

As Passed by the House

124th General Assembly

Regular Session

2001-2002

Am. Sub. S. B. No. 266

SENATORS Robert Gardner, Armbruster, Randy Gardner, Harris,
Shoemaker, Prentiss

REPRESENTATIVES Callender, Calvert, Hartnett, Distel, Carano, Fedor,
Schmidt, Carey, Flowers, Hughes, Hagan, Hoops, Niehaus

A BILL

To amend sections 955.43, 1713.02, 1713.03, 1713.25, 1
2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 2
3332.04, 3332.05, 3332.051, 3332.06, 3332.07, 3
3332.08, 3332.081, 3332.082, 3332.083, 3332.085, 4
3332.09, 3332.091, 3332.092, 3332.10 to 3332.13, 5
3332.18, 3333.043, 3333.12, 3333.29, 3334.01, 6
3365.01, 3365.15, 4742.05, 4742.06, 4743.03, 7
4762.02, 4763.05, 5107.58, 5747.01, and 5919.34 of 8
the Revised Code; and to amend Section 94.10 of Am. 9
Sub. H.B. 94 of the 124th General Assembly to make 10
changes to the oversight of career schools by 11
changing the name of the State Board of Proprietary 12
School Registration to the State Board of Career 13
Colleges and Schools, directing the Board to 14
establish the period of time that a career school 15
must maintain a surety bond, eliminating the 16
requirement that agents for career schools maintain 17
surety bonds, altering the structure of the Board 18
by adding an additional member with a background in 19
career school management and by making the student 20
representative a nonvoting member, establishing a 21
fixed rate of compensation for Board members, 22

eliminating the requirement that the Ohio Board of 23
Regents recommend whether to approve applications 24
for the issuance or renewal of program 25
authorizations for associate degree programs at 26
career schools, making the legislative members of 27
the Student Tuition Recovery Authority nonvoting ex 28
officio members, specifying that students are 29
eligible for reimbursement of prepaid tuition 30
losses only in the event of a school closure, 31
paying reimbursements for prepaid tuition losses 32
from the career school's surety bond beginning July 33
1, 2003, and by making other revisions to the 34
oversight of career schools; to enable students 35
enrolled in eligible institutions prior to July 1, 36
2000, to receive student workforce development 37
grants; to permit the Chancellor of the Ohio Board 38
of Regents to grant Capital Scholarships to 39
students enrolled in public and private 40
institutions of higher education for their 41
participation in Kent State University's Columbus 42
Program in Intergovernmental Issues; and to further 43
amend sections 3332.04, 3332.08, and 3332.082 and 44
to amend section 3332.084 of the Revised Code 45
effective July 1, 2003. 46

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

Section 1. That sections 955.43, 1713.02, 1713.03, 1713.25, 47
2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 3332.04, 3332.05, 48
3332.051, 3332.06, 3332.07, 3332.08, 3332.081, 3332.082, 3332.083, 49
3332.085, 3332.09, 3332.091, 3332.092, 3332.10, 3332.11, 3332.12, 50
3332.13, 3332.18, 3333.043, 3333.12, 3333.29, 3334.01, 3365.01, 51
3365.15, 4742.05, 4742.06, 4743.03, 4762.02, 4763.05, 5107.58, 52

5747.01, and 5919.34 of the Revised Code be amended to read as 53
follows: 54

Sec. 955.43. (A) When a blind, deaf, or mobility impaired 55
person is accompanied by a dog that serves as or is in training to 56
become a guide, leader, listener, or support dog for ~~him~~ the 57
person, and ~~he~~ the person can show proof by certificate or other 58
means that the dog leading ~~him~~ the person, listening for ~~him~~ the 59
person, or providing support or assistance for ~~him~~ the person has 60
been or is being trained for that purpose by a nonprofit special 61
agency engaged in such work, the person is entitled to the full 62
and equal accommodations, advantages, facilities, and privileges 63
of all public conveyances, hotels, lodging places, all places of 64
public accommodation, amusement, or resort, all institutions of 65
education, and other places to which the general public is 66
invited, and may take the dog into such conveyances and places, 67
subject only to the conditions and limitations applicable to all 68
persons not so accompanied, except that: 69

(1) The dog shall not occupy a seat in any public conveyance. 70
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(2) The dog shall be upon a leash while using the facilities 72
of a common carrier. 73

(3) Any dog in training to become a guide, leader, listener, 74
or support dog shall be covered by a liability insurance policy 75
provided by the nonprofit special agency engaged in such work 76
protecting members of the public against personal injury or 77
property damage caused by the dog. 78

(B) No person shall deprive a blind, deaf, or mobility 79
impaired person of any of the advantages, facilities, or 80
privileges provided in division (A) of this section, nor charge 81
the blind, deaf, or mobility impaired person a fee or charge for 82

the dog.	83
(C) As used in this section, "institutions of education"	84
means:	85
(1) Any state university or college as defined in section 3345.32 of the Revised Code;	86 87
(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;	88 89 90
(3) Any elementary or secondary school operated by a board of education;	91 92
(4) Any chartered or nonchartered nonpublic elementary or secondary school;	93 94
(5) Any school issued a certificate of registration by the state board of proprietary school registration <u>career colleges and</u> <u>schools</u> .	95 96 97
Sec. 1713.02. (A) Any institution described in division (A) of section 1713.01 of the Revised Code may become incorporated under sections 1702.01 to 1702.58 of the Revised Code.	98 99 100
(B) Except as provided in division (E) of this section, no nonprofit institution or corporation of the type described in division (A) of section 1713.01 of the Revised Code that is established after October 13, 1967, may confer degrees, diplomas, or other written evidences of proficiency or achievement, until it has received a certificate of authorization issued by the Ohio board of regents, nor shall any such institution or corporation identify itself as a "college" or "university" unless it has received a certificate of authorization from the board.	101 102 103 104 105 106 107 108 109
(C) Except as provided in division (E) of this section, no institution of the type described in division (A)(3) or (B) of	110 111

section 1713.01 of the Revised Code that intends to offer or
offers a course or courses within this state, but that did not
offer a course or courses within this state on or before October
13, 1967, may confer degrees, diplomas, or other written evidences
of proficiency or achievement or offer any course or courses
within this state until it has received a certificate of
authorization from the Ohio board of regents, nor shall the
institution identify itself as a "college" or "university" unless
it has received such a certificate from the board.

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(D) Each certificate of authorization shall specify the
diplomas or degrees authorized to be given, courses authorized to
be offered, and the sites at which courses are to be conducted. A
copy of such certificate shall be filed with the secretary of
state if the institution is incorporated. Any institution or
corporation established or that offered a course or courses of
instruction in this state prior to October 13, 1967, may apply to
the board for a certificate of authorization, and the board shall
issue a certificate if it finds that such institution or
corporation meets the requirements established pursuant to
sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 1713.09, and
1713.25 of the Revised Code.

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(E) An institution that clearly identifies itself in its name
with the phrase "bible college" or "bible institute" and has not
received a certificate of authorization may confer diplomas and
other written evidences of proficiency or achievement other than
associate, baccalaureate, master's, and doctoral degrees or any
other type of degree and may identify itself as a "bible college"
if such institution:

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(1) Prominently discloses on any transcripts, diplomas, or
other written evidences of proficiency or achievement, and
includes with any promotional material or other literature
intended for the public, the statement: "this institution is not

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certified by the board of regents or the state of Ohio." 144

(2) Limits its course of instruction to religion, theology, 145
or preparation for a religious vocation, or is operated by a 146
church or religious organization and limits its instruction to 147
preparation for service to churches or other religious 148
organizations. 149

(3) Confers only diplomas and other written evidences of 150
proficiency or achievement that bear titles clearly signifying the 151
religious nature of the instruction offered by the institution. 152

(F) Except as otherwise provided in section 3333.046 of the 153
Revised Code, no school of the type described in division (E) of 154
section 3332.01 of the Revised Code that intends to offer or 155
offers a degree program within this state or solicits students 156
within this state may confer a baccalaureate, master's, or 157
doctoral degree or solicit students for such degree programs until 158
it has received both a certificate of authorization from the board 159
of regents under this chapter and program authorization from the 160
state board of ~~proprietary school registration~~ career colleges and 161
schools for such degree program under section 3332.05 of the 162
Revised Code. 163

Sec. 1713.03. The Ohio board of regents shall establish 164
standards for certificates of authorization to be issued to 165
institutions as defined in section 1713.01 of the Revised Code, to 166
private institutions exempt from regulation under Chapter 3332. of 167
the Revised Code as prescribed in section 3333.046 of the Revised 168
Code, and to schools holding certificates of registration issued 169
by the state board of ~~proprietary school registration~~ career 170
colleges and schools pursuant to division (C) of section 3332.05 171
of the Revised Code. A certificate of authorization may permit an 172
institution or school to award one or more types of degrees. 173

The standards for a certificate of authorization may include, 174

for various types of institutions, schools, or degrees, minimum 175
qualifications for faculty, library, laboratories, and other 176
facilities as adopted and published by the Ohio board of regents. 177
The standards shall be adopted by the board pursuant to Chapter 178
119. of the Revised Code. 179

An institution or school shall apply to the board for a 180
certificate of authorization on forms containing such information 181
as is prescribed by the board. Each institution or school with a 182
certificate of authorization shall file an annual report with the 183
board in such form and containing such information as the board 184
prescribes. 185

Sec. 1713.25. The board of trustees of an institution of 186
learning incorporated under the authority of this state for the 187
sole purpose of promoting education, religion and morality, or the 188
fine arts, at a regular or special meeting of such board called 189
for that purpose, after thirty days' actual notice to each 190
trustee, may change the name and enlarge the purposes and objects 191
of such institution of learning, by amendment to its charter, 192
approved by a majority of the board. 193

No institution as defined in section 1713.01 of the Revised 194
Code or school that holds a certificate of registration issued by 195
the state board of ~~proprietary school registration~~ career colleges
and schools pursuant to division (C) of section 3332.05 ~~(E)~~ of the 196
Revised Code, that has been issued a certificate of authorization 197
by the Ohio board of regents shall change the purposes of the 198
institution without giving written notice to the Ohio board of 199
regents, which shall issue an amended certificate of authorization 200
to the institution or school upon receipt of such notice. 201
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Sec. 2741.01. As used in this chapter: 203

(A) "Persona" means an individual's name, voice, signature, 204

photograph, image, likeness, or distinctive appearance, if any of
these aspects have commercial value.

(B) "Commercial purpose" means the use of or reference to an
aspect of an individual's persona in any of the following manners:

(1) On or in connection with a place, product, merchandise,
goods, services, or other commercial activities not expressly
exempted under this chapter;

(2) For advertising or soliciting the purchase of products,
merchandise, goods, services, or other commercial activities not
expressly exempted under this chapter;

(3) For the purpose of promoting travel to a place;

(4) For the purpose of fundraising.

(C) "Name" means the actual, assumed, or clearly identifiable
name of or reference to a living or deceased individual that
identifies the individual.

(D) "Right of publicity" means the property right in an
individual's persona to use the individual's persona for a
commercial purpose.

(E) "Trier of fact" means the jury or, in a nonjury action,
the court.

(F) "Written consent" includes written, electronic, digital,
or any other verifiable means of authorization.

