) A board of education sponsoring a community school may 16249
utilize local funds to make enhancement grants to the school or 16250
may agree, either as part of the contract or separately, to 16251
provide any specific services to the community school at no cost 16252
to the school. 16253

(H) A community school may not levy taxes or issue bonds 16254
secured by tax revenues. 16255

(I) No community school shall charge tuition for the 16256
enrollment of any student. 16257

(J) A community school may borrow money to pay any necessary 16258
and actual expenses of the school in anticipation of the receipt 16259
of any portion of the payments to be received by the school 16260
pursuant to division (D) of this section. The school may issue 16261
notes to evidence such borrowing to mature no later than the end 16262
of the fiscal year in which such money was borrowed. The proceeds 16263

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of the notes shall be used only for the purposes for which the
anticipated receipts may be lawfully expended by the school.

(K) For purposes of determining the number of students for
which divisions (D)~~(4)~~(5) and ~~(5)~~(6) of this section applies in
any school year, a community school may submit to the department
of job and family services, no later than the first day of March,
a list of the students enrolled in the school. For each student on
the list, the community school shall indicate the student's name,
address, and date of birth and the school district where the
student is entitled to attend school. Upon receipt of a list under
this division, the department of job and family services shall
determine, for each school district where one or more students on
the list is entitled to attend school, the number of students
residing in that school district who were included in the
department's report under section 3317.10 of the Revised Code. The
department shall make this determination on the basis of
information readily available to it. Upon making this
determination and no later than ninety days after submission of
the list by the community school, the department shall report to
the state department of education the number of students on the
list who reside in each school district who were included in the
department's report under section 3317.10 of the Revised Code. In
complying with this division, the department of job and family
services shall not report to the state department of education any
personally identifiable information on any student.

(L) The department of education shall adjust the amounts
subtracted and paid under divisions (C) and (D) of this section to
reflect any enrollment of students in community schools for less
than the equivalent of a full school year. For purposes of this
section, a student shall be considered enrolled in the community
school for any portion of the school year the student is
participating at a college under Chapter 3365. of the Revised

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Code. 16296

(M) The department of education shall reduce the amounts paid 16297
under division (D) of this section to reflect payments made to 16298
colleges under division (B) of section 3365.07 of the Revised 16299
Code. 16300

Sec. 3314.09. (A) As used in this section and section 16301
3314.091 of the Revised Code, "native student" means a student 16302
entitled to attend school in the school district under section 16303
3313.64 or 3313.65 of the Revised Code. 16304

The (B) Except as provided in section 3314.091 of the Revised 16305
Code, the board of education of each city, local, and exempted 16306
village school district shall provide transportation to and from 16307
school for its district's native students enrolled in a community 16308
school located in that district or another district on the same 16309
basis that it provides transportation for its native students 16310
enrolled in schools to which they are assigned by the board of 16311
education at the same grade level and who live the same distance 16312
from school except when, in the judgment of the board, confirmed 16313
by the state board of education, the transportation is unnecessary 16314
or unreasonable. A board shall not be required to transport 16315
nonhandicapped students to and from a community school located in 16316
another school district if the transportation would require more 16317
than thirty minutes of direct travel time as measured by school 16318
bus from the collection point designated by the district's 16319
coordinator of school transportation. 16320

(C) Where it is impractical to transport a pupil to and from 16321
a community school by school conveyance, a board may, in lieu of 16322
providing the transportation, pay a parent, guardian, or other 16323
person in charge of the child. The amount paid per pupil shall in 16324
no event exceed the average transportation cost per pupil, which 16325
shall be based on the cost of transportation of children by all 16326

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boards of education in this state during the next preceding year. 16327

(D) The daily and annual instructional schedules of a 16328
community school are the sole responsibility of the community 16329
school's governing authority, and are subject only to the 16330
requirements of this chapter and the governing authority's 16331
contract with its sponsor. Each school district board of education 16332
that is required to provide transportation for community school 16333
students under this section shall provide the transportation in 16334
accordance with those schedules so that students may be present on 16335
time and at all times that the community school is open for 16336
instruction. 16337

Sec. 3314.091. (A) A school district is not required to 16338
provide transportation for any native student enrolled in a 16339
community school if the district board of education has entered 16340
into an agreement with the community school's governing authority 16341
that designates the community school as responsible for providing 16342
or arranging for the transportation of the district's native 16343
students to and from the community school. For any such agreement 16344
to be effective, it must be certified by the superintendent of 16345
public instruction as having met both of the following 16346
requirements: 16347

(1) It is submitted to the department of education by a 16348
deadline which shall be established by the department. 16349

(2) It specifies qualifications, such as residing a minimum 16350
distance from the school, for students to have their 16351
transportation provided or arranged. 16352

(B)(1) A community school governing board that enters into an 16353
agreement to provide transportation under this section shall 16354
provide or arrange transportation free of any charge for each of 16355
its enrolled students in grades kindergarten through eight who 16356
live more than two miles from the school, except that the 16357

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governing board may make a payment in lieu of providing
transportation to the parent, guardian, or person in charge of the
student at the same rate as specified for a school district board
in division (C) of section 3314.09 of the Revised Code if the
drive time measured by the vehicle specified by the school for
transporting the students from the student's residence to the
school is more than thirty minutes. The governing board may
provide or arrange transportation for any other enrolled student
and may charge a fee for such service. The governing board may
request the payment specified under division (C) of this section
for any student it transports, for whom it arranges
transportation, or for whom it makes a payment in lieu of
providing transportation if the student lives more than one mile
from the community school.

(2) Notwithstanding anything to the contrary in division
(B)(1) of this section, a community school governing board shall
provide or arrange transportation free of any charge for any
disabled student enrolled in the school for whom the student's
individualized education program developed under Chapter 3323. of
the Revised Code specifies transportation.

(C)(1) If a school district board and a community school
governing authority elect to enter into an agreement under this
section, the department of education annually shall pay the
community school the amount specified in division (C)(2) of this
section for each of the enrolled students for whom the school's
governing authority provides or arranges transportation to and
from school. The department shall deduct the payment from the
state payment under Chapter 3317. and, if necessary, sections
321.14 and 323.156 of the Revised Code that is otherwise paid to
the school district in which the student enrolled in the community
school resides. The department shall include the number of the
district's native students for whom payment is made to a community

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school under this division in the calculation of the district's 16390
transportation payment under division (D) of section 3317.022 of 16391
the Revised Code. 16392

A community school shall be paid under this division only for 16393
students who live more than one mile from the school and whose 16394
transportation to and from school is actually provided or arranged 16395
or for whom a payment in lieu of transportation is made by the 16396
community school's governing authority. To qualify for the 16397
payments, the community school shall report to the department, in 16398
the form and manner required by the department, data on the number 16399
of students transported or whose transportation is arranged, the 16400
number of miles traveled, cost to transport, and any other 16401
information requested by the department. 16402

A community school shall use payments received under this 16403
division solely to pay the costs of providing or arranging for the 16404
transportation of students who live more than one mile from the 16405
school, which may include payments to a parent, guardian, or other 16406
person in charge of a child in lieu of transportation. 16407

(2) The payment to a community school governing authority 16408
under this section for each student who lives more than one mile 16409
from the school or who is disabled and whose individualized 16410
education program requires transportation and for whom the school 16411
actually provides or arranges transportation or makes a payment in 16412
lieu of providing transportation, shall be made according to the 16413
following schedule: 16414

(a) In fiscal year 2002, four-hundred fifty dollars per 16415
student; 16416

(b) In fiscal year 2003 and every fiscal year thereafter, the 16417
amount specified in division (C)(2)(a) of this section multiplied 16418
by the negative or positive percentage of change reported in the 16419
consumer price index (all urban consumers, transportation) by the 16420

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bureau of labor statistics of the United States department of 16421
labor from the beginning of the calendar year that ended just 16422
prior to the beginning of the fiscal year to the end of that 16423
calendar year. 16424

(D) Except when arranged through payment to a parent, 16425
guardian, or person in charge of a child, transportation provided 16426
or arranged for by a community school pursuant to an agreement 16427
under this section is subject to all provisions of the Revised 16428
Code, and all rules adopted under the Revised Code, pertaining to 16429
the construction, design, equipment, and operation of school buses 16430
and other vehicles transporting students to and from school. The 16431
drivers and mechanics of the vehicles are subject to all 16432
provisions of the Revised Code, and all rules adopted under the 16433
Revised Code, pertaining to drivers and mechanics of such 16434
vehicles. The community school also shall comply with sections 16435
3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 16436
of the Revised Code as if it were a school district. For purposes 16437
of complying with section 3327.10 of the Revised Code, the 16438
educational service center that serves the county in which the 16439
community school is located shall be the certifying agency, unless 16440
the agreement designates the school district as the certifying 16441
agency. 16442

Sec. 3316.20. (A)(1) The school district solvency assistance 16443
fund is hereby created in the state treasury, to consist of such 16444
amounts designated for the purposes of the fund by the general 16445
assembly. The fund shall be used to provide assistance and grants 16446
to school districts to enable them to remain solvent and to pay 16447
unforseeable expenses of a temporary or emergency nature that they 16448
are unable to pay from existing resources. 16449

16450

(2) There is hereby created within the fund an account known 16451

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as the school district shared resource account, which shall
consist of money appropriated to it by the general assembly. The
money in the account shall be used solely for solvency assistance
to school districts that have been declared under division (B)~~(1)~~
~~or (5)~~ of section 3316.03 of the Revised Code to be in a state of
fiscal emergency ~~because of a certified operating deficit~~
~~exceeding ten per cent.~~

(3) There is hereby created within the fund an account known
as the catastrophic expenditures account, which shall consist of
money appropriated to the account by the general assembly plus all
investment earnings of the fund. Money in the account shall be
used solely for the following:

(a) Solvency assistance to school districts that have been
declared under division (B)~~(1)~~ ~~or (5)~~ of section 3316.03 of the
Revised Code to be in a state of fiscal emergency ~~because of a~~
~~certified operating deficit exceeding ten per cent~~, in the event
that all money in the shared resource account is utilized for
solvency assistance;

(b) Grants to school districts under division (C) of this
section.

(B) Solvency assistance payments under division (A)(2) or
(3)(a) of this section shall be made from the fund by the
superintendent of public instruction in accordance with rules
adopted by the director of budget and management, after consulting
with the superintendent, specifying approval criteria and
procedures necessary for administering the fund.

The fund shall be reimbursed for any solvency assistance
amounts paid under division (A)(2) or (3)(a) of this section not
later than the end of the second fiscal year following the fiscal
year in which the solvency assistance payment was made. If not
made directly by the school district, such reimbursement shall be

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made by the director of budget and management from the amounts the
school district would otherwise receive pursuant to sections
3317.022 to 3317.025 of the Revised Code, or from any other funds
appropriated for the district by the general assembly.
Reimbursements shall be credited to the respective account from
which the solvency assistance paid to the district was deducted.

(C) The superintendent of public instruction may make
recommendations, and the controlling board may grant money from
the catastrophic expenditures account to any school district that
suffers an unforeseen catastrophic event that severely depletes
the district's financial resources. The superintendent shall make
recommendations for the grants in accordance with rules adopted by
the director of budget and management after consulting with the
superintendent. A school district shall not be required to repay
any grant awarded to the district under this division unless the
district receives money from a third party, including an agency of
the government of the United States, specifically for the purpose
of compensating the district for expenses incurred as a result of
the unforeseen catastrophic event.

Sec. 3317.012. (A)(1) The general assembly, having analyzed
school district expenditure and cost data for fiscal year ~~1996~~
1999, performed the calculation described in division (B) of this
section, ~~and~~ adjusted the results for inflation, and added the
amounts described in division (A)(2) of this section, hereby
determines that the base cost of an adequate education per pupil
for the fiscal year beginning July 1, ~~1998~~ 2001, is ~~\$4,063~~ \$4,814.
For the five following fiscal years, the base cost per pupil for
each of those years, reflecting an annual rate of inflation of two
and eight-tenths per cent, is ~~\$4,177~~ \$4,949 for fiscal year ~~2000~~
2003, ~~\$4,294~~ \$5,088 for fiscal year ~~2001~~ 2004, ~~\$4,414~~ \$5,230 for
fiscal year ~~2002~~ 2005, ~~\$4,538~~ \$5,376 for fiscal year ~~2003~~ 2006,
and ~~\$4,665~~ \$5,527 for fiscal year ~~2004~~ 2007.

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(2) The base cost per pupil amounts specified in division (A)(1) of this section include amounts to reflect the cost to school districts of increasing the minimum number of high school academic units required for graduation beginning September 15, 2001, under section 3313.603 of the Revised Code. Analysis of fiscal year 1999 data revealed that the school districts meeting the requirements of division (B) of this section on average required high school students to complete a minimum of nineteen and eight-tenths units to graduate. The general assembly determines that the cost of funding the additional two-tenths unit required by section 3313.603 of the Revised Code is \$12 per pupil in fiscal year 2002. This amount was added after the calculation described in division (B) of this section and the adjustment for inflation from fiscal year 1999 to fiscal year 2002. It is this total amount, the calculated base cost plus the supplement to pay for the additional partial unit, that constitutes the base cost amount specified in division (A)(1) of this section for fiscal year 2002 and that is inflated to produce the base cost amounts for fiscal years 2003 through 2007.

(B) In determining the base cost stated in division (A) of this section, capital and debt costs, costs paid for by federal funds, and costs covered by funds provided ~~pursuant to sections 3317.023 and 3317.024 of the Revised Code as they existed prior to July 1, 1998,~~ for disadvantaged pupil impact aid and transportation were excluded, as were the effects on the districts' state funds of the application of the cost-of-doing-business factors, assuming ~~an eighteen~~ a seven and one-half per cent variance.

The base cost for fiscal year ~~1996~~ 1999 was calculated as the unweighted average cost per student, on a school district basis, of educating students who were not receiving vocational education or services pursuant to Chapter 3323. of the Revised Code and who

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were enrolled in a city, exempted village, or local school 16547
district that in fiscal year ~~1994~~ 1999 met all of the following 16548
criteria: 16549

(1) The district met at least ~~all but one~~ twenty of the 16550
following twenty-seven performance standards: 16551

(a) A ~~three~~ ninety per cent or ~~lower dropout~~ higher 16552
graduation rate; 16553

(b) At least seventy-five per cent of fourth graders 16554
proficient on the mathematics test prescribed under division 16555
(A)(1) of section 3301.0710 of the Revised Code; 16556

(c) At least seventy-five per cent of fourth graders 16557
proficient on the reading test prescribed under division (A)(1) of 16558
section 3301.0710 of the Revised Code; 16559

(d) At least seventy-five per cent of fourth graders 16560
proficient on the writing test prescribed under division (A)(1) of 16561
section 3301.0710 of the Revised Code; 16562

(e) At least seventy-five per cent of fourth graders 16563
proficient on the citizenship test prescribed under division 16564
(A)(1) of section 3301.0710 of the Revised Code; 16565

(f) At least seventy-five per cent of fourth graders 16566
proficient on the science test prescribed under division (A)(1) of 16567
section 3301.0710 of the Revised Code; 16568

(g) At least seventy-five per cent of sixth graders 16569
proficient on the mathematics test prescribed under division 16570
(A)(2) of section 3301.0710 of the Revised Code; 16571

(h) At least seventy-five per cent of sixth graders 16572
proficient on the reading test prescribed under division (A)(2) of 16573
section 3301.0710 of the Revised Code; 16574

(i) At least seventy-five per cent of sixth graders 16575
proficient on the writing test prescribed under division (A)(2) of 16576

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<u>section 3301.0710 of the Revised Code;</u>	16577
<u>(j) At least seventy-five per cent of sixth graders</u>	16578
<u>proficient on the citizenship test prescribed under division</u>	16579
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	16580
<u>(k) At least seventy-five per cent of sixth graders</u>	16581
<u>proficient on the science test prescribed under division (A)(2) of</u>	16582
<u>section 3301.0710 of the Revised Code;</u>	16583
<u>(l) At least seventy-five per cent of ninth graders</u>	16584
<u>proficient on the mathematics test prescribed under former</u>	16585
<u>division (B) of section 3301.0710 of the Revised Code Section 4 of</u>	16586
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	16587
<u>(g)(m) At least seventy-five per cent of ninth graders</u>	16588
<u>proficient on the reading test prescribed under former division</u>	16589
<u>(B) of section 3301.0710 of the Revised Code Section 4 of Am. Sub.</u>	16590
<u>S.B. 55 of the 122nd general assembly;</u>	16591
<u>(h)(n) At least seventy-five per cent of ninth graders</u>	16592
<u>proficient on the writing test prescribed under former division</u>	16593
<u>(B) of section 3301.0710 of the Revised Code Section 4 of Am. Sub.</u>	16594
<u>S.B. 55 of the 122nd general assembly;</u>	16595
<u>(i)(o) At least seventy-five per cent of ninth graders</u>	16596
<u>proficient on the citizenship test prescribed under former</u>	16597
<u>division (B) of section 3301.0710 of the Revised Code Section 4 of</u>	16598
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	16599
<u>(j)(p) At least seventy-five per cent of ninth graders</u>	16600
<u>proficient on the science test prescribed under Section 4 of Am.</u>	16601
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	16602
<u>(q) At least eighty-five per cent of tenth graders proficient</u>	16603
<u>on the mathematics test prescribed under former division (B) of</u>	16604
<u>section 3301.0710 of the Revised Code Section 4 of Am. Sub. S.B.</u>	16605
<u>55 of the 122nd general assembly;</u>	16606

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~~(k)~~(r) At least eighty-five per cent of tenth graders 16607
 proficient on the reading test prescribed under ~~former division~~ 16608
~~(B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. 16609
S.B. 55 of the 122nd general assembly; 16610

~~(l)~~(s) At least eighty-five per cent of tenth graders 16611
 proficient on the writing test prescribed under ~~former division~~ 16612
~~(B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. 16613
S.B. 55 of the 122nd general assembly; 16614

~~(m)~~(t) At least eighty-five per cent of tenth graders 16615
 proficient on the citizenship test prescribed under ~~former~~ 16616
~~division (B) of section 3301.0710 of the Revised Code~~ Section 4 of 16617
Am. Sub. S.B. 55 of the 122nd general assembly; 16618

~~(n)~~(u) At least eighty-five per cent of tenth graders 16619
proficient on the science test prescribed under Section 4 of Am. 16620
Sub. S.B. 55 of the 122nd general assembly; 16621

(v) At least sixty per cent of twelfth graders proficient on 16622
 the mathematics test prescribed under division (A)(3) of section 16623
 3301.0710 of the Revised Code; 16624

~~(o)~~(w) At least sixty per cent of twelfth graders proficient 16625
 on the reading test prescribed under division (A)(3) of section 16626
 3301.0710 of the Revised Code; 16627

~~(p)~~(x) At least sixty per cent of twelfth graders proficient 16628
 on the writing test prescribed under division (A)(3) of section 16629
 3301.0710 of the Revised Code; 16630

~~(q)~~(y) At least sixty per cent of twelfth graders proficient 16631
 on the citizenship test prescribed under division (A)(3) of 16632
 section 3301.0710 of the Revised Code; 16633

~~(r)~~(z) At least sixty per cent of twelfth graders proficient 16634
on the science test prescribed under division (A)(3) of section 16635
3301.0710 of the Revised Code; 16636

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(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.

In determining whether a school district met any of the performance standards specified in divisions (B)(1)(a) to (aa) of this section, the general assembly used a rounding procedure previously recommended by the department of education. It is the same rounding procedure the general assembly used in 1998 to determine whether a district had met the standards of former divisions (B)(1)(a) to (r) of this section for purposes of constructing the previous model based on fiscal year 1996 data.

(2) The district was not among the ~~ten~~ five per cent of all districts with the highest income ~~factors, as defined in section 3317.02 of the Revised Code,~~ nor among the ~~ten~~ five per cent of all districts with the lowest income ~~factors.~~

(3) The district was not among the five per cent of all districts with the highest valuation per pupil ~~in ADM, as reported under division (A) of section 3317.03 of the Revised Code as it existed prior to July 1, 1998,~~ nor among the five per cent of all districts with the lowest valuation per pupil.

This model for calculating the base cost of an adequate education is expenditure-based. The general assembly recognizes that increases in state funding to school districts since fiscal year 1996, the fiscal year upon which the general assembly based its model for calculating state funding to school districts for fiscal years 1999 through 2001, has increased school district base cost expenditures for fiscal year 1999, the fiscal year upon which the general assembly based its model for calculating state funding for fiscal years 2002 through 2007. In the case of school districts included in the fiscal year 1999 model that also had met the fiscal year 1996 performance criteria of former division (B)(1) of this section, the increased state funding may have

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driven the districts' expenditures beyond the expenditures that
were actually needed to maintain their educational programs at the
level necessary to maintain their ability to meet the fiscal year
1999 performance criteria of current division (B)(1) of this
section. The general assembly has determined to control for this
effect by stipulating in the later model that the fiscal year 1999
base cost expenditures of the districts that also met the
performance criteria of former division (B)(1) of this section
equals their base cost expenditures per pupil for fiscal year
1996, inflated to fiscal year 1999 using an annual rate of
inflation of two and eight-tenths per cent. However, if this
inflated amount exceeded the district's actual fiscal year 1999
base cost expenditures per pupil, the district's actual fiscal
year 1999 base cost expenditures per pupil were used in the
calculation. For districts in the 1999 model that did not also
meet the performance criteria of former division (B)(1) of this
section, the actual 1999 base cost per pupil expenditures were
used in the calculation of the average district per pupil costs of
the model districts.

(C) In July of ~~2000~~ 2005, and in July of every six years
thereafter, the speaker of the house of representatives and the
president of the senate shall each appoint three members to a
committee to reexamine the cost of an adequate education. No more
than two members from any political party shall represent each
house. The director of budget and management and the
superintendent of public instruction shall serve as nonvoting ex
officio members of the committee.

The committee shall select a rational methodology for
calculating the costs of an adequate education system for the
ensuing six-year period, and shall report the methodology and the
resulting costs to the general assembly. In performing its
function, the committee is not bound by any method used by

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previous general assemblies to examine and calculate costs and
instead may utilize any rational method it deems suitable and
reasonable given the educational needs and requirements of the
state at that time.

The methodology for determining the cost of an adequate
education system shall take into account the basic educational
costs that all districts incur in educating regular students, the
unique needs of special categories of students, and significant
special conditions encountered by certain classifications of
school districts.

The committee also shall redetermine, for purposes of
updating the parity aid calculation under section 3317.0217 of the
Revised Code, the average number of effective operating mills that
school districts in the seventieth to ninetieth percentiles of
valuations per pupil collect above the revenues required to
finance their attributed local shares of the calculated cost of an
adequate education.

Any committee appointed pursuant to this section shall make
its report to the office of budget and management and the general
assembly within ~~six months~~ one year of its appointment so that the
information is available for use by the office and the general
assembly in preparing the next biennial appropriations act.

(D)(1) For purposes of this division, an "update year" is the
first fiscal year for which the per pupil base cost of an adequate
education is in effect after being recalculated by the general
assembly. The first update year is fiscal year 2002. The second
update year is fiscal year 2008.

(2) The general assembly shall recalculate the per pupil base
cost of an adequate education every six years after considering
the recommendations of the committee appointed under division (C)
of this section. At the time of the recalculation, for each of the

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five fiscal years following the update year, the general assembly shall adjust the base cost recalculated for the update year using an annual rate of inflation that the general assembly determines appropriate.

(3) The general assembly shall include, in the act appropriating state funds for education programs for a fiscal biennium that begins with an update year, a statement of its determination of the total state share percentage of base cost and parity aid funding for the update year.

(4) During its biennial budget deliberations, the general assembly shall determine the total state share percentage of base cost and parity aid funding for each fiscal year of the upcoming biennium. This determination shall be based on the latest projections and data provided by the department of education under division (D)(6) of this section prior to the enactment of education appropriations for the upcoming biennium. If, based on those latest projections and data, the general assembly determines that the total state share percentage for either or both nonupdate fiscal years varies more than two and one-half percentage points more or less than the total state share percentage for the most recent update year, as previously stated by the general assembly under division (D)(3) of this section, the general assembly shall determine and enact a method that it considers appropriate to restrict the estimated variance for each year to within two and one-half percentage points. The general assembly's methods may include, but are not required to include and need not be limited to, reexamining the rate of millage charged off as the local share of base cost funding under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. Regardless of any changes in charge-off millage rates in years between update years, however, the charge-off millage rate for update years shall be twenty-three mills, unless the general assembly determines that a different

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millage rate is more appropriate to share the total calculated 16764
base cost between the state and school districts. 16765

(5) The total state share percentage of base cost and parity 16766
aid funding for any fiscal year is calculated as follows: 16767

[(Total state base cost + total state parity aid funding) - 16768
statewide charge-off amount] / (Total state base cost + total 16769
state parity aid funding) 16770

Where: 16771

(a) The total state base cost equals the sum of the base 16772
costs for all school districts for the fiscal year. 16773

(b) The base cost for each school district equals: 16774

formula amount X cost-of-doing-business factor X 16775

the greater of formula ADM or 16776

three-year average formula ADM 16777

(c) The total state parity aid funding equals the sum of the 16778
amounts paid to all school districts for the fiscal year under 16779
section 3317.0217 of the Revised Code. 16780

(d) The statewide charge-off amount equals the sum of the 16781
charge-off amounts for all school districts. 16782

(e) The charge-off amount for each school district is the 16783
amount calculated as its local share of base cost funding and 16784
deducted from the total calculated base cost to determine the 16785
amount of its state payment under divisions (A)(1) and (2) of 16786
section 3317.022 of the Revised Code. The charge-off amount for 16787
each school district in fiscal year 2002 is the product of 16788
twenty-three mills multiplied by the district's recognized 16789
valuation. If however, in any fiscal year, including fiscal year 16790
2002, a school district's calculated charge-off amount exceeds its 16791
base cost calculated as described in division (D)(2) of this 16792
section, the district's charge-off amount shall be deemed to equal 16793
its calculated base cost. 16794

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(6) Whenever requested by the chairperson of the standing committee of the house or representatives or the senate having primary jurisdiction over appropriations, the legislative budget officer, or the director of budget and management, the department of education shall report its latest projections for total base cost, total parity aid funding, and the statewide charge-off amount, as those terms are defined in division (D)(5) of this section, for each year of the upcoming fiscal biennium, and all data it used to make the projections.

Sec. 3317.013. This section does not apply to handicapped preschool students.

Analysis of special education cost data has resulted in a finding that the average special education additional cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, are as follows:

(A) A multiple of ~~0.22~~ 0.21 for students identified as specific learning disabled, other health handicapped, or developmentally handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(B) A multiple of ~~3.01~~ 2.85 for students identified as hearing handicapped, orthopedically handicapped, vision impaired, multihandicapped, and severe behavior handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

Further analysis indicates that approximately one-eighth of the total costs of serving special education students consists of the furnishing of the related services specified in division (B)(3) of section 3317.022 of the Revised Code.

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The general assembly has adjusted the multiples specified in 16826
this section for calculating payments beginning in fiscal year 16827
2002 in recognition that its policy change regarding the 16828
application of the cost-of-doing-business factor produces a higher 16829
base cost amount than would exist if no change were made to its 16830
application. The adjustment maintains the same weighted costs as 16831
would exist if no change were made to the application of the 16832
cost-of-doing-business factor. 16833

Sec. 3317.014. The average vocational education additional 16834
cost per pupil can be expressed as a multiple of the base cost per 16835
pupil calculated under section 3317.012 of the Revised Code. the 16836
multiples for the following categories of vocational education 16837
programs are as follows: 16838

(A) A multiple of ~~0.60~~ 0.57 for students enrolled in 16839
vocational education job-training and workforce development 16840
programs approved by the department of education in accordance 16841
with rules adopted under section 3313.90 of the Revised Code. 16842

The rules adopted under this division may provide for 16843
programs that include instructional time beyond the normal periods 16844
of instruction, including summers, for areas of study such as 16845
agriculture. For any such program, the multiple of 0.57 may be 16846
apportioned so that the multiple for the normal school year is 16847
less than the multiple for the additional instructional time but 16848
that a school district may receive the entire value of the weight 16849
for the program if the program extends beyond the normal periods 16850
of instruction. 16851

(B) A multiple of ~~0.30~~ 0.28 for students enrolled in 16852
vocational education classes other than job-training and workforce 16853
development programs. 16854

Vocational education associated services costs can be 16855
expressed as a multiple of 0.05 of the base cost per pupil 16856

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calculated under section 3317.012 of the Revised Code.

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The general assembly has adjusted the multiples specified in this section for calculating payments beginning in fiscal year 2002 in recognition that its policy change regarding the application of the cost-of-doing-business factor produces a higher base cost amount than would exist if no change were made to its application. The adjustment maintains the same weighted costs as would exist if no change were made to the application of the cost-of-doing-business factor.

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Sec. 3317.02. As used in this chapter:

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(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

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(B) "Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code, ~~except that to allow for the orderly phase-in of the increased funding specified in that section, the formula amount for fiscal year 1999 shall be \$3,851, and the formula amount for fiscal year 2000 shall be \$4,052. Thereafter, the formula amount shall be as specified in that section.~~

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(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, or three special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

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(D)(1) "Formula ADM" means, for a city, local, or exempted village school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint

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vocational school district, the number reported pursuant to 16887
division (D) of that section. 16888

(2) "Three-year average formula ADM" means the average of 16889
formula ADMs for the current and preceding two fiscal years. 16890
However, as applicable in fiscal years 1999 and 2000, the 16891
three-year average for city, local, and exempted village school 16892
districts shall be determined utilizing the FY 1997 ADM or FY 1998 16893
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 16894
years 2000 and 2001, the three-year average for joint vocational 16895
school districts shall be determined utilizing the average daily 16896
membership reported in fiscal years 1998 and 1999 under division 16897
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 16898
for fiscal years 1998 and 1999. 16899

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 16900
district's average daily membership reported for the applicable 16901
fiscal year under the version of division (A) of section 3317.03 16902
of the Revised Code in effect during that fiscal year, adjusted as 16903
follows: 16904

(1) Minus the average daily membership of handicapped 16905
preschool children; 16906

(2) Minus one-half of the average daily membership attending 16907
kindergarten; 16908

(3) Minus three-fourths of the average daily membership 16909
attending a joint vocational school district; 16910

(4) Plus the average daily membership entitled under section 16911
3313.64 or 3313.65 of the Revised Code to attend school in the 16912
district but receiving educational services in approved units from 16913
an educational service center or another school district under a 16914
compact or a cooperative education agreement, as determined by the 16915
department; 16916

(5) Minus the average daily membership receiving educational 16917

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services from the district in approved units but entitled under 16918
section 3313.64 or 3313.65 of the Revised Code to attend school in 16919
another school district, as determined by the department. 16920

(F)(1) "Category one special education ADM" means the average 16921
daily membership of handicapped children receiving special 16922
education services for those handicaps specified in division (A) 16923
of section 3317.013 of the Revised Code and reported under 16924
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 16925
Code. 16926

(2) "Category two special education ADM" means the average 16927
daily membership of handicapped children receiving special 16928
education services for those handicaps specified in division (B) 16929
of section 3317.013 of the Revised Code and reported under 16930
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 16931
Code. 16932

(3) "Category three special education ADM" means the average 16933
daily membership of students receiving special education services 16934
for students identified as autistic, having traumatic brain 16935
injuries, or as both visually and hearing disabled as these terms 16936
are defined pursuant to Chapter 3323. of the Revised Code, and 16937
reported under division (B)(7) or (D)(2)(d) of section 3317.03 of 16938
the Revised Code. 16939

(4) "Category one vocational education ADM" means the average 16940
daily membership of students receiving vocational education 16941
services described in division (A) of section 3317.014 of the 16942
Revised Code and reported under division (B)(8) or (D)(2)(e) of 16943
section 3317.03 of the Revised Code. 16944

(5) "Category two vocational education ADM" means the average 16945
daily membership of students receiving vocational education 16946
services described in division (B) of section 3317.014 of the 16947
Revised Code and reported under division (B)(9) or (D)(2)(f) of 16948

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section 3317.03 of the Revised Code. 16949

(G) "Handicapped preschool child" means a handicapped child, 16950
as defined in section 3323.01 of the Revised Code, who is at least 16951
age three but is not of compulsory school age, as defined in 16952
section 3321.01 of the Revised Code, and who is not currently 16953
enrolled in kindergarten. 16954

(H) "County MR/DD board" means a county board of mental 16955
retardation and developmental disabilities. 16956

(I) "Recognized valuation" means the amount calculated for a 16957
school district pursuant to section 3317.015 of the Revised Code. 16958

(J) "Transportation ADM" means the number of children 16959
reported under division (B)(10) of section 3317.03 of the Revised 16960
Code. 16961

(K) "Average efficient transportation use cost per student" 16962
means a statistical representation of transportation costs as 16963
calculated under division (D)(2) of section 3317.022 of the 16964
Revised Code. 16965

(L) "Taxes charged and payable" means the taxes charged and 16966
payable against real and public utility property after making the 16967
reduction required by section 319.301 of the Revised Code, plus 16968
the taxes levied against tangible personal property. 16969

(M) "Total taxable value" means the sum of the amounts 16970
certified for a city, local, exempted village, or joint vocational 16971
school district under divisions (A)(1) and (2) of section 3317.021 16972
of the Revised Code. 16973

(N)~~(1)~~ "Cost-of-doing-business factor" means the amount 16974
indicated in this division for the county in which a city, local, 16975
exempted village, or joint vocational school district is located, 16976
~~adjusted in accordance with division (N)(2) of this section.~~ If a 16977
city, local, or exempted village school district is located in 16978

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more than one county, the factor is the amount indicated for the 16979
 county to which the district is assigned by the state department 16980
 of education. If a joint vocational school district is located in 16981
 more than one county, the factor is the amount indicated for the 16982
 county in which the joint vocational school with the greatest 16983
 formula ADM operated by the district is located. 16984

COST-OF-DOING-BUSINESS 16985

COUNTY	FACTOR	AMOUNT	
Adams	1.0074	<u>1.0061</u>	16987
Allen	1.0217	<u>1.0236</u>	16988
Ashland	1.0322	<u>1.0331</u>	16989
Ashtabula	1.0480	<u>1.0431</u>	16990
Athens	1.0046	<u>1.0038</u>	16991
Auglaize	1.0255	<u>1.0272</u>	16992
Belmont	1.0078	<u>1.0043</u>	16993
Brown	1.0194	<u>1.0207</u>	16994
Butler	1.0650	<u>1.0663</u>	16995
Carroll	1.0166	<u>1.0148</u>	16996
Champaign	1.0292	<u>1.0413</u>	16997
Clark	1.0462	<u>1.0443</u>	16998
Clermont	1.0510	<u>1.0532</u>	16999
Clinton	1.0293	<u>1.0296</u>	17000
Columbiana	1.0300	<u>1.0262</u>	17001
Coshocton	1.0205	<u>1.0200</u>	17002
Crawford	1.0152	<u>1.0140</u>	17003
Cuyahoga	1.0697	<u>1.0672</u>	17004
Darke	1.0340	<u>1.0343</u>	17005
Defiance	1.0177	<u>1.0165</u>	17006
Delaware	1.0339	<u>1.0479</u>	17007
Erie	1.0391	<u>1.0372</u>	17008
Fairfield	1.0358	<u>1.0354</u>	17009
Fayette	1.0266	<u>1.0258</u>	17010
Franklin	1.0389	<u>1.0519</u>	17011

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Fulton	1.0355 <u>1.0361</u>	17012
Gallia	1.0000	17013
Geauga	1.0568 <u>1.0528</u>	17014
Greene	1.0406 <u>1.0407</u>	17015
Guernsey	1.0072 <u>1.0064</u>	17016
Hamilton	1.0750	17017
Hancock	1.0224 <u>1.0215</u>	17018
Hardin	1.0219 <u>1.0348</u>	17019
Harrison	1.0098 <u>1.0081</u>	17020
Henry	1.0347 <u>1.0338</u>	17021
Highland	1.0139 <u>1.0129</u>	17022
Hocking	1.0149 <u>1.0151</u>	17023
Holmes	1.0237 <u>1.0238</u>	17024
Huron	1.0317 <u>1.0305</u>	17025
Jackson	1.0132 <u>1.0118</u>	17026
Jefferson	1.0084 <u>1.0067</u>	17027
Knox	1.0251 <u>1.0258</u>	17028
Lake	1.0596 <u>1.0556</u>	17029
Lawrence	1.0128 <u>1.0122</u>	17030
Licking	1.0381 <u>1.0375</u>	17031
Logan	1.0188 <u>1.0362</u>	17032
Lorain	1.0535 <u>1.0521</u>	17033
Lucas	1.0413 <u>1.0406</u>	17034
Madison	1.0342 <u>1.0437</u>	17035
Mahoning	1.0426 <u>1.0384</u>	17036
Marion	1.0121 <u>1.0263</u>	17037
Medina	1.0608 <u>1.0595</u>	17038
Meigs	1.0031 <u>1.0018</u>	17039
Mercer	1.0177 <u>1.0199</u>	17040
Miami	1.0425 <u>1.0415</u>	17041
Monroe	1.0118 <u>1.0097</u>	17042
Montgomery	1.0482 <u>1.0476</u>	17043
Morgan	1.0140 <u>1.0128</u>	17044

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Morrow	1.0268 <u>1.0276</u>	17045
Muskingum	1.0167 <u>1.0145</u>	17046
Noble	1.0129 <u>1.0103</u>	17047
Ottawa	1.0510 <u>1.0468</u>	17048
Paulding	1.0156 <u>1.0140</u>	17049
Perry	1.0175 <u>1.0154</u>	17050
Pickaway	1.0338 <u>1.0326</u>	17051
Pike	1.0103 <u>1.0094</u>	17052
Portage	1.0556 <u>1.0516</u>	17053
Preble	1.0486 <u>1.0476</u>	17054
Putnam	1.0253 <u>1.0243</u>	17055
Richland	1.0205 <u>1.0213</u>	17056
Ross	1.0089 <u>1.0085</u>	17057
Sandusky	1.0336 <u>1.0307</u>	17058
Scioto	1.0044 <u>1.0029</u>	17059
Seneca	1.0240 <u>1.0223</u>	17060
Shelby	1.0257 <u>1.0263</u>	17061
Stark	1.0313 <u>1.0300</u>	17062
Summit	1.0616 <u>1.0598</u>	17063
Trumbull	1.0425 <u>1.0381</u>	17064
Tuscarawas	1.0099 <u>1.0097</u>	17065
Union	1.0330 <u>1.0446</u>	17066
Van Wert	1.0126 <u>1.0133</u>	17067
Vinton	1.0068 <u>1.0070</u>	17068
Warren	1.0651 <u>1.0659</u>	17069
Washington	1.0110 <u>1.0075</u>	17070
Wayne	1.0406 <u>1.0404</u>	17071
Williams	1.0268 <u>1.0284</u>	17072
Wood	1.0405 <u>1.0382</u>	17073
Wyandot	1.0191 <u>1.0188</u>	17074
(2) As used in this division, "multiplier" means the number		17075
for the corresponding fiscal year as follows:		17076
FISCAL YEAR OF THE		17077

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COMPUTATION	MULTIPLIER	17078
1998	9.6/7.5	17079
1999	11.0/7.5	17080
2000	12.4/7.5	17081
2001	13.8/7.5	17082
2002	15.2/7.5	17083
2003	16.6/7.5	17084
2004 and thereafter	18.0/7.5	17085
Beginning in fiscal year 1998, the department shall annually		17086
adjust the cost-of-doing-business factor for each county in		17087
accordance with the following formula:		17088
{(The cost-of-doing-business factor specified under		17089
division (N)(1) of this section -- 1) X (the multiplier		17090
for the fiscal year of the calculation))} + 1		17091
The result of such formula shall be the adjusted		17092
cost-of-doing-business factor for that fiscal year.		17093
(O) "Tax exempt value" of a school district means the amount		17094
certified for a school district under division (A)(4) of section		17095
3317.021 of the Revised Code.		17096
(P) "Potential value" of a school district means the adjusted		17097
total taxable value <u>recognized valuation</u> of a school district plus		17098
the tax exempt value of the district.		17099
(Q) "District median income" means the median Ohio adjusted		17100
gross income certified for a school district. On or before the		17101
first day of July of each year, the tax commissioner shall certify		17102
to the department of education for each city, exempted village,		17103
and local school district the median Ohio adjusted gross income of		17104
the residents of the school district determined on the basis of		17105
tax returns filed for the second preceding tax year by the		17106
residents of the district.		17107
(R) "Statewide median income" means the median district		17108

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median income of all city, exempted village, and local school
districts in the state.

(S) "Income factor" for a city, exempted village, or local
school district means the quotient obtained by dividing that
district's median income by the statewide median income.

~~(T) Except as provided in division (B)(3) of section 3317.012
of the Revised Code, "valuation per pupil" for a city, exempted
village, or local school district means the district's recognized
valuation divided by the greater of the district's formula ADM or
three-year average formula ADM.~~

~~(U) Except as provided in section 3317.0213 of the Revised
Code, "adjusted valuation per pupil" means the amount calculated
in accordance with the following formula:~~

$$\text{District valuation per pupil} = \{ \$60,000 \times$$

$$(1 - \text{district income factor}) \}$$

~~If the result of such formula is negative, the adjusted
valuation per pupil shall be zero.~~

~~(V) "Income adjusted valuation" means the product obtained by
multiplying the school district's adjusted valuation per pupil by
the greater of the district's formula ADM or three-year average
formula ADM.~~

~~(W) Except as provided in division (A)(2) of section 3317.022
of the Revised Code, "adjusted total taxable value" means one of
the following:~~

~~(1) In any fiscal year that a school district's income factor
is less than or equal to one, the amount calculated under the
following formula:~~

$$(\text{Income adjusted valuation} \times \text{multiple}) +$$

$$\{ \text{recognized valuation} \times (1 - \text{multiple}) \}$$

~~Where "multiple" means the number for the corresponding~~

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fiscal year as follows:	17139
FISCAL YEAR OF THE	17140
COMPUTATION	17141
2000	17142
2001 and thereafter	17143
(2) In fiscal year 1999, if a school district's income factor	17144
is greater than one, the amount calculated under the following	17145
formula:	17146
(Income adjusted valuation X 1/15)	17147
+ (recognized valuation X 14/15)	17148
Thereafter, the adjusted total taxable value of a district	17149
with an income factor greater than one shall be its recognized	17150
valuation.	17151
 Sec. 3317.021. (A) On or before the first day of June of each	17152
year, the tax commissioner shall certify to the department of	17153
education the following information for each city, exempted	17154
village, and local school district, and the information required	17155
by divisions (A)(1) and (2) of this section for each joint	17156
vocational school district, and it shall be used, along with the	17157
information certified under division (B) of this section, in	17158
making the computations for the district under section <u>sections</u>	17159
3317.022 <u>and 3317.0217</u> or <u>section</u> 3317.16 of the Revised Code:	17160
 (1) The taxable value of real and public utility real	17161
property in the school district subject to taxation in the	17162
preceding tax year, by class and by county of location;	17163
 (2) The taxable value of tangible personal property,	17164
including public utility personal property, subject to taxation by	17165
the district for the preceding tax year;	17166
 (3)(a) The total property tax rate and total taxes charged	17167
and payable for the current expenses for the preceding tax year	17168

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and the total property tax rate and the total taxes charged and
payable to a joint vocational district for the preceding tax year
that are limited to or to the extent apportioned to current
expenses;

(b) The portion of the amount of taxes charged and payable
reported for each city, local, and exempted village school
district under division (A)(3)(a) of this section attributable to
a joint vocational school district.

(4) The value of all real and public utility real property in
the school district exempted from taxation minus both of the
following:

(a) The value of real and public utility real property in the
district owned by the United States government and used
exclusively for a public purpose;

(b) The value of real and public utility real property in the
district exempted from taxation under Chapter 725. or 1728. or
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632,
5709.73, or 5709.78 of the Revised Code.

(5) The total ~~effective operating tax rate for the district~~
~~in the tax year for which the most recent data are available~~
federal adjusted gross income of the residents of the school
district, based on tax returns filed by the residents of the
district, for the most recent year for which this information is
available.

(B) On or before the first day of May each year, the tax
commissioner shall certify to the department of education the
total taxable real property value of railroads and, separately,
the total taxable tangible personal property value of all public
utilities for the preceding tax year, by school district and by
county of location.

(C) If a public utility has properly and timely filed a

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petition for reassessment under section 5727.47 of the Revised
Code with respect to an assessment issued under section 5727.23 of
the Revised Code affecting taxable property apportioned by the tax
commissioner to a school district, the taxable value of public
utility tangible personal property included in the certification
under divisions (A)(2) and (B) of this section for the school
district shall include only the amount of taxable value on the
basis of which the public utility paid tax for the preceding year
as provided in division (B)(1) or (2) of section 5727.47 of the
Revised Code.

(D) If on the basis of the information certified under
division (A) of this section, the department determines that any
district fails in any year to meet the qualification requirement
specified in division (A) of section 3317.01 of the Revised Code,
the department shall immediately request the tax commissioner to
determine the extent to which any school district income tax
levied by the district under Chapter 5748. of the Revised Code
shall be included in meeting that requirement. Within five days of
receiving such a request from the department, the tax commissioner
shall make the determination required by this division and report
the quotient obtained under division (D)(3) of this section to the
department. This quotient represents the number of mills that the
department shall include in determining whether the district meets
the qualification requirement of division (A) of section 3317.01
of the Revised Code.

The tax commissioner shall make the determination required by
this division as follows:

(1) Multiply one mill times the total taxable value of the
district as determined in divisions (A)(1) and (2) of this
section;

(2) Estimate the total amount of tax liability for the
current tax year under taxes levied by Chapter 5748. of the

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Revised Code that are apportioned to current operating expenses of 17232
the district; 17233

(3) Divide the amount estimated under division (D)(2) of this 17234
section by the product obtained under division (D)(1) of this 17235
section. 17236

~~(E) As used in this section:~~ 17237

~~(1) "Class I taxes charged and payable for current expenses" 17238
means taxes charged and payable for current expenses on land and 17239
improvements classified as residential/agricultural real property 17240
under section 5713.041 of the Revised Code. 17241~~

~~(2) "Class I taxable value" means the taxable value of land 17242
and improvements classified as residential/agricultural real 17243
property under section 5713.041 of the Revised Code. 17244~~

~~(3) "Class I effective operating tax rate" of a school 17245
district means the quotient obtained by dividing the school 17246
district's Class I taxes charged and payable for current expenses 17247
by the district's Class I taxable value. 17248~~

~~(4) "Income tax equivalent tax rate" of a school district 17249
means the quotient obtained by dividing the income tax revenue 17250
disbursed during the current fiscal year under any tax levied 17251
pursuant to Chapter 5748. of the Revised Code by total taxable 17252
value of the district to the extent the revenue from the tax is 17253
allocated or apportioned to current expenses. 17254~~

~~(5) "Total effective operating tax rate" means the sum of the 17255
Class I effective operating tax rate and the income tax equivalent 17256
tax rate. 17257~~

Sec. 3317.022. (A)(1) The department of education shall 17258
compute and distribute state base cost funding to each school 17259
district for the fiscal year in accordance with the following 17260
formula, using adjusted total taxable value as defined in section 17261

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~~3317.02 of the Revised Code or making any adjustment required by~~ 17262
division (A)(2) of this section and using the information obtained 17263
under section 3317.021 of the Revised Code in the calendar year in 17264
which the fiscal year begins. 17265

Compute the following for each eligible district: 17266

[cost-of-doing-business factor X 17267

the formula amount X (the greater of formula ADM 17268

or three-year average formula ADM)] - 17269

(.023 X ~~adjusted total taxable value~~ recognized valuation) 17270

If the difference obtained is a negative number, the 17271
district's computation shall be zero. 17272

(2)(a) For each school district for which the tax exempt 17273
value of the district equals or exceeds twenty-five per cent of 17274
the potential value of the district, the department of education 17275
shall calculate the difference between the district's tax exempt 17276
value and twenty-five per cent of the district's potential value. 17277

(b) For each school district to which division (A)(2)(a) of 17278
this section applies, the ~~adjusted total taxable value~~ department 17279
shall adjust the recognized valuation used in the calculation 17280
under division (A)(1) of this section ~~shall be the adjusted total~~ 17281
~~taxable value~~ modified by subtracting from it the amount 17282
calculated under division (A)(2)(a) of this section. 17283

(B) As used in this section: 17284

(1) The "total special education weight" for a district means 17285
the sum of the following amounts: 17286

(a) The district's category one special education ADM 17287
multiplied by the multiple specified ~~under~~ in division (A) of 17288
section 3317.013 of the Revised Code; 17289

(b) The sum of the district's category two and category three 17290
special education ADMs multiplied by the multiple specified ~~under~~ 17291
in division (B) of section 3317.013 of the Revised Code. 17292

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(2) "State share percentage" means the percentage calculated	17293
for a district as follows:	17294
(a) Calculate the state base cost funding amount for the	17295
district for the fiscal year under division (A) of this section.	17296
If the district would not receive any state base cost funding for	17297
that year under that division, the district's state share	17298
percentage is zero.	17299
(b) If the district would receive state base cost funding	17300
under that division, divide that amount by an amount equal to the	17301
following:	17302
Cost-of-doing-business factor X	17303
the formula amount X (the greater of formula	17304
ADM or three-year average formula ADM)	17305
The resultant number is the district's state share	17306
percentage.	17307
(3) "Related services" includes:	17308
(a) Child study, special education supervisors and	17309
coordinators, speech and hearing services, adaptive physical	17310
development services, occupational or physical therapy, teacher	17311
assistants for handicapped children whose handicaps are described	17312
in division (B) of section 3317.013 or division (F)(3) of section	17313
3317.02 of the Revised Code, behavioral intervention, interpreter	17314
services, work study, nursing services, and specialized	17315
integrative services as those terms are defined by the department;	17316
(b) Speech and language services provided to any student with	17317
a handicap, including any student whose primary or only handicap	17318
is a speech and language handicap;	17319
(c) Any related service not specifically covered by other	17320
state funds but specified in federal law, including but not	17321
limited to, audiology and school psychological services;	17322

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(d) Any service included in units funded under former	17323
division (O)(1) of section 3317.023 of the Revised Code;	17324
(e) Any other related service needed by handicapped children	17325
in accordance with their individualized education plans.	17326
(4) The "total vocational education weight" for a district	17327
means the sum of the following amounts:	17328
(a) The district's category one vocational education ADM	17329
multiplied by the multiple specified in division (A) of section	17330
3317.014 of the Revised Code;	17331
(b) The district's category two vocational education ADM	17332
multiplied by the multiple specified in division (B) of section	17333
3317.014 of the Revised Code.	17334
(C)(1) The department shall compute and distribute state	17335
special education and related services additional weighted costs	17336
funds to each school district in accordance with the following	17337
formula:	17338
The district's state share percentage	17339
X the formula amount for the year	17340
for which the aid is calculated	17341
X the district's total special education weight	17342
(2) In any fiscal year, a school district receiving funds	17343
under division (C)(1) of this section shall spend on related	17344
services the lesser of the following:	17345
(a) The amount the district spent on related services in the	17346
preceding fiscal year;	17347
(b) $1/8 \times \{[\text{cost-of-doing-business factor} \times \text{the formula}$	17348
amount X (the category one special education ADM + category two	17349
special education ADM + category three special education ADM)] +	17350
the amount calculated for the fiscal year under division (C)(1) of	17351
this section + the local share of special education and related	17352

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services additional weighted costs}. 17353

(3) The attributed local share of special education and 17354
related services additional weighted costs equals: 17355

(1 - the district's state share percentage) X 17356

the district's total special education weight X 17357

the formula amount 17358

(4)(a) The department shall compute and pay in accordance 17359
with this division additional state aid to school districts for 17360
students in ~~category three~~ categories one and two special 17361
education ADM. If a district's costs for the fiscal year for a 17362
student in its ~~category three~~ categories one and two special 17363
education ADM are twenty-five thousand dollars or more, the 17364
district may submit to the superintendent of public instruction 17365
documentation, as prescribed by the superintendent, of all its 17366
costs for that student. Upon submission of documentation for a 17367
student of the type and in the manner prescribed, the department 17368
shall pay to the district an amount equal to the sum of the 17369
following: 17370

(i) One-half of the district's costs for the student in 17371
excess of twenty-five thousand dollars; 17372

(ii) The product of one-half of the district's costs for the 17373
student in excess of twenty-five thousand dollars multiplied by 17374
the district's state share percentage. 17375

(b) In fiscal year 2002, if a district's costs for a student 17376
in its category three special education ADM are twenty-five 17377
thousand dollars or more, the district may submit to the 17378
superintendent of public instruction documentation, as prescribed 17379
by the superintendent, of all its costs for that student. Upon 17380
submission of documentation for a student of the type and in the 17381
manner prescribed, the department shall pay to the district an 17382
amount equal to the sum of the following: 17383

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- (i) One-half of the district's costs for the student in excess of twenty-five thousand dollars; 17384 17385
- (ii) The product of one-half of the district's costs for the student in excess of twenty-five thousand dollars multiplied by the district's state share percentage. 17386 17387 17388
- (c) In any fiscal year after fiscal year 2002, if a district's costs for a student in its category three special education ADM are twenty thousand dollars or more, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following: 17389 17390 17391 17392 17393 17394 17395 17396 17397
- (i) One-half of the district's costs for the student in excess of twenty thousand dollars; 17398 17399
- (ii) The product of one-half of the district's costs for the student in excess of twenty thousand dollars multiplied by the district's state share percentage. 17400 17401 17402
- (d) The district shall only report under divisions (C)(4)(a) to (c) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 17403 17404 17405 17406 17407 17408 17409
- (5)(a) As used in this division, the "personnel allowance" means ~~twenty-five thousand dollars in fiscal year 2000 and thirty thousand dollars in fiscal year 2001~~ 2002 and fifty-five thousand six hundred fifty-two dollars in fiscal year 2003. 17410 17411 17412 17413
- (b) For the provision of speech services to students and for 17414

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no other purpose, the department of education shall pay each 17415
school district an amount calculated under the following formula: 17416
 (formula ADM divided by 2000) X 17417
 the personnel allowance X the state share percentage 17418

(6) In any fiscal year, a school district receiving funds 17419
under division (C)(1) of this section shall spend those funds only 17420
for the purposes that the department designates as approved for 17421
special education expenses. 17422

(D)(1) As used in this division: 17423

(a) "Daily bus miles per student" equals the number of bus 17424
miles traveled per day, divided by transportation base. 17425

(b) "Transportation base" equals total student count as 17426
defined in section 3301.011 of the Revised Code, minus the number 17427
of students enrolled in preschool handicapped units, plus the 17428
number of nonpublic school students included in transportation 17429
ADM. 17430

(c) "Transported student percentage" equals transportation 17431
ADM divided by transportation base. 17432

(d) "Transportation cost per student" equals total operating 17433
costs for board-owned or contractor-operated school buses divided 17434
by transportation base. 17435

(2) Analysis of student transportation cost data has resulted 17436
in a finding that an average efficient transportation use cost per 17437
student can be calculated by means of a regression formula that 17438
has as its two independent variables the number of daily bus miles 17439
per student and the transported student percentage. For fiscal 17440
year 1998 transportation cost data, the average efficient 17441
transportation use cost per student is expressed as follows: 17442
17443

51.79027 + (139.62626 X daily bus miles per student) + 17444
(116.25573 X transported student percentage) 17445

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

(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the one-year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	<u>The greater</u> <u>of 60% or</u> <u>the</u> <u>district's</u>	

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state sharepercentage

The payments made under division (D)(3) of this section each 17475
 year shall be calculated based on all of the same prior year's 17476
 data used to update the formula. 17477

(4) In addition to funds paid under divisions (D)(2) and (3) 17478
 of this section, a school district shall receive a rough road 17479
 subsidy if both of the following apply: 17480

(a) Its county rough road percentage is higher than the 17481
 statewide rough road percentage, as those terms are defined in 17482
 division (D)(5) of this section; 17483

(b) Its district student density is lower than the statewide 17484
 student density, as those terms are defined in that division. 17485

(5) The rough road subsidy paid to each district meeting the 17486
 qualifications of division (D)(4) of this section shall be 17487
 calculated in accordance with the following formula: 17488

(per rough mile subsidy X total rough road miles) X 17489
 density multiplier 17490

where: 17491

(a) "Per rough mile subsidy" equals the amount calculated in 17492
 accordance with the following formula: 17493

0.75 - {0.75 X [(maximum rough road percentage - 17494
 county rough road percentage)/(maximum rough road percentage - 17495
 statewide rough road percentage)]} 17496
 17497

(i) "Maximum rough road percentage" means the highest county 17498
 rough road percentage in the state. 17499

(ii) "County rough road percentage" equals the percentage of 17500
 the mileage of state, municipal, county, and township roads that 17501
 is rated by the department of transportation as type A, B, C, E2, 17502

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or F in the county in which the school district is located or, if
the district is located in more than one county, the county to
which it is assigned for purposes of determining its
cost-of-doing-business factor.

(iii) "Statewide rough road percentage" means the percentage
of the statewide total mileage of state, municipal, county, and
township roads that is rated as type A, B, C, E2, or F by the
department of transportation.

(b) "Total rough road miles" means a school district's total
bus miles traveled in one year times its county rough road
percentage.

(c) "Density multiplier" means a figure calculated in
accordance with the following formula:

$$1 - [(\text{minimum student density} - \text{district student} \\ \text{density}) / (\text{minimum student density} - \\ \text{statewide student density})]$$

(i) "Minimum student density" means the lowest district
student density in the state.

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

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

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

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such students.

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

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(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:

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17546

state share percentage X

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the formula amount X

17548

total vocational education weight

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In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses.

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

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17556

state share percentage X .05 X

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the formula amount X the sum of categories one and two

17558

vocational education ADM

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In any fiscal year, a school district receiving funds under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated

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services expenses, which may include such purposes as 17565
apprenticeship coordinators, coordinators for other vocational 17566
education services, vocational evaluation, and other purposes 17567
designated by the department. The department may deny payment 17568
under division (E)(2) of this section to any district that the 17569
department determines is not operating those services or is using 17570
funds paid under division (E)(2) of this section, or through a 17571
transfer of funds pursuant to division (L) of section 3317.023 of 17572
the Revised Code, for other purposes. 17573

~~In fiscal years 2000 and 2001, each school district shall 17574
continue to offer the same number of the vocational education 17575
programs that the district offered in fiscal year 1999, unless the 17576
department of education expressly agrees that the district may 17577
offer fewer programs in either fiscal year 2000 or 2001 or both. 17578~~

(F) Beginning in fiscal year 2003, the actual local share in 17579
any fiscal year for the combination of special education and 17580
related services additional weighted costs funding calculated 17581
under division (C)(1) of this section, transportation funding 17582
calculated under divisions (D)(2) and (3) of this section, and 17583
vocational education and associated services additional weighted 17584
costs funding calculated under divisions (E)(1) and (2) of this 17585
section shall not exceed for any school district the product of 17586
three mills times the district's recognized valuation. Beginning 17587
in fiscal year 2003, the department annually shall pay each school 17588
district as an excess cost supplement any amount by which the sum 17589
of the district's attributed local shares for that funding exceeds 17590
that product. For purposes of calculating the excess cost 17591
supplement: 17592

(1) The attributed local share for special education and 17593
related services additional weighted costs funding is the amount 17594
specified in division (C)(3) of this section. 17595

(2) The attributed local share of transportation funding 17596

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equals the difference of the total amount calculated for the 17597
district using the formula developed under division (D)(2) of this 17598
section minus the actual amount paid to the district after 17599
applying the percentage specified in division (D)(3) of this 17600
section. 17601

(3) The attributed local share of vocational education and 17602
associated services additional weighted costs funding is the 17603
amount determined as follows: 17604

(1 - state share percentage) X 17605
[(total vocational education weight X the formula amount) + 17606
the payment under division (E)(2) of this section] 17607

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 17608
Revised Code, the amounts required to be paid to a district under 17609
this chapter shall be adjusted by the amount of the computations 17610
made under divisions (B) to ~~(K)~~(L) of this section. 17611

As used in this section: 17612

(1) "Classroom teacher" means a licensed employee who 17613
provides direct instruction to pupils, excluding teachers funded 17614
from money paid to the district from federal sources; educational 17615
service personnel; and vocational and special education teachers. 17616

(2) "Educational service personnel" shall not include such 17617
specialists funded from money paid to the district from federal 17618
sources or assigned full-time to vocational or special education 17619
students and classes and may only include those persons employed 17620
in the eight specialist areas in a pattern approved by the 17621
department of education under guidelines established by the state 17622
board of education. 17623

(3) "Annual salary" means the annual base salary stated in 17624
the state minimum salary schedule for the performance of the 17625
teacher's regular teaching duties that the teacher earns for 17626

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services rendered for the first full week of October of the fiscal 17627
year for which the adjustment is made under division (C) of this 17628
section. It shall not include any salary payments for supplemental 17629
teachers contracts. 17630

(4) "Regular student population" means the formula ADM plus 17631
the number of students reported as enrolled in the district 17632
pursuant to division (A)(1) of section 3313.981 of the Revised 17633
Code; minus the number of students reported under division (A)(2) 17634
of section 3317.03 of the Revised Code; minus the FTE of students 17635
reported under division (B)(5), (6), (7), (8), or (9) of that 17636
section who are enrolled in a vocational education class or 17637
receiving special education; and minus one-fourth of the students 17638
enrolled concurrently in a joint vocational school district. 17639

(5) "State share percentage" has the same meaning as in 17640
section 3317.022 of the Revised Code. 17641

(6) "VEPD" means a school district or group of school 17642
districts designated by the department of education as being 17643
responsible for the planning for and provision of vocational 17644
education services to students within the district or group. 17645

(7) "Lead district" means a school district, including a 17646
joint vocational school district, designated by the department as 17647
a VEPD, or designated to provide primary vocational education 17648
leadership within a VEPD composed of a group of districts. 17649

(B) If the district employs less than one full-time 17650
equivalent classroom teacher for each twenty-five pupils in the 17651
regular student population in any school district, deduct the sum 17652
of the amounts obtained from the following computations: 17653

(1) Divide the number of the district's full-time equivalent 17654
classroom teachers employed by one twenty-fifth; 17655

(2) Subtract the quotient in (1) from the district's regular 17656
student population; 17657

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(3) Multiply the difference in (2) by seven hundred fifty-two 17658
dollars. 17659

(C) If a positive amount, add one-half of the amount obtained 17660
by multiplying the number of full-time equivalent classroom 17661
teachers by: 17662

(1) The mean annual salary of all full-time equivalent 17663
classroom teachers employed by the district at their respective 17664
training and experience levels minus; 17665

(2) The mean annual salary of all such teachers at their 17666
respective levels in all school districts receiving payments under 17667
this section. 17668

The number of full-time equivalent classroom teachers used in 17669
this computation shall not exceed one twenty-fifth of the 17670
district's regular student population. In calculating the 17671
district's mean salary under this division, those full-time 17672
equivalent classroom teachers with the highest training level 17673
shall be counted first, those with the next highest training level 17674
second, and so on, in descending order. Within the respective 17675
training levels, teachers with the highest years of service shall 17676
be counted first, the next highest years of service second, and so 17677
on, in descending order. 17678

(D) This division does not apply to a school district that 17679
has entered into an agreement under division (A) of section 17680
3313.42 of the Revised Code. Deduct the amount obtained from the 17681
following computations if the district employs fewer than five 17682
full-time equivalent educational service personnel, including 17683
elementary school art, music, and physical education teachers, 17684
counselors, librarians, visiting teachers, school social workers, 17685
and school nurses for each one thousand pupils in the regular 17686
student population: 17687

(1) Divide the number of full-time equivalent educational 17688

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service personnel employed by the district by five 17689
one-thousandths; 17690

(2) Subtract the quotient in (1) from the district's regular 17691
student population; 17692

(3) Multiply the difference in (2) by ninety-four dollars. 17693

(E) If a local school district, or a city or exempted village 17694
school district to which a governing board of an educational 17695
service center provides services pursuant to section 3313.843 of 17696
the Revised Code, deduct the amount of the payment required for 17697
the reimbursement of the governing board under section 3317.11 of 17698
the Revised Code. 17699

(F)(1) If the district is required to pay to or entitled to 17700
receive tuition from another school district under division (C)(2) 17701
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 17702
or if the superintendent of public instruction is required to 17703
determine the correct amount of tuition and make a deduction or 17704
credit under section 3317.08 of the Revised Code, deduct and 17705
credit such amounts as provided in division (I) of section 3313.64 17706
or section 3317.08 of the Revised Code. 17707

(2) For each child for whom the district is responsible for 17708
tuition or payment under division (A)(1) of section 3317.082 or 17709
section 3323.091 of the Revised Code, deduct the amount of tuition 17710
or payment for which the district is responsible. 17711

(G) If the district has been certified by the superintendent 17712
of public instruction under section 3313.90 of the Revised Code as 17713
not in compliance with the requirements of that section, deduct an 17714
amount equal to ten per cent of the amount computed for the 17715
district under section 3317.022 of the Revised Code. 17716

(H) If the district has received a loan from a commercial 17717
lending institution for which payments are made by the 17718
superintendent of public instruction pursuant to division (E)(3) 17719

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of section 3313.483 of the Revised Code, deduct an amount equal to 17720
such payments. 17721

(I)(1) If the district is a party to an agreement entered 17722
into under division (D), (E), or (F) of section 3311.06 or 17723
division (B) of section 3311.24 of the Revised Code and is 17724
obligated to make payments to another district under such an 17725
agreement, deduct an amount equal to such payments if the district 17726
school board notifies the department in writing that it wishes to 17727
have such payments deducted. 17728

(2) If the district is entitled to receive payments from 17729
another district that has notified the department to deduct such 17730
payments under division (I)(1) of this section, add the amount of 17731
such payments. 17732

(J) If the district is required to pay an amount of funds to 17733
a cooperative education district pursuant to a provision described 17734
by division (B)(4) of section 3311.52 or division (B)(8) of 17735
section 3311.521 of the Revised Code, deduct such amounts as 17736
provided under that provision and credit those amounts to the 17737
cooperative education district for payment to the district under 17738
division (B)(1) of section 3317.19 of the Revised Code. 17739

(K)(1) If a district is educating a student entitled to 17740
attend school in another district pursuant to a shared education 17741
contract, compact, or cooperative education agreement other than 17742
an agreement entered into pursuant to section 3313.842 of the 17743
Revised Code, credit to that educating district on an FTE basis 17744
both of the following: 17745

(a) An amount equal to the formula amount times the cost of 17746
doing business factor of the school district where the student is 17747
entitled to attend school pursuant to section 3313.64 or 3313.65 17748
of the Revised Code; 17749

(b) An amount equal to the formula amount times the state 17750

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share percentage times any multiple applicable to the student 17751
pursuant to section 3317.013 or 3317.014 of the Revised Code. 17752

(2) Deduct any amount credited pursuant to division (K)(1) of 17753
this section from amounts paid to the school district in which the 17754
student is entitled to attend school pursuant to section 3313.64 17755
or 3313.65 of the Revised Code. 17756

(3) If the district is required by a shared education 17757
contract, compact, or cooperative education agreement to make 17758
payments to an educational service center, deduct the amounts from 17759
payments to the district and add them to the amounts paid to the 17760
service center pursuant to section 3317.11 of the Revised Code. 17761

(L)(1) If a district, including a joint vocational school 17762
district, is a lead district of a VEPD, credit to that district 17763
the amounts calculated for all the school districts within that 17764
VEPD pursuant to division (E)(2) of section 3317.022 of the 17765
Revised Code. 17766

(2) Deduct from each appropriate district that is not a lead 17767
district, the amount attributable to that district that is 17768
credited to a lead district under division (L)(1) of this section. 17769

Sec. 3317.024. In addition to the moneys paid to eligible 17770
school districts pursuant to section 3317.022 of the Revised Code, 17771
moneys appropriated for the education programs in divisions (A) to 17772
(H), (J) to (L), (O), (P), and (R) of this section shall be 17773
distributed to school districts meeting the requirements of 17774
section 3317.01 of the Revised Code; in the case of divisions (J) 17775
and (P) of this section, to educational service centers as 17776
provided in section 3317.11 of the Revised Code; in the case of 17777
divisions (E), (M), and (N) of this section, to county MR/DD 17778
boards; in the case of division (R) of this section, to joint 17779
vocational school districts; in the case of division (K) of this 17780
section, to cooperative education school districts; and in the 17781

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case of division (Q) of this section, to the institutions defined 17782
under section 3317.082 of the Revised Code providing elementary or 17783
secondary education programs to children other than children 17784
receiving special education under section 3323.091 of the Revised 17785
Code. The following shall be distributed monthly, quarterly, or 17786
annually as may be determined by the state board of education: 17787

(A) A per pupil amount to each school district that 17788
establishes a summer school remediation program that complies with 17789
rules of the state board of education. 17790

(B) An amount for each island school district and each joint 17791
state school district for the operation of each high school and 17792
each elementary school maintained within such district and for 17793
capital improvements for such schools. Such amounts shall be 17794
determined on the basis of standards adopted by the state board of 17795
education. 17796

(C) An amount for each school district operating classes for 17797
children of migrant workers who are unable to be in attendance in 17798
an Ohio school during the entire regular school year. The amounts 17799
shall be determined on the basis of standards adopted by the state 17800
board of education, except that payment shall be made only for 17801
subjects regularly offered by the school district providing the 17802
classes. 17803

(D) An amount for each school district with guidance, 17804
testing, and counseling programs approved by the state board of 17805
education. The amount shall be determined on the basis of 17806
standards adopted by the state board of education. 17807

(E) An amount for the emergency purchase of school buses as 17808
provided for in section 3317.07 of the Revised Code; 17809

(F) An amount for each school district required to pay 17810
tuition for a child in an institution maintained by the department 17811
of youth services pursuant to section 3317.082 of the Revised 17812

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Code, provided the child was not included in the calculation of
the district's average daily membership for the preceding school
year.

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

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

(I) Notwithstanding section 3317.01 of the Revised Code, but
only until June 30, 1999, to each city, local, and exempted
village school district, an amount for conducting driver education
courses at high schools for which the state board of education
prescribes minimum standards and to joint vocational and
cooperative education school districts and educational service
centers, an amount for conducting driver education courses to
pupils enrolled in a high school for which the state board
prescribes minimum standards. No payments shall be made under this
division after June 30, 1999.

(J) An amount for the approved cost of transporting
developmentally handicapped pupils whom it is impossible or
impractical to transport by regular school bus in the course of
regular route transportation provided by the district or service
center. No district or service center is eligible to receive a
payment under this division for the cost of transporting any pupil
whom it transports by regular school bus and who is included in
the district's transportation ADM. The state board of education

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shall establish standards and guidelines for use by the department 17845
of education in determining the approved cost of such 17846
transportation for each district or service center. 17847

(K) An amount to each school district, including each 17848
cooperative education school district, pursuant to section 3313.81 17849
of the Revised Code to assist in providing free lunches to needy 17850
children and an amount to assist needy school districts in 17851
purchasing necessary equipment for food preparation. The amounts 17852
shall be determined on the basis of rules adopted by the state 17853
board of education. 17854

(L) An amount to each school district, for each pupil 17855
attending a chartered nonpublic elementary or high school within 17856
the district. The amount shall equal the amount appropriated for 17857
the implementation of section 3317.06 of the Revised Code divided 17858
by the average daily membership in grades kindergarten through 17859
twelve in nonpublic elementary and high schools within the state 17860
as determined during the first full week in October of each school 17861
year. 17862

(M) An amount for each county MR/DD board, distributed on the 17863
basis of standards adopted by the state board of education, for 17864
the approved cost of transportation required for children 17865
attending special education programs operated by the county MR/DD 17866
board under section 3323.09 of the Revised Code; 17867

(N) An amount for each county MR/DD board, distributed on the 17868
basis of standards adopted by the state board of education, for 17869
supportive home services for preschool children; 17870

(O) An amount for each school district that establishes a 17871
mentor teacher program that complies with rules of the state board 17872
of education. No school district shall be required to establish or 17873
maintain such a program in any year unless sufficient funds are 17874
appropriated to cover the district's total costs for the program. 17875

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

(Q) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A)(1) of section 3317.082 of the Revised Code.