(G) "Institution of higher education" means a state
institution of higher education as defined in section 3345.011 of
the Revised Code, a private nonprofit college or university
located in this state that possesses a certificate of
authorization issued by the Ohio board of regents pursuant to
Chapter 1713. of the Revised Code, or a school located in this
state that possesses a certificate of registration and one or more
program authorizations issued by the state board of ~~proprietary~~

~~school registration~~ career colleges and schools under Chapter 235
3332. of the Revised Code. 236

Sec. 3332.01. As used in this section and sections 3332.03 to 237
3332.99 of the Revised Code: 238

(A) "Agent" means any individual whose primary duties, 239
performed while on or off school premises, include distribution of 240
literature or information on behalf of a person offering a 241
program, and the solicitation of prospective students in Ohio to 242
enroll for a fee in a program. 243

(B) "Certificate of registration" means a certificate issued 244
by the state board of ~~proprietary school registration~~ career 245
colleges and schools to the owner or operator of a for profit or 246
nonprofit private career school located within or without the 247
state of Ohio, that permits the school to solicit students and 248
offer and maintain a program in Ohio. 249

(C) "Program" means ~~the complete~~ a course of study, whether 250
offered in a specific place, by correspondence using the mails, or 251
by any other means of communication, designed to prepare students 252
for potential employment in a recognized vocation, occupation, or 253
profession ~~and lead to a~~ at the certificate, diploma, or degree 254
level. 255

(D) "Program authorization" means written notification by the 256
board to a private career school granting approval for offering 257
programs and awarding certificates, diplomas, or degrees. 258

(E) "Private career school" or "school" means a person 259
possessing a certificate of registration and one or more program 260
authorizations. 261

Sec. 3332.02. This chapter does not apply to the following 262
categories of courses, schools, or colleges: 263

(A) Tuition-free courses or schools conducted by employers 264
exclusively for their own employees; 265

(B) Nonprofit institutions with certificates of authorization 266
issued pursuant to section 1713.02 of the Revised Code or that are 267
nonprofit institutions exempted from the requirement to obtain a 268
certificate by division (E) of that section; 269
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(C) Schools, colleges, technical colleges, or universities 271
established by law or chartered by the Ohio board of regents; 272

(D) Courses of instruction required by law to be approved or 273
~~licensed, or given by institutions approved or licensed,~~ by a 274
state board or agency other than the state board of ~~school and~~ 275
~~college registration~~ career colleges and schools, except that a 276
school so approved or licensed may apply to the state board of 277
~~proprietary school registration~~ career colleges and schools for a 278
certificate of registration to be issued in accordance with this 279
chapter; 280

(E) Schools for which minimum standards are prescribed by the 281
state board of education pursuant to division (D) of section 282
3301.07 of the Revised Code; 283

(F) Courses of instruction conducted by a public school 284
district or a combination of public school districts; 285

(G) Courses of instruction conducted outside the United 286
States; 287

(H) Private institutions exempt from regulation under this 288
chapter as prescribed in section 3333.046 of the Revised Code; 289

(I) Training courses for employees paid for by their 290
employers and conducted by outside service providers. 291

Sec. 3332.03. There is hereby created the state board of 292

~~proprietary school registration~~ career colleges and schools to 293
consist of the state superintendent of public instruction or an 294
assistant superintendent designated by the superintendent, the 295
chancellor of the Ohio board of regents or a vice chancellor 296
designated by the chancellor, and ~~five~~ six members appointed by 297
the governor, with the advice and consent of the senate. Members' 298
terms of office shall be for five years, commencing on the 299
twenty-first day of November and ending on the twentieth day of 300
November. Each member shall hold office from the date of ~~his~~ 301
appointment until the end of the term for which ~~he~~ the member was 302
appointed. 303

~~Two~~ Three of the members appointed by the governor shall have 304
been engaged for a period of not less than five years immediately 305
preceding appointment in an executive or managerial position in a 306
private, trade, technical, or other school subject to this 307
chapter. One member appointed by the governor shall be a 308
representative of students and shall have graduated with an 309
associate or baccalaureate degree, within five years prior to ~~his~~ 310
appointment, from a school subject to this chapter. Two members 311
appointed by the governor shall be representatives of the general 312
public and shall have had no affiliation with, or direct or 313
indirect interest in, schools subject to this chapter for at least 314
two years prior to appointment. In selecting the representatives 315
of the general public, the governor shall make an effort to find 316
individuals with background or experience in the regulation of 317
commerce, business, or education. The two members of the board who 318
are representatives of the general public shall not be affiliated 319
in any way with or have any direct or indirect interest in any 320
schools subject to this chapter during their terms. Except for 321
enrollment in a school subject to this chapter, the member 322
representing students shall have had no affiliation in any way 323
with, or have any direct or indirect interest in any school 324
subject to this chapter for at least two years prior to ~~his~~ 325

appointment or during ~~his~~ the member's term. 326

Any vacancy shall be filled in the manner provided for 327
original appointment. Any member appointed to fill a vacancy 328
occurring prior to the expiration of the term for which ~~his~~ the 329
member's predecessor was appointed shall hold office for the 330
remainder of such term. Any appointed member shall continue in 331
office subsequent to the expiration date of ~~his~~ the member's term 332
until ~~his~~ the member's successor takes office, or until a period 333
of sixty days has elapsed, whichever occurs first. 334

~~All seven members~~ Members of the board have full voting 335
rights. ~~The members shall not be paid for their services, but the,~~ 336
except for the member representing students who shall be a 337
nonvoting member. Each member of the board appointed by the 338
governor shall be compensated at the rate established pursuant to 339
division (J) of section 124.15 of the Revised Code, but shall not 340
receive step advancements, for those days the member is engaged in 341
the discharge of official duties. In addition, members appointed 342
by the governor may be compensated for the expenses necessarily 343
incurred in the attendance at meetings or in performing other 344
services for the board. The ~~chairman~~ chairperson of the board 345
shall annually be elected or determined as follows: 346

(A) If both members of the board representing the general 347
public have served on the board for at least one year, the members 348
shall elect one of these two members as ~~chairman~~ chairperson. If 349
one of these members declines to be elected or serve, the other 350
member representing the general public shall be ~~chairman~~ 351
chairperson. If both members representing the general public 352
decline to be elected or serve, division (C) of this section shall 353
apply. 354

(B) If only one member of the board representing the general 355
public has served on the board for at least one year, this member 356
shall be ~~chairman~~ chairperson. If this member declines to serve, 357

division (C) of this section shall apply. 358

(C) If neither member of the board representing the general 359
public has served on the board for at least one year or if this 360
division applies pursuant to division (A) or (B) of this section, 361
the members of the board shall elect a ~~chairman~~ chairperson from 362
among any of the voting members of the board who have served on 363
the board for at least one year. 364

Sec. 3332.031. The state board of ~~proprietary school~~ 365
registration career colleges and schools shall: 366

(A) Adopt rules under Chapter 119. of the Revised Code 367
necessary to carry out its duties and responsibilities under this 368
chapter; 369

(B) Establish minimum standards for the registration and 370
operation of private career schools including but not necessarily 371
limited to standards to ensure school financial stability; 372

(C) Issue certificates of registration to private career 373
schools pursuant to division (A) of section 3332.05 of the Revised 374
Code; 375

(D) Suspend or revoke the certificate of registration of 376
schools pursuant to sections 3332.09 and 3332.091 of the Revised 377
Code; 378

(E) Establish minimum standards for certificate, diploma, and 379
degree programs offered by schools; 380

(F) Issue program authorization pursuant to divisions (B) and 381
(C) of section 3332.05 of the Revised Code; 382

(G) Suspend or revoke program authorization for schools 383
pursuant to sections 3332.09 and 3332.091 of the Revised Code; 384

(H) Establish minimum standards, including but not 385
necessarily limited to a code of ethics, for agents employed by 386

schools registered under this chapter to reasonably ensure that 387
such agents provide adequate, ethical, and accurate information to 388
prospective students; 389

(I) Grant permits to agents pursuant to sections 3332.10 and 390
3332.11 of the Revised Code; 391

(J) Suspend or revoke an agent's permit pursuant to section 392
3123.47 or 3332.12 of the Revised Code; 393

(K) Monitor recruitment and admissions practices of schools 394
holding certificates of registration to ensure compliance with 395
this chapter and the rules of the board; 396

(L)(1) Adopt rules requiring all schools to provide all 397
applicant students, prior to their signing enrollment agreements, 398
written information concerning the school's graduation and 399
placement rates for each of the preceding three years and any 400
other information the board deems pertinent. 401

(2) Adopt rules requiring all schools to provide any student 402
or applicant student, prior to the signing of any financial aid, 403
grant, or loan application, written information concerning the 404
obligations of a student obtaining such financial aid, grant, or 405
loan. 406

(3) Upon request, a school shall furnish the board with a 407
copy of all information required by this division. The board shall 408
monitor schools to ensure their compliance with this division. 409
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(M) Adopt a rule requiring all schools to include, in the 411
enrollment agreement, notice that any problems the student is 412
having with the school, or complaints the student has about the 413
school, may be directed to the board, which notice shall include 414
the telephone number of the executive director of the board; 415

(N) Report annually to the governor and the general assembly 416

on the activities of the board and private career schools, and 417
make legislative recommendations when necessary to enable the 418
board to better serve the student population and the schools 419
registered under this chapter; 420

(O) Adopt a rule requiring a uniform tuition refund policy 421
for all schools subject to this chapter. In adopting the rule, the 422
board shall consider the tuition refund policies effectuated by 423
state-supported colleges and universities. Each school subject to 424
this chapter shall furnish to each prospective student, prior to 425
the signing of an enrollment agreement, a copy of the tuition 426
refund policy. 427

(P) Adopt a rule establishing minimum standards for all 428
faculty and instructional staff in all instructional programs at a 429
school. In the case of full-time faculty members employed for 430
degree programs, such standards shall include all of the 431
following: 432

(1) A prohibition against employing on or after July 1, 1993, 433
any new full-time faculty member to teach the general study 434
portion of any degree program, unless the person holds a master's 435
degree in the subject matter discipline or holds a master's degree 436
in education with proficiency in the subject matter discipline 437
demonstrated in accordance with the standards adopted by the 438
board. 439

(2) Except as provided under the standards adopted pursuant 440
to division (P)(3) of this section, a prohibition against 441
employing or reemploying on or after July 1, 1998, any full-time 442
faculty member to teach the general study portion of any degree 443
program, unless the person holds a master's degree in the subject 444
matter discipline or holds a master's degree in education with 445
proficiency in the subject matter discipline demonstrated in 446
accordance with the standards adopted by the board. 447

(3) Standards under which the board, upon written request 448
submitted to the board prior to July 1, 1994, by any school, may 449
exempt the school from the prohibition adopted pursuant to 450
division (P)(2) of this section with regard to any individual 451
full-time faculty member employed by the school who has 452
demonstrated outstanding teaching performance in the general study 453
portion of any degree program at the school for a period of at 454
least six years prior to July 1, 1993. 455

(4) Definitions of "full-time faculty member," "new faculty 456
member," and any other term the board considers necessary to 457
define. 458

(Q) Adopt a rule prohibiting a school or branch campus 459
thereof from claiming accreditation from an accrediting agency in 460
any of its advertising, recruiting, or promotional materials 461
unless the agency is recognized as an accrediting agency by the 462
United States department of education. 463

Sec. 3332.04. The state board of ~~proprietary school~~ 464
~~registration~~ career colleges and schools may appoint an executive 465
director and such other staff as may be required for the 466
performance of the board's duties and provide necessary 467
facilities. In selecting an executive director, the board shall 468
appoint an individual with a background or experience in the 469
regulation of commerce, business, or education. The board may also 470
arrange for services and facilities to be provided by the state 471
board of education and the Ohio board of regents. All receipts of 472
the board shall be deposited in the state treasury to the credit 473
of the general revenue fund. 474

Sec. 3332.05. (A) The state board of ~~proprietary school~~ 475
~~registration~~ career colleges and schools shall issue a certificate 476
of registration to an applicant of good reputation seeking to 477

offer one or more programs upon receipt of the fee established in 478
accordance with section 3332.07 of the Revised Code and upon 479
determining the applicant has the facilities, resources, and 480
faculty to provide students with the kind of instruction that it 481
proposes to offer and meets the minimum standards of the board. A 482
certificate of registration shall be granted or denied within one 483
hundred twenty days of the receipt of the application therefor by 484
the board. A person shall obtain a separate certificate for each 485
location at which the person offers programs. The first 486
certificate of registration issued on or after ~~the effective date~~ 487
~~of this amendment~~ June 29, 1999, for each new location is valid 488
for one year, unless earlier revoked for cause by the board under 489
section 3332.09 of the Revised Code. Any other certificate of 490
registration is valid for two years, unless earlier revoked for 491
cause by the board under that section. 492

(B) The board shall issue program authorization for an 493
associate degree, certificate, or diploma program to an applicant 494
holding a certificate of registration issued pursuant to division 495
(A) of this section upon receipt of the fee established in 496
accordance with section 3332.07 of the Revised Code and upon 497
determining the applicant has the facilities, resources, and 498
faculty to provide students the kind of program it proposes to 499
offer and meets the minimum standards of the state board. 500

~~The state board shall promptly furnish the Ohio board of 501
regents a copy of all applications for issuance or renewal of 502
program authorization to offer any associate degree program. Prior 503
to the issuance or renewal of such program authorization the state 504
board shall conduct an on-site visit of the school proposing the 505
program. A representative of the board of regents shall 506
participate in the visit. Within twenty one days of the on-site 507
visit the representative of the board of regents shall provide the 508
state board with a written statement recommending approval or 509~~

~~disapproval of the application.~~

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Any program authorization issued by the board under this
division is valid only for the specified program at the location
for which it is issued and does not cover any other program
offered at the school or at other schools operated by the owner.
Program authorization is valid for the period of time specified by
the board, unless earlier suspended or revoked for cause by the
board under section 3332.09 of the Revised Code.

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(C)(1) The state board shall accept and review applications
for program authorization for baccalaureate, master's, and
doctoral degree programs only from the following:

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(a) Any school holding a certificate of registration issued
by the board that has held such certificate for the ten previous
consecutive years;

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(b) Any school holding a certificate of registration issued
by the board that also holds an equivalent certificate issued by
another state and has held the equivalent certificate for the ten
previous consecutive years.

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(2) After review the board shall refer any application it
finds valid to the Ohio board of regents for approval. The board
of regents shall review, and approve or disapprove, such degree
programs and if so approved, issue certificates of authorization
to such schools to offer such degree programs pursuant to Chapter
1713. of the Revised Code. The board of regents shall notify the
state board of ~~proprietary school registration~~ career colleges and
schools of each school registered with the state board that
receives a certificate of authorization and the approval to offer
any degree program. Upon receipt of such notification and the fee
established in accordance with section 3332.07 of the Revised
Code, the state board shall review, and may issue program
authorization to offer, such a degree program. Any program

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authorization issued by the board under this division is valid 541
only for the specified program at the location for which it is 542
issued and does not cover any other program offered at the school 543
or at other schools operated by the owner. Program authorization 544
is valid for the period of time specified by the board, unless 545
earlier suspended or revoked for cause by the board under section 546
3332.09 of the Revised Code. The state board shall not issue such 547
program authorization unless the degree program has been approved 548
by the board of regents. 549

(D) The board may cause an investigation to be made into the 550
correctness of the information submitted in any application 551
received under this section. If the board believes that false, 552
misleading, or incomplete information has been submitted to it in 553
connection with any application, the board shall conduct a hearing 554
on the matter pursuant to Chapter 119. of the Revised Code, and 555
may withhold a certificate of registration or program 556
authorization upon finding that the applicant has failed to meet 557
the standards for such certificate or program authorization or has 558
submitted false, misleading, or incomplete information to the 559
board. Application for a certificate of registration or program 560
authorization shall be made in writing to the board on forms 561
furnished by the board. A certificate of registration or program 562
authorization is not transferable and shall be prominently 563
displayed on the premises of an institution. 564

The board shall assign registration numbers to all schools 565
registered with it. Schools shall display their registration 566
numbers on all school publications and on all advertisements 567
bearing the name of the school. 568

Notwithstanding the requirements of this section for issuance 569
of certificates of registration and program authorization, the 570
board may, in accordance with rules adopted by it, grant 571
certificates of registration and program authorization to schools, 572

colleges, institutes, or universities that have been approved by 573
the state department of education pursuant to the "Act of March 3, 574
1966," 80 Stat. 20, 38 U.S.C.A. 1771. 575

Sec. 3332.051. The state board of ~~proprietary school~~ 576
~~registration career colleges and schools~~ shall direct that a 577
written survey be obtained by schools subject to this chapter, 578
which shall be used to solicit comments from students enrolled at 579
such schools. The board shall establish the guidelines for the 580
survey by rule. The survey shall be designed to determine student 581
satisfaction with the quality of instruction, facilities, school 582
personnel, and business operations, including recruitment and 583
recruitment agents. The board shall adopt rules for the 584
administration of surveys and shall include provisions to ensure 585
student anonymity. Surveys shall be administered prior to the end 586
of each school year. Completed surveys shall be collected by the 587
holder of the certificate of registration or the director or 588
administrator of the school and shall be compiled by the school. 589
Each school shall retain the surveys and the compiled results on 590
file for at least three years and shall make them available to the 591
state board for examination upon request. The holder of a 592
certificate of registration shall be responsible for ensuring that 593
completed surveys are in no way altered. 594

Sec. 3332.06. (A)(1) No program shall be established, 595
offered, or given for a charge, fee, or other contribution; no 596
certificate, diploma, degree, or other written evidence of 597
proficiency or achievement shall be offered whether in a specified 598
place, by correspondence, or any other means of communication, or 599
awarded; and no student enrollment in such program shall be 600
solicited through advertising, agents, mail circulars, or other 601
means, until the person planning to offer or offering such 602
program, certificate, diploma, or degree has obtained a 603

certificate of registration and appropriate program authorization 604
in accordance with section 3332.05 of the Revised Code. No school 605
shall offer a baccalaureate, master's, or doctoral degree program 606
unless it has received a certificate of authorization from the 607
Ohio board of regents and program authorization from the state 608
board of ~~proprietary school registration~~ career colleges and 609
schools. 610

(2) No institution receiving a certificate of registration 611
after July 28, 1989, shall call itself a "university" unless it 612
meets all of the following conditions: 613

(a) It also holds an equivalent certificate issued by another 614
state; 615

(b) It calls itself a "university" in that other state, as 616
permitted under the terms of the other state's certificate; 617

(c) It has been issued degree program authorization under 618
division (C) of section 3332.05 of the Revised Code. 619

(B) The board shall petition the court of common pleas of the 620
county in which a person or agent, as defined in section 3332.01 621
of the Revised Code, offers one or more programs subject to this 622
chapter or advertises for the offering of such programs without a 623
certificate of registration and program authorization, for an 624
order enjoining such offering or advertising. The court may grant 625
such injunctive relief upon a showing that the respondent named in 626
the petition is offering or advertising one or more programs 627
without a certificate of registration and program authorization. 628
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Sec. 3332.07. (A) Each application for issuance and renewal 630
of a certificate of registration, for the issuance and renewal of 631
program authorization, for issuance and renewal of agent's 632
permits, and for any other service specified by the state board of 633
~~proprietary school registration~~ career colleges and schools shall 634

be accompanied by the required fee. Fees submitted under this 635
section are not returnable even if approval or renewal is denied. 636

(B) Fee schedules for the issuance and renewal of 637
certificates of registration, for the issuance and renewal of 638
program authorization, for issuance and renewal of agent's 639
permits, and for any other service specified by the board shall be 640
established by rule adopted by the state board. The fee for a 641
one-year certificate of registration shall be one-half the fee for 642
a two-year certificate. 643

(C) If in any fiscal year the amount received in fees under 644
this section does not equal or exceed fifty per cent of board 645
expenditures for the fiscal year, the board shall increase fees 646
for the ensuing fiscal year by an amount estimated to be 647
sufficient to produce revenues equal to fifty per cent of 648
estimated expenditures for that ensuing fiscal year. 649

Sec. 3332.08. The application for a certificate of 650
registration shall be accompanied by a surety bond in the penal 651
sum of ten thousand dollars with conditions and in a form 652
prescribed by the state board of ~~proprietary school registration~~ 653
career colleges and schools with at least one corporate bonding 654
company approved by the department of insurance as surety thereon. 655
Bond shall be maintained in effect for ~~three years by any school~~ 656
~~that has existed under the same ownership for five years~~ 657
~~immediately before the effective date of this amendment, for five~~ 658
~~years after the effective date of this amendment, or its later~~ 659
~~original registration, for any other school; and for five years~~ 660
~~after the approval of a change of ownership of any school a period~~ 661
specified by rule of the board. The board may permit a school to 662
cancel its bond if the school has been approved to participate in 663
any federal student financial assistance program authorized under 664
Title IV of the "Higher Education Act of 1965," 20 U.S.C.A. 1070 665
et seq., as amended, or if the school meets standards of financial 666

responsibility otherwise established by the board. The bond shall 667
provide for the indemnification of any person suffering loss as 668
the result of any fraud or misrepresentation used in behalf of the 669
principal in procuring such person's enrollment in a program, 670
including repayment of tuition paid in advance by any student. 671

The liability of the surety on such bond for the school 672
covered shall not exceed the sum of ten thousand dollars as an 673
aggregate for all students for all breaches of the conditions of 674
the bond by the school. The term of the bond shall be continuous, 675
but it shall be subject to cancellation by the surety in the 676
manner described in this section. The bond shall provide blanket 677
coverage for the acts of all persons engaged as agents of the 678
school without naming them and without regard to the time they are 679
engaged during the term of the bond. 680

The surety may terminate the bond upon giving a sixty-day 681
written notice to the principal and to the state board of 682
~~proprietary school registration~~ career colleges and schools, but 683
the liability of the surety for acts of the principal and its 684
agents continues during the sixty days of cancellation notice. The 685
notice does not absolve the surety from liability which accrues 686
before the cancellation becomes final but which is discovered 687
after that date and which may have arisen at any time during the 688
term of the bond. Unless the bond is replaced by that of another 689
surety before the expiration of the sixty days notice of 690
cancellation, the certificate of registration shall be suspended. 691
Any person subject to this section required to file a bond with an 692
application for a certificate of registration may file, in lieu 693
thereof, cash, a certificate of deposit, letter of credit, or 694
government bonds in the amount of ten thousand dollars. The 695
deposit is subject to the same terms and conditions as are 696
provided for in the surety bond required herein. Any interest or 697
earnings on such deposits are payable to the depositor. 698

Sec. 3332.081. The student tuition recovery authority is 699
created as a body corporate and politic of this state. The purpose 700
of the authority is to protect students of any school registered 701
by the state board of ~~proprietary school registration~~ career 702
colleges and schools from prepaid tuition loss for the academic 703
term, ~~whether due to business failure or any other reason for~~ 704
~~which the student is not legally responsible~~ a school closure. 705

The authority shall consist of five members as follows: the 706
executive director of the state board of ~~proprietary school~~ 707
~~registration~~ career colleges and schools, the executive director 708
of the Ohio ~~council of private~~ association of career colleges and 709
schools, the treasurer of state or ~~his~~ the treasurer of state's 710
designee, the ~~chairman~~ chairperson of the senate committee that 711
primarily deals with education, and the ~~chairman~~ chairperson of 712
the committee of the house of representatives that primarily deals 713
with education. The chairpersons of the legislative committees 714
that primarily deal with education shall be nonvoting ex officio 715
members. Each voting member of the authority, before entering upon 716
~~his~~ the member's official duties, shall take an oath as provided 717
by Section 7 of Article XV, Ohio Constitution. The authority shall 718
elect one of its voting members as ~~chairman~~ chairperson and 719
another as ~~vice-chairman~~ vice-chairperson, and shall appoint a 720
secretary-treasurer who need not be a member of the authority. 721

All meetings of the authority shall be public. All final 723
actions of the authority shall be journalized and such journal and 724
the records of the authority shall be open to public inspection at 725
all reasonable times. 726

Sec. 3332.082. The state board of ~~proprietary school~~ 727
~~registration~~ career colleges and schools may pursue any lawful 728
means of assuring that students of any school registered by the 729

state board do not suffer prepaid tuition loss as a result of a 730
~~business failure or other default~~ the closure of a school. This 731
may include lawsuits against a school or any individual who may 732
reasonably have liability as a result of the default, in which the 733
attorney general shall advise and represent the board. Any student 734
seeking reimbursement for a prepaid tuition loss shall submit a 735
claim for reimbursement to the board not later than one year 736
following the school's closure. 737

~~On and after January 1, 1991, any~~ Any reimbursement for a 738
prepaid tuition loss or advance against a possible prepaid tuition 739
loss of a student, and any expenses reasonably incurred by the 740
board in its pursuit of any remedy, shall be paid from the student 741
tuition recovery fund created by section 3332.083 of the Revised 742
Code. ~~This~~ Tuition loss does not include moneys held by a school 743
in escrow accounts for tuition or fees for future terms, as 744
uncommitted grants, loans, or Pell grant money. If the fund is not 745
of sufficient size to pay the students the full amount of their 746
prepaid fee, the ~~students~~ student tuition recovery authority shall 747
determine the percentage of the amount that will be paid. 748

Any money recovered from the defaulting school, any 749
individual with liability for the default, or the surety under a 750
bond provided under section 3332.08 of the Revised Code shall be 751
deposited into the fund. 752

Sec. 3332.083. The student tuition recovery fund is created 753
in the custody of the treasurer of state, but not as a part of the 754
state treasury. All revenues received from payments ~~recieved~~ 755
received under section 3332.085 of the Revised Code from schools 756
registered by the state board of ~~proprietary school registration~~ 757
career colleges and schools and any other sources shall be 758
deposited into the fund. The treasurer of state shall invest any 759
portion of the fund not needed for immediate use in the same 760
manner as in the investment of state funds. All investment 761

earnings of the fund shall be credited to the fund. The treasurer 762
of state shall disburse money from the fund on order of the 763
~~chairman~~ chairperson of the student tuition recovery authority or 764
~~his~~ the chairperson's designee. 765

All moneys and other assets acquired by the authority shall 766
be held in trust to carry out its powers and duties and shall be 767
used and reused to provide for the services described in this 768
chapter. 769

Sec. 3332.085. (A) Not later than the thirty-first day of 770
August in each year, each school registered by the state board of 771
~~proprietary school registration~~ career colleges and schools shall 772
pay into the student tuition recovery fund in the following 773
amounts: 774

(1) Schools initially registered or sold on or after July 28, 775
1989, for the first five payments \$500; 776

(2) Any other school, according to its prior year's tuition 777
receipts: 778

Up to \$400,000	\$	200	779
\$400,001 to \$700,000		400	780
\$700,001 to \$1,000,000		800	781
Over \$1,000,000		1,000	782