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

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come

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directly or indirectly from the United States or any agency or
department thereof or through the state or any agency, department,
or political subdivision thereof.

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

(1) "DPIA percentage" means the quotient obtained by dividing
the five-year average number of children ages five to seventeen
residing in the school district and living in a family receiving
family assistance, as certified or adjusted under section 3317.10
of the Revised Code, by the district's three-year average formula
ADM.

(2) "Family assistance" means assistance received under the
Ohio works first program or, for the purpose of determining the
five-year average number of recipients of family assistance in
fiscal years 1999 through 2002, assistance received under an
antecedent program known as TANF or ADC.

(3) "Statewide DPIA percentage" means the five-year average
of the total number of children ages five to seventeen years
residing in the state and receiving family assistance, divided by
the sum of the three-year average formula ADMs for all school
districts in the state.

(4) "DPIA index" means the quotient obtained by dividing the
school district's DPIA percentage by the statewide DPIA
percentage.

(5) "Kindergarten ADM" means the number of students reported
under section 3317.03 of the Revised Code as enrolled in
kindergarten.

(6) "Kindergarten through third grade ADM" means the amount
calculated as follows:

(a) Multiply the kindergarten ADM by the sum of one plus the
all-day kindergarten percentage;

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- (b) Add the number of students in grades one through three; 17938
- (c) Subtract from the sum calculated under division (A)(6)(b) 17939
of this section the number of special education students in grades 17940
kindergarten through three. 17941
- (7) "Statewide average teacher salary" means ~~forty~~ forty-two 17942
thousand ~~one~~ four hundred ~~eighty-seven~~ sixty-nine dollars in 17943
fiscal year ~~2000~~ 2002, and ~~forty-one~~ forty-three thousand ~~three~~ 17944
six hundred ~~twelve~~ fifty-eight dollars in fiscal year ~~2001~~ 2003, 17945
which includes an amount for the value of fringe benefits. 17946
- (8) "All-day kindergarten" means a kindergarten class that is 17947
in session five days per week for not less than the same number of 17948
clock hours each day as for pupils in grades one through six. 17949
- (9) "All-day kindergarten percentage" means the percentage of 17950
a district's actual total number of students enrolled in 17951
kindergarten who are enrolled in all-day kindergarten. 17952
- (10) "Buildings with the highest concentration of need" means 17953
the school buildings in a district with percentages of students 17954
receiving family assistance in grades kindergarten through three 17955
at least as high as the district-wide percentage of students 17956
receiving family assistance. If, however, the information provided 17957
by the department of job and family services under section 3317.10 17958
of the Revised Code is insufficient to determine the family 17959
assistance percentage in each building, "buildings with the 17960
highest concentration of need" has the meaning given in rules that 17961
the department of education shall adopt. The rules shall base the 17962
definition of "buildings with the highest concentration of need" 17963
on family income of students in grades kindergarten through three 17964
in a manner that, to the extent possible with available data, 17965
approximates the intent of this division and division (G) of this 17966
section to designate buildings where the family assistance 17967
percentage in those grades equals or exceeds the district-wide 17968

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family assistance percentage. 17969

(B) In addition to the amounts required to be paid to a 17970
school district under section 3317.022 of the Revised Code, a 17971
school district shall receive the greater of the amount the 17972
district received in fiscal year 1998 pursuant to division (B) of 17973
section 3317.023 of the Revised Code as it existed at that time or 17974
the sum of the computations made under divisions (C) to (E) of 17975
this section. 17976

(C) A supplemental payment that may be utilized for measures 17977
related to safety and security and for remediation or similar 17978
programs, calculated as follows: 17979

(1) If the DPIA index of the school district is greater than 17980
or equal to thirty-five-hundredths, but less than one, an amount 17981
obtained by multiplying the five-year average number of pupils in 17982
a district receiving family assistance by two hundred thirty 17983
dollars; 17984

(2) If the DPIA index of the school district is greater than 17985
or equal to one, an amount obtained by multiplying the DPIA index 17986
by two hundred thirty dollars and multiplying that product by the 17987
five-year average number of pupils in a district receiving family 17988
assistance. 17989

Except as otherwise provided in division (F) of this section, 17990
beginning with the school year that starts July 1, 2002, each 17991
school district annually shall use at least twenty per cent of the 17992
funds calculated for the district under this division for 17993
intervention services required by section 3313.608 of the Revised 17994
Code. 17995

(D) A payment for all-day kindergarten if the DPIA index of 17996
the school district is greater than or equal to one or if the 17997
district's three-year average formula ADM exceeded seventeen 17998
thousand five hundred, calculated by multiplying the all-day 17999

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kindergarten percentage by the kindergarten ADM and multiplying
that product by the formula amount.

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

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

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

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

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}$$

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

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

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

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(3) Calculate the number of new teachers as follows: 18031

(a) Multiply the kindergarten through third grade ADM by 18032
43.478, which is the number of teachers per one thousand students 18033
at a student-teacher ratio of twenty-three to one, and divide that 18034
product by one thousand; 18035

(b) Subtract the quotient obtained in division (E)(3)(a) of 18036
this section from the product in division (E)(2) of this section. 18037

(4) Multiply the greater of the difference obtained under 18038
division (E)(3) of this section or zero by the statewide average 18039
teachers salary. 18040

(F) This division applies only to school districts whose DPIA 18041
index is one or greater. 18042

(1) Each school district subject to this division shall first 18043
utilize funds received under this section so that, when combined 18044
with other funds of the district, sufficient funds exist to 18045
provide all-day kindergarten to at least the number of children in 18046
the district's all-day kindergarten percentage. 18047

(2) Up to an amount equal to the district's DPIA index 18048
multiplied by the five-year average number of pupils in a district 18049
receiving family assistance multiplied by two hundred thirty 18050
dollars of the money distributed under this section may be 18051
utilized for one or both of the following: 18052

(a) Programs designed to ensure that schools are free of 18053
drugs and violence and have a disciplined environment conducive to 18054
learning; 18055

(b) Remediation for students who have failed or are in danger 18056
of failing any of the proficiency tests administered pursuant to 18057
section 3301.0710 of the Revised Code. 18058

Beginning with the school year that starts on July 1, 2002, 18059
each school district shall use at least twenty per cent of the 18060

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funds set aside for the purposes of divisions (F)(2)(a) and (b) of 18061
this section to provide intervention services required by section 18062
3313.608 of the Revised Code. 18063

(3) Except as otherwise required by division (G) or permitted 18064
under division (K) of this section, all other funds distributed 18065
under this section to districts subject to this division shall be 18066
utilized for the purpose of the third grade guarantee. The third 18067
grade guarantee consists of increasing the amount of instructional 18068
attention received per pupil in kindergarten through third grade, 18069
either by reducing the ratio of students to instructional 18070
personnel or by increasing the amount of instruction and 18071
curriculum-related activities by extending the length of the 18072
school day or the school year. 18073

School districts may implement a reduction of the ratio of 18074
students to instructional personnel through any or all of the 18075
following methods: 18076

(a) Reducing the number of students in a classroom taught by 18077
a single teacher; 18078

(b) Employing full-time educational aides or educational 18079
paraprofessionals issued a permit or license under section 18080
3319.088 of the Revised Code; 18081

(c) Instituting a team-teaching method that will result in a 18082
lower student-teacher ratio in a classroom. 18083

Districts may extend the school day either by increasing the 18084
amount of time allocated for each class, increasing the number of 18085
classes provided per day, offering optional academic-related 18086
after-school programs, providing curriculum-related extra 18087
curricular activities, or establishing tutoring or remedial 18088
services for students who have demonstrated an educational need. 18089
In accordance with section 3319.089 of the Revised Code, a 18090
district extending the school day pursuant to this division may 18091

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utilize a participant of the work experience program who has a
child enrolled in a public school in that district and who is
fulfilling the work requirements of that program by volunteering
or working in that public school. If the work experience program
participant is compensated, the school district may use the funds
distributed under this section for all or part of the
compensation.

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

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

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

(2) Annually by the end of December, the department of

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education, utilizing data from the information system established 18124
under section 3301.0714 of the Revised Code and after consultation 18125
with the legislative office of education oversight, shall 18126
determine for each school district subject to division (F) of this 18127
section whether in the preceding fiscal year the district's ratio 18128
of instructional personnel to students and its number of 18129
kindergarten students receiving all-day kindergarten appear 18130
reasonable, given the amounts of money the district received for 18131
that fiscal year pursuant to divisions (D) and (E) of this 18132
section. If the department is unable to verify from the data 18133
available that students are receiving reasonable amounts of 18134
instructional attention and all-day kindergarten, given the funds 18135
the district has received under this section and that class-size 18136
reduction funds are being used in school buildings with the 18137
highest concentration of need as required by division (G) of this 18138
section, the department shall conduct a more intensive 18139
investigation to ensure that funds have been expended as required 18140
by this section. The department shall file an annual report of its 18141
findings under this division with the chairpersons of the 18142
committees in each house of the general assembly dealing with 18143
finance and education. 18144

(I) Any school district with a DPIA index less than one and a 18145
three-year average formula ADM exceeding seventeen thousand five 18146
hundred shall first utilize funds received under this section so 18147
that, when combined with other funds of the district, sufficient 18148
funds exist to provide all-day kindergarten to at least the number 18149
of children in the district's all-day kindergarten percentage. 18150
Such a district shall expend at least seventy per cent of the 18151
remaining funds received under this section, and any other 18152
district with a DPIA index less than one shall expend at least 18153
seventy per cent of all funds received under this section, for any 18154
of the following purposes: 18155

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(1) The purchase of technology for instructional purposes;	18156
(2) All-day kindergarten;	18157
(3) Reduction of class sizes;	18158
(4) Summer school remediation;	18159
(5) Dropout prevention programs;	18160
(6) Guaranteeing that all third graders are ready to progress to more advanced work;	18161 18162
(7) Summer education and work programs;	18163
(8) Adolescent pregnancy programs;	18164
(9) Head start or preschool programs;	18165
(10) Reading improvement programs described by the department of education;	18166 18167
(11) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	18168 18169 18170
(12) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;	18171 18172 18173 18174 18175 18176
(13) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	18177 18178
Each district shall submit to the department, in such format and at such time as the department shall specify, a report on the programs for which it expended funds under this division.	18179 18180 18181
(J) If at any time the superintendent of public instruction determines that a school district receiving funds under division	18182 18183

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(D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage and the percentage actually enrolled in all-day kindergarten.

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

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

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

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

(2) A district may use a portion of the funds described in division (F)(3) of this section to modify or purchase classroom space to enable it to further reduce class size in grades kindergarten through two with a goal of attaining class sizes of fifteen students per licensed teacher. To do so, the district must certify its need for additional space to the department, in a manner satisfactory to the department.

Sec. 3317.0212. Divisions (B) and (C) of this section do not apply to a school district with a formula ADM of one hundred fifty or less.

(A) As used in this section:

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

(a) Minus the amount for transportation;

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

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

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

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

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

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

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(h) Plus any additional amount paid in the applicable fiscal year pursuant to the special education recomputation required by former division (I) of section 3317.023 of the Revised Code;	18244 18245 18246
(i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;	18247 18248
(j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;	18249 18250
(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 applicable fiscal year.	18251 18252 18253 18254
(2) "State basic aid" for a district for any fiscal year after fiscal year 1999 means the sum of the following:	18255 18256
(a) The amount computed for the district for base cost funding, special education funding, and vocational education funding under divisions (A), (C)(1) and (5), and (E) of section 3317.022 and sections 3317.025 and 3317.027 of the Revised Code and DPIA aid under section 3317.029 of the Revised Code in the current fiscal year before any deduction or credit required by 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 Revised Code;	18257 18258 18259 18260 18261 18262 18263 18264 18265
(b) Any amounts for which the district is eligible pursuant to division (C) of section 3317.023, divisions (G), (P), and (R) of section 3317.024, and the supplemental unit allowance paid for gifted units under division (B) of section 3317.162 <u>3317.053</u> of the Revised Code;	18266 18267 18268 18269 18270
(c) Any equity aid for which the district is eligible under section 3317.0213 of the Revised Code.	18271 18272
(3) "Adjusted FY 1999 actual aid" has the same meaning as in	18273

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~~Section 18 of Am. Sub. H.B. 650 of the 122nd general assembly, as amended.~~ 18274
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~~(4) "Vocational education set-aside" means the up to \$24,193,118 earmarked for additional school district vocational education grants under appropriation item 200-545, vocational education enhancements, in Am. Sub. H.B. 770 of the 122nd general assembly.~~ 18276
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(B) Upon request of the department of education, the treasurer of any school district or educational service center shall furnish data needed to calculate the amounts specified in divisions (A)(1)(e) and (f) of this section. The department shall compute and pay the state basic aid guarantee for each school district for the fiscal year as follows: 18281
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(1) Subtract the amount of state basic aid from the amount of fundamental FY 1998 state aid. If a negative number, this computation shall be deemed to be zero. 18287
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(2) Pay the district any positive amount calculated under division (B)(1) of this section. 18290
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~~(C) In fiscal year 2000, the department shall calculate for each district the sum of the district's state basic aid for that fiscal year, plus any amount calculated under division (B)(1) of this section, plus the transportation portion of state aid computed for the district for that fiscal year under division (D) of the version of section 3317.022 of the Revised Code in effect that fiscal year. If a district's adjusted FY 1999 actual aid is greater than that sum, then the department shall pay the district in that fiscal year one hundred per cent of the difference 2002, if a school district's composite state funding for that fiscal year is less than its composite state funding for fiscal year 2001, the department shall pay the district the difference as transitional aid. For purposes of this division:~~ 18292
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(1) A district's composite state funding for fiscal year 2001 18305
equals its state basic aid for that year plus the amounts 18306
calculated for the district that year under this section, division 18307
(D) of section 3317.022, sections 3317.0215 and 3317.0216, and 18308
division (C) of section 3317.04 of the Revised Code, after any 18309
adjustment made pursuant to Section 18 of Am. Sub. H.B. 650 of the 18310
122nd General Assembly, as subsequently amended. 18311

(2) A district's composite state funding for fiscal year 2002 18312
equals its state basic aid for that year plus the amounts 18313
calculated for the district that year under this section, division 18314
(D) of section 3317.022, sections 3317.0216 and 3317.0217, and 18315
division (C) of section 3317.04 of the Revised Code. 18316

(D)(1) The state basic aid guarantee in any fiscal year for a 18317
school district with a formula ADM of one hundred fifty or less 18318
shall be the greatest of the following amounts: 18319

(a) The district's state basic aid for the fiscal year; 18320

(b) The district's fundamental FY 1998 state aid; 18321

(c) The district's fundamental FY 1997 state aid. 18322

(2) If in any fiscal year the state basic aid for a school 18323
district with a formula ADM of one hundred fifty or less is less 18324
than the guarantee amount determined for the district under 18325
division (D)(1) of this section, the department of education shall 18326
pay the district the amount of the difference. 18327

Sec. 3317.0213. No money shall be distributed under this 18328
section after fiscal year ~~2002~~ 2005. 18329

(A) As used in this section: 18330

(1) "ADM" for any school district means: 18331

(a) In fiscal year 1999, the FY 1998 ADM; 18332

(b) In fiscal years 2000 through ~~2002~~ 2005, the formula ADM 18333

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reported for the previous fiscal year. 18334

(2) "Average taxable value" means the average of the amounts 18335
certified for a district in the second, third, and fourth 18336
preceding fiscal years under divisions (A)(1) and (2) of section 18337
3317.021 of the Revised Code. 18338

(3) "Valuation per pupil" for a district means: 18339

(a) In fiscal year 1999, the district's average taxable 18340
value, divided by the district's FY 1998 ADM; 18341

(b) In a fiscal year that occurs after fiscal year 1999, the 18342
district's average taxable value, divided by the district's 18343
formula ADM for the preceding fiscal year. 18344

(4) "Threshold valuation" means: 18345

(a) In fiscal year 1999, the adjusted valuation per pupil of 18346
the school district with the two hundred twenty-ninth lowest 18347
adjusted valuation per pupil in the state, according to data 18348
available at the time of the computation under division (B) of 18349
this section; 18350

(b) In fiscal year 2000, the adjusted valuation per pupil of 18351
the district with the one hundred ninety-sixth lowest such 18352
valuation in the state; 18353

(c) In fiscal year 2001, the adjusted valuation per pupil of 18354
the district with the one hundred sixty-third lowest such 18355
valuation in the state; 18356

(d) In fiscal ~~year~~ years 2002 through 2005, the adjusted 18357
valuation per pupil of the district with the 18358
one-hundred-eighteenth lowest such valuation in the state. 18359

(5) "Adjusted valuation per pupil" for a district means an 18360
amount calculated in accordance with the following formula: 18361

The district's valuation per pupil - 18362

(\$30,000 X (one minus the 18363

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district's income factor)) 18364

(6) "Millage rate" means .012 in fiscal year 1999, .011 in 18365
fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal 18366
year years 2002 through 2005. 18367

(7) "Payment percentage" equals 100% prior to fiscal year 18368
2003, 75% in fiscal year 2003, 50% in fiscal year 2004, 25% in 18369
fiscal year 2005, and zero after fiscal year 2005. 18370

(B) Beginning in fiscal year 1993, during August of each 18371
fiscal year, the department of education shall distribute to each 18372
school district meeting the requirements of section 3317.01 of the 18373
Revised Code whose adjusted valuation per pupil is less than the 18374
threshold valuation, an amount calculated in accordance with the 18375
following formula: 18376

(The threshold valuation - 18377
the district's adjusted valuation per pupil) X 18378
millage rate X ADM X the payment percentage 18379

Sec. 3317.0216. (A) As used in this section: 18380

(1) "Total taxes charged and payable for current expenses" 18381
means the sum of the taxes charged and payable as certified under 18382
division (A)(3)(a) of section 3317.021 of the Revised Code less 18383
any amounts reported under division (A)(3)(b) of that section, and 18384
the tax distribution for the preceding year under any school 18385
district income tax levied by the district pursuant to Chapter 18386
5748. of the Revised Code to the extent the revenue from the 18387
income tax is allocated or apportioned to current expenses. 18388

~~(2) "State equalization enhancement payments" means any 18389~~
~~payment made to a school district pursuant to section 3317.0215 of 18390~~
~~the Revised Code for the preceding fiscal year.~~ 18391

~~(3)~~ "Charge-off amount" means the product obtained by 18392
multiplying two and three-tenths per cent by ~~adjusted total~~ 18393

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~~taxable value~~ recognized valuation. 18394

~~(4) "Total receipts available for current expenses" of a 18395
school district means the sum of total taxes charged and payable 18396
for current expenses and the district's state equalization 18397
enhancement payments. 18398~~

~~(5) "Local share of special education and related services 18399
additional weighted costs" has the same meaning as in division 18400
(C)(3) of section 3317.022 of the Revised Code. 18401~~

~~(6) "Local share of vocational education and associated 18402
services additional weighted costs" for each school district means 18403
the amount determined as follows: 18404~~

~~(1 -- state share percentage as defined in section 18405
3317.022 of the Revised Code) X [(total vocational 18406
education weight as defined in that section X 18407
the formula amount) + the district's payment under division (E)(2) 18408
of section 3317.022 of the Revised Code] 18409~~

(3) Until fiscal year 2003, the "actual local share of 18410
special education, transportation, and vocational education 18411
funding" for any school district means the sum of the district's 18412
attributed local shares described in divisions (F)(1) to (3) of 18413
section 3317.022 of the Revised Code. Beginning in fiscal year 18414
2003, the "actual local share of special education, 18415
transportation, and vocational education funding" means that sum 18416
minus the amount of any excess cost supplement payment calculated 18417
for the district under division (F) of section 3317.022 of the 18418
Revised Code. 18419

(B) Upon receiving the certifications under section 3317.021 18420
of the Revised Code, the department of education shall determine 18421
for each city, local, and exempted village school district whether 18422
the district's charge-off amount is greater than the district's 18423
total ~~receipts available~~ taxes charged and payable for current 18424
expenses, and if it is, shall pay the district the amount of the 18425

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difference. A payment shall not be made to any school district for 18426
which the computation under division (A) of section 3317.022 of 18427
the Revised Code equals zero. 18428

(C)(1) If a district's charge-off amount is equal to or 18429
greater than its total ~~receipts available~~ taxes charged and 18430
payable for current expenses, the department shall, in addition to 18431
the payment required under division (B) of this section, pay the 18432
district the amount of ~~the~~ its actual local share of special 18433
education ~~and related services additional weighted costs,~~ 18434
transportation, and ~~the amount of the local share of vocational~~ 18435
~~education and associated services additional weighted costs~~ 18436
funding. 18437

(2) If a district's charge-off amount is less than its total 18438
~~receipts available~~ taxes charged and payable for current expenses, 18439
the department shall pay the district any amount by which ~~the sum~~ 18440
of its actual local share of special education ~~and related~~ 18441
~~services additional weighted costs plus its local share of,~~ 18442
transportation, and vocational education ~~and associated services~~ 18443
~~additional weighted costs~~ funding exceeds its total ~~receipts~~ 18444
~~available~~ taxes charged and payable for current expenses minus its 18445
charge-off amount. 18446

Sec. 3317.0217. The department of education shall annually 18447
compute and pay state parity aid to school districts, as follows: 18448

(A) Calculate the local wealth per pupil of each school 18449
district, which equals the following sum: 18450

(1) Two-thirds times the quotient of (a) the district's 18451
recognized valuation divided by (b) its formula ADM; plus 18452

(2) One-third times the quotient of (a) the average of the 18453
total federal adjusted gross income of the school district's 18454
residents for the three years most recently reported under section 18455
3317.021 of the Revised Code divided by (b) its formula ADM. 18456

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(B) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil. 18457
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18459

(C) Compute the per pupil state parity aid funding for each school district in accordance with the following formula: 18460
18461

Payment percentage X (threshold local wealth per pupil - the district's local wealth per pupil) X 0.0095 18462
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18464

Where: 18465

(1) "Payment percentage," for purposes of division (C) of this section, equals 20% in fiscal year 2002, 40% in fiscal year 2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100% after fiscal year 2005. 18466
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(2) Nine and one-half mills (0.0095) is the general assembly's determination of the average number of effective operating mills that districts in the seventieth to ninetieth percentiles of valuations per pupil collected in fiscal year 2001 above the revenues required to finance their attributed local shares of the calculated cost of an adequate education. This was determined by (a) adding the district revenues from operating property tax levies and income tax levies, (b) subtracting from that total the sum of (i) twenty-three mills times adjusted recognized valuation plus (ii) the attributed local shares of special education, transportation, and vocational education funding as described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code, and (c) converting the result to an effective operating property tax rate. 18470
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(3) The "threshold local wealth per pupil" is the local wealth per pupil of the school district with the four-hundred-ninetieth lowest local wealth per pupil. 18484
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If the result of the calculation for a school district under 18487

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division (C) of this section is less than zero, the district's per 18488
pupil parity aid shall be zero. 18489

(D) Compute the per pupil alternative parity aid for each 18490
school district that has a combination of an income factor of 1.0 18491
or less, a DPIA index of 1.0 or greater, and a 18492
cost-of-doing-business factor of 1.0375 or greater, in accordance 18493
with the following formula: 18494

$$\frac{\text{Payment percentage} \times \$60,000 \times (1 - \text{income factor}) \times 4/15 \times 0.023}{1}$$

18495
18496

Where: 18497

(1) "DPIA index" has the same meaning as in section 3317.029 18498
of the Revised Code 18499

(2) "Payment percentage," for purposes of division (D) of 18500
this section, equals 50% in fiscal year 2002 and 100% after fiscal 18501
year 2002. 18502

(E) Pay each district that has a combination of an income 18503
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 18504
cost-of-doing-business factor of 1.0375 or greater, the greater of 18505
the following: 18506

(1) The product of the district's per pupil parity aid 18507
calculated under division (C) of this section times its formula 18508
ADM; 18509

(2) The product of its per pupil alternative parity aid 18510
calculated under division (D) of this section times its formula 18511
ADM. 18512

(F) Pay every other district the product of its per pupil 18513
parity aid calculated under division (C) of this section times its 18514
formula ADM. 18515

Every six years, the general assembly shall redetermine, 18516
after considering the report of the committee appointed under 18517

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section 3317.012 of the Revised Code, the average number of 18518
effective operating mills that districts in the seventieth to 18519
ninetieth percentiles of valuations per pupil collect above the 18520
revenues required to finance their attributed local shares of the 18521
cost of an adequate education. 18522

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 18523
(C) of this section, any student enrolled in kindergarten more 18524
than half time shall be reported as one-half student under this 18525
section. 18526

(A) The superintendent of each city and exempted village 18527
school district and of each educational service center shall, for 18528
the schools under the superintendent's supervision, certify to the 18529
state board of education on or before the fifteenth day of October 18530
in each year for the first full school week in October the formula 18531
ADM, which shall consist of the average daily membership during 18532
such week of the sum of the following: 18533

(1) On an FTE basis, the number of students in grades 18534
kindergarten through twelve receiving any educational services 18535
from the district, except that the following categories of 18536
students shall not be included in the determination: 18537

(a) Students enrolled in adult education classes; 18538

(b) Adjacent or other district students enrolled in the 18539
district under an open enrollment policy pursuant to section 18540
3313.98 of the Revised Code; 18541

(c) Students receiving services in the district pursuant to a 18542
compact, cooperative education agreement, or a contract, but who 18543
are entitled to attend school in another district pursuant to 18544
section 3313.64 or 3313.65 of the Revised Code; 18545

(d) Students for whom tuition is payable pursuant to sections 18546
3317.081 and 3323.141 of the Revised Code. 18547

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(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
following entities:

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

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

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

(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
district;

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

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

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(4) The number of handicapped children, other than 18579
handicapped preschool children, entitled to attend school in the 18580
district pursuant to section 3313.64 or 3313.65 of the Revised 18581
Code who are placed with a county MR/DD board, minus the number of 18582
such children placed with a county MR/DD board in fiscal year 18583
1998. If this calculation produces a negative number, the number 18584
reported under division (A)(4) of this section shall be zero. 18585

(B) To enable the department of education to obtain the data 18586
needed to complete the calculation of payments pursuant to this 18587
chapter, in addition to the formula ADM, each superintendent shall 18588
report separately the following student counts: 18589

(1) The total average daily membership in regular day classes 18590
included in the report under division (A)(1) or (2) of this 18591
section for kindergarten, and each of grades one through twelve in 18592
schools under the superintendent's supervision; 18593

(2) The number of all handicapped preschool children enrolled 18594
as of the first day of December in classes in the district that 18595
are eligible for approval by the state board of education under 18596
division (B) of section 3317.05 of the Revised Code and the number 18597
of those classes, which shall be reported not later than the 18598
fifteenth day of December, in accordance with rules adopted under 18599
that section; 18600

(3) The number of children entitled to attend school in the 18601
district pursuant to section 3313.64 or 3313.65 of the Revised 18602
Code who are participating in a pilot project scholarship program 18603
established under sections 3313.974 to 3313.979 of the Revised 18604
Code as described in division (I)(2)(a) or (b) of this section, 18605
are enrolled in a college under Chapter 3365. of the Revised Code, 18606
except when the student is enrolled in the college while also 18607
enrolled in a community school pursuant to Chapter 3314. of the 18608
Revised Code, are enrolled in an adjacent or other school district 18609
under section 3313.98 of the Revised Code, are enrolled in a 18610

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community school established under Chapter 3314. of the Revised
Code, including any participation in a college pursuant to Chapter
3365. of the Revised Code while enrolled in such community school,
or are participating in a program operated by a county MR/DD board
or a state institution;

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

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

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

(7) The average daily membership of handicapped children
reported under division (A)(1) or (2) of this section identified
as having any of the handicaps specified in division (F)(3) of
section 3317.02 of the Revised Code;

(8) The average daily membership of pupils reported under
division (A)(1) or (2) of this section enrolled in category one
vocational education programs or classes, described in division
(A) of section 3317.014 of the Revised Code, operated by the
school district or by another district, other than a joint
vocational school district, or by an educational service center;

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

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

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

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

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

(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category three special education services, described in division (F)(3) of section 3317.02 of the Revised Code.

(C) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (9) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division

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(A), divisions (B)(1) to (9), or division (D) of this section, 18673
except as follows: 18674

(1) A child with a handicap described in section 3317.013 or 18675
division (F)(3) of section 3317.02 of the Revised Code may be 18676
counted both in formula ADM and in category one, two, or three 18677
special education ADM and, if applicable, in category one or two 18678
vocational education ADM. As provided in division (C) of section 18679
3317.02 of the Revised Code, such a child shall be counted in 18680
category one, two, or three special education ADM in the same 18681
proportion that the child is counted in formula ADM. 18682

(2) A child enrolled in vocational education programs or 18683
classes described in section 3314.014 of the Revised Code may be 18684
counted both in formula ADM and category one or two vocational 18685
education ADM and, if applicable, in category one, two, or three 18686
special education ADM. Such a child shall be counted in category 18687
one or two vocational education ADM in the same proportion as the 18688
percentage of time that the child spends in the vocational 18689
education programs or classes. 18690

Based on the information reported under this section, the 18691
department of education shall determine the total student count, 18692
as defined in section 3301.011 of the Revised Code, for each 18693
school district. 18694

(D)(1) The superintendent of each joint vocational school 18695
district shall certify to the superintendent of public instruction 18696
on or before the fifteenth day of October in each year for the 18697
first full school week in October the formula ADM, which shall 18698
consist of the average daily membership during such week, on an 18699
FTE basis, of the number of students receiving any educational 18700
services from the district, except that the following categories 18701
of students shall not be included in the determination: 18702

(a) Students enrolled in adult education classes; 18703

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(b) Adjacent or other district joint vocational students	18704
enrolled in the district under an open enrollment policy pursuant	18705
to section 3313.98 of the Revised Code;	18706
(c) Students receiving services in the district pursuant to a	18707
compact, cooperative education agreement, or a contract, but who	18708
are entitled to attend school in a city, local, or exempted	18709
village school district whose territory is not part of the	18710
territory of the joint vocational district;	18711
(d) Students for whom tuition is payable pursuant to sections	18712
3317.081 and 3323.141 of the Revised Code.	18713
(2) To enable the department of education to obtain the data	18714
needed to complete the calculation of payments pursuant to this	18715
chapter, in addition to the formula ADM, each superintendent shall	18716
report separately the average daily membership included in the	18717
report under division (D)(1) of this section for each of the	18718
following categories of students:	18719
(a) Students enrolled in each grade included in the joint	18720
vocational district schools;	18721
(b) Handicapped children receiving category one special	18722
education services, described in division (A) of section 3317.013	18723
of the Revised Code;	18724
(c) Handicapped children receiving category two special	18725
education services, described in division (B) of section 3317.013	18726
of the Revised Code;	18727
(d) Handicapped children identified as having any of the	18728
handicaps specified in division (F)(3) of section 3317.02 of the	18729
Revised Code;	18730
(e) Students receiving category one vocational education	18731
services, described in division (A) of section 3317.014 of the	18732
Revised Code;	18733

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(f) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.

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

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:

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

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

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

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(4) Any pupil who has attained the age of twenty-two years, 18765
except for veterans of the armed services whose attendance was 18766
interrupted before completing the recognized twelve-year course of 18767
the public schools by reason of induction or enlistment in the 18768
armed forces and who apply for reenrollment in the public school 18769
system of their residence not later than four years after 18770
termination of war or their honorable discharge. 18771

If, however, any veteran described by division (E)(4)(b) of 18772
this section elects to enroll in special courses organized for 18773
veterans for whom tuition is paid under the provisions of federal 18774
laws, or otherwise, that veteran shall not be included in average 18775
daily membership. 18776

Notwithstanding division (E)(3) of this section, the 18777
membership of any school may include a pupil who did not take a 18778
test required by section 3301.0711 of the Revised Code if the 18779
superintendent of public instruction grants a waiver from the 18780
requirement to take the test to the specific pupil. The 18781
superintendent may grant such a waiver only for good cause in 18782
accordance with rules adopted by the state board of education. 18783

Except as provided in division (B)(2) of this section, the 18784
average daily membership figure of any local, city, exempted 18785
village, or joint vocational school district shall be determined 18786
by dividing the figure representing the sum of the number of 18787
pupils enrolled during each day the school of attendance is 18788
actually open for instruction during the first full school week in 18789
October by the total number of days the school was actually open 18790
for instruction during that week. For purposes of state funding, 18791
"enrolled" persons are only those pupils who are attending school, 18792
those who have attended school during the current school year and 18793
are absent for authorized reasons, and those handicapped children 18794
currently receiving home instruction. 18795

The average daily membership figure of any cooperative 18796

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education school district shall be determined in accordance with 18797
rules adopted by the state board of education. 18798

(F)(1) If the formula ADM for the first full school week in 18799
February is at least three per cent greater than that certified 18800
for the first full school week in the preceding October, the 18801
superintendent of schools of any city, exempted village, or joint 18802
vocational school district or educational service center shall 18803
certify such increase to the superintendent of public instruction. 18804
Such certification shall be submitted no later than the fifteenth 18805
day of February. For the balance of the fiscal year, beginning 18806
with the February payments, the superintendent of public 18807
instruction shall use the increased formula ADM in calculating or 18808
recalculating the amounts to be allocated in accordance with 18809
section 3317.022 or 3317.16 of the Revised Code. In no event shall 18810
the superintendent use an increased membership certified to the 18811
superintendent after the fifteenth day of February. 18812

(2) If on the first school day of April the total number of 18813
classes or units for handicapped preschool children that are 18814
eligible for approval under division (B) of section 3317.05 of the 18815
Revised Code exceeds the number of units that have been approved 18816
for the year under that division, the superintendent of schools of 18817
any city, exempted village, or cooperative education school 18818
district or educational service center shall make the 18819
certifications required by this section for that day. If the state 18820
board of education determines additional units can be approved for 18821
the fiscal year within any limitations set forth in the acts 18822
appropriating moneys for the funding of such units, the board 18823
shall approve additional units for the fiscal year on the basis of 18824
such average daily membership. For each unit so approved, the 18825
department of education shall pay an amount computed in the manner 18826
prescribed in section ~~3317.161~~ 3317.052 or 3317.19 and section 18827
~~3317.162~~ 3317.053 of the Revised Code. 18828

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

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

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

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

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

~~(3)(a) If during the first full school week in February the average daily membership of the classes or units maintained by the county MR/DD board that are eligible for approval under division~~

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~~(D)(1) of section 3317.05 of the Revised Code is greater than the~~ 18860
~~average daily membership for the preceding October, the~~ 18861
~~superintendent of the board shall make the certifications required~~ 18862
~~by this section for such week.~~ 18863

~~(b)~~ If on the first school day of April the number of classes 18864
or units maintained for handicapped preschool children by the 18865
county MR/DD board that are eligible for approval under division 18866
(B) of section 3317.05 of the Revised Code is greater than the 18867
number of units approved for the year under that division, the 18868
superintendent shall make the certification required by this 18869
section for that day. 18870

~~(c)~~(b) If the state board determines that additional classes 18871
or units can be approved for the fiscal year within any 18872
limitations set forth in the acts appropriating moneys for the 18873
funding of the classes and units described in division (G)(3)(a) 18874
~~or (b)~~ of this section, the board shall approve and fund 18875
additional units for the fiscal year on the basis of such average 18876
daily membership. For each unit so approved, the department of 18877
education shall pay an amount computed in the manner prescribed in 18878
sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised 18879
Code. 18880

(H) Except as provided in division (I) of this section, when 18881
any city, local, or exempted village school district provides 18882
instruction for a nonresident pupil whose attendance is 18883
unauthorized attendance as defined in section 3327.06 of the 18884
Revised Code, that pupil's membership shall not be included in 18885
that district's membership figure used in the calculation of that 18886
district's formula ADM or included in the determination of any 18887
unit approved for the district under section 3317.05 of the 18888
Revised Code. The reporting official shall report separately the 18889
average daily membership of all pupils whose attendance in the 18890
district is unauthorized attendance, and the membership of each 18891

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such pupil shall be credited to the school district in which the
pupil is entitled to attend school under division (B) of section
3313.64 or section 3313.65 of the Revised Code as determined by
the department of education.