Checks shall be made payable to the student tuition recovery 783
fund and sent to the executive director of the state board, who 784
shall promptly forward all such receipts to the treasurer of 785
state. Failure of a school to make a payment is cause for 786
cancellation of its certificate of registration. 787

(B) The student tuition recovery authority may impose a 788
special assessment on the schools in an amount up to the amount of 789
an annual contribution if the draw on the money exceeds the money 790
on hand. 791

(C) Once the fund has assets in excess of liabilities of 792
approximately one million dollars, the authority may: 793

(1) Reduce or eliminate the annual contributions, except on 794
institutions that are required to contribute to the fund for at 795
least a five-year period. The reduction in contributions to the 796
fund will be at the discretion of the authority but they will be 797
guided by the objective to maintain assets in excess of 798
liabilities of approximately one million dollars. 799

(2) Utilize moneys in excess of the assets required to be 800
maintained in the fund by division (C)(1) of this section for the 801
purposes of disseminating consumer information about ~~proprietary~~ 802
private career schools and maintaining student records from closed 803
schools. 804

Sec. 3332.09. The state board of ~~proprietary school~~ 805
registration career colleges and schools may limit, suspend, 806
revoke, or refuse to issue or renew a certificate of registration 807
or program authorization or may impose a penalty pursuant to 808
section 3332.091 of the Revised Code for any one or combination of 809
the following causes: 810

(A) Violation of any provision of sections 3332.01 to 3332.09 811
of the Revised Code, the board's minimum standards, or any rule 812
made by the board; 813

(B) Furnishing of false, misleading, deceptive, altered, or 814
incomplete information or documents to the board; 815

(C) The signing of an application or the holding of a 816
certificate of registration by a person who has pleaded guilty or 817
has been found guilty of a felony or has pleaded guilty or been 818
found guilty of a crime involving moral turpitude; 819

(D) The signing of an application or the holding of a 820
certificate of registration by a person who is addicted to the use 821

of any controlled substance, or who is found to be mentally	822
incompetent;	823
(E) Violation of any commitment made in an application for a	824
certificate of registration or program authorization;	825
(F) Presenting to prospective students, either at the time of	826
solicitation or enrollment, or through advertising, mail	827
circulars, or phone solicitation, misleading, deceptive, false, or	828
fraudulent information relating to any program, employment	829
opportunity, or opportunities for enrollment in accredited	830
institutions of higher education after entering or completing	831
programs offered by the holder of a certificate of registration;	832
(G) Failure to provide or maintain premises or equipment for	833
offering programs in a safe and sanitary condition;	834
(H) Refusal by an agent to display the agent's permit upon	835
demand of a prospective student or other interested person;	836
(I) Failure to maintain financial resources adequate for the	837
satisfactory conduct of programs as presented in the plan of	838
operation or to retain a sufficient number and qualified staff of	839
instruction, except that nothing in this chapter requires an	840
instructor to be licensed by the state board of education or to	841
hold any type of post-high school degree;	842
(J) Offering training or programs other than those presented	843
in the application, except that schools may offer special courses	844
adapted to the needs of individual students when the special	845
courses are in the subject field specified in the application;	846
(K) Discrimination in the acceptance of students upon the	847
basis of race, color, religion, sex, or national origin;	848
(L) Accepting the services of an agent not holding a valid	849
permit issued under section 3332.10 or 3332.11 of the Revised	850
Code;	851

(M) The use of monetary or other valuable consideration by 852
the school's agents or representatives to induce prospective 853
students to enroll in the school, or the practice of awarding 854
monetary or other valuable considerations without board approval 855
to students in exchange for procuring the enrollment of others; 856

(N) Failure to provide at the request of the board, any 857
information, records, or files pertaining to the operation of the 858
school or recruitment and enrollment of students. 859

If the board modifies or adopts additional minimum standards 860
or rules pursuant to section 3332.031 of the Revised Code, all 861
schools and agents shall have sixty days from the effective date 862
of the modifications or additional standards or rules to comply 863
with such modifications or additions. 864

Sec. 3332.091. (A)(1) Any person adversely affected by the 865
actions of a certificate holder may file a complaint with the 866
state board of ~~proprietary school registration~~ career colleges and 867
schools alleging that any school registered with the board has 868
violated any provision of section 3332.09 of the Revised Code. The 869
complaint shall be in writing and signed by the complainant and 870
shall be filed with the board within six months after the 871
violations allegedly were committed. Upon receiving a complaint, 872
the board shall initiate a preliminary investigation to determine 873
whether it is probable that violations were committed. If the 874
board determines after preliminary investigation that it is not 875
probable that any violations were committed, it shall notify the 876
person who filed the complaint that it has so determined and that 877
it will not issue a formal complaint in the matter. 878

If the board determines after a preliminary investigation 879
that it is probable that violations were committed, it may issue a 880
formal complaint under division (A)(2) of this section or it may 881
endeavor to eliminate such practices by informal methods of 882

conference, conciliation, and persuasion. Nothing said or done during these endeavors shall be disclosed by any member of the board or its staff or be used as evidence in any subsequent proceedings. If, after such investigation and conference, the board is satisfied that such violations will be eliminated, it may treat the complaint as conciliated, and entry of such disposition shall be made in the records of the board.

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(2) If as a result of any informal methods utilized under division (A)(1) of this section, the board fails to effect the elimination of violations or fails to obtain voluntary compliance with this chapter, the board shall issue a formal complaint to the holder of a certificate of registration of the school under investigation. The formal complaint shall state the charges against the school and ~~require~~ grant the certificate holder the opportunity to appear before the board at a public hearing pursuant to Chapter 119. of the Revised Code. The board shall hold the public hearing not sooner than thirty days after issuance of the formal complaint. Any formal complaint issued pursuant to this section must be issued within one year after the state board's receipt of a complaint from a person adversely affected by the actions of a certificate holder.

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If at the time of issuing a formal complaint, the board has reasonable cause to believe that the violations that are the subject of the complaint will continue and constitute an immediate threat to the welfare of current and prospective students, the board, for a period not to exceed the lesser of ninety days or the period of time until a final adjudication order dismissing the complaint or imposing a penalty is issued under this section, may:

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(a) Issue an order prohibiting the school's agents from personally contacting students;

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(b) Issue an order prohibiting the school from using any advertising, recruiting, or promotional materials unless such

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materials have been approved by the board. The board must approve 915
or disapprove any materials submitted to it under such an order 916
within thirty days of their receipt. 917

(c) Issue an order prohibiting the operation of a school. 918

If, after a public hearing, the board determines that the 919
holder of a certificate of registration has violated any provision 920
of section 3332.09 of the Revised Code, the board shall issue a 921
final adjudication order levying a civil penalty pursuant to 922
division (B) of this section or limiting, suspending, or revoking 923
the certificate of registration or program authorization or any 924
combination thereof. The board may impose additional penalties 925
including but not necessarily limited to curtailment of 926
advertising, and discontinuation of enrollment of students in 927
specific programs. Upon suspension or revocation, the board 928
immediately shall also issue an order pursuant to Chapter 119. of 929
the Revised Code requiring such person immediately to cease all 930
sales, advertising, and enrollment activities. 931

(B) Pursuant to division (A) of this section, the board may 932
impose a civil penalty of not less than one thousand nor more than 933
three thousand five hundred dollars for each violation of section 934
3332.09 of the Revised Code, but not to exceed an aggregate 935
penalty of thirty-five thousand dollars in any six-month period. 936

(C) The board shall prepare an annual report that documents 937
the disposition of all complaints, their status, board action, and 938
the elapsed time from the initial filing of the complaint until 939
final resolution. The report shall be made available to anyone 940
upon request. 941

(D) The board may, upon its own initiative and independent of 942
the filing of any complaints, conduct a preliminary investigation 943
relating to any possible violations of section 3332.09 of the 944
Revised Code. 945

At any time while a school is in session, the board or its designee may conduct on-site inspections and reviews of a school and its courses of instruction. The board shall conduct such visits and reviews, including visits without prior notice to the schools, as necessary to ensure compliance with this chapter.

All books, records, and files of a school shall be open for inspection by the board, its designees, or staff during on-site inspections, or whenever requested by the board for the purpose of ensuring compliance with the provisions of this chapter.

For the purpose of conducting any investigation, inspection, or review, the board may administer oaths, take the testimony of any person under oath, issue subpoenas, compel the attendance of witnesses, or require the production for examination of any books and papers relating to any matter under investigation or in question before the board.

(E) During the course of any investigation under division (A) or (D) of this section, the board shall refer all possible violations of Chapter 1345. of the Revised Code to the attorney general.

Sec. 3332.092. Any school subject to this chapter receiving money under section 3333.12 of the Revised Code on behalf of a student who is determined by the state board of ~~proprietary school registration~~ career colleges and schools to be ineligible under such section because the program in which ~~he~~ the student is enrolled does not lead to an associate or baccalaureate degree, shall be liable to the state for the amount specified in section 3333.12 of the Revised Code. The state board of ~~proprietary school registration~~ career colleges and schools shall suspend the certificate of registration of a school receiving money under section 3333.12 of the Revised Code for such ineligible student until such time as the money is repaid to the Ohio board of

regents. 977

Sec. 3332.10. (A) No individual shall sell any program or 978
solicit students therefor in this state unless ~~he~~ the individual 979
is an employee of the school. Any individual whose primary duty, 980
whether on or off school premises, is to solicit prospective 981
students shall first secure a permit as an agent from the state 982
board of ~~proprietary school registration~~ career colleges and 983
schools. If the agent represents more than one school, a separate 984
permit shall be obtained for each school represented by ~~him~~ the 985
agent. An agent who represents a person that operates more than 986
one school in the same geographical area, as determined by the 987
board, need not obtain a separate permit for each such school. 988
Upon approval for a permit, the board shall issue a pocket card to 989
the individual, giving ~~his~~ the individual's name, address, permit 990
number, and the name and address of ~~his~~ the employing school, and 991
certifying that the individual whose name appears on the card is 992
an authorized agent of the school. 993

(B) The application for a permit shall be made on forms to be 994
furnished by the board and accompanied by the fee established in 995
accordance with section 3332.07 of the Revised Code ~~and a surety~~ 996
~~bond acceptable to the board in the penal sum of one thousand~~ 997
~~dollars~~. A permit shall be renewed every twelve months and shall 998
be valid for up to thirty days after its expiration date. ~~The~~ 999
~~surety bond may be continuous and shall be conditioned to provide~~ 1000
~~indemnification to any student suffering loss as a result of any~~ 1001
~~fraud or misrepresentation used in procuring his enrollment, and~~ 1002
~~may be supplied by an agent of a school or by the school itself as~~ 1003
~~a blanket bond covering all of its agents in the amount of one~~ 1004
~~thousand dollars for each agent. The liability of the surety on~~ 1005
~~such bond for each agent covered shall not exceed the sum of one~~ 1006
~~thousand dollars as an aggregate for all students for all breaches~~ 1007
~~of the conditions of the bond by such agents. The surety of any~~ 1008

~~such bond may cancel the same upon giving thirty days' notice in writing to the board and is relieved of liability for any breach of condition occurring after the effective date of the cancellation.~~ An application for renewal shall be accompanied by the fee established in accordance with section 3332.07 of the Revised Code ~~and a surety bond as provided in this section, if a continuous bond has not been furnished.~~

(C) Each school subject to this chapter shall assume full responsibility for the actions, statements, and conduct of its agents, and shall provide them with adequate training and arrange for proper supervision of their work. The board shall hold schools liable for the actions, statements, and conduct of agents that violate any provision of this chapter, unless an agent's acts or omissions were manifestly outside the scope of ~~his~~ the agent's employment or official responsibilities.

Sec. 3332.11. Any agent's permit applied for pursuant to section 3332.10 of the Revised Code shall be granted or denied within thirty days of the receipt of the application by the state board of ~~proprietary school registration~~ career colleges and schools. If the board has not completed its determination with respect to the issuance of a permit within such thirty-day period, it shall issue a temporary permit to the applicant, which permit is sufficient to meet the requirements of section 3332.10 of the Revised Code until such time as such determination is made.

No permit shall be issued to any person found by the board not to be of good moral character.

Sec. 3332.12. Any agent's permit issued may be suspended or revoked by the state board of ~~proprietary school registration~~ career colleges and schools if the holder of the permit solicits or enrolls students through fraud, deception, or misrepresentation, upon a finding that the permit holder has

violated any provision enumerated in division (A), (B), (F), (H), 1040
(J), (K), or (M) of section 3332.09 of the Revised Code, or upon 1041
finding that the permit holder is not of good moral character. 1042

Upon receipt of any written complaint from any person, the 1043
board shall conduct a preliminary investigation. If after such 1044
investigation or if as a result of any investigation conducted 1045
under division (A) or (D) of section 3332.091 of the Revised Code, 1046
the board determines it is probable violations were committed, the 1047
board shall hold informal conferences in the same manner as 1048
provided in section 3332.091 of the Revised Code with an agent 1049
believed to be in violation of one or more of the above 1050
conditions. If after sixty days these conferences fail to 1051
eliminate the agent's objectionable practices or procedures, the 1052
board shall issue a formal complaint to the agent and the school 1053
that employs the agent. The formal complaint shall state the 1054
charges against the agent and the holder of the ~~certificate~~ 1055
certificate of registration of the school and shall require them 1056
to appear before the board at a public hearing pursuant to Chapter 1057
119. of the Revised Code. If, after the public hearing, the board 1058
determines that an agent has violated one or more of the 1059
provisions described above, the board shall suspend or revoke the 1060
agent's permit. 1061

If after such hearing the board also determines that the 1062
school at which the agent was employed was negligent in its 1063
supervision of the agent or encouraged or caused the commission of 1064
the violations, the board shall levy penalties against such school 1065
in accordance with division (A) of section 3332.091 of the Revised 1066
Code. Nothing said or done in the informal conferences shall be 1067
disclosed by the board or any member of its staff nor be used as 1068
evidence in any subsequent proceedings. 1069

Sec. 3332.13. The fact that a bond is in force pursuant to 1070
section ~~3332.10~~ 3332.08 of the Revised Code does not limit nor 1071

impair any right of recovery otherwise available pursuant to law, 1072
nor is the amount of such bond relevant in determining the amount 1073
of damages or other relief to which any plaintiff may be entitled. 1074

Sec. 3332.18. On receipt of a notice pursuant to section 1075
3123.43 of the Revised Code, the state board of ~~proprietary school~~ 1076
~~registration~~ career colleges and schools shall comply with 1077
sections 3123.41 to 3123.50 of the Revised Code and any applicable 1078
rules adopted under section 3123.63 of the Revised Code with 1079
respect to a permit issued pursuant to this chapter. 1080

Sec. 3333.043. (A) As used in this section: 1081

(1) "Institution of higher education" means the state 1082
universities listed in section 3345.011 of the Revised Code, 1083
municipal educational institutions established under Chapter 3349. 1084
of the Revised Code, community colleges established under Chapter 1085
3354. of the Revised Code, university branches established under 1086
Chapter 3355. of the Revised Code, technical colleges established 1087
under Chapter 3357. of the Revised Code, state community colleges 1088
established under Chapter 3358. of the Revised Code, any 1089
institution of higher education with a certificate of registration 1090
from the state board of ~~proprietary school registration~~ career 1091
colleges and schools, and any institution for which the Ohio board 1092
of regents receives a notice pursuant to division (C) of this 1093
section. 1094

(2) "Community service" has the same meaning as in section 1095
3313.605 of the Revised Code. 1096

(B)(1) The board of trustees or other governing entity of 1097
each institution of higher education shall encourage and promote 1098
participation of students in community service through a program 1099
appropriate to the mission, student population, and environment of 1100
each institution. The program may include, but not be limited to, 1101

providing information about community service opportunities during 1102
student orientation or in student publications; providing awards 1103
for exemplary community service; encouraging faculty members to 1104
incorporate community service into students' academic experiences 1105
wherever appropriate to the curriculum; encouraging recognized 1106
student organizations to undertake community service projects as 1107
part of their purposes; and establishing advisory committees of 1108
students, faculty members, and community and business leaders to 1109
develop cooperative programs that benefit the community and 1110
enhance student experience. The program shall be flexible in 1111
design so as to permit participation by the greatest possible 1112
number of students, including part-time students and students for 1113
whom participation may be difficult due to financial, academic, 1114
personal, or other considerations. The program shall emphasize 1115
community service opportunities that can most effectively use the 1116
skills of students, such as tutoring or literacy programs. The 1117
programs shall encourage students to perform services that will 1118
not supplant the hiring of, result in the displacement of, or 1119
impair any existing employment contracts of any particular 1120
employee of any private or governmental entity for which services 1121
are performed. 1122

(2) The Ohio board of regents shall encourage all 1123
institutions of higher education in the development of community 1124
service programs. With the assistance of the Ohio community 1125
service council created in section 121.40 of the Revised Code, the 1126
board of regents shall make available information about higher 1127
education community service programs to institutions of higher 1128
education and to statewide organizations involved with or 1129
promoting volunteerism, including information about model 1130
community service programs, teacher training courses, and 1131
community service curricula and teaching materials for possible 1132
use by institutions of higher education in their programs. The 1133

board shall encourage institutions of higher education to jointly 1134
coordinate higher education community service programs through 1135
consortia of institutions or other appropriate means of 1136
coordination. 1137

(C) The board of trustees of any nonprofit institution with a 1138
certificate of authorization issued by the Ohio board of regents 1139
pursuant to Chapter 1713. of the Revised Code or the governing 1140
authority of a private institution exempt from regulation under 1141
Chapter 3332. of the Revised Code as prescribed in section 1142
3333.046 of the Revised Code may notify the board of regents that 1143
it is making itself subject to divisions (A) and (B) of this 1144
section. Upon receipt of such a notice, these divisions shall 1145
apply to that institution. 1146

Sec. 3333.12. (A) As used in this section: 1147

(1) "Eligible student" means an undergraduate student who is: 1148

(a) An Ohio resident; 1149

(b) Enrolled in either of the following: 1150

(i) An accredited institution of higher education in this 1151
state that meets the requirements of Title VI of the Civil Rights 1152
Act of 1964 and is state-assisted, is nonprofit and has a 1153
certificate of authorization from the Ohio board of regents 1154
pursuant to Chapter 1713. of the Revised Code, has a certificate 1155
of registration from the state board of ~~proprietary school~~ 1156
~~registration~~ career colleges and schools and program authorization 1157
to award an associate or bachelor's degree, or is a private 1158
institution exempt from regulation under Chapter 3332. of the 1159
Revised Code as prescribed in section 3333.046 of the Revised 1160
Code. Students who attend an institution that holds a certificate 1161
of registration shall be enrolled in a program leading to an 1162
associate or bachelor's degree for which associate or bachelor's 1163

degree program the institution has program authorization issued 1164
under section 3332.05 of the Revised Code. 1165

(ii) A technical education program of at least two years 1166
duration sponsored by a private institution of higher education in 1167
this state that meets the requirements of Title VI of the Civil 1168
Rights Act of 1964. 1169

(c) Enrolled as a full-time student or enrolled as a less 1170
than full-time student for the term expected to be the student's 1171
final term of enrollment and is enrolled for the number of credit 1172
hours necessary to complete the requirements of the program in 1173
which the student is enrolled. 1174

(2) "Gross income" includes all taxable and nontaxable income 1175
of the parents, the student, and the student's spouse, except 1176
income derived from an Ohio academic scholarship, income earned by 1177
the student between the last day of the spring term and the first 1178
day of the fall term, and other income exclusions designated by 1179
the board. Gross income may be verified to the board by the 1180
institution in which the student is enrolled using the federal 1181
financial aid eligibility verification process or by other means 1182
satisfactory to the board. 1183

(3) "Resident," "full-time student," "dependent," 1184
"financially independent," and "accredited" shall be defined by 1185
rules adopted by the board. 1186

(B) The Ohio board of regents shall establish and administer 1187
an instructional grant program and may adopt rules to carry out 1188
this section. The general assembly shall support the instructional 1189
grant program by such sums and in such manner as it may provide, 1190
but the board may also receive funds from other sources to support 1191
the program. If the amounts available for support of the program 1192
are inadequate to provide grants to all eligible students, 1193
preference in the payment of grants shall be given in terms of 1194
income, beginning with the lowest income category of gross income 1195

and proceeding upward by category to the highest gross income 1196
category. 1197

An instructional grant shall be paid to an eligible student 1198
through the institution in which the student is enrolled, except 1199
that no instructional grant shall be paid to any person serving a 1200
term of imprisonment. Applications for such grants shall be made 1201
as prescribed by the board, and such applications may be made in 1202
conjunction with and upon the basis of information provided in 1203
conjunction with student assistance programs funded by agencies of 1204
the United States government or from financial resources of the 1205
institution of higher education. The institution shall certify 1206
that the student applicant meets the requirements set forth in 1207
divisions (A)(1)(b) and (c) of this section. Instructional grants 1208
shall be provided to an eligible student only as long as the 1209
student is making appropriate progress toward a nursing diploma or 1210
an associate or bachelor's degree. No student shall be eligible to 1211
receive a grant for more than ten semesters, fifteen quarters, or 1212
the equivalent of five academic years. A grant made to an eligible 1213
student on the basis of less than full-time enrollment shall be 1214
based on the number of credit hours for which the student is 1215
enrolled and shall be computed in accordance with a formula 1216
adopted by the board. No student shall receive more than one grant 1217
on the basis of less than full-time enrollment. 1218

An instructional grant shall not exceed the total 1219
instructional and general charges of the institution. 1220

(C) The tables in this division prescribe the maximum grant 1221
amounts covering two semesters, three quarters, or a comparable 1222
portion of one academic year. Grant amounts for additional terms 1223
in the same academic year shall be determined under division (D) 1224
of this section. 1225

For a full-time student who is a dependent and enrolled in a 1226
nonprofit educational institution that is not a state-assisted 1227

institution and that has a certificate of authorization issued 1228
pursuant to Chapter 1713. of the Revised Code, the amount of the 1229
instructional grant for two semesters, three quarters, or a 1230
comparable portion of the academic year shall be determined in 1231
accordance with the following table: 1232

Private Institution 1233

Table of Grants 1234

Gross Income	Maximum Grant \$5,466					1236
	Number of Dependents					
	1	2	3	4	5 or more	1238
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	1239
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	1240
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	1241
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	1242
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	1243
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	1244
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	1245
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	1246
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	1247
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	1248
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	1249
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	1250
\$34,001 - \$35,000	444	888	984	1,080	1,344	1251
\$35,001 - \$36,000	--	444	888	984	1,080	1252
\$36,001 - \$37,000	--	--	444	888	984	1253
\$37,001 - \$38,000	--	--	--	444	888	1254
\$38,001 - \$39,000	--	--	--	--	444	1255

For a full-time student who is financially independent and 1256
enrolled in a nonprofit educational institution that is not a 1257
state-assisted institution and that has a certificate of 1258

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:

Private Institution							1263
Table of Grants							1264
Maximum Grant \$5,466							1265
Gross Income	Number of Dependents						1266
	0	1	2	3	4	5 or more	1267
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	1268
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	1269
\$5,301 - \$5,800	4,362	4,920	5,466	5,466	5,466	5,466	1270
\$5,801 - \$6,300	3,828	4,362	4,920	5,466	5,466	5,466	1271
\$6,301 - \$6,800	3,288	3,828	4,362	4,920	5,466	5,466	1272
\$6,801 - \$7,300	2,736	3,288	3,828	4,362	4,920	5,466	1273
\$7,301 - \$8,300	2,178	2,736	3,288	3,828	4,362	4,920	1274
\$8,301 - \$9,300	1,626	2,178	2,736	3,288	3,828	4,362	1275
\$9,301 - \$10,300	1,344	1,626	2,178	2,736	3,288	3,828	1276
\$10,301 - \$11,800	1,080	1,344	1,626	2,178	2,736	3,288	1277
\$11,801 - \$13,300	984	1,080	1,344	1,626	2,178	2,736	1278
\$13,301 - \$14,800	888	984	1,080	1,344	1,626	2,178	1279
\$14,801 - \$16,300	444	888	984	1,080	1,344	1,626	1280
\$16,301 - \$19,300	--	444	888	984	1,080	1,344	1281
\$19,301 - \$22,300	--	--	444	888	984	1,080	1282
\$22,301 - \$25,300	--	--	--	444	888	984	1283
\$25,301 - \$30,300	--	--	--	--	444	888	1284
\$30,301 - \$35,300	--	--	--	--	--	444	1285

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~~ career

colleges and schools or a private institution exempt from 1290
regulation under Chapter 3332. of the Revised Code as prescribed 1291
in section 3333.046 of the Revised Code, the amount of the 1292
instructional grant for two semesters, three quarters, or a 1293
comparable portion of the academic year shall be determined in 1294
accordance with the following table: 1295

Proprietary Career Institution 1296

Table of Grants 1297

Maximum Grant \$4,632 1298

Gross Income Number of Dependents 1299

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	1300
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	1301
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	1302
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	1303
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	1304
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	1305
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	1306
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	1307
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	1308
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	1309
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	1310
\$33,001 - \$34,000	750	852	906	1,134	1,416	1311
\$34,001 - \$35,000	372	750	852	906	1,134	1312
\$35,001 - \$36,000	--	372	750	852	906	1313
\$36,001 - \$37,000	--	--	372	750	852	1314
\$37,001 - \$38,000	--	--	--	372	750	1315
\$38,001 - \$39,000	--	--	--	--	372	1316