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

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

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

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

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

Sec. 3317.05. (A) For the purpose of calculating payments
under sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the

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Revised Code, the state board of education shall determine for 18922
each institution, by the last day of January of each year and 18923
based on information certified under section 3317.03 of the 18924
Revised Code, the number of vocational education units or 18925
fractions of units approved by the state board on the basis of 18926
standards and rules adopted by the state board. As used in this 18927
division, "institution" means an institution operated by a 18928
department specified in section 3323.091 of the Revised Code and 18929
that provides vocational education programs under the supervision 18930
of the division of vocational education of the department of 18931
education that meet the standards and rules for these programs, 18932
including licensure of professional staff involved in the 18933
programs, as established by the state board of education. 18934

(B) For the purpose of calculating payments under sections 18935
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162,~~ and 3317.19 of 18936
the Revised Code, the state board shall determine, based on 18937
information certified under section 3317.03 of the Revised Code, 18938
the following by the last day of January of each year for each 18939
educational service center, for each school district, including 18940
each cooperative education school district, for each institution 18941
eligible for payment under section 3323.091 of the Revised Code, 18942
and for each county MR/DD board: the number of classes operated by 18943
the school district, service center, institution, or county MR/DD 18944
board for handicapped preschool children, or fraction thereof, 18945
including in the case of a district or service center that is a 18946
funding agent, classes taught by a licensed teacher employed by 18947
that district or service center under section 3313.841 of the 18948
Revised Code, approved annually by the state board on the basis of 18949
standards and rules adopted by the state board. 18950

(C) For the purpose of calculating payments under sections 18951
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162,~~ and 3317.19 of 18952
the Revised Code, the state board shall determine, based on 18953

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information certified under section 3317.03 of the Revised Code, 18954
the following by the last day of January of each year for each 18955
school district, including each cooperative education school 18956
district, for each institution eligible for payment under section 18957
3323.091 of the Revised Code, and for each county MR/DD board: the 18958
number of preschool handicapped related services units for child 18959
study, occupational, physical, or speech and hearing therapy, 18960
special education supervisors, and special education coordinators 18961
approved annually by the state board on the basis of standards and 18962
rules adopted by the state board. 18963

(D) For the purpose of calculating payments under sections 18964
~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the 18965
state board shall determine, based on information certified under 18966
section 3317.03 of the Revised Code, the following by the last day 18967
of January of each year for each institution eligible for payment 18968
under section 3323.091 of the Revised Code, ~~and for each county~~ 18969
~~MR/DD board:~~ 18970

(1) The number of classes operated by an institution ~~or~~ 18971
~~county MR/DD board~~ for handicapped children other than handicapped 18972
preschool children, or fraction thereof, approved annually by the 18973
state board on the basis of standards and rules adopted by the 18974
state board; 18975

(2) The number of related services units for children other 18976
than handicapped preschool children for child study, occupational, 18977
physical, or speech and hearing therapy, special education 18978
supervisors, and special education coordinators approved annually 18979
by the state board on the basis of standards and rules adopted by 18980
the state board. 18981

(E) All of the arithmetical calculations made under this 18982
section shall be carried to the second decimal place. The total 18983
number of units for school districts, service centers, and 18984
institutions approved annually by the state board under this 18985

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section shall not exceed the number of units included in the state
board's estimate of cost for these units and appropriations made
for them by the general assembly.

In the case of units described in division (D)(1) of this
section operated by ~~county MR/DD boards and~~ institutions eligible
for payment under section 3323.091 of the Revised Code, the state
board shall approve only units for persons who are under age
twenty-two on the first day of the academic year, but not less
than six years of age on the thirtieth day of September of that
year, except that such a unit may include one or more children who
are under six years of age on the thirtieth day of September if
such children have been admitted to the unit pursuant to rules of
the state board. In the case of handicapped preschool units
described in division (B) of this section operated by county MR/DD
boards and institutions eligible for payment under section
3323.091 of the Revised Code, the state board shall approve only
preschool units for children who are under age six but not less
than age three on the thirtieth day of September of the academic
year, except that such a unit may include one or more children who
are under age three or are age six or over on the thirtieth day of
September if such children have been admitted to the unit pursuant
to rules of the state board of education. The number of units for
county MR/DD boards and institutions eligible for payment under
section 3323.091 of the Revised Code approved by the state board
under this section shall not exceed the number that can be funded
with appropriations made for such purposes by the general
assembly.

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

(F) The department shall approve units or fractions thereof
for gifted children on the basis of standards and rules adopted by

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the board.

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Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 3317.11 of the Revised Code, a unit funded pursuant to division (P) of section 3317.024 or division (A)(2) of section ~~3317.161~~ 3317.052 of the Revised Code shall not be approved for state funding in one school district, including any cooperative education school district or any educational service center, to the extent that such unit provides programs in or services to another district which receives payment pursuant to section 3317.04 of the Revised Code.

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(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.

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(B) After units have been initially approved for any fiscal year under section 3317.05 of the Revised Code, no unit shall be subsequently transferred from a school district or educational service center to another city, exempted village, local, or cooperative education school district or educational service center or to an institution or county MR/DD board solely for the purpose of reducing the financial obligations of the school district in a fiscal year it receives payment pursuant to section 3317.04 of the Revised Code.

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Sec. ~~3317.161~~ 3317.052. As used in this section, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code.

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(A)(1) The department of education shall pay each school district, educational service center, institution eligible for

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19048 payment under section 3323.091 of the Revised Code, or county
19049 MR/DD board an amount for the total of all classroom units for
19050 handicapped preschool children approved under division (B) of
19051 section 3317.05 of the Revised Code. For each unit, the amount
19052 shall be the sum of the minimum salary for the teacher of the
19053 unit, calculated on the basis of the teacher's training level and
19054 years of experience pursuant to the salary schedule prescribed in
19055 the version of section 3317.13 of the Revised Code in effect prior
19056 to the effective date of this amendment, plus fifteen per cent of
19057 that minimum salary amount, and eight thousand twenty-three
19058 dollars.

19059 (2) The department shall pay each school district,
19060 educational service center, institution eligible for payment under
19061 section 3323.091 of the Revised Code, or county MR/DD board an
19062 amount for the total of all related services units for handicapped
19063 preschool children approved under division (C) of section 3317.05
19064 of the Revised Code. For each such unit, the amount shall be the
19065 sum of the minimum salary for the teacher of the unit calculated
19066 on the basis of the teacher's training level and years of
19067 experience pursuant to the salary schedule prescribed in the
19068 version of section 3317.13 of the Revised Code in effect prior to
19069 the effective date of this amendment, fifteen per cent of that
19070 minimum salary amount, and two thousand one hundred thirty-two
19071 dollars.

19072 (B) If a school district ~~or~~, educational service center ~~has~~
19073 ~~had additional handicapped preschool units approved for the year~~
19074 ~~under division (F)(2) of section 3317.03 of the Revised Code, or~~
19075 ~~if a~~ county MR/DD board has had additional handicapped preschool
19076 units approved for the year under division (F)(2) or (G)(3) of
19077 section 3317.03 of the Revised Code, the district, educational
19078 service center, or board shall receive an additional amount during
19079 the last half of the fiscal year. For each district, center, or

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board, the additional amount for each unit shall equal fifty per 19080
cent of the amounts computed for the unit in the manner prescribed 19081
by division (A) of this section and division (C) of section 19082
~~3317.162~~ 3317.053 of the Revised Code. 19083

(C)(1) The department shall pay each institution eligible for 19084
payment under section 3323.091 of the Revised Code or county MR/DD 19085
board an amount for the total of all special education units 19086
approved under division (D)(1) of section 3317.05 of the Revised 19087
Code. The amount for each unit shall be the sum of the minimum 19088
salary for the teacher of the unit, calculated on the basis of the 19089
teacher's training level and years of experience pursuant to the 19090
salary schedule prescribed in the version of section 3317.13 of 19091
the Revised Code in effect prior to the effective date of this 19092
amendment, plus fifteen per cent of that minimum salary amount, 19093
and eight thousand twenty-three dollars. 19094

(2) The department shall pay each institution eligible for 19095
payment under section 3323.091 of the Revised Code ~~or county MR/DD~~ 19096
~~board~~ an amount for the total of all related services units 19097
approved under division (D)(2) of section 3317.05 of the Revised 19098
Code. The amount for each unit shall be the sum of the minimum 19099
salary for the teacher of the unit, calculated on the basis of the 19100
teacher's training level and years of experience pursuant to the 19101
salary schedule prescribed in the version of section 3317.13 of 19102
the Revised Code in effect prior to the effective date of this 19103
amendment, plus fifteen per cent of that minimum salary amount, 19104
and two thousand one hundred thirty-two dollars. 19105

~~(3) If a county MR/DD board has had additional units for~~ 19106
~~handicapped children other than handicapped preschool children~~ 19107
~~approved under division (G)(3) of section 3317.03 of the Revised~~ 19108
~~Code, the board shall receive an additional amount during the last~~ 19109
~~half of the fiscal year. For each board, the additional amount for~~ 19110
~~each unit shall equal fifty per cent of the amount computed for~~ 19111

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~~the unit in the manner prescribed by division (C)(1) of this~~ 19112
~~section and division (C) of section 3317.162 of the Revised Code.~~ 19113

(D) The department shall pay each institution approved for 19114
 vocational education units under division (A) of section 3317.05 19115
 of the Revised Code an amount for the total of all the units 19116
 approved under that division. The amount for each unit shall be 19117
 the sum of the minimum salary for the teacher of the unit, 19118
 calculated on the basis of the teacher's training level and years 19119
 of experience pursuant to the salary schedule prescribed in the 19120
version of section 3317.13 of the Revised Code in effect prior to 19121
the effective date of this amendment, plus fifteen per cent of 19122
 that minimum salary amount, and nine thousand five hundred ten 19123
 dollars. 19124

Sec. ~~3317.162~~ 3317.053. (A) As used in this section: 19125

(1) "State share percentage" has the same meaning as in 19126
 section 3317.022 of the Revised Code. 19127

(2) "Dollar amount" means the amount shown in the following 19128
 table for the corresponding type of unit and the appropriate 19129
 fiscal year: 19130

TYPE OF UNIT	DOLLAR AMOUNT		
	FY 2000	FY 2001	
	<u>FY 2002</u>	<u>FY 2003</u>	
Division (B) of section 3317.05	\$8,334	\$8,334	19134
of the Revised Code			
Division (C) of that section	\$3,234	\$3,234	19135
Division (F) of that section	\$4,550	\$5,550	19136
	<u>\$6,550</u>	<u>\$7,550</u>	19137

(3) "Average unit amount" means the amount shown in the 19138
 following table for the corresponding type of unit: 19139

AVERAGE UNIT AMOUNT	
FY 2000	FY 2001
	19141

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TYPE OF UNIT	<u>FY 2002</u>	<u>FY 2003</u>	19142
Division (B) of section 3317.05 of the Revised Code	\$7,799	\$7,799	19143
Division (C) of that section	\$2,966	\$2,966	19144
Division (F) of that section	\$4,251	\$5,251	19145
	<u>\$6,251</u>	<u>\$7,251</u>	19146
(B) In the case of each unit described in division (B), (C), or (F) of section 3317.05 of the Revised Code and allocated to a city, local, or exempted village school district, the department of education, in addition to the amounts specified in division (P) of section 3317.024 and sections 3317.161 <u>3317.052</u> and 3317.19 of the Revised Code, shall pay a supplemental unit allowance equal to the sum of the following amounts:			19147 19148 19149 19150 19151 19152 19153
(1) An amount equal to 50% of the average unit amount for the unit;			19154 19155
(2) An amount equal to the percentage of the dollar amount for the unit that equals the district's state share percentage.			19156 19157
If, prior to the fifteenth day of May of a fiscal year, a school district's aid computed under section 3317.022 of the Revised Code is recomputed pursuant to section 3317.027 or 3317.028 of the Revised Code, the department shall also recompute the district's entitlement to payment under this section utilizing a new state share percentage. Such new state share percentage shall be determined using the district's recomputed basic aid amount pursuant to section 3317.027 or 3317.028 of the Revised Code. During the last six months of the fiscal year, the department shall pay the district a sum equal to one-half of the recomputed payment in lieu of one-half the payment otherwise calculated under this section.			19158 19159 19160 19161 19162 19163 19164 19165 19166 19167 19168 19169
(C)(1) In the case of each unit allocated to an institution pursuant to division (A) of section 3317.05 of the Revised Code, the department, in addition to the amount specified in section			19170 19171 19172

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~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,227.

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

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

(4) In the case of each unit described in division (F) of section 3317.05 of the Revised Code and allocated to an educational service center, the department, in addition to the amounts specified in division (P) of section 3317.024 of the Revised Code, shall pay a supplemental unit allowance of ~~\$4,251~~ \$6,251 in fiscal year ~~2000~~ 2002 and ~~\$5,251~~ \$7,251 in fiscal year ~~2001~~ 2003.

Sec. 3317.06. Moneys paid to school districts under division (L) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or electronic textbooks as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or electronic textbooks to pupils attending nonpublic schools within the district or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such

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nonpublic school pupils or parents. Such requests shall be
submitted to the school district in which the nonpublic school is
located. Such individual requests for the loan of textbooks or
electronic textbooks shall, for administrative convenience, be
submitted by the nonpublic school pupil or the pupil's parent to
the nonpublic school, which shall prepare and submit collective
summaries of the individual requests to the school district. As
used in this section:

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

(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
pupils attending nonpublic schools within the district. Such
service shall be provided in the nonpublic school attended by the
pupil receiving the service.

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

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

(E) To provide therapeutic psychological and speech and

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hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

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

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

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

(I) To provide programs for children who attend nonpublic schools within the district and are handicapped children as defined in division (A) of section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such

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programs are provided in the public school or in public centers, 19267
transportation to and from such facilities shall be provided by 19268
the school district in which the nonpublic school is located. 19269

(J) To hire clerical personnel to assist in the 19270
administration of programs pursuant to divisions (B), (C), (D), 19271
(E), (F), (G), and (I) of this section and to hire supervisory 19272
personnel to supervise the providing of services and textbooks 19273
pursuant to this section. 19274

(K) To purchase or lease any secular, neutral, and 19275
nonideological computer software (including site-licensing), 19276
prerecorded video laserdiscs, digital video on demand (DVD), 19277
compact discs, and video cassette cartridges, wide area 19278
connectivity and related technology as it relates to internet 19279
access, mathematics or science equipment and materials, 19280
instructional materials, and school library materials that are in 19281
general use in the public schools of the state and loan such items 19282
to pupils attending nonpublic schools within the district or to 19283
their parents, and to hire clerical personnel to administer the 19284
lending program. Only such items that are incapable of diversion 19285
to religious use and that are susceptible of loan to individual 19286
pupils and are furnished for the use of individual pupils shall be 19287
purchased and loaned under this division. As used in this section, 19288
"instructional materials" means prepared learning materials that 19289
are secular, neutral, and nonideological in character and are of 19290
benefit to the instruction of school children, and may include 19291
educational resources and services developed by the Ohio schoolnet 19292
commission. 19293

(L) To purchase or lease instructional equipment, including 19294
computer hardware and related equipment in general use in the 19295
public schools of the state, for use by pupils attending nonpublic 19296
schools within the district and to loan such items to pupils 19297
attending nonpublic schools within the district or to their 19298

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parents, and to hire clerical personnel to administer the lending program. 19299
19300

(M) To purchase mobile units to be used for the provision of 19301
services pursuant to divisions (E), (F), (G), and (I) of this 19302
section and to pay for necessary repairs and operating costs 19303
associated with these units. 19304

Clerical and supervisory personnel hired pursuant to division 19305
(J) of this section shall perform their services in the public 19306
schools, in nonpublic schools, public centers, or mobile units 19307
where the services are provided to the nonpublic school pupil, 19308
except that such personnel may accompany pupils to and from the 19309
service sites when necessary to ensure the safety of the children 19310
receiving the services. 19311

All services provided pursuant to this section may be 19312
provided under contract with educational service centers, the 19313
department of health, city or general health districts, or private 19314
agencies whose personnel are properly licensed by an appropriate 19315
state board or agency. 19316

Transportation of pupils provided pursuant to divisions (E), 19317
(F), (G), and (I) of this section shall be provided by the school 19318
district from its general funds and not from moneys paid to it 19319
under division (L) of section 3317.024 of the Revised Code unless 19320
a special transportation request is submitted by the parent of the 19321
child receiving service pursuant to such divisions. If such an 19322
application is presented to the school district, it may pay for 19323
the transportation from moneys paid to it under division (L) of 19324
section 3317.024 of the Revised Code. 19325

No school district shall provide health or remedial services 19326
to nonpublic school pupils as authorized by this section unless 19327
such services are available to pupils attending the public schools 19328
within the district. 19329

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Materials, equipment, computer hardware or software, 19330
textbooks, electronic textbooks, and health and remedial services 19331
provided for the benefit of nonpublic school pupils pursuant to 19332
this section and the admission of pupils to such nonpublic schools 19333
shall be provided without distinction as to race, creed, color, or 19334
national origin of such pupils or of their teachers. 19335

No school district shall provide services, materials, or 19336
equipment that contain religious content for use in religious 19337
courses, devotional exercises, religious training, or any other 19338
religious activity. 19339

As used in this section, "parent" includes a person standing 19340
in loco parentis to a child. 19341

Notwithstanding section 3317.01 of the Revised Code, payments 19342
shall be made under this section to any city, local, or exempted 19343
village school district within which is located one or more 19344
nonpublic elementary or high schools and any payments made to 19345
school districts under division (L) of section 3317.024 of the 19346
Revised Code for purposes of this section may be disbursed without 19347
submission to and approval of the controlling board. 19348

The allocation of payments for materials, equipment, 19349
textbooks, electronic textbooks, health services, and remedial 19350
services to city, local, and exempted village school districts 19351
shall be on the basis of the state board of education's estimated 19352
annual average daily membership in nonpublic elementary and high 19353
schools located in the district. 19354

Payments made to city, local, and exempted village school 19355
districts under this section shall be equal to specific 19356
appropriations made for the purpose. All interest earned by a 19357
school district on such payments shall be used by the district for 19358
the same purposes and in the same manner as the payments may be 19359
used. 19360

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The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may be transferred to the auxiliary services personnel unemployment compensation fund established pursuant to section 4141.47 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (L) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department of education for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, it shall certify its determination and the amount of the refund to be made to the director of job and family services who shall make a refund as provided in section 4141.47 of the Revised Code.

Sec. 3317.064. (A) There is hereby established in the state

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treasury the auxiliary services mobile unit replacement and repair 19393
fund. By the thirtieth day of January of each odd-numbered year, 19394
the director of job and family services and the superintendent of 19395
public instruction shall determine the amount of any excess moneys 19396
in the auxiliary services personnel unemployment compensation fund 19397
not reasonably necessary for the purposes of section 4141.47 of 19398
the Revised Code, and shall certify such amount to the director of 19399
budget and management for transfer to the auxiliary services 19400
mobile unit replacement and repair fund. If the director of ~~jobs~~ 19401
~~job~~ and family services and the superintendent disagree on such 19402
amount, the director of budget and management shall determine the 19403
amount to be transferred. 19404

(B) Moneys in the auxiliary services mobile unit replacement 19405
and repair fund shall be used for the relocation or for the 19406
replacement and repair of mobile units used to provide the 19407
services specified in division (E), (F), (G), or (I) of section 19408
3317.06 of the Revised Code ~~and for no other purposes~~. The state 19409
board of education shall adopt guidelines and procedures for 19410
replacement, repair, and relocation of mobile units and the 19411
procedures under which a school district may apply to receive 19412
moneys with which to repair or replace or relocate such units. 19413

(C) School districts may apply to the department for moneys 19414
from the auxiliary services mobile unit replacement and repair 19415
fund for payment of incentives for early retirement and severance 19416
for school district personnel assigned to provide services 19417
authorized by section 3317.06 of the Revised Code at chartered 19418
nonpublic schools. The portion of the cost of any early retirement 19419
or severance incentive for any employee that is paid using money 19420
from the auxiliary services mobile unit replacement and repair 19421
fund shall not exceed the percentage of such employee's total 19422
service credit that the employee spent providing services to 19423
chartered nonpublic school students under section 3317.06 of the 19424

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Revised Code.

19425

Sec. 3317.11. (A) Annually, on or before a date designated by the state board of education, each educational service center governing board shall prepare a budget of operating expenses for the ensuing year for the service center on forms prepared and furnished by the state board of education and shall certify the budget to the state board of education, together with such other information as the board may require. Such budget shall consist of two parts. Part (A) shall include the cost of the salaries, employers retirement contributions, and travel expenses of supervisory teachers approved by the state board of education. The amount derived from the calculation for such units in part (A) of the governing board budget shall be the sum of:

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

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

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

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

Part (B) shall include the cost of all other lawful expenditures of the governing board. The state board of education

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shall review such budget and may approve, increase, or decrease
such budget.

The governing board shall be reimbursed by the state board of
education from state funds for the cost of part (A) of the budget.
The governing board shall be reimbursed by the state board of
education, from state funds for the cost of part (B) of the
approved budget that is in excess of six dollars and fifty cents
times the service center ADM. If the governing board provides
services to city or exempted village school districts pursuant to
section 3313.843 of the Revised Code, the governing board shall be
reimbursed from state funds for the cost of part (B) of the budget
that is in excess of six dollars and fifty cents times the sum of
the service center ADM and the client ADMs of the city or exempted
village districts to which such services are provided. The cost of
part (B) not in excess of six dollars and fifty cents times the
number of such ADM shall be apportioned by the state board of
education among the local school districts in the territory of the
service center, or among all districts to which the governing
board provides services, on the basis of the total number of
pupils in each school district.

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

The amounts so apportioned shall be certified to the
treasurers of the various school districts. In the case of each
district such amount shall be deducted by the state board of

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education from funds allocated to the district pursuant to 19487
division (E) of section 3317.023 of the Revised Code. 19488

The state board of education shall certify to the director of 19489
budget and management for payment the total of the deductions, 19490
whereupon the amount shall be paid to the governing board of each 19491
service center, to be deposited to the credit of a separate fund, 19492
hereby created, to be known as the educational service center 19493
governing board fund. 19494

An educational service center may provide special education 19495
to students in its local districts or in client districts. A 19496
service center is eligible for funding under division (J) of 19497
section 3317.024 of the Revised Code and eligible for state 19498
subsidies for the purchase of school buses under section 3317.07 19499
of the Revised Code. Special education units for gifted children 19500
may be operated by a governing board. Vocational education may be 19501
provided by a governing board. A governing board may conduct 19502
driver education for pupils enrolled in a high school for which 19503
the state board of education prescribes minimum standards. 19504

Every local school district shall be provided supervisory 19505
services by its governing board as approved by the state board of 19506
education. A city or exempted village school district shall be 19507
considered to be provided supervisory services by a governing 19508
board if it has entered into an agreement for the governing board 19509
to provide any services under section 3313.843 of the Revised 19510
Code. Supervisory services shall not exceed one supervisory 19511
teacher for the first fifty classroom teachers employed in all 19512
districts that are provided supervisory services calculated under 19513
section 3317.023 of the Revised Code and one supervisory teacher 19514
for every additional one hundred such classroom teachers so 19515
calculated. Reimbursement for such supervisory services shall be a 19516
deduction by the state board of education from the payment to the 19517
school district pursuant to division (E) of section 3317.023 of 19518

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the Revised Code. Deductions for all supervisory services and extended services for supervisory and child study shall be apportioned among local school districts within the territory of the service center and any city or exempted village districts that have entered into agreements with a service center pursuant to section 3313.843 of the Revised Code by the state board of education on the basis of the total number of pupils in each school district, except that where such services are provided to districts other than local school districts within the service center territory and city or exempted village districts having agreements with the service center, such charges shall be apportioned among all participating districts on the basis of the total number of pupils in each school district. All deductions from state funding to school districts required for reimbursement of governing boards by division (E) of section 3317.023 of the Revised Code shall be made from the total of the payment computed for the district under this chapter, after making any other adjustments in that payment required by law.

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

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

~~(b) In in fiscal year 2001, thirty-seven dollars~~ years 2002 and 2003.

(2) In addition to other payments under this section, the department shall pay each educational service center the amounts due to it from school districts pursuant to contracts, compacts, or agreements under which the service center furnishes services to

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the districts or their students. In order to receive payment under
this division, an educational service center shall furnish either
a copy of the applicable contract, compact, or agreement clearly
indicating the amounts of the payments, or a written statement of
the payments owed signed by the superintendent or treasurer of the
responsible school district.

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

(C) Each multicounty service center shall receive a payment
each fiscal year equal to forty dollars and fifty-two cents times
the sum of the service center ADM and the client ADMs of all its
client districts.

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

(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:

(a) The formula ADM;

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

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

(d) The average daily membership of handicapped preschool

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children reported under division (B)(2) of section 3317.03 of the
Revised Code;

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

(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
district that has entered into an agreement to receive services
from a service center pursuant to section 3313.843 of the Revised
Code.

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

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

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

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

(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
least one hundred twenty days under a teacher's contract;

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

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

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

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

Upon written complaint to the superintendent of public instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to

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pay salaries in accordance with the salary schedule set forth in
 division (C) of this section, the superintendent of public
 instruction shall cause to be made an immediate investigation of
 such complaint. If the superintendent finds that the conditions
 complained of exist, the superintendent shall order the board to
 correct such conditions within ten days from the date of the
 finding. No moneys shall be distributed to the district or
 educational service center under this chapter until the
 superintendent has satisfactory evidence of the board of
 education's full compliance with such order.

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

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

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher	
	Per Dollar Cent*	Amount	Per Dollar Cent*	Amount	Per Dollar Cent*	Amount	Per Dollar Cent*	Amount
0	86.5	\$14,705	100.0	\$17,000	103.8	\$17,646	109.5	\$18,615
		<u>17,300</u>		<u>20,000</u>		<u>20,760</u>		<u>21,900</u>
1	90.0	15,300	103.8	17,646	108.1	18,377	114.3	19,431
		<u>18,000</u>		<u>20,760</u>		<u>21,620</u>		<u>22,860</u>

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2	93.5	15,895	107.6	18,292	112.4	19,108	119.1	20,247	19674
		<u>18,700</u>		<u>21,520</u>		<u>22,480</u>		<u>23,820</u>	19675
3	97.0	16,490	111.4	18,938	116.7	19,839	123.9	21,063	19676
		<u>19,400</u>		<u>22,280</u>		<u>23,340</u>		<u>24,780</u>	19677
4	100.5	17,085	115.2	19,584	121.0	20,570	128.7	21,879	19678
		<u>20,100</u>		<u>23,040</u>		<u>24,200</u>		<u>25,740</u>	19679
5	104.0	17,680	119.0	20,230	125.3	21,301	133.5	22,695	19680
		<u>20,800</u>		<u>23,800</u>		<u>25,060</u>		<u>26,700</u>	19681
6	104.0	17,680	122.8	20,876	129.6	22,032	138.3	23,511	19682
		<u>20,800</u>		<u>24,560</u>		<u>25,920</u>		<u>27,660</u>	19683
7	104.0	17,680	126.6	21,522	133.9	22,763	143.1	24,327	19684
		<u>20,800</u>		<u>25,320</u>		<u>26,780</u>		<u>28,620</u>	19685
8	104.0	17,680	130.4	22,168	138.2	23,494	147.9	25,143	19686
		<u>20,800</u>		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>	19687
9	104.0	17,680	134.2	22,814	142.5	24,225	152.7	25,959	19688
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>	19689
10	104.0	17,680	138.0	23,460	146.8	24,956	157.5	26,775	19690
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>	19691
11	104.0	17,680	141.8	24,106	151.1	25,687	162.3	27,591	19692
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>	19693

* Percentages represent the percentage which each salary is 19694
of the base amount. 19695

For purposes of determining the minimum salary at any level 19696
of training and service, the base of one hundred per cent shall be 19697
the base amount. The percentages used in this section show the 19698
relationships between the minimum salaries required by this 19699
section and the base amount and shall not be construed as 19700
requiring any school district or educational service center to 19701
adopt a schedule containing salaries in excess of the amounts set 19702
forth in this section for corresponding levels of training and 19703
experience. 19704

As used in this division: 19705

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(1) "Base amount" means seventeen <u>twenty</u> thousand dollars.	19706
(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.	19707 19708 19709
(D) For purposes of this section, all credited training shall be from a recognized college or university.	19710 19711
Sec. 3317.16. (A) As used in this section:	19712
(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:	19713 19714
(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.	19715 19716 19717 19718
(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:	19719 19720 19721
cost-of-doing-business factor X	19722
the formula amount X	19723
the greater of formula ADM or	19724
three-year average formula ADM	19725
The resultant number is the district's state share percentage.	19726 19727
(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.	19728 19729 19730 19731
(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B) (4) <u>(3)</u> of section 3317.022 of the	19732 19733 19734

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(4) The "~~adjusted total taxable value~~ recognized valuation" 19736
of a joint vocational school district shall be determined by 19737
adding the ~~adjusted total taxable values~~ recognized valuations of 19738
all its constituent school districts for the applicable fiscal 19739
year. 19740

(B) The department of education shall compute and distribute 19741
state base cost funding to each joint vocational school district 19742
for the fiscal year in accordance with the following formula: 19743

(cost-of-doing-business factor X 19744
formula amount X the greater of formula 19745
ADM or three-year average formula ADM) - 19746
(.0005 X ~~adjusted total taxable value~~ recognized valuation) 19747

If the difference obtained under this division is a negative 19748
number, the district's computation shall be zero. 19749

(C)(1) The department shall compute and distribute state 19750
vocational education additional weighted costs funds to each joint 19751
vocational school district in accordance with the following 19752
formula: 19753

state share percentage X formula amount X 19754
total vocational education weight 19755

(2) The department shall compute for each joint vocational 19756
school district state funds for vocational education associated 19757
services costs in accordance with the following formula: 19758

state share percentage X .05 X 19759
the formula amount X the sum of 19760
categories one and two vocational 19761
education ADM 19762

In any fiscal year, a joint vocational school district 19763
receiving funds under division (C)(2) of this section, or through 19764
a transfer of funds pursuant to division (L) of section 3317.023 19765

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of the Revised Code, shall spend those funds only for the purposes
 that the department designates as approved for vocational
 education associated services expenses, which may include such
 purposes as apprenticeship coordinators, coordinators for other
 vocational education services, vocational evaluation, and other
 purposes designated by the department. The department may deny
 payment under division (C)(2) of this section to any district that
 the department determines is not operating those services or is
 using funds paid under division (C)(2) of this section, or through
 a transfer of funds pursuant to division (L) of section 3317.023
 of the Revised Code, for other purposes.

(D)(1) The department shall compute and distribute state
 special education and related services additional weighted costs
 funds to each joint vocational school district in accordance with
 the following formula:

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total special education weight}}$$

(2)(a) As used in this division, the "personnel allowance"
 means ~~twenty-five thousand dollars in fiscal year 2000 and thirty~~
 thousand dollars in fiscal year 2001 and fifty-five thousand
six hundred fifty-two dollars in fiscal year 2003.