For a full-time student who is financially independent and 1318
enrolled in an educational institution that holds a certificate of 1319
registration from the state board of ~~proprietary school~~ 1320
~~registration~~ career colleges and schools or a private institution 1321

exempt from regulation under Chapter 3332. of the Revised Code as 1322
 prescribed in section 3333.046 of the Revised Code, the amount of 1323
 the instructional grant for two semesters, three quarters, or a 1324
 comparable portion of the academic year shall be determined in 1325
 accordance with the following table: 1326

Proprietary Career Institution 1327

Table of Grants 1328

Gross Income	Maximum Grant \$4,632						1330
	Number of Dependents						
	0	1	2	3	4	5 or more	1331
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	1332
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	1333
\$5,301 - \$5,800	3,684	4,182	4,632	4,632	4,632	4,632	1334
\$5,801 - \$6,300	3,222	3,684	4,182	4,632	4,632	4,632	1335
\$6,301 - \$6,800	2,790	3,222	3,684	4,182	4,632	4,632	1336
\$6,801 - \$7,300	2,292	2,790	3,222	3,684	4,182	4,632	1337
\$7,301 - \$8,300	1,854	2,292	2,790	3,222	3,684	4,182	1338
\$8,301 - \$9,300	1,416	1,854	2,292	2,790	3,222	3,684	1339
\$9,301 - \$10,300	1,134	1,416	1,854	2,292	2,790	3,222	1340
\$10,301 - \$11,800	906	1,134	1,416	1,854	2,292	2,790	1341
\$11,801 - \$13,300	852	906	1,134	1,416	1,854	2,292	1342
\$13,301 - \$14,800	750	852	906	1,134	1,416	1,854	1343
\$14,801 - \$16,300	372	750	852	906	1,134	1,416	1344
\$16,301 - \$19,300	--	372	750	852	906	1,134	1345
\$19,301 - \$22,300	--	--	372	750	852	906	1346
\$22,301 - \$25,300	--	--	--	372	750	852	1347
\$25,301 - \$30,300	--	--	--	--	372	750	1348
\$30,301 - \$35,300	--	--	--	--	--	372	1349

For a full-time student who is a dependent and enrolled in a 1350
 state-assisted educational institution, the amount of the 1351
 instructional grant for two semesters, three quarters, or a 1352
 comparable portion of the academic year shall be determined in 1353

accordance with the following table:						1354
	Public Institution					1355
	Table of Grants					1356
					Maximum Grant \$2,190	1357
Gross Income					Number of Dependents	1358
	1	2	3	4	5 or more	1359
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	1360
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	1361
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	1362
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	1363
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	1364
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	1365
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	1366
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	1367
\$28,001 - \$31,000	522	648	864	1,080	1,320	1368
\$31,001 - \$32,000	420	522	648	864	1,080	1369
\$32,001 - \$33,000	384	420	522	648	864	1370
\$33,001 - \$34,000	354	384	420	522	648	1371
\$34,001 - \$35,000	174	354	384	420	522	1372
\$35,001 - \$36,000	--	174	354	384	420	1373
\$36,001 - \$37,000	--	--	174	354	384	1374
\$37,001 - \$38,000	--	--	--	174	354	1375
\$38,001 - \$39,000	--	--	--	--	174	1376

For a full-time student who is financially independent 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:

	Public Institution					1382
	Table of Grants					1383
					Maximum Grant \$2,190	1384

Gross Income	Number of Dependents						1385
	0	1	2	3	4	5 or more	1386
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	1387
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	1388
\$5,301 - \$5,800	1,740	1,974	2,190	2,190	2,190	2,190	1389
\$5,801 - \$6,300	1,542	1,740	1,974	2,190	2,190	2,190	1390
\$6,301 - \$6,800	1,320	1,542	1,740	1,974	2,190	2,190	1391
\$6,801 - \$7,300	1,080	1,320	1,542	1,740	1,974	2,190	1392
\$7,301 - \$8,300	864	1,080	1,320	1,542	1,740	1,974	1393
\$8,301 - \$9,300	648	864	1,080	1,320	1,542	1,740	1394
\$9,301 - \$10,300	522	648	864	1,080	1,320	1,542	1395
\$10,301 - \$11,800	420	522	648	864	1,080	1,320	1396
\$11,801 - \$13,300	384	420	522	648	864	1,080	1397
\$13,301 - \$14,800	354	384	420	522	648	864	1398
\$14,801 - \$16,300	174	354	384	420	522	648	1399
\$16,301 - \$19,300	--	174	354	384	420	522	1400
\$19,301 - \$22,300	--	--	174	354	384	420	1401
\$22,301 - \$25,300	--	--	--	174	354	384	1402
\$25,301 - \$30,300	--	--	--	--	174	354	1403
\$30,301 - \$35,300	--	--	--	--	--	174	1404

(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. 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 1416
accredited bachelor of arts, bachelor of science, associate of 1417
arts, or associate of science degree. 1418

(F)(1) Except as provided in division (F)(2) of this section, 1419
no grant shall be made to any student for enrollment during a 1420
fiscal year in an institution with a cohort default rate 1421
determined by the United States secretary of education pursuant to 1422
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 1423
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 1424
preceding the fiscal year, equal to or greater than thirty per 1425
cent for each of the preceding two fiscal years. 1426

(2) Division (F)(1) of this section does not apply to the 1427
following: 1428

(a) Any student enrolled in an institution that under the 1429
federal law appeals its loss of eligibility for federal financial 1430
aid and the United States secretary of education determines its 1431
cohort default rate after recalculation is lower than the rate 1432
specified in division (F)(1) of this section or the secretary 1433
determines due to mitigating circumstances the institution may 1434
continue to participate in federal financial aid programs. The 1435
board shall adopt rules requiring institutions to provide 1436
information regarding an appeal to the board. 1437

(b) Any student who has previously received a grant under 1438
this section who meets all other requirements of this section. 1439

(3) The board shall adopt rules for the notification of all 1440
institutions whose students will be ineligible to participate in 1441
the grant program pursuant to division (F)(1) of this section. 1442

(4) A student's attendance at an institution whose students 1443
lose eligibility for grants under division (F)(1) of this section 1444
shall not affect that student's eligibility to receive a grant 1445
when enrolled in another institution. 1446

(G) Institutions of higher education that enroll students 1447
receiving instructional grants under this section shall report to 1448
the board all students who have received instructional grants but 1449
are no longer eligible for all or part of such grants and shall 1450
refund any moneys due the state within thirty days after the 1451
beginning of the quarter or term immediately following the quarter 1452
or term in which the student was no longer eligible to receive all 1453
or part of the student's grant. There shall be an interest charge 1454
of one per cent per month on all moneys due and payable after such 1455
thirty-day period. The board shall immediately notify the office 1456
of budget and management and the legislative service commission of 1457
all refunds so received. 1458

Sec. 3333.29. (A) As used in this section: 1459

(1) "Resident" has the meaning established for purposes of 1460
this section by rule of the Ohio board of regents. 1461

(2) "Eligible institution" means either: 1462

(a) A private career school registered in accordance with 1463
section 3332.05 of the Revised Code; 1464

(b) A private institution exempt from regulation under 1465
Chapter 3332. of the Revised Code as prescribed in section 1466
3333.046 of the Revised Code. 1467

(B) ~~Beginning July 1, 2000, the~~ The Ohio board of regents 1468
shall establish and administer the student workforce development 1469
grant program and shall adopt rules for the administration of the 1470
program. Such rules shall be similar to the rules the Ohio board 1471
of regents adopts under section 3333.27 of the Revised Code. 1472

(C) The Ohio board of regents may make a grant to any 1473
resident of this state who is enrolled as a full-time student in 1474
an authorized baccalaureate degree or associate degree program at 1475
an eligible institution and who maintains an academic record that 1476

meets or exceeds a standard established by rule of the state board 1477
of ~~proprietary school registration, except that no grant shall be~~ 1478
~~made to any individual who was enrolled as a student in an~~ 1479
~~eligible institution before July 1, 2000~~ career colleges and 1480
schools. The size of an annual grant award shall be determined by 1481
the Ohio board of regents based on the amount of funds available 1482
for the program. The grant shall be prorated and paid in equal 1483
installments per academic term in accordance with division (E) of 1484
this section. 1485

(D) The Ohio board of regents shall prescribe the form and 1486
manner of application for grants and shall provide a method for 1487
eligible institutions to certify applicants who are enrolled in 1488
authorized baccalaureate degree or associate degree programs and 1489
have academic records meeting or exceeding the standard 1490
established by the state board of ~~proprietary school registration~~ 1491
career colleges and schools. 1492

(E) A grant awarded to an eligible student shall be paid to 1493
the eligible institution in which the student is enrolled, and the 1494
institution shall reduce the student's instructional and general 1495
charges by the amount of the grant. Each grant awarded shall be 1496
paid in accordance with division (C) of this section within thirty 1497
days after the start of each term of the academic year for which 1498
the grant is awarded. No student shall be eligible to receive 1499
grants for more than the equivalent of five academic years. 1500

(F) The receipt of a workforce development grant shall not 1502
affect a student's eligibility for assistance or the amount of 1503
such assistance granted under any other provision of state law. If 1504
a student receives assistance under one or more other provisions 1505
of state law, the grant made to the student under this section 1506
shall not exceed the difference between the total instructional 1507
and general charges assessed to the student by the eligible 1508

institution and the amount of total assistance the student 1509
receives under other provisions of state law. 1510

(G) The general assembly shall support the workforce 1511
development grant program with such appropriations as the general 1512
assembly sees fit. The Ohio board of regents may also receive 1513
funds from other sources to support the program. 1514

(H) Eligible institutions that enroll students receiving 1515
grants under this section shall report to the Ohio board of 1516
regents the name of each student who has received such a grant but 1517
who is no longer eligible for such a grant. In the event that an 1518
eligible student who has been awarded a grant under this section 1519
withdraws from enrollment at an institution during any term, the 1520
institution shall refund a prorated amount of the student's grant 1521
for that term to the Ohio board of regents in accordance with the 1522
school's refund policy. 1523

(I) ~~Beginning July 1, 2000, the~~ The state board of 1524
~~proprietary school registration~~ career colleges and schools shall 1525
report to the Ohio board of regents each degree granting 1526
~~proprietary~~ private career school's job placement rate for the 1527
immediately preceding academic year. No grant awarded to an 1528
eligible student under this section shall be paid to a registered 1529
private career school if the school's job placement rate for 1530
baccalaureate degree and associate degree programs for the 1531
preceding academic year was less than seventy-five per cent. 1532

Sec. 3334.01. As used in this chapter: 1533

(A) "Aggregate original principal amount" means the aggregate 1534
of the initial offering prices to the public of college savings 1535
bonds, exclusive of accrued interest, if any. "Aggregate original 1536
principal amount" does not mean the aggregate accreted amount 1537
payable at maturity or redemption of such bonds. 1538

(B) "Beneficiary" means:	1539
(1) An individual designated by the purchaser under a tuition payment contract or through a scholarship program as the individual on whose behalf tuition credits purchased under the contract or awarded through the scholarship program will be applied toward the payment of undergraduate, graduate, or professional tuition; or	1540 1541 1542 1543 1544 1545
(2) An individual designated by the contributor under a variable college savings program contract as the individual whose tuition and other higher education expenses will be paid from a variable college savings program account.	1546 1547 1548 1549
(C) "Capital appreciation bond" means a bond for which the following is true:	1550 1551
(1) The principal amount is less than the amount payable at maturity or early redemption; and	1552 1553
(2) No interest is payable on a current basis.	1554
(D) "Tuition credit" means a credit of the Ohio tuition trust authority purchased under section 3334.09 of the Revised Code.	1555 1556 1557
(E) "College savings bonds" means revenue and other obligations issued on behalf of the state or any agency or issuing authority thereof as a zero-coupon or capital appreciation bond, and designated as college savings bonds as provided in this chapter. "College savings bond issue" means any issue of bonds of which any part has been designated as college savings bonds.	1558 1559 1560 1561 1562 1563
(F) "Institution of higher education" means a state institution of higher education, a private college, university, or other postsecondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a	1564 1565 1566 1567 1568

certificate of registration issued by the state board of 1569
~~proprietary school registration~~ career colleges and schools under 1570
Chapter 3332. of the Revised Code, or an accredited college, 1571
university, or other postsecondary institution located outside 1572
this state that is accredited by an accrediting organization or 1573
professional association recognized by the authority. To be 1574
considered an institution of higher education, an institution 1575
shall meet the definition of an eligible educational institution 1576
under section 529 of the Internal Revenue Code. 1577

(G) "Issuing authority" means any authority, commission, 1578
body, agency, or individual empowered by the Ohio Constitution or 1579
the Revised Code to issue bonds or any other debt obligation of 1580
the state or any agency or department thereof. "Issuer" means the 1581
issuing authority or, if so designated under division (B) of 1582
section 3334.04 of the Revised Code, the treasurer of state. 1583

(H) "Tuition" means the charges imposed to attend an 1584
institution of higher education as an undergraduate, graduate, or 1585
professional student and all fees required as a condition of 1586
enrollment, as determined by the Ohio tuition trust authority. 1587
"Tuition" does not include laboratory fees, room and board, or 1588
other similar fees and charges. 1589

(I) "Weighted average tuition" means the tuition cost 1590
resulting from the following calculation: 1591

(1) Add the products of the annual undergraduate tuition 1592
charged to Ohio residents at each four-year state university 1593
multiplied by that institution's total number of undergraduate 1594
fiscal year equated students; and 1595

(2) Divide the gross total of the products from division 1596
(I)(1) of this section by the total number of undergraduate fiscal 1597
year equated students attending four-year state universities. 1598

(J) "Zero-coupon bond" means a bond which has a stated 1599

interest rate of zero per cent and on which no interest is payable 1600
until the maturity or early redemption of the bond, and is offered 1601
at a substantial discount from its original stated principal 1602
amount. 1603

(K) "State institution of higher education" includes the 1604
state universities listed in section 3345.011 of the Revised Code, 1605
community colleges created pursuant to Chapter 3354. of the 1606
Revised Code, university branches created pursuant to Chapter 1607
3355. of the Revised Code, technical colleges created pursuant to 1608
Chapter 3357. of the Revised Code, state community colleges 1609
created pursuant to Chapter 3358. of the Revised Code, the medical 1610
college of Ohio at Toledo, and the northeastern Ohio universities 1611
college of medicine. 1612

(L) "Four-year state university" means those state 1613
universities listed in section 3345.011 of the Revised Code. 1614

(M) "Principal amount" refers to the initial offering price 1615
to the public of an obligation, exclusive of the accrued interest, 1616
if any. "Principal amount" does not refer to the aggregate 1617
accrued amount payable at maturity or redemption of an 1618
obligation. 1619

(N) "Scholarship program" means a program registered with the 1620
Ohio tuition trust authority pursuant to section 3334.17 of the 1621
Revised Code. 1622

(O) "Internal Revenue Code" means the "Internal Revenue Code 1623
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 1624

(P) "Other higher education expenses" means room and board 1625
and books, supplies, equipment, and nontuition-related fees 1626
associated with the cost of attendance of a beneficiary at an 1627
institution of higher education, but only to the extent that such 1628
expenses meet the definition of "qualified higher education 1629
expenses" under section 529 of the Internal Revenue Code. "Other 1630

higher education expenses" does not include tuition as defined in 1631
division (H) of this section. 1632

(Q) "Purchaser" means the person signing the tuition payment 1633
contract, who controls the account and acquires tuition credits 1634
for an account under the terms and conditions of the contract. 1635

(R) "Contributor" means a person who signs a variable college 1636
savings program contract with the Ohio tuition trust authority and 1637
contributes to and owns the account created under the contract. 1638
1639

Sec. 3365.01. As used in sections 3365.01 to 3365.10 of the 1640
Revised Code: 1641

(A) "College" means any state-assisted college or university 1642
described in section 3333.041 of the Revised Code, any nonprofit 1643
institution holding a certificate of authorization pursuant to 1644
Chapter 1713. of the Revised Code, any private institution exempt 1645
from regulation under Chapter 3332. of the Revised Code as 1646
prescribed in section 3333.046 of the Revised Code, and any 1647
institution holding a certificate of registration from the state 1648
board of ~~proprietary school registration~~ career colleges and 1649
schools and program authorization for an associate or bachelor's 1650
degree program issued under section 3332.05 of the Revised Code. 1651

(B) "School district," except as specified in division (G) of 1652
this section, means any school district to which a student is 1653
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 1654
the Revised Code and does not include a joint vocational or 1655
cooperative education school district. 1656

(C) "Parent" has the same meaning as in section 3313.64 of 1657
the Revised Code. 1658

(D) "Participant" means a student enrolled in a college under 1659
the post-secondary enrollment options program established by this 1660

chapter.	1661
(E) "Secondary grade" means the ninth through twelfth grades.	1662
	1663
(F) "School foundation payments" means the amount required to be paid to a school district for a fiscal year under Chapter 3317. of the Revised Code.	1664
	1665
	1666
(G) "Tuition base" means, with respect to a participant's school district, the formula amount defined in division (B) of section 3317.02 of the Revised Code multiplied by the district's cost-of-doing-business factor defined in division (N) of section 3317.02 of the Revised Code. The participant's "school district" in the case of a participant enrolled in a community school shall be the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	1667
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(H) "Educational program" means enrollment in one or more school districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code.	1675
	1676
	1677
(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.	1678
	1679
	1680
	1681
(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June.	1682
	1683
(K) "Community school" means any school established pursuant to Chapter 3314. of the Revised Code that includes secondary grades.	1684
	1685
	1686
(L) "Community school payments" means payments made by the department of education to a community school pursuant to division (D) of section 3314.08 of the Revised Code.	1687
	1688
	1689

Sec. 3365.15. This section does not apply to students 1690
enrolled in twelfth grade after July 1, 2001. 1691

No later than July 1, 1999, the board of regents shall adopt 1692
rules under which it shall award at least a five-hundred dollar 1693
scholarship to each student who both: 1694

(A) After July 1, 1998, and while the student attends twelfth 1695
grade, attains on all five tests at least the scores designated 1696
under former division (A)(3) of section 3301.0710 of the Revised 1697
Code; 1698

(B) Submits to the board of regents, in the form and manner 1699
and by any deadline prescribed by the rules, evidence of having 1700
enrolled in a state-assisted college or university, a nonprofit 1701
institution holding a certificate of authorization pursuant to 1702
Chapter 1713. of the Revised Code, or an institution registered by 1703
the state board of ~~proprietary school registration~~ career colleges 1704
and schools that has program authorization to award an associate 1705
or bachelor's degree. 1706

The board of regents shall pay each scholarship awarded under 1707
this section to the student. It may be used to defray any 1708
educational expenses. 1709

Sec. 4742.05. (A) A ~~proprietary~~ career school that holds a 1710
valid certificate of registration from the state board of 1711
~~proprietary school registration~~ career colleges and schools may 1712
apply to the state board of education for certification of a basic 1713
course of emergency service telecommunicator training or of 1714
continuing education coursework in emergency service 1715
telecommunicator training. The state board of education shall 1716
prescribe the form of the application. 1717

(B) Upon receipt of an application, the state board of 1718
education shall review it and consider whether the proposed course 1719

or coursework meets the requirements of division (A) or (B) of 1720
section 4742.03 of the Revised Code concerning course length and 1721
content. If the proposed course or coursework meets those 1722
requirements, the state board of education shall issue a 1723
certification of that fact to the proprietary career school. 1724
Inclusion of on-site verifiable electronic training as part of a 1725
proposed basic or continuing education course shall not be a 1726
reason for the state board to deny certification. 1727

(C) If, after receiving a certification from the state board 1728
of education under this section, the proprietary career school 1729
changes the approved course or coursework, the prior certification 1730
is canceled and the proprietary career school shall apply to the 1731
state board of education for certification of the changed course 1732
or coursework. 1733

Sec. 4742.06. (A) A person may obtain certification as an 1734
emergency service telecommunicator by successfully completing a 1735
basic course of emergency service telecommunicator training that 1736
is conducted by a proprietary career school that has obtained 1737
certification of that course from the state board of education 1738
under section 4742.05 of the Revised Code. If a person 1739
successfully completes the course, the proprietary career school 1740
shall certify the person's successful completion. 1741

(B) A person may maintain certification as an emergency 1742
service telecommunicator by successfully completing continuing 1743
education coursework in emergency service telecommunicator 1744
training that is conducted by a proprietary career school that has 1745
obtained certification of that coursework from the state board of 1746
education under section 4742.05 of the Revised Code. If a person 1747
successfully completes the coursework, the proprietary career 1748
school shall certify the person's successful completion. 1749

(C) Upon certification of a person's successful completion 1750

under division (A) or (B) of this section, the ~~proprietary~~ career 1751
school shall send a copy of the certification to the person and to 1752
the emergency service provider that employs the person. 1753

(D) Tuition and materials costs for a person enrolled in a 1754
certified basic or continuing education course conducted by a 1755
~~proprietary~~ career school shall be paid by the person, an 1756
emergency service provider, or any other entity on behalf of the 1757
person or an emergency service provider. 1758

Sec. 4743.03. No board, commission, or agency created under 1759
or by virtue of Title 47 of the Revised Code shall restrict entry 1760
into any occupation, profession, or trade under its supervision or 1761
regulation by: 1762

(A) Unreasonably restricting the number of schools or other 1763
institutions it certifies or accredits for the purpose of 1764
fulfilling educational or training requirements for such 1765
occupation, profession, or trade; 1766

(B) Denying certification or accreditation for the purpose of 1767
fulfilling such educational or training requirements to any 1768
school, college, or other educational institution that has been 1769
certified by the Ohio board of regents or the state board of 1770
~~proprietary school registration~~ career colleges and schools or to 1771
a high school for which the state board of education prescribes 1772
minimum standards under division (D) of section 3301.07 of the 1773
Revised Code, unless the educational or training program offered 1774
by such school, college, or institution is not in substantial 1775
compliance with applicable standards of the occupation, 1776
profession, or trade. 1777

(C) Rules of state regulatory boards relevant to age and 1778
level of education required for admission to courses of study 1779
leading to examination and licensing in professions or occupations 1780
controlled by regulatory boards not requiring a technical, 1781

associate, or baccalaureate degree shall not apply to vocational 1782
education programs conducted in the public schools where such 1783
vocational education programs in all other respects meet the 1784
minimum standards and requirements of any regulatory board and 1785
students completing such programs are of the minimum age required 1786
for examination and licensing for the purpose of practicing 1787
professions or occupations controlled by regulatory boards. 1788

Nothing in this section shall prohibit a board, commission, 1789
or agency from prescribing and enforcing educational and training 1790
requirements and standards for certification and accreditation of 1791
schools and other institutions that constitute reasonable bases 1792
for maintaining necessary standards of performance in any 1793
occupation, profession, or trade. 1794

Sec. 4762.02. (A) Except as provided in division (B) of this 1795
section, no person shall engage in the practice of acupuncture 1796
unless the person holds a valid certificate of registration as an 1797
acupuncturist issued by the state medical board under this 1798
chapter. 1799

(B) Division (A) of this section does not apply to a 1800
physician or to a person who performs acupuncture as part of a 1801
training program in acupuncture operated by an educational 1802
institution that holds an effective certificate of authorization 1803
issued by the Ohio board of regents under section 1713.02 of the 1804
Revised Code or a school that holds an effective certificate of 1805
registration issued by the state board of ~~proprietary school~~ 1806
~~registration~~ career colleges and schools under section 3332.05 of 1807
the Revised Code. 1808

Sec. 4763.05. (A)(1) A person shall make application for an 1809
initial state-certified general real estate appraiser certificate, 1810
an initial state-certified residential real estate appraiser 1811

certificate, an initial state-licensed residential real estate 1812
appraiser license, or an initial state-registered real estate 1813
appraiser assistant registration in writing to the superintendent 1814
of real estate on a form the superintendent prescribes. The 1815
application shall include the address of the applicant's principal 1816
place of business and all other addresses at which the applicant 1817
currently engages in the business of preparing real estate 1818
appraisals and the address of the applicant's current residence. 1819
The superintendent shall retain the applicant's current residence 1820
address in a separate record which shall not constitute a public 1821
record for purposes of section 149.03 of the Revised Code. The 1822
application shall indicate whether the applicant seeks 1823
certification as a general real estate appraiser or as a 1824
residential real estate appraiser, licensure as a residential real 1825
estate appraiser, or registration as a real estate appraiser 1826
assistant and be accompanied by the prescribed examination and 1827
certification, registration, or licensure fees set forth in 1828
section 4763.09 of the Revised Code. The application also shall 1829
include a pledge, signed by the applicant, that the applicant will 1830
comply with the standards set forth in this chapter and a 1831
statement that the applicant understands the types of misconduct 1832
for which disciplinary proceedings may be initiated against the 1833
applicant pursuant to this chapter. 1834

(2) For purposes of providing funding for the real estate 1835
appraiser recovery fund established by section 4763.16 of the 1836
Revised Code, the real estate appraiser board shall levy an 1837
assessment against each person issued an initial certificate, 1838
registration, or license and against current licensees, 1839
registrants, and certificate holders, as required by board rule. 1840
The assessment is in addition to the application and examination 1841
fees for initial applicants required by division (A)(1) of this 1842
section and the renewal fees required for current certificate 1843
holders, registrants, and licensees. The superintendent shall 1844

deposit the assessment into the state treasury to the credit of
the real estate appraiser recovery fund. The assessment for
initial certificate holders, registrants, and licensees shall be
paid prior to the issuance of a certificate, registration, or
license, and for current certificate holders, registrants, and
licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser
certificate shall possess at least thirty months of experience in
real estate appraisal, or any equivalent experience the board
prescribes. An applicant for a residential real estate appraiser
certificate or residential real estate appraiser license shall
possess at least two years of experience in real estate appraisal,
or any equivalent experience the board prescribes. In addition to
any other information required by the board, the applicant shall
furnish, under oath, a detailed listing of the appraisal reports
or file memoranda for each year for which experience is claimed
and, upon request of the superintendent or the board, shall make
available for examination a sample of the appraisal reports
prepared by the applicant in the course of the applicant's
practice.