(b) For the provision of speech services to students and for
 no other purpose, the department shall pay each joint vocational
 school district an amount calculated under the following formula:

$$(\text{formula ADM divided by 2000}) \times \text{the personnel} \\ \text{allowance} \times \text{state share percentage}$$

(E)(1) If a joint vocational school district's costs for a
 fiscal year for a student in its ~~category three~~ categories one and
two special education ADM are twenty-five thousand dollars or
 more, the district may submit to the superintendent of public
 instruction documentation, as prescribed by the superintendent, of
 all of its costs for that student. Upon submission of

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documentation for a student of the type and in the manner 19798
prescribed, the department shall pay to the district an amount 19799
equal to the sum of the following: 19800

(a) One-half of the district's costs for the student in 19801
excess of twenty-five thousand dollars; 19802

(b) The product of one-half of the district's costs for the 19803
student in excess of twenty-five thousand dollars multiplied by 19804
the district's state share percentage. 19805

(2) In fiscal year 2002, if a joint vocational school 19806
district's costs for a student in its category three special 19807
education ADM are twenty-five thousand dollars or more, the 19808
district may submit to the superintendent of public instruction 19809
documentation, as prescribed by the superintendent, of all its 19810
costs for that student. Upon submission of documentation for a 19811
student of the type and in the manner prescribed, the department 19812
shall pay to the district an amount equal to the sum of the 19813
following: 19814

(a) One-half of the district's costs for the student in 19815
excess of twenty-five thousand dollars; 19816

(b) The product of one-half of the district's costs for the 19817
student in excess of twenty-five thousand dollars multiplied by 19818
the district's state share percentage. 19819

(3) In fiscal years after fiscal year 2002, if a joint 19820
vocational school district's costs for the fiscal year for a 19821
student in its category three special education ADM are twenty 19822
thousand dollars or more, the district may submit to the 19823
superintendent of public instruction documentation, as prescribed 19824
by the superintendent, of all its costs for that student. Upon 19825
submission of documentation for a student of the type and in the 19826
manner prescribed, the department shall pay to the district an 19827
amount equal to the sum of the following: 19828

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<u>(a) One-half of the district's costs for the student in</u>	19829
<u>excess of twenty thousand dollars;</u>	19830
<u>(b) The product of one-half of the district's costs for the</u>	19831
<u>student in excess of twenty thousand dollars multiplied by the</u>	19832
<u>district's state share percentage.</u>	19833
<u>(4) The district shall only report under divisions (E)(1) to</u>	19834
<u>(3) of this section,</u> and the department shall only pay for, the	19835
costs of educational expenses and the related services provided to	19836
the student in accordance with the student's individualized	19837
education program. Any legal fees, court costs, or other costs	19838
associated with any cause of action relating to the student may	19839
not be included in the amount.	19840
(F) Each fiscal year, the department shall pay each joint	19841
vocational school district an amount for adult technical and	19842
vocational education and specialized consultants.	19843
(G)(1) In any fiscal year, a joint vocational school district	19844
receiving funds under division (D) of this section shall spend on	19845
the related services specified in division (B)(3) of section	19846
3317.022 of the Revised Code at least the lesser of the following:	19847
	19848
(a) The amount the district spent on those related services	19849
in the preceding fiscal year;	19850
(b) $1/8 \times \{[\text{cost-of-doing-business factor} \times \text{the formula}$	19851
$\text{amount} \times (\text{the category one special education ADM} + \text{category two}$	19852
$\text{special education ADM} + \text{category three special education ADM})] +$	19853
$\text{the amount calculated for the fiscal year under division (D)(1) of}$	19854
$\text{this section} + \text{the local share of special education and related}$	19855
$\text{services additional weighted costs}\}$.	19856
(2) A joint vocational school district's local share of	19857
special education and related services additional weighted costs	19858
equals:	19859

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(1 - state share percentage) X	19860
Total special education weight X	19861
the formula amount	19862
(H) In any fiscal year, if the total of all payments made to	19863
a joint vocational school district under divisions (B) to (D) of	19864
this section and division (R) of section 3317.024 of the Revised	19865
Code is less than the amount that district received in fiscal year	19866
1999 under the version of this section in effect that year, plus	19867
the amount that district received under the version of section	19868
3317.162 of the Revised Code in effect that year and minus the	19869
amounts received that year for driver education and adult	19870
education, the department shall pay the district an additional	19871
amount equal to the difference between those two amounts.	19872
(I) In fiscal years 2000 and 2001, each joint vocational	19873
school district shall continue to offer the same number of the	19874
vocational education programs that the district offered in fiscal	19875
year 1999, unless the department of education expressly agrees	19876
that the district may offer fewer programs in either or both	19877
fiscal year 2000 or 2001.	19878
Sec. 3317.19. (A) As used in this section, "total unit	19879
allowance" means an amount equal to the sum of the following:	19880
(1) The total of the salary allowances for the teachers	19881
employed in the cooperative education school district for all	19882
units approved under division (B) or (C) of section 3317.05 of the	19883
Revised Code. The salary allowance for each unit shall equal the	19884
minimum salary for the teacher of the unit calculated on the basis	19885
of the teacher's training level and years of experience pursuant	19886
to <u>the salary schedule prescribed in the version of section</u>	19887
<u>3317.13 of the Revised Code in effect prior to the effective date</u>	19888
<u>of this amendment.</u>	19889
(2) Fifteen per cent of the total computed under division	19890

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(A)(1) of this section;	19891
(3) The total of the unit operating allowances for all	19892
approved units. The amount of each allowance shall equal one of	19893
the following:	19894
(a) Eight thousand twenty-three dollars times the number of	19895
preschool handicapped units or fraction thereof approved for the	19896
year under division (B) of section 3317.05 of the Revised Code;	19897
(b) Two thousand one hundred thirty-two dollars times the	19898
number of units or fraction thereof approved for the year under	19899
division (C) of section 3317.05 of the Revised Code.	19900
(B) The state board of education shall compute and distribute	19901
to each cooperative education school district for each fiscal year	19902
an amount equal to the sum of the following:	19903
(1) An amount equal to the total of the amounts credited to	19904
the cooperative education school district pursuant to division (K)	19905
of section 3317.023 of the Revised Code;	19906
(2) The total unit allowance;	19907
(3) An amount for assisting in providing free lunches to	19908
needy children and an amount for assisting needy school districts	19909
in purchasing necessary equipment for food preparation pursuant to	19910
division (K) of section 3317.024 of the Revised Code.	19911
(C) If a cooperative education school district has had	19912
additional special education units approved for the year under	19913
division (F)(2) of section 3317.03 of the Revised Code, the	19914
district shall receive an additional amount during the last half	19915
of the fiscal year. For each unit, the additional amount shall	19916
equal fifty per cent of the amount computed under division (A) of	19917
this section for a unit approved under division (B) of section	19918
3317.05 of the Revised Code.	19919

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Sec. 3317.20. This section does not apply to handicapped 19920
preschool children. 19921

(A) As used in this section: 19922

(1) "Applicable weight" means: 19923

(a) For a handicapped child receiving special education 19924
services for a handicap specified in division (A) of section 19925
3317.013 of the Revised Code, the multiple specified in that 19926
division; 19927

(b) For a handicapped child receiving special education 19928
services for a handicap specified in division (B) of section 19929
3317.013 or division (F)(3) of section 3317.02 of the Revised 19930
Code, the multiple specified in division (B) of section 3317.013 19931
of the Revised Code. 19932

(2) "Child's school district" means the school district in 19933
which a child is entitled to attend school pursuant to section 19934
3313.64 or 3313.65 of the Revised Code. 19935

(3) "State share percentage" means the state share percentage 19936
of the child's school district as defined in section 3317.022 of 19937
the Revised Code. 19938

~~(B) Notwithstanding sections 3317.03, 3317.05, 3317.161, and 19939
3317.162 of the Revised Code, the department of education shall 19940
not approve special education and related services units, other 19941
than for handicapped preschool children, in county MR/DD boards in 19942
fiscal years 1999, 2000, and 2001. During those fiscal years, 19943
state funding for special education and related services provided 19944
to school-age children by county MR/DD boards shall be provided 19945
under divisions (C) to (E) of this section. 19946~~

~~(C)~~ Except as provided in division ~~(D)~~(C) of this section, 19947
the department shall annually pay each county MR/DD board an 19948
amount calculated under the following formula for each handicapped 19949

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child, other than a handicapped preschool child, for whom the 19950
 county MR/DD board provides special education and related 19951
 services: 19952

(formula amount X the cost-of-doing-business factor 19953

for the child's school district) + 19954

(state share percentage X formula amount X 19955

the applicable weight) 19956

~~(D)~~(C) If any school district places with a county MR/DD 19957
 board more handicapped children than it had placed with a county 19958
 MR/DD board in fiscal year 1998, the department shall not make a 19959
 payment under division ~~(C)~~(B) of this section for the number of 19960
 children exceeding the number placed in fiscal year 1998. The 19961
 department instead shall deduct from the district's payments under 19962
 this chapter, and pay to the county MR/DD board, an amount 19963
 calculated in accordance with the formula prescribed in division 19964
~~(C)~~(B) of this section for each child over the number of children 19965
 placed in fiscal year 1998. 19966

~~(E)~~(D) The department shall calculate for each county MR/DD 19967
 board receiving payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 19968
 section the following amounts: 19969

(1) The amount received by the county MR/DD board for 19970
 approved special education and related services units, other than 19971
 preschool handicapped units, in fiscal year 1998, divided by the 19972
 total number of children served in the units that year; 19973

(2) The product of the quotient calculated under division 19974
~~(E)~~(D)(1) of this section times the number of children for whom 19975
 payments are made under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 19976
 section. 19977

If the amount calculated under division ~~(E)~~(D)(2) of this 19978
 section is greater than the total amount calculated under 19979
 divisions ~~(C)~~(B) and ~~(D)~~(C) of this section, the department shall 19980
 pay the county MR/DD board one hundred per cent of the difference 19981

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in addition to the payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of 19982
this section. 19983

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 19984
Revised Code: 19985

(A) "Ohio school facilities commission" means the commission 19986
created pursuant to section 3318.30 of the Revised Code. 19987

(B) "Classroom facilities" means rooms in which pupils 19988
regularly assemble in public school buildings to receive 19989
instruction and education and such facilities and building 19990
improvements for the operation and use of such rooms as may be 19991
needed in order to provide a complete educational program, and may 19992
include space within which a child day-care facility or a 19993
community resource center is housed. "Classroom facilities" 19994
includes any space necessary for the operation of a vocational 19995
education program in any school district that operates such a 19996
program. 19997

(C) "Project" means a project to construct or acquire 19998
classroom facilities, or to reconstruct or make additions to 19999
existing classroom facilities, to be used for housing the 20000
applicable school district and its functions. 20001

(D) "School district" means a local, exempted village, or 20002
city school district as such districts are defined in Chapter 20003
3311. of the Revised Code, acting as an agency of state 20004
government, performing essential governmental functions of state 20005
government pursuant to sections 3318.01 and 3318.20 of the Revised 20006
Code. 20007

(E) "School district board" means the board of education of a 20008
school district. 20009

(F) "Net bonded indebtedness" means the difference between 20010
the sum of the par value of all outstanding and unpaid bonds and 20011

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notes which a school district board is obligated to pay, any
amounts the school district is obligated to pay under
lease-purchase agreements entered into under section 3313.375 of
the Revised Code, and the par value of bonds authorized by the
electors but not yet issued, the proceeds of which can lawfully be
used for the project, and the amount held in the sinking fund and
other indebtedness retirement funds for their redemption. Notes
issued for school buses in accordance with section 3327.08 of the
Revised Code, notes issued in anticipation of the collection of
current revenues, and bonds issued to pay final judgments shall
not be considered in calculating the net bonded indebtedness.

"Net bonded indebtedness" does not include indebtedness
arising from the acquisition of land to provide a site for
classroom facilities constructed, acquired, or added to pursuant
to sections 3318.01 to 3318.20 of the Revised Code.

(G) "Board of elections" means the board of elections of the
county containing the most populous portion of the school
district.

(H) "County auditor" means the auditor of the county in which
the greatest value of taxable property of such school district is
located.

(I) "Tax duplicates" means the general tax lists and
duplicates prescribed by sections 319.28 and 319.29 of the Revised
Code.

(J) "Required level of indebtedness" means:

(1) In the case of districts in the first percentile, five
per cent of the district's valuation for the year preceding the
year in which the controlling board approved the project under
section 3318.04 of the Revised Code.

(2) In the case of districts ranked in a subsequent
percentile, five per cent of the district's valuation for the year

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preceding the year in which the controlling board approved the
project under section 3318.04 of the Revised Code, plus [two
one-hundredths of one per cent multiplied by (the percentile in
which the district ranks minus one)].

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

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

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

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

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

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operating such classroom facility.	20074
(O) "Community resource center" means space within a	20075
classroom facility in which comprehensive services that support	20076
the needs of families and children are provided by community-based	20077
social service providers.	20078
(P) "Valuation" means the total value of all property in the	20079
district as listed and assessed for taxation on the tax	20080
duplicates.	20081
(Q) "Percentile" means the percentile in which the district	20082
is ranked pursuant to division (D) of section 3318.011 of the	20083
Revised Code.	20084
(R) "Installation of site utilities" means the installation	20085
of a site domestic water system, site fire protection system, site	20086
gas distribution system, site sanitary system, site storm drainage	20087
system, and site telephone and data system.	20088
(S) "Site preparation" means the earthwork necessary for	20089
preparation of the building foundation system, the paved	20090
pedestrian and vehicular circulation system, playgrounds on the	20091
project site, and lawn and planting on the project site.	20092
Sec. 3318.04. (A) If the Ohio school facilities commission	20093
makes a determination under section 3318.03 of the Revised Code in	20094
favor of constructing, acquiring, reconstructing, or making	20095
additions to a classroom facility, the project shall be	20096
conditionally approved. Such conditional approval shall be	20097
submitted to the controlling board for approval thereof. The	20098
controlling board shall forthwith approve or reject the	20099
commission's determination, conditional approval, the amount of	20100
the state's portion of the basic project cost, and, if the state's	20101
portion exceeds twenty-five million dollars, the amount of the	20102
state's portion to be encumbered in the current fiscal biennium.	20103

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In the event of approval thereof by the controlling board, the
commission shall certify such conditional approval to the school
district board and shall encumber from the total funds
appropriated for the purpose of sections 3318.01 to 3318.20 of the
Revised Code the amount of the state's portion of the basic
project cost or, if the state's portion exceeds twenty-five
million dollars, the amount approved under this section to be
encumbered in the current fiscal biennium.

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

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

(2) Notwithstanding division (B)(1) of this section, any
school district that received assistance under sections 3318.01 to
3318.20 of the Revised Code, as those sections existed prior to
May 20, 1997, may receive additional assistance under those

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sections, as they exist on and after May 20, 1997, prior to the
expiration of the period of time required under division (B)(1) of
this section, if the percentile in which the school district is
located, as determined under section 3318.011 of the Revised Code,
is eligible for assistance as prescribed in section 3318.02 of the
Revised Code.

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

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

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

(3) Notwithstanding division (B)(1) of this section, any

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school district that has received assistance under sections 20168
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 20169
receive additional assistance if the commission decides in favor 20170
of providing such assistance pursuant to section 3318.042 of the 20171
Revised Code. 20172

Sec. 3318.042. (A) The board of education of any school 20173
district that is receiving assistance under sections 3318.01 to 20174
3318.20 of the Revised Code after May 20, 1997, and whose project 20175
is still under construction, may request that the Ohio school 20176
facilities commission examine whether the circumstances prescribed 20177
in either division (B)(1) or (2) of this section exist in the 20178
school district. If the commission so finds, the commission shall 20179
review the school district's original assessment and approved 20180
project under sections 3318.01 to 3318.20 of the Revised Code, and 20181
consider providing additional assistance to the school district to 20182
correct the prescribed conditions found to exist in the district. 20183
Additional assistance under this section shall be limited to 20184
additions to one or more buildings, remodeling of one or more 20185
buildings, or changes to the infrastructure of one or more 20186
buildings. 20187

(B) Consideration of additional assistance to a school 20188
district under this section is warranted in either of the 20189
following circumstances: 20190

(1) Additional work is needed to correct an oversight or 20191
deficiency not identified or included in the district's initial 20192
assessment. 20193

(2) Other conditions exist that, in the opinion of the 20194
comission, warrant additions or remodeling of the project 20195
facilities or changes to infrastructure associated with the 20196
district's project that were not identified in the initial 20197
assessment and plan. 20198

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(C) If the commission decides in favor of providing additional assistance to any school district under this section, the school district shall be responsible for paying for its portion of the cost the additions, remodeling, or infrastucture changes pursuant to section 3318.083 of the Revised Code. If after making a financial evaluation of the school district, the commission determines that the school district is unable without undue hardship, according to the guidelines adopted by the commission, to fund the school district portion of the increase, then the state and the school district shall enter into an agreement whereby the state shall pay the portion of the cost increase attributable to the school district which is determined to be in excess of any local resources available to the district and the district shall thereafter reimburse the state. The commission shall establish the district's schedule for reimbursing the state, which shall not extend beyond five years. Debt incurred under this section shall not be included in the calculation of the net indebtedness of the school district under section 133.06 of the Revised Code.

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

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the

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agreement, in an amount equal to the school district's portion of
the basic project cost, including any bonds previously authorized
by the district's electors as described in section 3318.033 of the
Revised Code; provided, that if at that time the county treasurer
of each county in which the school district is located has not
commenced the collection of taxes on the general duplicate of real
and public utility property for the year in which the controlling
board approved the project, the school district board shall
authorize the issuance of a first installment of bond anticipation
notes in an amount specified by the agreement, which amount shall
not exceed an amount necessary to raise the net bonded
indebtedness of the school district as of the date of the
controlling board's approval to within five thousand dollars of
the required level of indebtedness for the preceding year. In the
event that a first installment of bond anticipation notes is
issued, the school district board shall, as soon as practicable
after the county treasurer of each county in which the school
district is located has commenced the collection of taxes on the
general duplicate of real and public utility property for the year
in which the controlling board approved the project, authorize the
issuance of a second and final installment of bond anticipation
notes or a first and final issue of bonds.

The combined value of the first and second installment of
bond anticipation notes or the value of the first and final issue
of bonds shall be equal to the school district's portion of the
basic project cost. The proceeds of any such bonds shall be used
first to retire any bond anticipation notes. Otherwise, the
proceeds of such bonds and of any bond anticipation notes, except
the premium and accrued interest thereon, shall be deposited in
the school district's project construction fund. In determining
the amount of net bonded indebtedness for the purpose of fixing
the amount of an issue of either bonds or bond anticipation notes,

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gross indebtedness shall be reduced by moneys in the bond
retirement fund only to the extent of the moneys therein on the
first day of the year preceding the year in which the controlling
board approved the project. Should there be a decrease in the tax
valuation of the school district so that the amount of
indebtedness that can be incurred on the tax duplicates for the
year in which the controlling board approved the project is less
than the amount of the first installment of bond anticipation
notes, there shall be paid from the school district's project
construction fund to the school district's bond retirement fund to
be applied against such notes an amount sufficient to cause the
net bonded indebtedness of the school district, as of the first
day of the year following the year in which the controlling board
approved the project, to be within five thousand dollars of the
required level of indebtedness for the year in which the
controlling board approved the project. The maximum amount of
indebtedness to be incurred by any school district board as its
share of the cost of the project is either an amount that will
cause its net bonded indebtedness, as of the first day of the year
following the year in which the controlling board approved the
project, to be within five thousand dollars of the required level
of indebtedness, or an amount equal to the required percentage of
the basic project costs, whichever is greater. All bonds and bond
anticipation notes shall be issued in accordance with Chapter 133.
of the Revised Code, and notes may be renewed as provided in
section 133.22 of the Revised Code.

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

(2) If section 3318.052 of the Revised Code applies, the

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earmarking of the proceeds of a tax levied under section 5705.21 of the Revised Code for general ongoing permanent improvements or the proceeds of a school district income tax levied under Chapter 5748. of the Revised Code, or the proceeds from a combination of those two taxes, in an amount to pay all or part of the service charges on bonds issued to pay the school district portion of the project and an amount equivalent to all or part of the tax required under division (B) of section 3318.05 of the Revised Code.

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

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

(2) If the school district electors have approved a continuing tax of at least two mills for each dollar of valuation for general ongoing permanent improvements under section 5705.21 of the Revised Code and that tax can be used for maintenance, the earmarking of an amount of the proceeds from such tax for maintenance of classroom facilities as specified in division (B) of section 3318.05 of the Revised Code.

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

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

(F) The insurance of the project by the school district from the time there is an insurable interest therein and so long as the

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state retains any ownership or interest in the project pursuant to 20326
division (D) of this section, in such amounts and against such 20327
risks as the commission shall require; provided, that the cost of 20328
any required insurance until the project is completed shall be a 20329
part of the basic project cost; 20330

(G) The certification by the director of budget and 20331
management that funds are available and have been set aside to 20332
meet the state's share of the basic project cost as approved by 20333
the controlling board pursuant to section 3318.04 of the Revised 20334
Code; 20335

(H) Authorization of the school district board to advertise 20336
for and receive construction bids for the project, for and on 20337
behalf of the commission, and to award contracts in the name of 20338
the state subject to approval by the commission; 20339

(I) Provisions for the disbursement of moneys from the school 20340
district's project account upon issuance by the commission or the 20341
commission's designated representative of vouchers for work done 20342
to be certified to the commission by the treasurer of the school 20343
district board; 20344

(J) Disposal of any balance left in the school district's 20345
project construction fund upon completion of the project; 20346

(K) Limitations upon use of the project or any part of it so 20347
long as any obligations issued to finance the project under 20348
section 3318.26 of the Revised Code are outstanding; 20349

(L) Provision for vesting the state's interest in the project 20350
to the school district board when the obligations issued to 20351
finance the project under section 3318.26 of the Revised Code are 20352
outstanding; 20353

(M) Provision for deposit of an executed copy of the 20354
agreement in the office of the commission; 20355

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

(O) Provision for the school district to maintain the project in accordance with a plan approved by the commission;

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

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

(R) A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract

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documents, and to pay the costs of settlements or judgments 20388
related to the project as provided under section 3318.086 of the 20389
Revised Code. 20390

Sec. 3318.084. (A) Notwithstanding anything to the contrary 20391
in Chapter 3318. of the Revised Code, a school district board may 20392
apply any local donated contribution toward ~~the~~ either or both of 20393
the following: 20394

(1) The district's portion of the basic project cost of a 20395
project under sections 3318.01 to 3318.20 of the Revised Code and 20396
~~may use such local donated contribution~~ to reduce the amount of 20397
bonds the district otherwise must issue in order to receive state 20398
assistance under those sections; 20399

(2) An offset of all or part of a district's obligation to 20400
levy the tax described in division (B) of section 3318.05 of the 20401
Revised Code, which shall be applied only in the manner prescribed 20402
in division (B) of this section. 20403

(B) No school district board shall apply any local donated 20404
contribution under division (A)(2) of this section unless the Ohio 20405
school facilities commission first approves that application. 20406

Upon the request of the school district board to apply local 20407
donated contribution under division (A)(2) of this section, the 20408
commission in consultation with the department of taxation shall 20409
determine the amount of total revenue that likely would be 20410
generated by one-half mill of the tax described in division (B) of 20411
section 3318.05 of the Revised Code over the entire 20412
twenty-three-year period required under that section and shall 20413
deduct from that amount any amount of local donated contribution 20414
that the board has committed to apply under division (A)(2) of 20415
this section. The commission then shall determine in consultation 20416
with the department of taxation the rate of tax over twenty-three 20417
years necessary to generate the amount of a one-half mill tax not 20418

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offset by the local donated contribution. Notwithstanding anything
to the contrary in section 3318.06, 3318.061, or 3318.361 of the
Revised Code, the rate determined by the commission shall be the
rate for which the district board shall seek elector approval
under those sections to meet its obligation under division (B) of
section 3318.05 of the Revised Code. In the case of a complete
offset of the district's obligation under division (B) of section
3318.05 of the Revised Code, the district shall not be required to
levy the tax otherwise required under that section. At the end of
the twenty-three-year period of the tax required under division
(B) of section 3318.05 of the Revised Code, whether or not the tax
is actually levied, the commission in consultation of the
department of taxation shall recalculate the amount that would
have been generated by the tax if it had been levied at one-half
mill. If the total amount actually generated over that period from
both the tax that was actually levied and any local donated
contribution applied under division (A)(2) of this section is less
than the amount that would have been raised by a one-half mill
tax, the district shall pay any difference. If the total amount
actually raised in such manner is greater than the amount that
would have been raised by a one-half mill tax the difference shall
be zero and no payments shall be made by either the district or
the commission.

(C) As used in this section, "local donated contribution"
means either of the following:

~~(A)~~(1) Any moneys irrevocably donated or granted to a school
district board by a source other than the state which the board
has the authority to apply to the school district's project under
sections 3318.01 to 3318.20 of the Revised Code and which the
board has pledged for that purpose by resolution adopted by a
majority of its members;

~~(B)~~(2) Any irrevocable letter of credit issued on behalf of a

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school district or any cash a school district has on hand, 20451
including any year-end operating fund balances, that can be spent 20452
for classroom facilities, either of which the school district 20453
board has encumbered for payment of the school district's share of 20454
its project under sections 3318.01 to 3318.20 of the Revised Code 20455
and either of which has been approved by the ~~Ohio school~~ 20456
~~facilities~~ commission in consultation with the department of 20457
education. 20458

(D) No state moneys shall be released for a project to which 20459
this section applies until any local donated ~~local~~ contribution 20460
authorized under this section is first deposited into the school 20461
district's project construction fund, if applied under division 20462
(A)(1) of this section, or into the district's capital and 20463
maintenance fund if applied under division (A)(2) of this section. 20464

Sec. 3318.086. The construction budget for any project under 20465
sections 3318.01 to 3318.20 of the Revised Code shall contain a 20466
contingency reserve in an amount prescribed by the Ohio school 20467
facilities commission, which unless otherwise authorized by the 20468
commission, shall be used only to pay costs resulting from 20469
unforeseen job conditions, to comply with rulings regarding 20470
building and other codes, to pay costs related to design 20471
clarifications or corrections to contract documents, and to pay 20472
the costs of settlements or judgments related to the project. 20473

Sec. 3318.10. When such working drawings, specifications, and 20474
estimates of cost have been approved by the school district board 20475
and the Ohio school facilities commission, the treasurer of the 20476
school district board shall advertise for construction bids ~~for~~ 20477
~~the project once a week for three consecutive weeks in a newspaper~~ 20478
~~published in and of general circulation in the county in which the~~ 20479
~~project is located~~ in accordance with section 3313.46 of the 20480
Revised Code. Such notices shall state that plans and 20481
specifications for the project are on file in the office of the 20482

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commission and such other place as may be designated in such 20483
notice, and the time and place when and where bids therefor will 20484
be received. 20485

The form of proposal to be submitted by bidders shall be 20486
supplied by the commission. Bidders may be permitted to bid upon 20487
all the branches of work and materials to be furnished and 20488
supplied, upon any branch thereof, or upon all or any thereof. 20489

~~A proposal shall be invalid and not considered unless it 20490
meets the requirements of section 153.54 of the Revised Code. 20491~~

When the construction bids for all branches of work and 20492
materials have been tabulated, the commission shall cause to be 20493
prepared a revised estimate of the basic project cost based upon 20494
the lowest responsible bids received. If such revised estimate 20495
exceeds the estimated basic project cost as approved by the 20496
controlling board pursuant to section 3318.04 of the Revised Code, 20497
no contracts may be entered into pursuant to this section unless 20498
such revised estimate is approved by the commission and by the 20499
controlling board referred to in section 3318.04 of the Revised 20500
Code. When such revised estimate has been prepared, and after such 20501
approvals are given, if necessary, and if the school district 20502
board has caused to be transferred to the project construction 20503
fund the proceeds from the sale of the first or first and final 20504
installment of its bonds or bond anticipation notes pursuant to 20505
the provision of written agreement required by division (B) of 20506
section 3318.08 of the Revised Code, and when the director of 20507
budget and management has certified that there is a balance in the 20508
appropriation, not otherwise obligated to pay precedent 20509
obligations, pursuant to which the state's share of such revised 20510
estimate is required to be paid, the contract for all branches of 20511
work and materials to be furnished and supplied, or for any branch 20512
thereof as determined by the school district board, shall be 20513
awarded by the school district board to the lowest responsible 20514

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bidder subject to the approval of the commission. Such award shall
be made within sixty days after the date on which the bids are
opened, and the successful bidder shall enter into a contract
within ten days after the successful bidder is notified of the
award of the contract.

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

The provisions of sections ~~153.50 to 153.99~~ 9.312 and 3313.46
of the Revised Code, which are applicable to construction
contracts of boards of education ~~and which permit bids to be made~~
~~for two or more trades or kinds of work~~, shall apply to
construction contracts for the project ~~to the exclusion of~~
~~sections 153.01 to 153.20 of the Revised Code applicable to state~~
~~construction contracts.~~

The remedies afforded to any subcontractor, materials
supplier, laborer, mechanic, or persons furnishing material or
machinery for the project under sections 1311.26 to 1311.32 of the
Revised Code, shall apply to contracts entered into under this
section and the itemized statement required by section 1311.26 of
the Revised Code shall be filed with the school district board.

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

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

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

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

~~(4)~~(3) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under Chapter 3318. of the Revised Code.

~~(5)~~(4) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under Chapter 3318. of the Revised Code.

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall supervise the operations of the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director.

(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code.

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

(1) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project

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costs," "basic project cost," "valuation," and "percentile" have 20576
the same meanings as in section 3318.01 of the Revised Code. 20577

(2) "Required level of indebtedness" means five per cent of 20578
the school district's valuation for the year preceding the year in 20579
which the commission and school district enter into an agreement 20580
under division (B) of this section, plus [two one-hundredths of 20581
one per cent multiplied by (the percentile in which the district 20582
ranks in the fiscal year the commission and the school district 20583
enter into such agreement minus one)]. 20584

(3) "Local resources" means any moneys generated in any 20585
manner permitted for a school district board to raise the school 20586
district portion of a project undertaken with assistance under 20587
sections 3318.01 to 3318.20 of the Revised Code. 20588

(B)(1) There is hereby established the school building 20589
assistance expedited local partnership program. Under the program, 20590
the Ohio school facilities commission may enter into an agreement 20591
with the school district board of any school district under which 20592
the school district board may proceed with the new construction or 20593
major repairs of a part of the school district's classroom 20594
facilities needs, as determined under sections 3318.01 to 3318.20 20595
of the Revised Code, through the expenditure of local resources 20596
prior to the school district's eligibility for state assistance 20597
under sections 3318.01 to 3318.20 of the Revised Code and may 20598
apply that expenditure toward meeting the school district's 20599
portion of the basic project cost of the total of the school 20600
district's classroom facilities needs, as determined under 20601
sections 3318.01 to 3318.20 of the Revised Code and as 20602
recalculated under division (E) of this section, that are eligible 20603
for state assistance under sections 3318.01 to 3318.20 of the 20604
Revised Code when the school district becomes eligible for such 20605
state assistance. Any school district that is reasonably expected 20606
to receive assistance under sections 3318.01 to 3318.20 of the 20607

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Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program.

(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.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. ~~The resolution shall not specify an election sooner than twelve months after the date the resolution is adopted by the board~~ The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, ~~sooner than the effective date of this amendment~~ September 14, 2000.

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

(4) If a school district that enters into an agreement under this section has not begun a project applying local resources as

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provided for under that agreement at the time the district is
notified by the commission that it is eligible to receive state
assistance under sections 3318.01 to 3318.20 of the Revised Code,
all assessment and agreement documents entered into under this
section are void.

(5) Only construction of or repairs to classroom facilities
that have been approved by the commission and have been therefore
included as part of a district's basic project cost qualify for
application of local resources under this section.

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

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

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

(D)(1) When the commission determines the basic project cost
of the classroom facilities needs of a school district and the
school district's portion of that basic project cost under
division (C) of this section, the project shall be conditionally
approved. Such conditional approval shall be submitted to the
controlling board for approval thereof. The controlling board
shall forthwith approve or reject the commission's determination,

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conditional approval, and the amount of the state's portion of the
basic project cost; however, no state funds shall be encumbered
under this section. Upon approval by the controlling board, the
school district board may identify a discrete part of its
classroom facilities needs, which shall include only new
construction of or additions or major repairs to a particular
building, to address with local resources. Upon identifying a part
of the school district's basic project cost to address with local
resources, the school district board may allocate any available
school district moneys to pay the cost of that identified part,
including the proceeds of an issuance of bonds if approved by the
electors of the school district.

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

(2) Unless the school district board exercises its option
under division (D)(3) of this section, for a school district to
qualify for participation in the program authorized under this
section, either:

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

(b) As authorized under division (C) of section 3318.05 of
the Revised Code, the school district board shall earmark from the
proceeds of a permanent improvement tax levied under section

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5705.21 of the Revised Code, an amount equivalent to the
additional tax otherwise required under division (D)(2)(a) of this
section for the maintenance of the classroom facilities included
in the basic project cost as determined by the commission.

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

(4) If pursuant to division (D)(3) of this section a district
board opts to delay levying an additional tax until the district
becomes eligible for state assistance, it shall submit the
question of levying that tax to the district electors as follows:

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

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

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

Any amount required for maintenance under division (D)(2) of

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this section shall be deposited into a separate fund as specified
in division (B) of section 3318.05 of the Revised Code.

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(E)(1) If the school district becomes eligible for state
assistance under sections 3318.01 to 3318.20 of the Revised Code
based on its percentile ranking as determined under division (B)
of this section, the commission shall conduct a new assessment of
the school district's classroom facilities needs and shall
recalculate the basic project cost based on this new assessment.
The basic project cost recalculated under this division shall
include the amount of expenditures made by the school district
board under division (D)(1) of this section. The commission shall
then recalculate the school district's portion of the new basic
project cost, which shall be the percentage of the original basic
project cost assigned to the school district as its portion under
division (C) of this section. The commission shall deduct the
expenditure of school district moneys made under division (D)(1)
of this section from the school district's portion of the basic
project cost as recalculated under this division. If the amount of
school district resources applied by the school district board to
the school district's portion of the basic project cost under this
section is less than the total amount of such portion as
recalculated under this division, the school district board by a
majority vote of all of its members shall, if it desires to seek
state assistance under sections 3318.01 to 3318.20 of the Revised
Code, adopt a resolution as specified in section 3318.06 of the
Revised Code to submit to the electors of the school district the
question of approval of a bond issue in order to pay any
additional amount of school district portion required for state
assistance. Any tax levy approved under division (D) of this
section satisfies the requirements to levy the additional tax
under section 3318.06 of the Revised Code.

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(2) If the amount of school district resources applied by the

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school district board to the school district's portion of the
basic project cost under this section is more than the total
amount of such portion as recalculated under this division, within
one year after the school district's portion is recalculated under
division (E)(1) of this section the commission may grant to the
school district the difference between the two calculated
portions, but at no time shall the commission expend any state
funds on a project in an amount greater than the state's portion
of the basic project cost as recalculated under this division.

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

The school district board shall use any moneys reimbursed to
the district under this division to pay off any debt service the
district owes for classroom facilities constructed under its
project under this section before such moneys are applied to any
other purpose.

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

(B) If there is a decrease in the tax valuation of a school
district to which this section applies by ten per cent or greater
from one tax year to the next due to a decrease in the assessment
rate of the taxable property of an electric company that owns
property in the district, as provided for in section 5727.111 of
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd
General Assembly, the Ohio school facilities commission shall
calculate or recalculate the state and school district portions of

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the basic project cost of the school district's project by
determining the percentile rank in which the district would be
located if such ranking were made using the current year adjusted
valuation per pupil, as calculated and reported to the commission
by the department of education under division (A) of section
3318.011 of the Revised Code, rather than the three-year average
adjusted valuation per pupil, calculated under division (B) of
that section. For such district, the required percentage of the
basic project cost used to determine the state and school district
shares of that cost under division (C) of section 3318.36 of the
Revised Code shall be based on the percentile rank as calculated
under this section rather than as otherwise provided in division
(C)(1) of section 3318.36 of the Revised Code. If the commission
has determined the state and school district portion of the basic
project cost of such a district's project under section 3318.36 of
the Revised Code prior to that decrease in tax valuation, the
commission shall adjust the state and school district shares of
the basic project cost of such project in accordance with this
section.

Sec. 3318.50. (A) As used in this section and in section
3318.52 of the Revised Code:

(1) "Start-up community school" means a "new start-up school"
as that term is defined in division (A) of section 3314.02 of the
Revised Code.

(2) "Classroom facilities" has the same meaning as in section
3318.01 of the Revised Code.

(B) There is hereby established the community school
classroom facilities loan guarantee program. Under the program,
the Ohio school facilities commission may guarantee for up to
fifteen years any loan made to the governing authority of a
start-up community school established under Chapter 3314. of the

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Revised Code for the sole purpose of assisting the governing board 20827
in acquiring classroom facilities for the community school by 20828
lease, purchase, remodeling of existing facilities, or any other 20829
means except by new construction. 20830

The commission shall not make any loan guarantee under this 20831
section unless the commission has determined that the classroom 20832
facilities meet specifications established by the commission under 20833
section 3318.51 of the Revised Code. 20834

The agreement between the commission and the governing 20835
authority of a community school for a loan guarantee under this 20836
section shall contain a stipulation holding all members of the 20837
governing authority at the time the agreement is executed jointly 20838
and severally liable in their personal capacity to the state for 20839
the amount of any payment made by the state to pay any default on 20840
a loan guaranteed by that agreement regardless of whether such 20841
members are still members of the governing authority at the time 20842
of the default. 20843

(C) Any payment made to a lending institution as a result of 20844
default on a loan guaranteed under this section shall be made from 20845
moneys in the community school classroom facilities loan guarantee 20846
fund established under section 3318.52 of the Revised Code. 20847

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(D) The commission may assess a fee of up to five hundred 20849
dollars for each loan guaranteed under this section. 20850

Sec. 3318.51. Not later than nine months after the effective 20851
date of this section, the Ohio school facilities commission in 20852
consultation with the office of community school options 20853
established under section 3314.11 of the Revised Code shall 20854
develop specifications for classroom facilities for start-up 20855
community schools established under Chapter 3314. of the Revised 20856
Code. 20857

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

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

(B) In the case of a service center formed under section 3311.053 of the Revised Code, the governing board shall designate the site of its offices. The Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, the board of county commissioners of the county in which the designated site is located shall provide and equip the offices as under division (A) of this section, but the costs of such offices and equipment ~~not covered by funds received under section 307.031 of the Revised Code~~ shall be apportioned among the boards of county commissioners of all counties having any territory in the area under the control of the governing board, according to the proportion of local school district pupils under the supervision of such board residing in the respective counties. Where there is

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a dispute as to the amount any board of county commissioners is required to pay, the probate judge of the county in which the greatest number of pupils under the supervision of the governing board reside shall apportion such costs among the boards of county commissioners and notify each such board of its share of the costs.

~~(C) By the first day of March of each year, the superintendent of public instruction shall certify to the tax commissioner the ADM and the number of full-time licensed employees of each educational service center for the purposes of the distribution of funds to boards of county commissioners required under division (B) of section 307.031 of the Revised Code. As used in this section, "ADM" means the formula ADMs of all the local districts having territory in the service center, as certified in October of the previous year by the service center superintendent to the state board of education under section 3317.03 of the Revised Code. As used in this division, "licensed employee" has the same meaning as in section 307.031 of the Revised Code.~~

~~(D) The superintendent of a service center may annually submit a proposal approved by the board of county commissioners to the state superintendent of public instruction, in such manner and by such date as specified by the state board of education, for a grant for the board of county commissioners to do one of the following:~~

~~(1) To improve or enhance the offices and equipment provided under division (A) or (B) of this section or section 3301.0712 of the Revised Code;~~

~~(2) If funds received under division (B) of section 307.031 of the Revised Code are insufficient to provide for the actual cost of meeting the requirements of division (A) or (B) of section 3319.19 and division (A)(2) of section 3301.0712 of the Revised~~

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~~Code, to provide funds to meet such costs.~~

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~~Any service center superintendent intending to submit a
proposal shall submit it to the board of county commissioners that
provides and equips the office of the superintendent for approval
at least twenty days before the date of submission to the
superintendent of public instruction. The superintendent of public
instruction shall evaluate the proposals and select those that
will most benefit the local districts supervised by the governing
boards under standards adopted by the state board. For each
proposal selected for a grant, the superintendent of public
instruction shall determine the grant amount and, with the
approval of the superintendent and the board of county
commissioners, may modify a grant proposal to reflect the amount
of money available for the grant. The superintendent of public
instruction shall notify the board of county commissioners and the
tax commissioner of the selection of the proposal as submitted or
modified and the amount of the grant. If, pursuant to division (C)
of section 307.031 of the Revised Code, the board of county
commissioners accepts the proposal and grant, it shall expend the
funds as specified in the grant proposal. If the board of county
commissioners rejects the proposal and grant, the superintendent
of public instruction may select another proposal from among the
district proposals that initially failed to be selected for a
grant.~~

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

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<u>cost shall include:</u>	20953
<u>(1) The total square feet of space to be utilized by the educational service center;</u>	20954 20955
<u>(2) The total square feet of any common areas that should be reasonably allocated to the center and the methodology for making this allocation;</u>	20956 20957 20958
<u>(3) The actual cost per square foot for both the space utilized by and the common area allocated to the center;</u>	20959 20960
<u>(4) An explanation of the methodology used to determine the per square foot cost;</u>	20961 20962
<u>(5) The estimated cost of providing heat, light, and water, including an explanation of how these costs were determined;</u>	20963 20964 20965
<u>(6) The estimated cost of providing janitorial services including an explanation of the methodology used to determine this cost;</u>	20966 20967 20968
<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.</u>	20969 20970 20971
<u>A copy of the total estimate of costs under this division shall be sent to the superintendent of the educational service center not later than the fifth day of April. The superintendent shall review the total estimate and shall notify the board of county commissioners not later than twenty days after receipt of the estimate of either agreement with the estimate or any specific objections to the estimates and the reasons for the objections. If the superintendent agrees with the estimate, it shall become the final total estimate of cost. Failure of the superintendent to make objections to the estimate by the twentieth day after receipt of it shall be deemed to mean that the superintendent is in agreement with the estimate.</u>	20972 20973 20974 20975 20976 20977 20978 20979 20980 20981 20982 20983

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

If a superintendent has sent specific objections to the revised estimate within the required time, the probate judge of the county which has the greatest number of resident local school district pupils under the supervision of the educational service center shall determine the final estimated cost and certify this amount to the superintendent and the board of county commissioners prior to the first day of July.

(D)(1) A board of county commissioners shall be responsible for the following percentages of the final total estimated cost established by division (C) of this section:

- (a) Eighty per cent for fiscal year 2003;
- (b) Sixty per cent for fiscal year 2004;
- (c) Forty per cent for fiscal year 2005;
- (d) Twenty per cent for fiscal year 2006.

In fiscal years 2003, 2004, 2005, and 2006 the educational service center shall be responsible for the remainder of any costs in excess of the amounts specified in division (D)(1)(a), (b), or (c) of this section, as applicable, associated with the provision

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and equipment of offices for the educational service center and 21015
for provision of heat, light, water, and janitorial services for 21016
such offices, including any unanticipated or unexpected increases 21017
in the costs beyond the final estimated cost amount. 21018

Beginning in fiscal year 2007, no board of county 21019
commissioners shall have any obligation to provide and equip 21020
offices for an educational service center or to provide heat, 21021
light, water, or janitorial services for such offices. 21022

(2) Nothing in this section shall prohibit the board of 21023
county commissioners and the governing board of an educational 21024
service center from entering into a contract for providing and 21025
equipping offices for the use of an educational service center and 21026
for providing heat, light, water, and janitorial services for such 21027
offices. The term of any such contract shall not exceed a period 21028
of four years and may be renewed for additional periods not to 21029
exceed four years. Any such contract shall supersede the 21030
provisions of division (D)(1) of this section and no educational 21031
service center may be charged, at any time, any additional amount 21032
for the county's provision of an office and equipment, heat, 21033
light, water, and janitorial services beyond the amount specified 21034
in such contract. 21035

(3) No contract entered into under division (D)(2) of this 21036
section in any year prior to fiscal year 2007 between an 21037
educational service center formed under section 3311.053 of the 21038
Revised Code and the board of county commissioners required to 21039
provide and equip its office pursuant to division (B) of this 21040
section shall take effect unless the boards of county 21041
commissioners of all other counties required to participate in the 21042
funding for such offices pursuant to division (B) of this section 21043
adopt resolutions approving the contract. 21044

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 21045

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"guardian," or "other person having charge or care of a child" 21046
means either parent unless the parents are separated or divorced 21047
or their marriage has been dissolved or annulled, in which case 21048
"parent" means the parent who is the residential parent and legal 21049
custodian of the child. If the child is in the legal or permanent 21050
custody of a person or government agency, "parent" means that 21051
person or government agency. When a child is a resident of a home, 21052
as defined in section 3313.64 of the Revised Code, and the child's 21053
parent is not a resident of this state, "parent," "guardian," or 21054
"other person having charge or care of a child" means the head of 21055
the home. 21056

A child between six and eighteen years of age is "of 21057
compulsory school age" for the purpose of sections 3321.01 to 21058
3321.13 of the Revised Code. A child under six years of age who 21059
has been enrolled in kindergarten also shall be considered "of 21060
compulsory school age" for the purpose of sections 3321.01 to 21061
3321.13 of the Revised Code unless at any time the child's parent 21062
or guardian, at the parent's or guardian's discretion and in 21063
consultation with the child's teacher and principal, formally 21064
withdraws the child from kindergarten. The compulsory school age 21065
of a child shall not commence until the beginning of the term of 21066
such schools, or other time in the school year fixed by the rules 21067
of the board of the district in which the child resides. 21068

(2) No child shall be admitted to a kindergarten or a first 21069
grade of a public school in a district in which all children are 21070
admitted to kindergarten and the first grade in August or 21071
September unless the child is five or six years of age, 21072
respectively, by the thirtieth day of September of the year of 21073
admittance, or by the first day of a term or semester other than 21074
one beginning in August or September in school districts granting 21075
admittance at the beginning of such term or semester, except that 21076
in those school districts using or obtaining educationally 21077

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accepted standardized testing programs for determining entrance, 21078
as approved by the board of education of such districts, the board 21079
shall admit a child to kindergarten or the first grade who fails 21080
to meet the age requirement, provided the child meets necessary 21081
standards as determined by such standardized testing programs. If 21082
the board of education has not established a standardized testing 21083
program, the board shall designate the necessary standards and a 21084
testing program it will accept for the purpose of admitting a 21085
child to kindergarten or first grade who fails to meet the age 21086
requirement. Each child who will be the proper age for entrance to 21087
kindergarten or first grade by the first day of January of the 21088
school year for which admission is requested shall be so tested 21089
upon the request of the child's parent. 21090

(3) Notwithstanding divisions (A)(2) and (D) of this section, 21091
beginning with the school year that starts in 2001 and continuing 21092
thereafter the board of education of any district may adopt a 21093
resolution establishing the first day of August in lieu of the 21094
thirtieth day of September as the required date by which students 21095
must have attained the age specified in those divisions. 21096

(B) As used in divisions (C) and (D) of this section, 21097
"successfully completed kindergarten" and "successful completion 21098
of kindergarten" mean that the child has completed the 21099
kindergarten requirements at one of the following: 21100

(1) A public or chartered nonpublic school; 21101

(2) A kindergarten class that is both of the following: 21102

(a) Offered by a day-care provider licensed under Chapter 21103
5104. of the Revised Code; 21104

(b) If offered after July 1, 1991, is directly taught by a 21105
teacher who holds one of the following: 21106

(i) A valid educator license issued under section 3319.22 of 21107
the Revised Code; 21108

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(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	21109 21110 21111
(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	21112 21113 21114
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	21115 21116
(C) Except as provided in division (D) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	21117 21118 21119
(D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.	21120 21121 21122 21123 21124 21125 21126
The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following to the extent such personnel are either employed by the district or employed by the governing board of the educational service center within whose territory the district is located and the educational service center generally furnishes the services of such personnel to the district:	21127 21128 21129 21130 21131 21132 21133 21134
(1) The director of pupil personnel services;	21135
(2) An elementary school counselor;	21136
(3) An elementary school principal;	21137
(4) A school psychologist;	21138

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(5) A teacher assigned to teach first grade; 21139

(6) A gifted coordinator. 21140

The responsibilities of the pupil personnel services 21141
committee shall be limited to the issuing of waivers allowing 21142
admittance to the first grade without the successful completion of 21143
kindergarten. The committee shall have no other authority except 21144
as specified in this section. 21145

(E) The scheduling of times for kindergarten classes and 21146
length of the school day for kindergarten shall be determined by 21147
the board of education of a city, exempted village, or local 21148
school district. 21149

(F) Any kindergarten class offered by a day-care provider or 21150
school described by division (B)(1) or (B)(2)(a) of this section 21151
shall be developmentally appropriate. 21152

(G) Upon written request of a day-care provider described by 21153
division (B)(2)(a) of this section, the department of education 21154
shall determine whether certification held by a teacher employed 21155
by the provider meets the requirement of division (B)(2)(b)(iii) 21156
of this section and, if so, shall furnish the provider a statement 21157
to that effect. 21158

Sec. 3323.09. (A) As used in this section: 21159

(1) "Home" has the meaning given in section 3313.64 of the 21160
Revised Code; 21161

(2) "Preschool child" means a child who is at least age three 21162
but under age six on the thirtieth day of September of an academic 21163
year. 21164

(B) Each county MR/DD board shall establish special education 21165
programs for all handicapped children who in accordance with 21166
section 3323.04 of the Revised Code have been placed in special 21167

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education programs operated by the county board and for preschool 21168
children who are developmentally delayed or at risk of being 21169
developmentally delayed. The board annually shall submit to the 21170
department of education a plan for the provision of these programs 21171
and, if applicable, a request for approval of units under section 21172
3317.05 of the Revised Code. The superintendent of public 21173
instruction shall review the plan and approve or modify it in 21174
accordance with rules adopted by the state board of education 21175
under section 3301.07 of the Revised Code. The superintendent of 21176
public instruction shall compile the plans submitted by county 21177
boards and shall submit a comprehensive plan to the state board of 21178
education. 21179

A county MR/DD board may combine transportation for children 21180
enrolled in classes funded under section 3317.20 or units approved 21181
under section 3317.05 with transportation for children and adults 21182
enrolled in programs and services offered by the board under 21183
section 5126.12 of the Revised Code. 21184

(C) A county MR/DD board that during the school year provided 21185
special education pursuant to this section for any mentally 21186
handicapped child under twenty-two years of age shall prepare and 21187
submit the following reports and statements: 21188

(1) The board shall prepare a statement for each child who at 21189
the time of receiving such special education was a resident of a 21190
home and was not in the legal or permanent custody of an Ohio 21191
resident or a government agency in this state, and whose parents 21192
are not known to have been residents of this state subsequent to 21193
the child's birth. The statement shall contain the child's name, 21194
the name of ~~his~~ the child's school district of residence, the name 21195
of the county board providing the special education, and the 21196
number of months, including any fraction of a month, it was 21197
provided. Not later than the thirtieth day of June, the board 21198
shall forward a certified copy of such statement to both the 21199

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director of mental retardation and developmental disabilities and 21200
to the home. 21201

Within thirty days after its receipt of a statement, the home 21202
shall pay tuition to the county board computed in the manner 21203
prescribed by section 3323.141 of the Revised Code. 21204

(2) The board shall prepare a report for each school district 21205
that is the school district of residence of one or more of such 21206
children for whom statements are not required by division (C)(1) 21207
of this section. The report shall contain the name of the county 21208
board providing special education, the name of each child 21209
receiving special education, the number of months, including 21210
fractions of a month, that ~~he~~ the child received it, and the name 21211
of the child's school district of residence. Not later than the 21212
thirtieth day of June, the board shall forward certified copies of 21213
each report to the school district named in the report, the 21214
superintendent of public instruction, and the director of mental 21215
retardation and developmental disabilities. 21216

Sec. 3323.091. (A) The department of mental health, the 21217
department of mental retardation and developmental disabilities, 21218
the department of youth services, and the department of 21219
rehabilitation and correction shall establish and maintain special 21220
education programs for handicapped children in institutions under 21221
their jurisdiction according to standards adopted by the state 21222
board of education. The superintendent of each institution 21223
providing special education under this chapter may apply to the 21224
state department of education for unit funding, which shall be 21225
paid in accordance with sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 21226
3317.053 of the Revised Code. 21227

(B) On or before the thirtieth day of June of each year, the 21228
superintendent of each institution that during the school year 21229
provided special education pursuant to this section shall prepare 21230

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a statement for each handicapped child under twenty-two years of age who has received special education. The statement shall contain the child's name and the name of the child's school district of residence. Within sixty days after receipt of such statement, the department of education shall perform one of the following:

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

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

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

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

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Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from the educational service center governing board in case such person is employed by a service center or by a local school district under the supervision of the service center governing board, or by the superintendent of schools, in case such person is employed by the board of a city or exempted village school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain ~~his~~ the driver's physical fitness for such employment. Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.

(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical

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examination which conforms to the state highway patrol rules, 21294
 ascertaining ~~his~~ the driver's physical fitness for such 21295
 employment. ~~Any~~ The examination shall be performed by one of the 21296
following: 21297

(1) A person licensed under Chapter 4731. of the Revised Code 21298
or by another state to practice medicine and surgery or 21299
osteopathic medicine and surgery; 21300

(2) A registered nurse who holds a certificate of authority 21301
issued under Chapter 4723. of the Revised Code to practice as a 21302
certified nurse practitioner or clinical nurse specialist and is 21303
practicing pursuant to a standard care arrangement with a 21304
collaborating physician. 21305

Any certificate may be revoked by the authority granting the 21306
 same on proof that the holder has been guilty of failing to comply 21307
 with division (D)(2) of this section. 21308

(C) Any person who drives a school bus or motor van must give 21309
 satisfactory and sufficient bond except a driver who is an 21310
 employee of a school district and who drives a bus or motor van 21311
 owned by the school district. 21312

(D) No person employed as driver of a school bus or motor van 21313
 under this section who is convicted of a traffic violation or who 21314
 has had ~~his~~ the person's commercial driver's license suspended or 21315
 revoked shall drive a school bus or motor van until such person 21316
 has filed a written notice of such conviction, suspension, or 21317
 revocation as follows: 21318

(1) If ~~he~~ the person is employed under division (A) of this 21319
 section, such notice shall be filed with the superintendent, or a 21320
 person designated by the superintendent, of the school district 21321
 for which such person drives a school bus or motor van as an 21322
 employee or drives a privately owned and operated school bus or 21323
 motor van under contract. 21324

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(2) If employed under division (B) of this section, such notice shall be filed with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

Sec. 3333.02. The Ohio board of regents shall hold its first meeting at the call of the governor, within three months after all members have been appointed and qualified. Meetings thereafter shall be called in such manner and at such times as prescribed by rules adopted by the board, but the board shall meet at least four times annually. A majority of the board constitutes a quorum. At its first meeting, the board shall organize by selecting a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary, and such other officers as it deems necessary. The board shall adopt rules for the conduct of its business, and to provide for the term and election of officers, and shall establish an office in Columbus. The rules shall permit the formation of a quorum and the taking of votes at meetings conducted by interactive video teleconference if provisions are made for public attendance at any location involved in such a teleconference.

A record shall be kept of board proceedings, which shall be open for public inspection. The board shall adopt a seal to be affixed to official documents. Each member of the board, before entering on ~~his~~ official duties and after qualifying for office, shall take and subscribe to an oath of office, to uphold the constitution and laws of the United States and this state, and to perform the duties of ~~his~~ office honestly, faithfully, and impartially.

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Sec. 3333.03. (A) The Ohio board of regents shall appoint a 21356
chancellor to serve at its pleasure and shall prescribe ~~his~~ the 21357
chancellor's duties. The board shall fix the compensation for the 21358
chancellor ~~and for all other professional, administrative, and~~ 21359
~~clerical employees necessary to assist the board and the~~ 21360
~~chancellor in the performance of their duties.~~ 21361

(B) The chancellor is the administrative officer of the 21362
board, and is responsible for appointing and fixing the 21363
compensation of all professional, administrative, and clerical 21364
employees and staff members, ~~subject to board approval, who~~ 21365
necessary to assist the board and the chancellor in the 21366
performance of their duties. All employees and staff shall serve 21367
under ~~his~~ the chancellor's direction and control. The chancellor 21368
shall be a person qualified by training and experience to 21369
understand the problems and needs of the state in the field of 21370
higher education and to devise programs, plans, and methods of 21371
solving the problems and meeting the needs. 21372

(C) Neither the chancellor nor any staff member or employee 21373
of the board shall be a trustee, officer, or employee of any 21374
public or private college or university while serving on the 21375
board. 21376

Sec. 3333.043. (A) As used in this section: 21377

(1) "Institution of higher education" means the state 21378
universities listed in section 3345.011 of the Revised Code, 21379
municipal educational institutions established under Chapter 3349. 21380
of the Revised Code, community colleges established under Chapter 21381
3354. of the Revised Code, university branches established under 21382
Chapter 3355. of the Revised Code, technical colleges established 21383
under Chapter 3357. of the Revised Code, state community colleges 21384
established under Chapter 3358. of the Revised Code, any 21385

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institution of higher education with a certificate of registration 21386
from the state board of proprietary school registration, and any 21387
institution for which the Ohio board of regents receives a notice 21388
pursuant to division (C) of this section. 21389

(2) "Community service" has the same meaning as in section 21390
3313.605 of the Revised Code. 21391

(B)(1) The board of trustees or other governing entity of 21392
each institution of higher education shall encourage and promote 21393
participation of students in community service through a program 21394
appropriate to the mission, student population, and environment of 21395
each institution. The program may include, but not be limited to, 21396
providing information about community service opportunities during 21397
student orientation or in student publications; providing awards 21398
for exemplary community service; encouraging faculty members to 21399
incorporate community service into students' academic experiences 21400
wherever appropriate to the curriculum; encouraging recognized 21401
student organizations to undertake community service projects as 21402
part of their purposes; and establishing advisory committees of 21403
students, faculty members, and community and business leaders to 21404
develop cooperative programs that benefit the community and 21405
enhance student experience. The program shall be flexible in 21406
design so as to permit participation by the greatest possible 21407
number of students, including part-time students and students for 21408
whom participation may be difficult due to financial, academic, 21409
personal, or other considerations. The program shall emphasize 21410
community service opportunities that can most effectively use the 21411
skills of students, such as tutoring or literacy programs. The 21412
programs shall encourage students to perform services that will 21413
not supplant the hiring of, result in the displacement of, or 21414
impair any existing employment contracts of any particular 21415
employee of any private or governmental entity for which services 21416
are performed. 21417

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(2) The Ohio board of regents shall encourage all 21418
institutions of higher education in the development of community 21419
service programs. With the assistance of the ~~state~~ Ohio community 21420
service ~~advisory committee~~ council created in section 121.40 of 21421
the Revised Code, the board of regents shall make available 21422
information about higher education community service programs to 21423
institutions of higher education and to statewide organizations 21424
involved with or promoting volunteerism, including information 21425
about model community service programs, teacher training courses, 21426
and community service curricula and teaching materials for 21427
possible use by institutions of higher education in their 21428
programs. The board shall encourage institutions of higher 21429
education to jointly coordinate higher education community service 21430
programs through consortia of institutions or other appropriate 21431
means of coordination. 21432

(C) The board of trustees of any nonprofit institution with a 21433
certificate of authorization issued by the Ohio board of regents 21434
pursuant to Chapter 1713. of the Revised Code may notify the board 21435
of regents that it is making itself subject to divisions (A) and 21436
(B) of this section. Upon receipt of such a notice, these 21437
divisions shall apply to that institution. 21438

Sec. 3333.12. (A) As used in this section: 21439

(1) "Eligible student" means an undergraduate student who is: 21440

(a) An Ohio resident; 21441

(b) Enrolled in either of the following: 21442

(i) An accredited institution of higher education in this 21443
state that meets the requirements of Title VI of the Civil Rights 21444
Act of 1964 and is state-assisted, is nonprofit and has a 21445
certificate of authorization from the Ohio board of regents 21446
pursuant to Chapter 1713. of the Revised Code, or has a 21447

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certificate of registration from the state board of proprietary
school registration and program authorization to award an
associate or bachelor's degree. Students who attend an institution
that holds a certificate of registration shall be 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 issued under section 3332.05 of the Revised Code.

(ii) A technical education program of at least two years
duration sponsored by a private institution of higher education in
this state that meets the requirements of Title VI of the Civil
Rights Act of 1964.

(c) Enrolled as a full-time student or enrolled as a less
than full-time student for the term expected to be the student's
final term of enrollment and is enrolled for the number of credit
hours necessary to complete the requirements of the program in
which the student is enrolled.

(2) "Gross income" includes all taxable and nontaxable income
of the parents, the student, and the student's spouse, except
income derived from an Ohio academic scholarship, income earned by
the student between the last day of the spring term and the first
day of the fall term, and other income exclusions designated by
the board. Gross income may be verified to the board by the
institution in which the student is enrolled using the federal
financial aid eligibility verification process or by other means
satisfactory to the board.

(3) "Resident," "full-time student," "dependent,"
"financially independent," and "accredited" shall be defined by
rules adopted by the board.

(B) The Ohio board of regents shall establish and administer
an instructional grant program and may adopt rules to carry out
this section. The general assembly shall support the instructional

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grant program by such sums and in such manner as it may provide, 21480
but the board may also receive funds from other sources to support 21481
the program. If the amounts available for support of the program 21482
are inadequate to provide grants to all eligible students, 21483
preference in the payment of grants shall be given in terms of 21484
income, beginning with the lowest income category of gross income 21485
and proceeding upward by category to the highest gross income 21486
category. 21487

An instructional grant shall be paid to an eligible student 21488
through the institution in which the student is enrolled, except 21489
that no instructional grant shall be paid to any person serving a 21490
term of imprisonment. Applications for such grants shall be made 21491
as prescribed by the board, and such applications may be made in 21492
conjunction with and upon the basis of information provided in 21493
conjunction with student assistance programs funded by agencies of 21494
the United States government or from financial resources of the 21495
institution of higher education. The institution shall certify 21496
that the student applicant meets the requirements set forth in 21497
divisions (A)(1)(b) and (c) of this section. Instructional grants 21498
shall be provided to an eligible student only as long as the 21499
student is making appropriate progress toward a nursing diploma or 21500
an associate or bachelor's degree. No student shall be eligible to 21501
receive a grant for more than ten semesters, fifteen quarters, or 21502
the equivalent of five academic years. A grant made to an eligible 21503
student on the basis of less than full-time enrollment shall be 21504
based on the number of credit hours for which the student is 21505
enrolled and shall be computed in accordance with a formula 21506
adopted by the board. No student shall receive more than one grant 21507
on the basis of less than full-time enrollment. 21508

An instructional grant shall not exceed the total 21509
instructional and general charges of the institution. 21510

(C) The tables in this division prescribe the maximum grant 21511

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amounts covering two semesters, three quarters, or a comparable
 portion of one academic year. Grant amounts for additional terms
 in the same academic year shall be determined under division (D)
 of this section.

For a full-time student who is a dependent and enrolled in a
 nonprofit educational institution that is not a state-assisted
 institution and that has a certificate of authorization issued
 pursuant to Chapter 1713. of the Revised Code, the amount of the
 instructional grant for two semesters, three quarters, or a
 comparable portion of the academic year shall be determined in
 accordance with the following table:

Table of Grants						21523
Maximum Grant \$4,872						21524
Gross Income	Number of Dependents					21525
	1	2	3	4	5 or more	21526
Under \$13,001	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	21527
\$13,001 — \$14,000	4,386	4,872	4,872	4,872	4,872	21528
\$14,001 — \$15,000	3,888	4,386	4,872	4,872	4,872	21529
\$15,001 — \$16,000	3,408	3,888	4,386	4,872	4,872	21530
\$16,001 — \$17,000	2,928	3,408	3,888	4,386	4,872	21531
\$17,001 — \$20,000	2,442	2,928	3,408	3,888	4,386	21532
\$20,001 — \$23,000	1,944	2,442	2,928	3,408	3,888	21533
\$23,001 — \$26,000	1,452	1,944	2,442	2,928	3,408	21534
\$26,001 — \$29,000	1,200	1,452	1,944	2,442	2,928	21535
\$29,001 — \$30,000	966	1,200	1,452	1,944	2,442	21536
\$30,001 — \$31,000	882	966	1,200	1,452	1,944	21537
\$31,001 — \$32,000	792	882	966	1,200	1,452	21538
\$32,001 — \$33,000	396	792	882	966	1,200	21539
\$33,001 — \$34,000	—0—	396	792	882	966	21540
\$34,001 — \$35,000	—0—	—0—	396	792	882	21541
\$35,001 — \$36,000	—0—	—0—	—0—	396	792	21542

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\$36,001 - \$37,000	-0-	-0-	-0-	-0-	396	21543
Over \$37,000	-0-	-0-	-0-	-0-	-0-	21544

Private Institution 21545

Table of Grants 21546

Maximum Grant \$5,466 21547

Gross Income Number of Dependents 21548

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	21549
					<u>more</u>	

<u>\$0 - \$15,000</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	21550
<u>\$15,001 - \$16,000</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	21551
<u>\$16,001 - \$17,000</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	21552
<u>\$17,001 - \$18,000</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	21553
<u>\$18,001 - \$19,000</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	21554
<u>\$19,001 - \$22,000</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	21555
<u>\$22,001 - \$25,000</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	21556
<u>\$25,001 - \$28,000</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	21557
<u>\$28,001 - \$31,000</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	21558
<u>\$31,001 - \$32,000</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	21559
<u>\$32,001 - \$33,000</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	21560
<u>\$33,001 - \$34,000</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	21561
<u>\$34,001 - \$35,000</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	21562
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	21563
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	21564
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	21565
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	21566

For a full-time student who is financially independent and 21567
 enrolled in a nonprofit educational institution that is not a 21568
 state-assisted institution and that has a certificate of 21569
 authorization issued pursuant to Chapter 1713. of the Revised 21570
 Code, the amount of the instructional grant for two semesters, 21571
 three quarters, or a comparable portion of the academic year shall 21572
 be determined in accordance with the following table: 21573

Table of Grants 21574

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	Maximum Grant \$4,872						21575
Gross Income	Number of Dependents						21576
	0	1	2	3	4	5 or more	21577
Under \$4,201	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	21578
\$4,201 — \$4,800	4,386	4,872	4,872	4,872	4,872	4,872	21579
\$4,801 — \$5,300	3,888	4,386	4,872	4,872	4,872	4,872	21580
\$5,301 — \$5,800	3,408	3,888	4,386	4,872	4,872	4,872	21581
\$5,801 — \$6,300	2,928	3,408	3,888	4,386	4,872	4,872	21582
\$6,301 — \$6,800	2,442	2,928	3,408	3,888	4,386	4,872	21583
\$6,801 — \$7,800	1,944	2,442	2,928	3,408	3,888	4,386	21584
\$7,801 — \$8,800	1,452	1,944	2,442	2,928	3,408	3,888	21585
\$8,801 — \$9,800	1,200	1,452	1,944	2,442	2,928	3,408	21586
\$9,801 — \$11,300	966	1,200	1,452	1,944	2,442	2,928	21587
\$11,301 — \$12,800	882	966	1,200	1,452	1,944	2,442	21588
\$12,801 — \$14,300	792	882	966	1,200	1,452	1,944	21589
\$14,301 — \$15,800	396	792	882	966	1,200	1,452	21590
\$15,801 — \$18,800	-0-	396	792	882	966	1,200	21591
\$18,801 — \$21,800	-0-	-0-	396	792	882	966	21592
\$21,801 — \$24,800	-0-	-0-	-0-	396	792	882	21593
\$24,801 — \$29,500	-0-	-0-	-0-	-0-	396	792	21594
\$29,501 — \$34,500	-0-	-0-	-0-	-0-	-0-	396	21595
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-	21596
<u>Private Institution</u>							21597
<u>Table of Grants</u>							21598
	<u>Maximum Grant \$5,466</u>						21599
<u>Gross Income</u>	<u>Number of Dependents</u>						21600
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	21601
<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>	21602
<u>\$4,801 - \$5,300</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	21603
<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>	21604
<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>	21605

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<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>	21606
<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>	21607
<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>	21608
<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>	21609
<u>\$9,301 - \$10,300</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	21610
<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>	21611
<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>	21612
<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>	21613
<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>	21614
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	21615
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	21616
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	21617
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	21618
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	21619

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of proprietary school registration, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Table of Grants							21626
Maximum Grant \$4,128							21627
Gross Income							21628
Number of Dependents							21629
	1	2	3	4	5 or more		
Under \$13,001	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128		21630
\$13,001 - \$14,000	3,726	4,128	4,128	4,128	4,128		21631
\$14,001 - \$15,000	3,288	3,726	4,128	4,128	4,128		21632
\$15,001 - \$16,000	2,874	3,288	3,726	4,128	4,128		21633
\$16,001 - \$17,000	2,490	2,874	3,288	3,726	4,128		21634
\$17,001 - \$20,000	2,046	2,490	2,874	3,288	3,726		21635
\$20,001 - \$23,000	1,656	2,046	2,490	2,874	3,288		21636
\$23,001 - \$26,000	1,266	1,656	2,046	2,490	2,874		21637

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\$26,001 — \$29,000	1,014	1,266	1,656	2,046	2,490	21638
\$29,001 — \$30,000	810	1,014	1,266	1,656	2,046	21639
\$30,001 — \$31,000	762	810	1,014	1,266	1,656	21640
\$31,001 — \$32,000	672	762	810	1,014	1,266	21641
\$32,001 — \$33,000	336	672	762	810	1,014	21642
\$33,001 — \$34,000	-0-	336	672	762	810	21643
\$34,001 — \$35,000	-0-	-0-	336	672	762	21644
\$35,001 — \$36,000	-0-	-0-	-0-	336	672	21645
\$36,001 — \$37,000	-0-	-0-	-0-	-0-	336	21646
Over \$37,000	-0-	-0-	-0-	-0-	-0-	21647

Proprietary Institution

21648

Table of Grants

21649

Maximum Grant \$4,632

21650

Gross IncomeNumber of Dependents

21651

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	
<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>	21652
<u>\$15,001 - \$16,000</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	21653
<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>	21654
<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>	21655
<u>\$18,001 - \$19,000</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	21656
<u>\$19,001 - \$22,000</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	21657
<u>\$22,001 - \$25,000</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	21658
<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>	21659
<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>	21660
<u>\$31,001 - \$32,000</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	21661
<u>\$32,001 - \$33,000</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	21662
<u>\$33,001 - \$34,000</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	21663
<u>\$34,001 - \$35,000</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	21664
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	21665
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	21666
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	21667
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	21668

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For a full-time student who is financially independent and
 enrolled in an educational institution that holds a certificate of
 registration from the state board of proprietary school
 registration, the amount of the instructional grant for two
 semesters, three quarters, or a comparable portion of the academic
 year shall be determined in accordance with the following table:

~~Table of Grants~~~~Maximum Grant \$4,128~~~~Gross Income~~~~Number of Dependents~~

	0	1	2	3	4	5 or more	
Under \$4,201	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	
\$4,201 — \$4,800	3,726	4,128	4,128	4,128	4,128	4,128	
\$4,801 — \$5,300	3,288	3,726	4,128	4,128	4,128	4,128	
\$5,301 — \$5,800	2,874	3,288	3,726	4,128	4,128	4,128	
\$5,801 — \$6,300	2,490	2,874	3,288	3,726	4,128	4,128	
\$6,301 — \$6,800	2,046	2,490	2,874	3,288	3,726	4,128	
\$6,801 — \$7,800	1,656	2,046	2,490	2,874	3,288	3,726	
\$7,801 — \$8,800	1,266	1,656	2,046	2,490	2,874	3,288	
\$8,801 — \$9,800	1,014	1,266	1,656	2,046	2,490	2,874	
\$9,801 — \$11,300	810	1,014	1,266	1,656	2,046	2,490	
\$11,301 — \$12,800	762	810	1,014	1,266	1,656	2,046	
\$12,801 — \$14,300	672	762	810	1,014	1,266	1,656	
\$14,301 — \$15,800	336	672	762	810	1,014	1,266	
\$15,801 — \$18,800	-0-	336	672	762	810	1,014	
\$18,801 — \$21,800	-0-	-0-	336	672	762	810	
\$21,801 — \$24,800	-0-	-0-	-0-	336	672	762	
\$24,801 — \$29,500	-0-	-0-	-0-	-0-	336	672	
\$29,501 — \$34,500	-0-	-0-	-0-	-0-	-0-	336	
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-	

Proprietary InstitutionTable of GrantsMaximum Grant \$4,632

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<u>Gross Income</u>	<u>Number of Dependents</u>						21702
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	21703
						<u>more</u>	
<u>\$0 - \$4,800</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>	21704
<u>\$4,801 - \$5,300</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>	21705
<u>\$5,301 - \$5,800</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	21706
<u>\$5,801 - \$6,300</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	21707
<u>\$6,301 - \$6,800</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	21708
<u>\$6,801 - \$7,300</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	21709
<u>\$7,301 - \$8,300</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	21710
<u>\$8,301 - \$9,300</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	21711
<u>\$9,301 - \$10,300</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	21712
<u>\$10,301 - \$11,800</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	21713
<u>\$11,801 - \$13,300</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	21714
<u>\$13,301 - \$14,800</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	21715
<u>\$14,801 - \$16,300</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	21716
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	21717
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	21718
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	21719
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	21720
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	21721

For a full-time student who is a dependent and enrolled in a
state-assisted educational institution, the amount of the
instructional grant for two semesters, three quarters, or a
comparable portion of the academic year shall be determined in
accordance with the following table:

	Maximum Grant \$1,956					21727
Gross Income	Number of Dependents					21728
	Table of Grants					21729
	1	2	3	4	5 or	21730
					more	
Under \$13,001	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	21731
\$13,001 - \$14,000	1,764	1,956	1,956	1,956	1,956	21732

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\$14,001 — \$15,000	1,554	1,764	1,956	1,956	1,956	21733
\$15,001 — \$16,000	1,380	1,554	1,764	1,956	1,956	21734
\$16,001 — \$17,000	1,182	1,380	1,554	1,764	1,956	21735
\$17,001 — \$20,000	966	1,182	1,380	1,554	1,764	21736
\$20,001 — \$23,000	774	966	1,182	1,380	1,554	21737
\$23,001 — \$26,000	582	774	966	1,182	1,380	21738
\$26,001 — \$29,000	468	582	774	966	1,182	21739
\$29,001 — \$30,000	378	468	582	774	966	21740
\$30,001 — \$31,000	348	378	468	582	774	21741
\$31,001 — \$32,000	318	348	378	468	582	21742
\$32,001 — \$33,000	162	318	348	378	468	21743
\$33,001 — \$34,000	-0-	162	318	348	378	21744
\$34,001 — \$35,000	-0-	-0-	162	318	348	21745
\$35,001 — \$36,000	-0-	-0-	-0-	162	318	21746
\$36,001 — \$37,000	-0-	-0-	-0-	-0-	162	21747
Over \$37,000	-0-	-0-	-0-	-0-	-0-	21748

Public Institution

21749

Table of Grants

21750

Maximum Grant \$2,190

21751

Gross IncomeNumber of Dependents

21752

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	
<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>	21753
<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>	21754
<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>	21755
<u>\$17,001 - \$18,000</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	21756
<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>	21757
<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>	21758
<u>\$22,001 - \$25,000</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	21759
<u>\$25,001 - \$28,000</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	21760
<u>\$28,001 - \$31,000</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	21761
<u>\$31,001 - \$32,000</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	21762
<u>\$32,001 - \$33,000</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	21763

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<u>\$33,001 - \$34,000</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	21765
<u>\$34,001 - \$35,000</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	21766
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	21767
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	21768
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	21769
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	21770

For a full-time student who is financially independent and 21771
 enrolled in a state-assisted educational institution, the amount 21772
 of the instructional grant for two semesters, three quarters, or a 21773
 comparable portion of the academic year shall be determined in 21774
 accordance with the following table: 21775

~~Table of Grants~~ 21776~~Maximum Grant \$1,956~~ 21777~~Gross Income~~~~Number of Dependents~~ 21778

	0	1	2	3	4	5 or more	
Under \$4,201	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	21780
4,201 -- \$4,800	1,764	1,956	1,956	1,956	1,956	1,956	21781
\$4,801 -- \$5,300	1,554	1,764	1,956	1,956	1,956	1,956	21782
\$5,301 -- \$5,800	1,380	1,554	1,764	1,956	1,956	1,956	21783
\$5,801 -- \$6,300	1,182	1,380	1,554	1,764	1,956	1,956	21784
\$6,301 -- \$6,800	966	1,182	1,380	1,554	1,764	1,956	21785
\$6,801 -- \$7,800	774	966	1,182	1,380	1,554	1,764	21786
\$7,801 -- \$8,800	582	774	966	1,182	1,380	1,554	21787
\$8,801 -- \$9,800	468	582	774	966	1,182	1,380	21788
\$9,801 -- \$11,300	378	468	582	774	966	1,182	21789
\$11,301 -- \$12,800	348	378	468	582	774	966	21790
\$12,801 -- \$14,300	318	348	378	468	582	774	21791
\$14,301 -- \$15,800	162	318	348	378	468	582	21792
\$15,801 -- \$18,800	-0-	162	318	348	378	468	21793
\$18,801 -- \$21,800	-0-	-0-	162	318	348	378	21794
\$21,801 -- \$24,800	-0-	-0-	-0-	162	318	348	21795
\$24,801 -- \$29,500	-0-	-0-	-0-	-0-	162	318	21796

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\$29,501 - \$34,500	-0-	-0-	-0-	-0-	-0-	162	21797
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-	21798
<u>Public Institution</u>							21799
<u>Table of Grants</u>							21800
<u>Maximum Grant \$2,190</u>							21801
<u>Gross Income</u>	<u>Number of Dependents</u>						21802
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	21803
<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>	21804
<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>	21805
<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>	21806
<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>	21807
<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>	21808
<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>	21809
<u>\$7,301 - \$8,300</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	21810
<u>\$8,301 - \$9,300</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	21811
<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>	21812
<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>	21813
<u>\$11,801 - \$13,300</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	21814
<u>\$13,301 - \$14,800</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	21815
<u>\$14,801 - \$16,300</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	21816
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	21817
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	21818
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	21819
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	21820
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	21821

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division.

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The maximum grant for a third semester shall be one-half of the
maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of
study in theology, religion, or other field of preparation for a
religious profession unless such course of study leads to an
accredited bachelor of arts, bachelor of science, associate of
arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section,
no grant shall be made to any student for enrollment during a
fiscal year in an institution with a cohort default rate
determined by the United States secretary of education pursuant to
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408,
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June
preceding the fiscal year, equal to or greater than thirty per
cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the
following:

(a) Any student enrolled in an institution that under the
federal law appeals its loss of eligibility for federal financial
aid and the United States secretary of education determines its
cohort default rate after recalculation is lower than the rate
specified in division (F)(1) of this section or the secretary
determines due to mitigating circumstances the institution may
continue to participate in federal financial aid programs. The
board shall adopt rules requiring institutions to provide
information regarding an appeal to the board.

(b) Any student who has previously received a grant under
this section who meets all other requirements of this section.

(3) The board shall adopt rules for the notification of all
institutions whose students will be ineligible to participate in
the grant program pursuant to division (F)(1) of this section.

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(4) A student's attendance at an institution whose students
lose eligibility for grants under division (F)(1) of this section
shall not affect that student's eligibility to receive a grant
when enrolled in another institution.

(G) Institutions of higher education that enroll students
receiving instructional grants under this section shall report to
the board all students who have received instructional grants but
are no longer eligible for all or part of such grants and shall
refund any moneys due the state within thirty days after the
beginning of the quarter or term immediately following the quarter
or term in which the student was no longer eligible to receive all
or part of the student's grant. There shall be an interest charge
of one per cent per month on all moneys due and payable after such
thirty-day period. The board shall immediately notify the office
of budget and management and the legislative budget office of the
legislative service commission of all refunds so received.

Sec. 3333.13. (A) Money appropriated to ~~state supported and~~
~~state assisted institutions of higher education and~~ to the Ohio
board of regents for the purposes of this division shall be paid
at the times and in the amounts necessary to meet all payments
required to be made ~~by such institutions and~~ by the board to the
Ohio public facilities commission ~~or treasurer of state~~ pursuant
to leases or agreements made ~~by them~~ under division (B) of section
154.21 of the Revised Code, as certified under division (C) of
this section, including supplements to such certifications.

(B) ~~Each such institution of higher education and the~~ The
board shall include in its estimate of proposed expenses submitted
pursuant to section 126.02 of the Revised Code the estimated
amounts of all such payments to be made by it. The board shall
include the estimated amounts of all such payments to be made ~~by~~
~~each such institution and of such payments to be made~~ by it in

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recommendations for appropriation required by division (J) of 21891
section 3333.04 of the Revised Code. The director of budget and 21892
management shall include in the state budget estimates provided 21893
for in section 126.02 of the Revised Code the estimated amount of 21894
all such payments to be made during the next biennium, and this 21895
amount shall be included in the state budget to be submitted by 21896
the governor to the general assembly pursuant to section 107.03 of 21897
the Revised Code. 21898

(C) On the first day of July of each year, or as soon 21899
thereafter as is practicable, the chancellor or a vice-chancellor 21900
of the board shall certify to the director the payments contracted 21901
to be made, during the period of the then current appropriations 21902
made for the purposes of division (A) of this section, to the 21903
~~commission or treasurer of state by each state supported and state~~ 21904
~~assisted institution of higher education and~~ by the board pursuant 21905
to leases and agreements made under division (B) of section 154.21 21906
of the Revised Code. The certification shall state the amounts and 21907
dates of payment required therefor ~~as to each such institution of~~ 21908
~~higher education and the board,~~ and the amounts to be credited 21909
pursuant to such leases and agreements to the higher education 21910
bond service trust fund and other special funds established 21911
pursuant to Chapter 154. of the Revised Code. If the director 21912
finds such certification to be correct, the director shall 21913
promptly add the director's certification thereto and submit it to 21914
the treasurer of state. Such annual certification shall be 21915
supplemented in similar manner upon the execution of each new 21916
lease or agreement, any supplement to an existing lease or 21917
agreement, or any amendment thereof, affecting the amounts of 21918
those payments. 21919

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 21920
Revised Code, "term" and "academic year" mean "term" and "academic 21921
year" as defined by the Ohio board of regents. 21922

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The board shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be 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.

"Resident" and "full-time student" shall be defined by board rule.

The board shall award the scholarships on the basis of a formula designed by it to identify students with the highest capability for successful college study. The formula shall weigh the factor of achievement, as measured by grade point average, and the factor of ability, as measured by performance on a competitive examination specified by the board. Students receiving scholarships shall be known as "Ohio academic scholars." Annually, not later than the thirty-first day of July, the board shall

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report to the governor and the general assembly on the performance 21955
of current Ohio academic scholars and the effectiveness of its 21956
formula. 21957

Sec. 3333.22. Each Ohio academic scholarship shall be awarded 21958
for an academic year and may be renewed for each of three 21959
additional academic years. The scholarship amount awarded to a 21960
scholar for an academic year shall be not less than two thousand 21961
dollars. A scholarship shall be renewed if the scholar maintains 21962
an academic record satisfactory to the Ohio board of regents and 21963
meets any of the following conditions: 21964

(A) The scholar is enrolled as a full-time undergraduate; 21965

(B) The scholar was awarded an undergraduate degree in less 21966
than four academic years and is enrolled as a full-time graduate 21967
or professional student in an Ohio institution of higher education 21968
that meets the requirements of Title VI of the "Civil Rights Act 21969
of 1964" and is state-assisted or is nonprofit and holds a 21970
certificate of authorization issued under section 1713.02 of the 21971
Revised Code; 21972

(C) The scholar is a full-time student concurrently enrolled 21973
as an undergraduate student and as a graduate or professional 21974
student in an Ohio institution of higher education that meets the 21975
requirements of division (B) of this section. 21976

Each amount awarded shall be paid in equal installments to 21977
the scholar at the time of enrollment for each term of the 21978
academic year for which the scholarship is awarded or renewed. No 21979
scholar is eligible to receive an Ohio academic scholarship for 21980
more than the equivalent of four academic years. 21981

If an Ohio academic scholar is temporarily unable to attend 21982
school because of illness or other cause satisfactory to the 21983
board, the board may grant a leave of absence for a designated 21984

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period of time. If a scholar discontinues full-time attendance at 21985
the scholar's school during a term because of illness or other 21986
cause satisfactory to the board, the scholar may either claim a 21987
prorated payment for the period of actual attendance or waive 21988
payment for that term. A term for which prorated payment is made 21989
shall be considered a full term for which a scholarship was 21990
received. A term for which payment is waived shall not be 21991
considered a term for which a scholarship was received. 21992

Receipt of an Ohio academic scholarship shall not affect a 21993
scholar's eligibility for the Ohio instructional grant program. 21994

Sec. 3345.19. In the exercise of their respective powers of 21995
government conferred by Chapter 3345. of the Revised Code and 21996
other pertinent provisions of law, the boards of trustees of 21997
Bowling Green state university, Kent state university, Miami 21998
university, Ohio university, and the Ohio state university shall 21999
observe the following enrollment limitations insofar as the autumn 22000
quarter enrollment or any other quarter enrollment on a full-time 22001
equivalent basis as defined by the Ohio board of regents is 22002
concerned: 22003

Bowling Green central campus	16,000 <u>17,000</u>	22004
Kent central campus	21,000 <u>22,000</u>	22005
Miami central campus	16,000 <u>17,000</u>	22006
Ohio university central campus	21,000 <u>22,000</u>	22007
The Ohio state central campus	41,000 <u>42,000</u>	22008

Campus student housing facilities shall only be authorized by 22009
boards of trustees within these limitations, ~~and no contracts for~~ 22010
~~construction of new residence hall facilities shall be entered~~ 22011
~~into after October 1, 1969, without the prior approval by the Ohio~~ 22012
~~board of regents.~~ 22013

Sec. 3353.07. The On and after the effective date of this 22014

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amendment, the Ohio educational telecommunications network 22015
commission shall not charge or collect broadcasting fees from 22016
operate the Ohio government telecommunications of system that was 22017
operated by the capitol square review and advisory board prior to 22018
the effective date of this amendment. 22019

Sec. 3353.11. There is hereby created in the state treasury 22020
the governmental television/telecommunications operating fund. The 22021
fund shall consist of money received from contract productions of 22022
the Ohio government telecommunications studio and shall be used 22023
for operations or equipment breakdowns related to the studio. All 22024
investment earnings on the fund shall be credited to the fund. 22025

Sec. 3383.01. As used in this chapter: 22026

(A) "Arts" means any of the following: 22027

(1) Visual, musical, dramatic, graphic, and other arts ~~and~~ 22028
~~includes, including,~~ but ~~is~~ not limited to, architecture, dance, 22029
 literature, motion pictures, music, painting, photography, 22030
 sculpture, and theater; 22031

(2) The presentation or making available, in museums or other 22032
 indoor or outdoor facilities, of principles of science and their 22033
 development, use, or application in business, industry, or 22034
 commerce or of the history, heritage, development, presentation, 22035
 and uses of the arts ~~as defined above~~ described in division (A)(1) 22036
of this section and of transportation; 22037

(3) The preservation, presentation, or making available of 22038
 features of archaeological, architectural, environmental, or 22039
 historical interest or significance in a state historical facility 22040
 or a local historical facility. 22041

(B) "Arts organization" means either of the following: 22042

(1) A governmental agency or Ohio nonprofit corporation that 22043

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provides programs or activities in areas directly concerned with 22044
the arts; 22045

(2) A regional arts and cultural district as defined in 22046
section 3381.01 of the Revised Code. 22047

(C) "Arts project" means all or any portion of an Ohio arts 22048
facility for which the general assembly has specifically 22049
authorized the spending of money, or made an appropriation, 22050
pursuant to division (D)(3) or (E) of section 3383.07 of the 22051
Revised Code. 22052

(D) "Cooperative contract" means a contract between the Ohio 22053
arts and sports facilities commission and an arts organization 22054
providing the terms and conditions of the cooperative use of an 22055
Ohio arts facility. 22056

(E) "Costs of operation" means amounts required to manage an 22057
Ohio arts facility that are incurred following the completion of 22058
construction of its arts project, provided that both of the 22059
following apply: 22060

(1) Those amounts either: 22061

(a) Have been committed to a fund dedicated to that purpose; 22062

(b) Equal the principal of any endowment fund, the income 22063
from which is dedicated to that purpose. 22064

(2) The commission and the arts organization have executed an 22065
agreement with respect to either of those funds. 22066

~~(E)~~(F) "General building services" means general building 22067
services for an Ohio arts facility or an Ohio sports facility, 22068
including, but not limited to, general custodial care, security, 22069
maintenance, repair, painting, decoration, cleaning, utilities, 22070
fire safety, grounds and site maintenance and upkeep, and 22071
plumbing. 22072

~~(F)~~(G) "Governmental agency" means a state agency, a 22073

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state-supported or state-assisted institution of higher education, 22074
a municipal corporation, county, township, or school district, a 22075
port authority created under Chapter 4582. of the Revised Code, 22076
any other political subdivision or special district in this state 22077
established by or pursuant to law, or any combination of these 22078
entities; except where otherwise indicated, the United States or 22079
any department, division, or agency of the United States, or any 22080
agency, commission, or authority established pursuant to an 22081
interstate compact or agreement. 22082

~~(G)~~(H) "Local contributions" means the value of an asset 22083
provided by or on behalf of an arts organization from sources 22084
other than the state, the value and nature of which shall be 22085
approved by the Ohio arts and sports facilities commission, in its 22086
sole discretion. "Local contributions" may include the value of 22087
the site where an arts project is to be constructed. All "local 22088
contributions," except a contribution attributable to such a site, 22089
shall be for the costs of construction of an arts project or the 22090
costs of operation of an arts facility. 22091

~~(H)~~(I) "Local historical facility" means a site or facility, 22092
other than a state historical facility, of archaeological, 22093
architectural, environmental, or historical interest or 22094
significance, or a facility, including a storage facility, 22095
appurtenant to the operations of such a site or facility, that is 22096
owned by an arts organization, provided the facility meets the 22097
requirements of division ~~(J)~~(K)(2)(b) of this section, is managed 22098
by or pursuant to a contract with the Ohio arts and sports 22099
facilities commission, and is used for or in connection with the 22100
activities of the commission, including the presentation or making 22101
available of arts to the public. 22102

~~(I)~~(J) "Manage," "operate," or "management" means the 22103
provision of, or the exercise of control over the provision of, 22104
activities: 22105

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(1) Relating to the arts for an Ohio arts facility, including 22106
as applicable, but not limited to, providing for displays, 22107
exhibitions, specimens, and models; booking of artists, 22108
performances, or presentations; scheduling; and hiring or 22109
contracting for directors, curators, technical and scientific 22110
staff, ushers, stage managers, and others directly related to the 22111
arts activities in the facility; but not including general 22112
building services; 22113

(2) Relating to sports and athletic events for an Ohio sports 22114
facility, including as applicable, but not limited to, providing 22115
for booking of athletes, teams, and events; scheduling; and hiring 22116
or contracting for staff, ushers, managers, and others directly 22117
related to the sports and athletic events in the facility; but not 22118
including general building services. 22119

~~(J)~~(K) "Ohio arts facility" means any of the following: 22120

(1) The three theaters located in the state office tower at 22121
77 South High street in Columbus; 22122

(2) Any capital facility in this state to which ~~all~~ both of 22123
the following apply: 22124

(a) The construction of an arts project related to the 22125
facility was authorized or funded by the general assembly pursuant 22126
to division (D)(3) of section 3383.07 of the Revised Code and 22127
proceeds of state bonds are used for costs of the arts project. 22128

~~(b) The state owns or has sufficient real property interests 22129
in the facility or in the portion of the facility financed from 22130
the proceeds of obligations or in the site of the facility for a 22131
period of no less than the greater of the useful life of the 22132
portion of the facility financed from the proceeds of those 22133
obligations as determined by the director of budget and management 22134
using the guidelines for maximum maturities as provided under 22135
divisions (B), (C), and (E) of section 133.20 of the Revised Code, 22136~~

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~~or the period of time remaining to the date of payment or~~ 22137
~~provision for payment of outstanding obligations issued by the~~ 22138
~~Ohio building authority allocable to costs of that portion of the~~ 22139
~~facility, as determined by the director of budget and management,~~ 22140
~~in either case as certified to the Ohio arts and sports facilities~~ 22141
~~commission and the Ohio building authority.~~ 22142

~~(e)~~ The facility is managed directly by, or ~~by~~ is subject to 22143
a cooperative or management contract with, the Ohio arts and 22144
sports facilities commission, and is used for or in connection 22145
with the activities of the commission, including the presentation 22146
or making available of arts to the public. A cooperative or 22147
management contract shall be for a term not less than the time 22148
remaining to the date of payment or provision for payment of any 22149
state bonds issued to pay the costs of the arts project, as 22150
determined by the director of budget and management and certified 22151
by the director to the Ohio arts and sports facilities commission 22152
and to the Ohio building authority. 22153

(3) A state historical facility or a local historical 22154
facility. 22155

~~(K)~~(L) "State agency" means the state or any of its branches, 22156
officers, boards, commissions, authorities, departments, 22157
divisions, or other units or agencies. 22158

~~(L)~~(M) "Construction" includes acquisition, including 22159
acquisition by lease-purchase, demolition, reconstruction, 22160
alteration, renovation, remodeling, enlargement, improvement, site 22161
improvements, and related equipping and furnishing. 22162

~~(M)~~(N) "State historical facility" means a site or facility 22163
of archaeological, architectural, environmental, or historical 22164
interest or significance, or a facility, including a storage 22165
facility, appurtenant to the operations of such a site or 22166
facility, that is owned by or is located on real property owned by 22167
the state or by an arts organization, so long as the real property 22168

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of the arts organization ~~meets the requirements of division~~ 22169
~~(J)(2)(b) of this section and~~ is contiguous to state-owned real 22170
property that is in the care, custody, and control of an arts 22171
organization, and that is managed directly by or ~~by~~ is subject to 22172
a cooperative or management contract with the Ohio arts and sports 22173
facilities commission; and ~~that~~ is used for or in connection with 22174
the activities of the commission, including the presentation or 22175
making available of arts to the public. 22176

~~(N)(O)~~ "Ohio sports facility" means all or a portion of a 22177
stadium, arena, or other capital facility in ~~Ohio~~ this state, a 22178
primary purpose of which is to provide a site or venue for the 22179
presentation to the public of events of one or more major or minor 22180
league professional athletic or sports teams that are associated 22181
with the state or with a city or region of the state, which 22182
facility is owned by or is located on real property owned by the 22183
state or a governmental agency, and including all parking 22184
facilities, walkways, and other auxiliary facilities, equipment, 22185
furnishings, and real and personal property and interests and 22186
rights therein, that may be appropriate for or used for or in 22187
connection with the facility or its operation, for capital costs 22188
of which state funds are spent pursuant to this chapter. A 22189
facility constructed as an Ohio sports facility may be both an 22190
Ohio arts facility and an Ohio sports facility. 22191

Sec. 3383.02. (A) There is hereby created the Ohio arts and 22192
sports facilities commission. Notwithstanding any provision to the 22193
contrary contained in Chapter 152. of the Revised Code, the 22194
commission shall engage in and provide for the development, 22195
performance, and presentation or making available of the arts and 22196
professional sports and athletics to the public in this state by 22197
the exercise of its powers under this chapter, including the 22198
provision, operation, ~~and~~ management, and cooperative use of Ohio 22199
arts facilities and Ohio sports facilities. The commission is a 22200

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body corporate and politic, an agency of state government and an 22201
instrumentality of the state, performing essential governmental 22202
functions of this state. The carrying out of the purposes and the 22203
exercise by the commission of its powers conferred by this chapter 22204
are essential public functions and public purposes of the state 22205
and of state government. The commission may, in its own name, sue 22206
and be sued, enter into contracts, and perform all the powers and 22207
duties given to it by this chapter but it does not have and shall 22208
not exercise the power of eminent domain. 22209

(B) The commission shall consist of ~~eight~~ ten members, ~~five~~ 22210
~~seven~~ of whom shall be voting members and three of whom shall be 22211
nonvoting members. The ~~five~~ seven voting members shall be 22212
appointed by the governor, with the advice and consent of the 22213
senate, from different geographical regions of the state. In 22214
addition, one of the voting members shall represent the state 22215
architect. Not more than ~~three~~ four of the members appointed by 22216
the governor shall be affiliated with the same political party. 22217
The nonvoting members shall be the staff director of the Ohio arts 22218
council, a member of the senate appointed by the president of the 22219
senate, and a member of the house of representatives appointed by 22220
the speaker of the house. 22221

(C) Of the five initial appointments made by the governor, 22222
one shall be for a term expiring December 31, 1989, two shall be 22223
for terms expiring December 31, 1990, and two shall be for terms 22224
expiring December 31, 1991. Of the initial appointments of the 22225
sixth and seventh voting members appointed by the governor as a 22226
result of this amendment, one shall be for a term expiring 22227
December 31, 2003, and one shall be for a term expiring December 22228
31, 2004. Thereafter, each such term shall be for three years, 22229
commencing on the first day of January and ending on the 22230
thirty-first day of December. Each appointment by the president of 22231
the senate and by the speaker of the house of representatives 22232

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shall be for the balance of the then legislative biennium. Each 22233
member shall hold office from the date of the member's appointment 22234
until the end of the term for which the member was appointed. Any 22235
member appointed to fill a vacancy occurring prior to the 22236
expiration of the term for which the member's predecessor was 22237
appointed shall hold office for the remainder of such term. Any 22238
member shall continue in office subsequent to the expiration date 22239
of the member's term until the member's successor takes office, or 22240
until a period of sixty days has elapsed, whichever occurs first. 22241

(D) Members of the commission shall serve without 22242
compensation. 22243

(E) ~~After each initial member of the commission has been~~ 22244
~~appointed, the commission shall meet and organize by electing one~~ 22245
~~of its voting members as chairperson and other voting members as~~ 22246
~~vice-chairperson and secretary-treasurer, who shall hold their~~ 22247
~~offices until the next organizational meeting of the commission.~~ 22248
Organizational meetings of the commission shall be held at the 22249
first meeting of each calendar year. At each organizational 22250
meeting, the commission shall elect from among its voting members 22251
a chairperson, a vice-chairperson, and a secretary-treasurer, who 22252
shall serve until the next annual meeting. The commission shall 22253
adopt rules pursuant to section 111.15 of the Revised Code for the 22254
conduct of its internal business and shall keep a journal of its 22255
proceedings. 22256

(F) ~~Three~~ Four voting members of the commission constitute a 22257
quorum, and the affirmative vote of ~~three~~ four members is 22258
necessary for approval of any action taken by the commission. A 22259
vacancy in the membership of the commission does not impair a 22260
quorum from exercising all the rights and performing all the 22261
duties of the commission. Meetings of the commission may be held 22262
anywhere in the state, and shall be held in compliance with 22263
section 121.22 of the Revised Code. 22264

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(G) All expenses incurred in carrying out this chapter are 22265
payable solely from money accrued under this chapter or 22266
appropriated for these purposes by the general assembly, and the 22267
commission shall incur no liability or obligation beyond such 22268
money. 22269

(H) The commission shall file an annual report of its 22270
activities and finances with the governor, director of budget and 22271
management, speaker of the house of representatives, president of 22272
the senate, and chairpersons of the house and senate finance 22273
committees. 22274

(I) There is hereby established in the state treasury the 22275
Ohio arts and sports facilities commission administration fund. 22276
All revenues of the commission shall be credited to that fund and 22277
to any accounts created in the fund with the commission's 22278
approval. All expenses of the commission, including reimbursement 22279
of, or payment to, any other fund or any governmental agency for 22280
advances made or services rendered to or on behalf of the 22281
commission, shall be paid from the Ohio arts and sports facilities 22282
commission administration fund as determined by or pursuant to 22283
directions of the commission. All investment earnings of the 22284
administration fund shall be credited to the fund and shall be 22285
allocated among any accounts created in the fund in the manner 22286
determined by the commission. 22287

(J) Title to all real property and lesser interests in real 22288
property acquired by the commission, including leasehold and other 22289
interests, pursuant to this chapter shall be taken in the name of 22290
the state and shall be held for the use and benefit of the 22291
commission. The commission shall not mortgage such real property 22292
and interests in real property. Title to other property and 22293
interests in it acquired by the commission pursuant to this 22294
chapter shall be taken in its name. 22295

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Sec. 3383.04. The Ohio arts and sports facilities commission 22296
may: 22297

(A) Employ and fix the compensation of an executive director 22298
and such other employees as will facilitate the activities and 22299
purposes of the commission. Any executive director shall serve at 22300
the pleasure of the commission and may serve part-time. Other 22301
employees shall be employed by and serve at the pleasure of the 22302
commission or the executive director, as determined by the 22303
commission. 22304

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 22305
the Revised Code, rules for the management and operation of Ohio 22306
arts facilities and Ohio sports facilities and for the exercise of 22307
all of the commission's rights with respect to those facilities; 22308

(C) Own, construct or provide for the construction of, lease, 22309
equip, furnish, administer, and manage or provide for the 22310
operation and management of, and cooperate in the use of, Ohio 22311
arts facilities and Ohio sports facilities; 22312

(D) Dispose of, whether by sale, lease, lease-purchase, 22313
sublease, re-lease, or otherwise, real and personal property, and 22314
lesser interests in it, held or owned by the state for the use and 22315
benefit of the commission or held or owned by the commission, if 22316
not needed for the commission's purposes, upon such terms as the 22317
commission determines, subject to approval by the governor in the 22318
case of real property and interests in it; 22319

(E) Grant such easements and other interests in real or 22320
personal property of the commission as will not interfere with the 22321
use of the property as an Ohio arts facility or an Ohio sports 22322
facility; 22323

(F) Fix, alter, and collect rentals and other charges for the 22324
use or availability for use of Ohio arts facilities or an Ohio 22325

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sports facility, as determined solely by the commission, for the 22326
purpose of providing for all or a portion of the costs and 22327
expenses of the commission, and the costs to be paid by the 22328
commission of leasing, constructing, equipping, repairing, 22329
maintaining, administering, ~~and~~ managing, and cooperating in the 22330
use of Ohio arts facilities, including rentals to be paid by the 22331
commission for any Ohio arts facilities or for any Ohio sports 22332
facility; 22333

(G) Lease, sublease, cooperate in the use of, or otherwise 22334
make available to an arts organization, Ohio arts facilities, and 22335
to any governmental agency or nonprofit corporation, Ohio sports 22336
facilities, including real and personal property, or any interests 22337
in it, to carry out the purposes of this chapter; 22338

(H) Contract with, retain the services of, or designate, and 22339
fix the compensation of, such agents, accountants, attorneys, 22340
consultants, advisers, and other independent contractors as may be 22341
necessary or desirable to carry out the purposes of this chapter; 22342

(I) Procure insurance against loss to the commission by 22343
reason of damages to or nonusability of its property resulting 22344
from fire, theft, accident, or other casualties, or by reason of 22345
its liability for any damages to persons or property, including 22346
but not limited to, general liability insurance, business 22347
interruption insurance, liability insurance for members, officers, 22348
and employees, and copyright liability insurance; 22349

(J) Receive and accept gifts, grants, devises, bequests, 22350
loans, and any other financial or other form of aid or assistance 22351
from any governmental agency or other person and enter into any 22352
contract or agreement with any such agency or other person in 22353
connection therewith, and receive and accept aid or contributions 22354
from any other source of money, real or personal property, labor, 22355
or other things of value, to be held, used, and applied only for 22356
the purposes for which the aid and contributions are made and 22357

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according to their terms and conditions, all within the purposes 22358
of this chapter; 22359

(K) Make and enter into all contracts, commitments, and 22360
agreements, and execute all instruments, necessary or incidental 22361
to the performance of its duties and the execution of its rights 22362
and powers under this chapter; 22363

(L) Do anything necessary or appropriate to carry out the 22364
purposes of and exercise the powers granted in this chapter; 22365

(M) Contract with any governmental agency or nonprofit 22366
corporation to provide or cause to be provided services, including 22367
general building services, in, to, or for an Ohio arts facility or 22368
any Ohio sports facility, or with an arts organization for the 22369
management of an Ohio arts facility, or with a governmental agency 22370
or nonprofit corporation for the management of an Ohio sports 22371
facility, all in furtherance of the state function, and make 22372
contracts pursuant to divisions (A) and (B) of section 3383.07 of 22373
the Revised Code, except that nothing in this chapter limits the 22374
exercise of the care, custody, control, and management of those 22375
state historical facilities specified in section 149.30 of the 22376
Revised Code. 22377

Sec. 3383.07. (A) The department of administrative services 22378
shall provide for the construction of an arts project in 22379
conformity with Chapter 153. of the Revised Code, except as 22380
follows: 22381

(1) For an arts project that has an estimated construction 22382
cost, excluding the cost of acquisition, of twenty-five million 22383
dollars or more, and that is financed by the Ohio building 22384
authority, construction services may be provided by the authority 22385
if the authority determines it should provide those services. 22386

(2) For an arts project other than a state historical 22387

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facility, construction services may be provided on behalf of the
state by the Ohio arts and sports facilities commission, or by a
governmental agency or an arts organization that occupies, will
occupy, or is responsible for the Ohio arts facility, as
determined by the ~~department of administrative services~~
commission. Construction services to be provided by a governmental
agency or an arts organization shall be specified in an agreement
between the commission and the governmental agency or arts
organization. The agreement, or any actions taken under it, are
not subject to Chapter 123. or 153. of the Revised Code, except
for sections 123.151 and 153.011 of the Revised Code, and shall be
subject to Chapter 4115. of the Revised Code.

(3) For an arts project that is a state historical facility,
construction services may be provided by the Ohio arts and sports
facilities commission or by an arts organization that occupies,
will occupy, or is responsible for the facility, as determined by
the commission. The construction services to be provided by the
arts organization shall be specified in an agreement between the
commission and the arts organization, ~~and the~~. That agreement, and
any actions taken under it, are not subject to Chapter 123., 153.,
or 4115. of the Revised Code.

(B) For an Ohio sports facility that is financed in part by
the Ohio building authority, construction services shall be
provided on behalf of the state by or at the direction of the
governmental agency or nonprofit corporation that will own or be
responsible for the management of the facility, all as determined
by the Ohio arts and sports facilities commission. Any
construction services to be provided by a governmental agency or
nonprofit corporation shall be specified in an agreement between
the commission and the governmental agency or nonprofit
corporation, ~~and the~~. That agreement, and any actions taken under
it, are not subject to Chapter 123. or 153. of the Revised Code,

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except for sections 123.151 and 153.011 of the Revised Code, and 22420
shall be subject to Chapter 4115. of the Revised Code. 22421

(C) General building services for an Ohio arts facility shall 22422
be provided by ~~the department of administrative services in~~ 22423
~~conformity with Chapter 123. of the Revised Code, except that the~~ 22424
~~Ohio building authority may elect to provide such services for~~ 22425
~~Ohio arts facilities it financed and such services may be provided~~ 22426
~~by~~ the Ohio arts and sports facilities commission or by an arts 22427
organization that occupies, will occupy, or is responsible for the 22428
facility, as determined by the commission, except that the Ohio 22429
building authority may elect to provide those services for Ohio 22430
arts facilities financed with proceeds of state bonds issued by 22431
the authority. The costs of management and general building 22432
services shall be paid by the arts organization that occupies, 22433
will occupy, or is responsible for the facility as provided in an 22434
agreement between the commission and the arts organization, except 22435
that the state may pay for general building services for 22436
state-owned arts facilities constructed on state-owned land. 22437

~~General~~ 22438

General building services for an Ohio sports facility shall 22439
be provided by or at the direction of the governmental agency or 22440
nonprofit corporation that will be responsible for the management 22441
of the facility, all as determined by the commission. Any general 22442
building services to be provided by a governmental agency or 22443
nonprofit corporation for an Ohio sports facility shall be 22444
specified in an agreement between the commission and the 22445
governmental agency or nonprofit corporation, ~~and that. That~~ 22446
agreement, and any actions taken under it, are not subject to 22447
Chapter 123. or 153. of the Revised Code, except for sections 22448
123.151 and 153.011 of the Revised Code, and shall be subject to 22449
Chapter 4115. of the Revised Code. 22450

(D) This division does not apply to a state historical 22451

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facility. No state funds, including any state bond proceeds, shall
be spent on the construction of any arts project under this
chapter unless, with respect to the arts project and to the Ohio
arts facility related to the project, all of the following apply:

(1) The Ohio arts and sports facilities commission has
determined that there is a need for the arts project and the Ohio
arts facility related to the project in the region of the state
for in which the Ohio arts facility is located or for which the
facility is proposed to be located.

(2) The commission has determined that, as an indication of
substantial regional support for the arts project, the arts
organization has made provision satisfactory to the commission, in
its sole discretion, for local contributions amounting to not less
than fifty per cent of the total state funding for the arts
project.

(3) The general assembly has specifically authorized the
spending of money on, or made an appropriation for, the
construction of the arts project, or for rental payments relating
to the financing of the construction of the arts project.
Authorization to spend money, or an appropriation, for planning
the arts project does not constitute authorization to spend money
on, or an appropriation for, construction of the arts project.

(E) No state funds, including any state bond proceeds, shall
be spent on the construction of any state historical facility
under this chapter unless the general assembly has specifically
authorized the spending of money on, or made an appropriation for,
the construction of the arts project related to the facility, or
for rental payments relating to the financing of the construction
of the arts project. Authorization to spend money, or an
appropriation, for planning the arts project does not constitute
authorization to spend money on, or an appropriation for, the
construction of the arts project.

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(F) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio arts and sports facilities commission has determined that there is a need for the facility in the region of the state for which the facility is proposed to provide the function of an Ohio sports facility as provided for in this chapter.

(2) As an indication of substantial local support for the facility, the commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.

(4) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the

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facility for the presentation of sport and athletic events to the public at the facility, extending for a period of not less than the greater of the useful life of the portion of the facility financed from proceeds of those bonds as determined using the guidelines for maximum maturities as provided under divisions (B), (C), and (D) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding state bonds allocable to costs of the facility, all as determined by the director of budget and management and certified by the director to the Ohio arts and sports facilities commission and to the Ohio building authority.

Sec. 3383.09. (A) There is hereby created in the state treasury the arts facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of arts facilities projects for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund.

(B) There is hereby created in the state treasury the sports facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of sports facilities projects for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund.

(C) The director of budget and management may transfer, to the Ohio arts and sports facilities commission administration fund, investment earnings credited to the arts facilities building fund and the sports facilities building fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements when requested of the director of budget and management by the chairperson or executive director of the commission.

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Sec. 3505.063. (A) When the general assembly adopts a 22547
resolution proposing a constitutional amendment, it ~~shall~~ may, by 22548
resolution, designate a group of members who voted in support of 22549
the resolution to prepare arguments for the proposed amendment, 22550
and a group of members who voted in opposition to the resolution 22551
to prepare arguments against the proposed amendment. If no members 22552
voted in opposition to the resolution, or if the general assembly 22553
chooses not to designate a group of members to prepare arguments 22554
for the proposed amendment or chooses not to designate a group of 22555
members to prepare arguments against the proposed amendment, the 22556
Ohio ballot board may prepare the relevant arguments ~~against the~~ 22557
~~proposed amendment~~ or designate a group of persons to prepare ~~such~~ 22558
the relevant arguments. All arguments shall be filed with the 22559
secretary of state no later than seventy-five days before the date 22560
of the election. No argument shall exceed three hundred words. 22561

(B) The secretary of state shall disseminate information, 22563
which may include part or all of the official explanation and 22564
arguments concerning proposed amendments, by means of direct mail 22565
or other written publication, broadcast, or such other means, or 22566
combination of means, as the Ohio ballot board may direct, in 22567
order to inform the voters as fully as possible concerning 22568
proposed amendments. 22569

Sec. 3517.092. (A) As used in this section: 22570

(1) "Appointing authority" has the same meaning as in section 22571
124.01 of the Revised Code. 22572

(2) "State elected officer" means any person appointed or 22573
elected to a state elective office. 22574

(3) "State elective office" means any of the offices of 22575
governor, lieutenant governor, secretary of state, auditor of 22576

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state, treasurer of state, attorney general, member of the state	22577
board of education, member of the general assembly, and justice	22578
and chief justice of the supreme court.	22579
(4) "County elected officer" means any person appointed or	22580
elected to a county elective office.	22581
(5) "County elective office" means any of the offices of	22582
county auditor, county treasurer, clerk of the court of common	22583
pleas, sheriff, county recorder, county engineer, county	22584
commissioner, prosecuting attorney, and coroner.	22585
(6) "Contribution" includes a contribution to any political	22586
party, campaign committee, political action committee, political	22587
contributing entity, or legislative campaign fund.	22588
(B) No state elected officer, no campaign committee of such	22589
an officer, and no other person or entity shall knowingly solicit	22590
or accept a contribution on behalf of that officer or that	22591
officer's campaign committee from any of the following:	22592
(1) A state employee whose appointing authority is the state	22593
elected officer;	22594
(2) A state employee whose appointing authority is authorized	22595
or required by law to be appointed by the state elected officer;	22596
	22597
(3) A state employee who functions in or is employed in or by	22598
the same public agency, department, division, or office as the	22599
state elected officer.	22600
(C) No candidate for a state elective office, no campaign	22601
committee of such a candidate, and no other person or entity shall	22602
knowingly solicit or accept a contribution on behalf of that	22603
candidate or that candidate's campaign committee from any of the	22604
following:	22605
(1) A state employee at the time of the solicitation, whose	22606

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appointing authority will be the candidate, if elected; 22607

(2) A state employee at the time of the solicitation, whose 22608
appointing authority will be appointed by the candidate, if 22609
elected, as authorized or required by law; 22610

(3) A state employee at the time of the solicitation, who 22611
will function in or be employed in or by the same public agency, 22612
department, division, or office as the candidate, if elected. 22613

(D) No county elected officer, no campaign committee of such 22614
an officer, and no other person or entity shall knowingly solicit 22615
a contribution on behalf of that officer or that officer's 22616
campaign committee from any of the following: 22617

(1) A county employee whose appointing authority is the 22618
county elected officer; 22619

(2) A county employee whose appointing authority is 22620
authorized or required by law to be appointed by the county 22621
elected officer; 22622

(3) A county employee who functions in or is employed in or 22623
by the same public agency, department, division, or office as the 22624
county elected officer. 22625

(E) No candidate for a county elective office, no campaign 22626
committee of such a candidate, and no other person or entity shall 22627
knowingly solicit a contribution on behalf of that candidate or 22628
that candidate's campaign committee from any of the following: 22629

(1) A county employee at the time of the solicitation, whose 22630
appointing authority will be the candidate, if elected; 22631

(2) A county employee at the time of the solicitation, whose 22632
appointing authority will be appointed by the candidate, if 22633
elected, as authorized or required by law; 22634

(3) A county employee at the time of the solicitation, who 22635
will function in or be employed in or by the same public agency, 22636

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department, division, or office as the candidate, if elected. 22637

(F)(1) No public employee shall solicit a contribution from 22638
any person while the public employee is performing the public 22639
employee's official duties or in those areas of a public building 22640
where official business is transacted or conducted. 22641

(2) No person shall solicit a contribution from any public 22642
employee while the public employee is performing the public 22643
employee's official duties or is in those areas of a public 22644
building where official business is transacted or conducted. 22645

(3) As used in division (F) of this section, "public 22646
employee" does not include any person holding an elective office. 22647

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) 22648
of this section are in addition to the prohibitions in sections 22649
124.57, 1553.09, 3304.22, and 4503.032 of the Revised Code. 22650
22651

Sec. 3701.142. (A) The director of health shall appoint the 22652
chief and the administrative assistant of the office of women's 22653
health initiatives. The director may appoint, to the extent of 22654
available funds, persons to other positions determined by ~~him~~ the 22655
director to be relevant and necessary. 22656

(B) The chief shall have all of the following qualifications, 22657
plus any additional qualifications the director considers 22658
appropriate: 22659

(1) The equivalent of a masters or higher degree in public 22660
health, medicine, health sciences, environmental science, law, 22661
public administration, or a related field; 22662

(2) Familiarity with national maternal and child health 22663
objectives of the department; 22664

(3) Knowledge of or experience in women's and infants' 22665

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preventive health care;	22666
(4) Understanding of health care delivery systems;	22667
(5) A global public health perspective.	22668
(C)(1) The majority of the chief's time shall be spent in the	22669
performance of the following responsibilities:	22670
(a) Identifying issues that affect women's health;	22671
(b) Advocating for women's health concerns within the	22672
department, state government, and the community;	22673
(c) Serving as a liaison for the public, interest groups, the	22674
department, and other state agencies on issues that affect women's	22675
health;	22676
(d) Developing recommendations to the director regarding	22677
programs addressing women's health issues for inclusion in the	22678
biennial budget and departmental strategic planning;	22679
(e) Preparing materials for publication.	22680
(2) In addition, the chief shall do the following:	22681
(a) Develop and recommend research, funding, and program	22682
activities for the intervention, treatment, and education of the	22683
public on women's health initiatives including health needs	22684
throughout the life cycle, reproductive health, gender bias in	22685
research, chemical dependence, access to health care, health and	22686
safety in the workplace, poverty and women's health, causes of	22687
death in women, violence and women's health, and any other women's	22688
health issue the chief considers appropriate;	22689
(b) Supervise the administrative assistant and any other	22690
employees assigned to the office of women's health initiatives;	22691
(c) Oversee the administrative operations of the office of	22692
women's health initiatives;	22693
(d) Research, advise, and assist the director concerning	22694

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governor's office correspondence referrals, legislative 22695
initiatives, rules, and similar executive decisions relating to 22696
the health of women; 22697

(e) Represent the director, as requested, before the general 22698
assembly ~~and the women's policy and research commission.~~ 22699

(D) The administrative assistant shall provide clerical and 22700
administrative support as needed to the chief. 22701

(E) To promote coordination of programs and of offices' 22702
initiatives, the director, assistant director, deputy directors, 22703
and chiefs selected by the director in the department shall attend 22704
quarterly meetings regarding the activities of the office of 22705
women's health initiatives. 22706

(F) After considering the report submitted pursuant to 22707
division (C) of section 3701.141 of the Revised Code, the director 22708
of health shall develop and implement biennial initiatives on 22709
women's health needs. 22710

Sec. 3701.92. (A) There is hereby created in the department 22711
of health the Ohio hepatitis C advisory commission. 22712

(B) The commission shall consist of the following members: 22713

(1) Eleven members appointed by the director of health; 22714

(2) Two members of the house of representatives, one from 22715
each political party, appointed by the speaker of the house of 22716
representatives; 22717

(3) Two members of the senate, one from each political party, 22718
appointed by the president of the senate. 22719

Each member shall serve without compensation for a term of 22720
one year. 22721

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 22722

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of the Revised Code, this section applies to the review of 22723
certificate of need applications during the period beginning July 22724
1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 22725

(B)(1) Except as provided in division (B)(2) of this section, 22726
the director of health shall neither grant nor deny any 22727
application for a certificate of need submitted prior to July 1, 22728
1993, if the application was for any of the following and the 22729
director had not issued a written decision concerning the 22730
application prior to that date: 22731

(a) Approval of beds in a new health care facility or an 22732
increase of beds in an existing health care facility, if the beds 22733
are proposed to be licensed as nursing home beds under Chapter 22734
3721. of the Revised Code; 22735

(b) Approval of beds in a new county home or new county 22736
nursing home as defined in section 5155.31 of the Revised Code, or 22737
an increase of beds in an existing county home or existing county 22738
nursing home, if the beds are proposed to be certified as skilled 22739
nursing facility beds under Title XVIII or nursing facility beds 22740
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 22741
42 U.S.C.A. 301, as amended; 22742

(c) Recategorization of hospital beds as described in section 22743
3702.522 of the Revised Code, an increase of hospital beds 22744
registered pursuant to section 3701.07 of the Revised Code as 22745
long-term care beds or skilled nursing facility beds, or a 22746
recategorization of hospital beds that would result in an increase 22747
of beds registered pursuant to that section as long-term care beds 22748
or skilled nursing facility beds. 22749

On July 1, 1993, the director shall return each such 22750
application to the applicant and, notwithstanding section 3702.52 22751
of the Revised Code regarding the uses of the certificate of need 22752
fund, shall refund to the applicant the application fee paid under 22753
that section. Applications returned under division (B)(1) of this 22754

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section may be resubmitted in accordance with section 3702.52 of
the Revised Code no sooner than ~~July 1, 2001~~ October 16, 2003.

(2) The director shall continue to review and shall issue a
decision regarding any application submitted prior to July 1,
1993, to increase beds for either of the purposes described in
division (B)(1)(a) or (b) of this section if the proposed increase
in beds is attributable solely to a replacement or relocation of
existing beds within the same county. The director shall authorize
under such an application no additional beds beyond those being
replaced or relocated.

(C)(1) Except as provided in division (C)(2) and (3) of this
section, the director, during the period beginning July 1, 1993,
and ending ~~June 30, 2001~~ October 15, 2003, shall not accept for
review under section 3702.52 of the Revised Code any application
for a certificate of need for any of the purposes described in
divisions (B)(1)(a) to (c) of this section.

(2)(a) The director shall accept for review any application
for either of the purposes described in division (B)(1)(a) or (b)
of this section if either of the following apply:

(i) In case of an existing health care facility that is a
nursing home described in section 5123.192 of the Revised Code,
the proposed increase is attributable solely to the replacement of
existing beds within the same county.

(ii) In the case of a health care facility or county home
described in division (B)(1)(a) or (b) of this section, other than
an existing health care facility described in division
(C)(2)(a)(i) of this section, the proposed increase in beds is
attributable solely to a replacement or relocation of existing
beds within the same county. The

(b) In the case of an existing health care facility described
in division (C)(2)(a)(i) of this section, the director shall

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continue to review and shall issue a decision regarding any
application submitted during the period beginning on July 1, 1993,
and ending on the effective date of this amendment to increase
beds for either of the purposes described in division (B)(1)(a) or
(b) of this section only if the proposed increase in beds is
attributable solely to a relocation of existing beds within the
same county. An existing health care facility described in
division (C)(2)(a)(i) of this section that on or after the
effective date of this amendment seeks to increase beds for either
of the purposes described in division (B)(1)(a) or (b) of this
section shall apply for a license under section 5123.19 of the
Revised Code, as described in division (B) of section 5123.192 of
the Revised Code, if the proposed increase is attributable to a
relocation of existing beds within the same county.

(c) The director shall authorize under ~~such~~ an application
described in division (C)(2)(a) or (b) of this section no
additional beds beyond those being replaced or relocated. ~~The~~

(3) The director also shall accept for review any application
that seeks certificate of need approval for existing beds located
in an infirmary that is operated exclusively by a religious order,
provides care exclusively to members of religious orders who take
vows of celibacy and live by virtue of their vows within the
orders as if related, and was providing care exclusively to
members of such a religious order on January 1, 1994.

(D) The director shall issue a decision regarding any case
remanded by a court as the result of a decision issued by the
director prior to July 1, 1993, to grant, deny, or withdraw a
certificate of need for any of the purposes described in divisions
(B)(1)(a) to (c) of this section.

(E) The director shall not project the need for beds listed
in division (B)(1) of this section for the period beginning July

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1, 1993, and ending ~~June 30, 2001~~ October 15, 2003.

This section is an interim section effective until ~~July 1,~~
~~2001~~ October 16, 2003.

Sec. 3704.034. (A) Within sixty days after the director of environmental protection or ~~his~~ the director's agent or authorized representative receives an application for the ~~issuance~~ modification of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, ~~an application to modify such a permit,~~ or an application for the issuance of an initial permit to operate pursuant to rules adopted under division (G) of section 3704.03 of the Revised Code, the director shall determine whether the application is substantially complete or materially deficient and, in writing, shall notify the applicant of ~~his~~ the director's determination. If the director fails to make such a completeness determination and provide written notice of ~~his~~ the determination to the applicant within sixty days after the application was submitted, the applicant may submit a written request to the director for the making of such a completeness determination.

(B) Within thirty days after receiving a written request for the making of a completeness determination on an application under division (A) of this section, the director shall determine whether the application is substantially complete or materially deficient and, in writing, notify the applicant of ~~his~~ the determination. If the director fails to make a completeness determination and provide written notice of ~~his~~ the director's determination to the applicant within thirty days after receiving the applicant's written request for the making of the determination, the application shall be deemed to have been complete in all material respects at the time that it was submitted to the director or ~~his~~ the director's agent or authorized representative.

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(C) If, within the time prescribed in division (A) and, if applicable, division (B) of this section, the director determines that an application is materially deficient, the director shall return the application to the applicant. The running of the time prescribed under division (A) and, if applicable, division (B) of this section ceases at the time that the determination is made. If the applicant subsequently resubmits the application to the director, the time prescribed in division (A) of this section and, if applicable, division (B) of this section shall resume running at the time that the application is resubmitted. The resubmission of the application constitutes a request for the making of a completeness determination on the application. The director shall do one of the following within the time remaining pursuant to division (A) and, if applicable, division (B) of this section at the time that the application is resubmitted:

(1) Make a completeness determination on the application and, in writing, notify the applicant of ~~his~~ the determination;

(2) Issue or deny or propose to issue or deny the permit or modification.

(D) The director shall include in each written notice of the completeness of an application provided under division (A), (B), or (C)(1) of this section the date on which the application was determined to be complete.

(E) The director shall issue or deny or propose to issue or deny a modification of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, ~~modification of such a permit~~, or an initial permit to operate pursuant to rules adopted under division (G) of section 3704.03 of the Revised Code within one hundred eighty days after the date that the application for the permit or modification was determined to be complete as that date is set forth in the written notice of the determination of the completeness of the application provided

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under division (A), (B), or (C)(1) of this section or within one 22881
hundred eighty days after the application is deemed to be complete 22882
under division (B) of this section, as appropriate. If the 22883
director fails to issue or deny or propose to issue or deny the 22884
permit or modification within the appropriate 22885
one-hundred-eighty-day period, the applicant may bring a mandamus 22886
action to obtain a judgment that orders the director to take a 22887
final action on the application. 22888

(F) The director, upon ~~his~~ the director's own motion or upon 22889
the written request of the applicant and in writing, may extend 22890
the time provided under division (E) of this section for issuing 22891
or denying or proposing to issue or deny the permit or 22892
modification for an additional sixty days if a public 22893
informational meeting or public hearing was held on the 22894
application for the permit or modification. 22895

(G) Upon the written request of the applicant, the director, 22896
in writing, may extend the time provided under division (E) of 22897
this section for issuing or denying or proposing to issue or deny 22898
the permit or modification for the additional time specified in 22899
the applicant's request for the extension. 22900

(H) Upon the written request of the person responsible for a 22901
facility, the director may consolidate or group applications for 22902
the issuance of permits pursuant to rules adopted under ~~divisions~~ 22903
division (F) or (G) of section 3704.03 of the Revised Code, or 22904
modifications or renewals of those permits, for individual air 22905
contaminant sources located at the facility in order to reduce the 22906
unnecessary paperwork and administrative burden to the applicant 22907
and the director in connection with the issuance of those permits, 22908
modifications, and renewals. Fees payable to the director under 22909
section 3745.11 of the Revised Code shall not be reduced by reason 22910
of any such consolidation or grouping of applications for permits, 22911
modifications, or renewals. 22912

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Sec. 3721.07. (A) Every person desiring to operate a home and the superintendent or administrator of each county home or district home for which a license as a residential care facility is sought shall apply for a license to the director of health. The director shall issue a license for the home, if after investigation of the applicant and, if required by section 3721.02 of the Revised Code, inspection of the home, the following requirements or conditions are satisfied or complied with:

~~(A)~~(1) The applicant has not been convicted of a felony or a crime involving moral turpitude;

~~(B)~~(2) The applicant is not violating any of the rules made by the public health council or any order issued by the director of health;

~~(C)~~(3) The buildings in which the home is housed have been approved by the state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal. In the approval of a home such agencies shall apply standards prescribed by the board of building standards, and by the state fire marshal, and by section 3721.071 of the Revised Code.

~~(D)~~(4) The applicant, if it is an individual, or the principal participants, if it is an association or a corporation, is or are suitable financially and morally to operate a home;

~~(E)~~(5) The applicant is equipped to furnish humane, kind, and adequate treatment and care;

~~(F)~~(6) The home does not maintain or contain:

~~(1)~~(a) Facilities for the performance of major surgical procedures;

~~(2)~~(b) Facilities for providing therapeutic radiation;

~~(3)~~(c) An emergency ward;

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~~(4)~~(d) A clinical laboratory unless it is under the supervision of a clinical pathologist who is a licensed physician in this state;

~~(5)~~(e) Facilities for radiological examinations unless such examinations are performed only by a person licensed to practice medicine, surgery, or dentistry in this state.

~~(6)~~(7) The home does not accept or treat outpatients, except upon the written orders of a physician licensed in this state, maternity cases, boarding children, and does not house transient guests, other than participants in an adult day-care program, for twenty-four hours or less;

~~(H)~~(8) The home is in compliance with sections 3721.28 and 3721.29 of the Revised Code.

(B) When the director issues a license, the license shall remain in effect until revoked by the director ~~or~~, voided at the request of the applicant, or terminated as described in division (D) of this section; provided, there shall be an annual renewal fee payable during the month of January of each calendar year. Any licensed home that does not pay its renewal fee in January shall pay, beginning the first day of February, a late fee of one hundred dollars for each week or part thereof that the renewal fee is not paid. If either the renewal fee or the late fee is not paid by the fifteenth day of February, the director may, in accordance with Chapter 119. of the Revised Code, revoke the home's license.

(C) A person whose license is revoked, and a county home or district home that has its license as a residential care facility revoked, for any reason other than nonpayment of the license renewal fee or late fees may not apply for a new license under this chapter until a period of one year following the date of revocation has elapsed.

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(D) A license issued by the director to a nursing home 22973
described in section 5123.192 of the Revised Code shall terminate 22974
if the nursing home obtains a license under section 5123.19 of the 22975
Revised Code. 22976

(E) Any applicant who is denied a license may appeal in 22977
accordance with Chapter 119. of the Revised Code. 22978

Sec. 3721.12. (A) The administrator of a home shall: 22979

(1) With the advice of residents, their sponsors, or both, 22980
 establish and review at least annually, written policies regarding 22981
 the applicability and implementation of residents' rights under 22982
 sections 3721.10 to 3721.17 of the Revised Code, the 22983
 responsibilities of residents regarding the rights, and the home's 22984
 grievance procedure established under division (A)(2) of this 22985
 section. The administrator is responsible for the development of, 22986
 and adherence to, procedures implementing the policies. 22987

(2) Establish a grievance committee for review of complaints 22988
 by residents. The grievance committee shall be comprised of the 22989
 home's staff and residents, sponsors, or outside representatives 22990
 in a ratio of not more than one staff member to every two 22991
 residents, sponsors, or outside representatives. 22992

(3) Furnish to each resident and sponsor prior to or at the 22993
 time of admission, and to each member of the home's staff, at 22994
 least one of each of the following: 22995

(a) A copy of the rights established under sections 3721.10 22996
 to 3721.17 of the Revised Code; 22997

(b) A written explanation of the provisions of section 22998
 3721.16 of the Revised Code or, for each resident described in 22999
section 5111.63 of the Revised Code, the provisions of sections 23000
5111.63 and 5111.64 of the Revised Code; 23001

(c) A copy of the home's policies and procedures established 23002

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under this section;	23003
(d) A copy of the home's rules;	23004
(e) A copy of the addresses and telephone numbers of the	23005
board of health of the health district of the county in which the	23006
home is located, the county department of job and family services	23007
of the county in which the home is located, the state departments	23008
of health and job and family services, the state and local offices	23009
of the department of aging, and any Ohio nursing home ombudsperson	23010
program.	23011
(B) Written acknowledgment of the receipt of copies of the	23012
materials listed in this section shall be made part of the	23013
resident's record and the staff member's personnel record.	23014
(C) The administrator shall post all of the following	23015
prominently within the home:	23016
(1) A copy of the rights of residents as listed in division	23017
(A) of section 3721.13 of the Revised Code;	23018
(2) A copy of the home's rules and its policies and	23019
procedures regarding the rights and responsibilities of residents;	23020
(3) A notice that a copy of this chapter, rules of the	23021
department of health applicable to the home, and federal	23022
regulations adopted under Titles XVIII and XIX of the "Social	23023
Security Act," 49 <u>79</u> Stat. 620 <u>286</u> (1935 <u>1965</u>), 42 U.S.C.A. 301	23024
<u>1395 and 1396</u> , as amended, and the materials required to be	23025
available in the home under section 3721.021 of the Revised Code,	23026
are available for inspection in the home at reasonable hours;	23027
(4) A list of residents' rights advocates;	23028
(5) A notice that the following are available in a place	23029
readily accessible to residents:	23030
(a) If the home is licensed under section 3721.02 of the	23031
Revised Code, a copy of the most recent licensure inspection	23032

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report prepared for the home under that section; 23033

(b) If the home is a nursing facility as defined in section 23034
5111.20 of the Revised Code, a copy of the most recent statement 23035
of deficiencies issued to the home under section 5111.42 of the 23036
Revised Code. 23037

(D) The administrator of a home may, with the advice of 23038
residents, their sponsors, or both, establish written policies 23039
regarding the applicability and administration of any additional 23040
residents' rights beyond those set forth in sections 3721.10 to 23041
3721.17 of the Revised Code, and the responsibilities of residents 23042
regarding the rights. Policies established under this division 23043
shall be reviewed, and procedures developed and adhered to as in 23044
division (A)(1) of this section. 23045

Sec. 3721.16. (A)~~(1)~~ For each resident of a home, other than 23046
a resident described in section 5111.63 of the Revised Code, 23047
notice of a proposed transfer or discharge and a request for 23048
hearing on the transfer or discharge shall be in accordance with 23049
this section. 23050

(1) Except in an emergency or unless authorized by statute or 23051
by rules of the director of health, the administrator of a home 23052
shall notify a resident in writing, and the resident's sponsor in 23053
writing by certified mail, return receipt requested, in advance of 23054
any proposed transfer or discharge from the home. The notice shall 23055
be provided at least thirty days in advance of the proposed 23056
transfer or discharge, unless either of the following applies: 23057

(a) The resident's health has improved sufficiently to allow 23058
a more immediate discharge or transfer to a less skilled level of 23059
care; 23060

(b) The resident has resided in the home less than thirty 23061
days. 23062

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In the case of a resident described in division (A)(1)(a) or 23063
 (b) of this section, the notice shall be provided as many days in 23064
 advance of the proposed transfer or discharge as is practicable. 23065

(2) The notice required under division (A)(1) of this section 23066
 shall include all of the following: 23067

(a) The reasons for the proposed transfer or discharge; 23068

(b) Notice of the right of the resident and ~~his~~ the 23069
resident's sponsor to an impartial hearing at the home on the 23070
 proposed transfer or discharge, and of the manner in which and the 23071
 time within which the resident or ~~his~~ sponsor may request a 23072
 hearing under division (C) of this section; 23073

(c) The address of the legal services office of the 23074
 department of health; 23075

(d) The name, address, and telephone number of a 23076
 representative of the state long-term care ~~ombudsman~~ ombudsperson 23077
 program and, if the resident or patient has a developmental 23078
 disability or mental illness, the name, address, and telephone 23079
 number of the Ohio legal rights service. 23080

(B) Transfer or discharge actions shall be documented in the 23081
 resident's medical record by the home if there is a medical basis 23082
 for the action. 23083

(C) A resident or ~~his~~ resident's sponsor may challenge a 23084
 transfer or discharge by requesting an impartial hearing at the 23085
 home, unless the transfer or discharge is required because of an 23086
 emergency or one of the following reasons: 23087

(1) The home's license has been revoked under this chapter; 23088

(2) The home is being closed pursuant to sections 5111.35 to 23089
 5111.62 or section 5155.31 of the Revised Code; 23090

~~(3) The resident is a recipient of medical assistance under~~ 23091
~~section 5111.01 of the Revised Code and the home's participation~~ 23092

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~~in the medical assistance program has been terminated or denied,~~ 23093

~~(4) The resident is a beneficiary under Title XVIII of the~~ 23094
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 23095
~~amended and the home's certification under Title XVIII has been~~ 23096
~~terminated or denied.~~ 23097

A request for a hearing under this section shall be sent in 23098
writing to the legal services office of the department of health 23099
not later than ten days after the resident and ~~his~~ the resident's 23100
sponsor receive notice of the proposed transfer or discharge. A 23101
hearing shall be held within ten days by the department of health. 23102
A representative of the department shall preside over the hearing 23103
and issue a recommendation within five days as to any advisable 23104
action to the administrator, the resident, and any interested 23105
sponsor. 23106

If a resident is transferred or discharged pursuant to this 23107
section, the home from which the resident is being transferred or 23108
discharged shall provide the resident with adequate preparation 23109
prior to the transfer or discharge to ensure a safe and orderly 23110
transfer or discharge from the home, and the home or alternative 23111
setting to which the resident is to be transferred or discharged 23112
shall have accepted the resident for transfer or discharge. 23113

(D) An impartial hearing on resident transfer or discharge is 23114
not subject to section 121.22 of the Revised Code. 23115

~~(E) At the time of a transfer or discharge of a resident who~~ 23116
~~is a recipient of medical assistance under section 5111.01 of the~~ 23117
~~Revised Code from a home to a hospital or for therapeutic leave,~~ 23118
~~the home shall provide notice in writing to the resident and in~~ 23119
~~writing by certified mail, return receipt requested, to the~~ 23120
~~resident's sponsor, specifying the number of days, if any, during~~ 23121
~~which the resident will be permitted under the medical assistance~~ 23122
~~program to return and resume residence in the home and specifying~~ 23123

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~~the medical assistance program's coverage of the days during which~~ 23124
~~the resident is absent from the home. An individual who is absent~~ 23125
~~from a home for more than the number of days specified in the~~ 23126
~~notice and continues to require the services provided by the~~ 23127
~~facility shall be given priority for the first available bed in a~~ 23128
~~semi-private room.~~ 23129

Sec. 3721.17. (A) Any resident who believes that the 23130
resident's rights under sections 3721.10 to 3721.17 of the Revised 23131
Code have been violated may file a grievance under procedures 23132
adopted pursuant to division (A)(2) of section 3721.12 of the 23133
Revised Code. 23134

When the grievance committee determines a violation of 23135
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 23136
shall notify the administrator of the home. If the violation 23137
cannot be corrected within ten days, or if ten days have elapsed 23138
without correction of the violation, the grievance committee shall 23139
refer the matter to the department of health. 23140

(B) Any person who believes that a resident's rights under 23141
sections 3721.10 to 3721.17 of the Revised Code have been violated 23142
may report or cause reports to be made of the information directly 23143
to the department of health. No person who files a report is 23144
liable for civil damages resulting from the report. 23145

(C)(1) Within thirty days of receiving a complaint under this 23146
section, the department of health shall investigate any complaint 23147
referred to it by a home's grievance committee and any complaint 23148
from any source that alleges that the home provided substantially 23149
less than adequate care or treatment, or substantially unsafe 23150
conditions, or, within seven days of receiving a complaint, refer 23151
it to the attorney general, if the attorney general agrees to 23152
investigate within thirty days. 23153

(2) Within thirty days of receiving a complaint under this 23154

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section, the department of health may investigate any alleged
violation of sections 3721.10 to 3721.17 of the Revised Code, or
of rules, policies, or procedures adopted pursuant to those
sections, not covered by division (C)(1) of this section, or it
may, within seven days of receiving a complaint, refer the
complaint to the grievance committee at the home where the alleged
violation occurred, or to the attorney general if the attorney
general agrees to investigate within thirty days.

(D) If, after an investigation, the department of health
finds probable cause to believe that a violation of sections
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or
procedures adopted pursuant to those sections, has occurred at a
home that is certified under Title XVIII or XIX of the "Social
Security Act," ~~49~~ 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~
1395 and 1396, as amended, it shall cite one or more findings or
deficiencies under sections 5111.35 to 5111.62 of the Revised
Code. If the home is not so certified, the department shall hold
an adjudicative hearing within thirty days under Chapter 119. of
the Revised Code.

(E) Upon a finding at an adjudicative hearing under division
(D) of this section that a violation of sections 3721.10 to
3721.17 of the Revised Code, or of rules, policies, or procedures
adopted pursuant thereto, has occurred, the department of health
shall make an order for compliance, set a reasonable time for
compliance, and assess a fine pursuant to division (F) of this
section. The fine shall be paid to the general revenue fund only
if compliance with the order is not shown to have been made within
the reasonable time set in the order. The department of health may
issue an order prohibiting the continuation of any violation of
sections 3721.10 to 3721.17 of the Revised Code.

Findings at the hearings conducted under this section may be
appealed pursuant to Chapter 119. of the Revised Code, except that

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an appeal may be made to the court of common pleas of the county 23187
in which the home is located. 23188

The department of health shall initiate proceedings in court 23189
to collect any fine assessed under this section which is unpaid 23190
thirty days after the violator's final appeal is exhausted. 23191

(F) Any home found, pursuant to an adjudication hearing under 23192
division (D) of this section, to have violated sections 3721.10 to 23193
3721.17 of the Revised Code, or rules, policies, or procedures 23194
adopted pursuant to those sections may be fined not less than one 23195
hundred nor more than five hundred dollars for a first offense. 23196
For each subsequent offense, the home may be fined not less than 23197
two hundred nor more than one thousand dollars. 23198

A violation of sections 3721.10 to 3721.17 of the Revised 23199
Code is a separate offense for each day of the violation and for 23200
each resident who claims the violation. 23201

(G) No home or employee of a home shall retaliate against any 23202
person who: 23203

(1) Exercises any right set forth in sections 3721.10 to 23204
3721.17 of the Revised Code, including, but not limited to, filing 23205
a complaint with the home's grievance committee or reporting an 23206
alleged violation to the department of health; 23207

(2) Appears as a witness in any hearing conducted under this 23208
section ~~and~~ or section 3721.16 or 5111.64 of the Revised Code; 23209

(3) Files a civil action alleging a violation of sections 23210
3721.10 to 3721.17 of the Revised Code, or notifies a county 23211
prosecuting attorney or the attorney general of a possible 23212
violation of sections 3721.10 to 3721.17 of the Revised Code. 23213

If, under the procedures outlined in this section, a home or 23214
its employee is found to have retaliated, the violator may be 23215
fined up to one thousand dollars. 23216

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(H) When legal action is indicated, any evidence of criminal activity found in an investigation under division (C) of this section shall be given to the prosecuting attorney in the county in which the home is located for investigation.

(I)(1) Any resident whose rights under sections 3721.10 to 3721.17 of the Revised Code are violated has a cause of action against any person or home committing the violation. The action may be commenced by the resident or by the resident's sponsor on behalf of the resident.

(2)(a) If compensatory damages are awarded for a violation of the resident's rights, section 2315.21 of the Revised Code, except divisions (E)(1) and (2) of that section, shall apply to an award of punitive or exemplary damages for the violation.

(b) The court may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

(3) Division (I)(2)(a) of this section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action in which this section is relevant, whether the action is pending in court or commenced on or after ~~the effective date of this amendment~~ July 9, 1998.

Sec. 3721.51. The department of job and family services shall:

(A) For the ~~purpose of providing home and community-based services to elderly and disabled persons~~ purposes specified in section 3721.56 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to four dollars for fiscal years 2002 and 2003, and one dollar for each fiscal year thereafter, multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under

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Title XVIII or nursing facility beds under Title XIX of the 23247
 "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 23248
 amended, on July 1, 1993, and, for each subsequent year, the first 23249
 day of May of the calendar year in which the fee is determined 23250
 pursuant to division (A) of section 3721.53 of the Revised Code; 23251

(2) The number of days in fiscal year 1994 and, for each 23252
 subsequent year, the number of days in the fiscal year beginning 23253
 on the first day of July of the calendar year in which the fee is 23254
 determined pursuant to division (A) of section 3721.53 of the 23255
 Revised Code. 23256

(B) For the ~~purpose of providing home and community-based~~ 23257
~~services to elderly and disabled persons~~ purposes specified in 23258
section 3721.56 of the Revised Code, determine an annual franchise 23259
 permit fee on each hospital in an amount equal to four dollars for 23260
fiscal years 2002 and 2003, and one dollar for each fiscal year 23261
thereafter, multiplied by the product of the following: 23262

(1) The number of beds registered pursuant to section 3701.07 23263
 of the Revised Code as skilled nursing facility beds or long-term 23264
 care beds, plus any other beds licensed as nursing home beds under 23265
 section 3721.02 or 3721.09 of the Revised Code, on July 1, 1993, 23266
 and, for each subsequent year, the first day of May of the 23267
 calendar year in which the fee is determined pursuant to division 23268
 (A) of section 3721.53 of the Revised Code; 23269

(2) The number of days in fiscal year 1994 and, for each 23270
 subsequent year, the number of days in the fiscal year beginning 23271
 on the first day of July of the calendar year in which the fee is 23272
 determined pursuant to division (A) of section 3721.53 of the 23273
 Revised Code. 23274

If the United States health care financing administration 23275
 determines that the franchise permit fee established by sections 23276
 3721.50 through 3721.58 of the Revised Code would be an 23277

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impermissible health care related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, the department of job and family services shall take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 3721.58 of the Revised Code.

Sec. 3721.56. ~~All (A) One-fourth of all payments and penalties paid by nursing homes and hospitals under 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 community-based services for the aged fund," which is hereby created in the state treasury. The departments of job and family services and aging shall use the moneys in the fund to fund the following in accordance with rules adopted under section 3721.58 of the Revised Code:

~~(A)(1)~~ The medical assistance program established under Chapter 511. of the Revised Code;

~~(B)(2)~~ The PASSPORT program established under section 173.40 of the Revised Code;

~~(C)(3)~~ The residential state supplement program established under section 173.35 of the Revised Code.

(B) Three-fourths of all payments and penalties paid by nursing homes and hospitals under sections 3721.53 and 3721.54 of the Revised Code for fiscal years 2002 and 2003 shall be deposited into the nursing facility stabilization fund, which is hereby created in the state treasury. The department of job and family services shall use the money in the fund in the manner provided by Am. Sub. H.B. 94 of the 124th general assembly.

Sec. 3734.57. (A) For the purposes of paying the state's