(C)(1) Except as provided in division (C)(2) of this section,
an applicant for an initial certificate, registration, or license
shall be at least eighteen years of age, honest, truthful, and of
good reputation and shall present satisfactory evidence to the
superintendent of the following, as appropriate:

(a) If the applicant is seeking a state-certified general
real estate appraiser certificate, that the applicant has
successfully completed at least one hundred sixty-five classroom
hours of courses in subjects related to real estate appraisal,
including at least one course devoted exclusively to federal,
state, and municipal fair housing law, presented by a nationally
recognized appraisal organization, an institution of higher

education, a ~~proprietary~~ career school registered by the state 1877
board of ~~proprietary school registration~~ career colleges and 1878
schools, a state or federal commission or agency, or any other 1879
organization that represents the interests of financial 1880
institutions or real estate brokers, appraisers, or agents and 1881
that provides appraisal education, plus fifteen classroom hours 1882
related to standards of professional practice and the provisions 1883
of this chapter; 1884

(b) If the applicant is seeking a state-certified residential 1885
real estate appraiser certificate, that the applicant has 1886
successfully completed at least one hundred five classroom hours 1887
of courses in subjects related to real estate appraisal, including 1888
at least one course devoted exclusively to federal, state, and 1889
municipal fair housing law, presented by a nationally recognized 1890
appraisal organization, an institution of higher education, a 1891
~~proprietary~~ career school registered by the state board of 1892
~~proprietary school registration~~ career colleges and schools, or 1893
any other organization that represents the interests of financial 1894
institutions or real estate brokers, appraisers, or agents and 1895
that provides appraisal education, plus fifteen classroom hours 1896
related to standards of professional practice and the provisions 1897
of this chapter; 1898

(c) If the applicant is seeking a state-licensed residential 1899
real estate appraiser license, that the applicant has successfully 1900
completed at least seventy-five classroom hours of courses in 1901
subjects related to real estate appraisal, including at least one 1902
course devoted exclusively to federal, state, and municipal fair 1903
housing law, presented by a nationally recognized appraisal 1904
organization, an institution of higher education, a ~~proprietary~~ 1905
career school registered by the state board of ~~proprietary school~~ 1906
~~registration~~ career colleges and schools, a state or federal 1907
commission or agency, or any other organization that represents 1908

the interests of financial institutions or real estate brokers, 1909
appraisers, or agents and that provides appraisal education, plus 1910
fifteen classroom hours related to standards of professional 1911
practice and the provisions of this chapter; 1912

(d) If the applicant is seeking a state-registered real 1913
estate appraiser assistant registration, that the applicant has 1914
successfully completed at least seventy-five classroom hours of 1915
courses in subjects related to real estate appraisal, including at 1916
least one course devoted exclusively to federal, state, and 1917
municipal fair housing law, presented by a nationally recognized 1918
appraisal organization, an institution of higher education, a 1919
~~proprietary career~~ school registered by the state board of 1920
~~proprietary school registration career colleges and schools~~, or 1921
any other organization that represents the interests of financial 1922
institutions or real estate brokers, appraisers, or agents, and 1923
that provides appraisal education that included at least fifteen 1924
classroom hours of instruction related to standards of 1925
professional practice and the requirements of this chapter and the 1926
rules adopted under this chapter. 1927

(2) Each person who files an application for an initial 1928
certificate or license within one year of the date established by 1929
the board as the first date on which applications will be accepted 1930
under this section, which date shall be no later than September 1, 1931
1990, and who, at the time of filing that application, does not 1932
satisfy the educational requirements for the certification or 1933
licensure sought of either division (C)(1)(a) or (b) of this 1934
section is exempt from those educational requirements for the term 1935
of the initial certification or licensure. In applying for a 1936
renewal certificate or license pursuant to section 4763.06 of the 1937
Revised Code, a certificate holder or licensee who was exempted 1938
from the educational requirements of division (C)(1)(a) or (b) of 1939
this section when applying for the initial certificate or license 1940

shall present satisfactory evidence to the superintendent that the certificate holder or licensee has completed the educational requirements for the certification or licensure to be renewed of one of those divisions before the renewal certificate or license may be issued.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license. The examination shall require the applicant to demonstrate all of the following:

(1) Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and the economic concepts applicable to real estate;

(2) Understanding of the principles of land economics, real estate appraisal processes, and problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines;

(3) Understanding of the standards for the development and communication of real estate appraisals as provided in this chapter and the rules adopted thereunder;

(4) Knowledge of theories of depreciation, cost estimating, methods of capitalization, direct sales comparison, and the mathematics of real estate appraisal that are appropriate for the certification or licensure for which the applicant has applied;

(5) Knowledge of other principles and procedures as appropriate for the certification or license;

(6) Basic understanding of real estate law;

(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a certificate

holder and licensee. 1971

(E)(1) A nonresident, natural person of this state who has 1972
complied with this section may obtain a certificate, registration, 1973
or license. The board shall adopt rules relating to the 1974
certification, registration, and licensure of a nonresident 1975
applicant whose state of residence the board determines to have 1976
certification, registration, or licensure requirements that are 1977
substantially similar to those set forth in this chapter and the 1978
rules adopted thereunder. 1979

(2) A nonresident appraiser may apply for, and the board may 1980
issue, a temporary certificate or license if the board determines 1981
that the state in which the nonresident appraiser is licensed or 1982
certified has licensing or certification requirements that are 1983
substantially similar to the certification or licensure 1984
requirements set forth in this chapter and the rules adopted 1985
thereunder. 1986

The board shall adopt rules relating to the temporary 1987
certification and licensure of nonresident appraisers. Each 1988
temporary certificate and license issued by the board shall 1989
identify the location of the real estate property to be appraised 1990
and shall not authorize appraisal of more than one real estate 1991
property located in this state. The board shall not issue more 1992
than two temporary certificates or licenses in any one calendar 1993
year to any one applicant. 1994

(3) In addition to any other information required to be 1995
submitted with the nonresident applicant's or appraiser's 1996
application for a certificate, registration, license, or temporary 1997
certificate or license, each nonresident applicant or appraiser 1998
shall submit a statement consenting to the service of process upon 1999
the nonresident applicant or appraiser by means of delivering that 2000
process to the secretary of state if, in an action against the 2001
applicant, certificate holder, registrant, or licensee arising 2002

from the applicant's, certificate holder's, registrant's, or
licensee's activities as a certificate holder, registrant, or
licensee, the plaintiff, in the exercise of due diligence, cannot
effect personal service upon the applicant, certificate holder,
registrant, or licensee.

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(F) The superintendent shall not issue a certificate,
registration, temporary certificate or license, or license to a
corporation, partnership, or association. This prohibition shall
not be construed to prevent a certificate holder or licensee from
signing an appraisal report on behalf of a corporation,
partnership, or association.

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(G) Every person licensed, registered, or certified under
this chapter shall notify the superintendent, on a form provided
by the superintendent, of a change in the address of the
licensee's, registrant's, or certificate holder's principal place
of business or residence within thirty days of the change. If a
licensee's, registrant's, or certificate holder's license,
registration, or certificate is revoked or not renewed, the
licensee, registrant, or certificate holder immediately shall
return the annual and any renewal certificate, registration, or
license to the superintendent.

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(H) The superintendent shall not issue a certificate,
registration, temporary certificate or license, or license to any
person who does not meet applicable minimum criteria for state
certification, registration, or licensure prescribed by federal
law or rule.

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Sec. 5107.58. In accordance with a federal waiver granted by
the United States secretary of health and human services pursuant
to a request made under former section 5101.09 of the Revised
Code, county departments of job and family services may establish
and administer as a work activity for minor heads of households

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and adults participating in Ohio works first an education program 2034
under which the participant is enrolled full-time in 2035
post-secondary education leading to vocation at a state 2036
institution of higher education, as defined in section 3345.031 of 2037
the Revised Code; a private nonprofit college or university that 2038
possesses a certificate of authorization issued by the Ohio board 2039
of regents pursuant to Chapter 1713. of the Revised Code, or is 2040
exempted by division (E) of section 1713.02 of the Revised Code 2041
from the requirement of a certificate; a school that holds a 2042
certificate of registration and program authorization issued by 2043
the state board of ~~proprietary school registration~~ career colleges 2044
and schools under Chapter 3332. of the Revised Code; a private 2045
institution exempt from regulation under Chapter 3332. of the 2046
Revised Code as prescribed in section 3333.046 of the Revised 2047
Code; or a school that has entered into a contract with the county 2048
department of job and family services. The participant shall make 2049
reasonable efforts, as determined by the county department, to 2050
obtain a loan, scholarship, grant, or other assistance to pay for 2051
the tuition, including a federal Pell grant under 20 U.S.C.A. 2052
1070a and an Ohio instructional grant under section 3333.12 of the 2053
Revised Code. If the participant has made reasonable efforts but 2054
is unable to obtain sufficient assistance to pay the tuition the 2055
program may pay the tuition. On or after October 1, 1998, the 2056
county department may enter into a loan agreement with the 2057
participant to pay the tuition. The total period for which tuition 2058
is paid and loans made shall not exceed two years. If the 2059
participant, pursuant to division (B)(3) of section 5107.43 of the 2060
Revised Code, volunteers to participate in the education program 2061
for more hours each week than the participant is assigned to the 2062
program, the program may pay or the county department may loan the 2063
cost of the tuition for the additional voluntary hours as well as 2064
the cost of the tuition for the assigned number of hours. The 2065
participant may receive, for not more than three years, support 2066

services, including publicly funded child day-care under Chapter 2067
5104. of the Revised Code and transportation, that the participant 2068
needs to participate in the program. To receive support services 2069
in the third year, the participant must be, as determined by the 2070
educational institution in which the participant is enrolled, in 2071
good standing with the institution. 2072

A county department that provides loans under this section 2073
shall establish procedures governing loan application for and 2074
approval and administration of loans granted pursuant to this 2075
section. 2076

Sec. 5747.01. Except as otherwise expressly provided or 2077
clearly appearing from the context, any term used in this chapter 2078
has the same meaning as when used in a comparable context in the 2079
Internal Revenue Code, and all other statutes of the United States 2080
relating to federal income taxes. 2081

As used in this chapter: 2082

(A) "Adjusted gross income" or "Ohio adjusted gross income" 2083
means adjusted gross income as defined and used in the Internal 2084
Revenue Code, adjusted as provided in this section: 2085

(1) Add interest or dividends on obligations or securities of 2086
any state or of any political subdivision or authority of any 2087
state, other than this state and its subdivisions and authorities. 2088

(2) Add interest or dividends on obligations of any 2089
authority, commission, instrumentality, territory, or possession 2090
of the United States that are exempt from federal income taxes but 2091
not from state income taxes. 2092

(3) Deduct interest or dividends on obligations of the United 2093
States and its territories and possessions or of any authority, 2094
commission, or instrumentality of the United States to the extent 2095
included in federal adjusted gross income but exempt from state 2096

income taxes under the laws of the United States. 2097

(4) Deduct disability and survivor's benefits to the extent 2098
included in federal adjusted gross income. 2099

(5) Deduct benefits under Title II of the Social Security Act 2100
and tier 1 railroad retirement benefits to the extent included in 2101
federal adjusted gross income under section 86 of the Internal 2102
Revenue Code. 2103

(6) In the case of a taxpayer who is a beneficiary of a trust 2104
that makes an accumulation distribution as defined in section 665 2105
of the Internal Revenue Code, add, for the beneficiary's taxable 2106
years beginning before 2002 or after 2004, the portion, if any, of 2107
such distribution that does not exceed the undistributed net 2108
income of the trust for the three taxable years preceding the 2109
taxable year in which the distribution is made to the extent that 2110
the portion was not included in the trust's taxable income for any 2111
of the trust's taxable years beginning in 2002, 2003, or 2004. 2112
"Undistributed net income of a trust" means the taxable income of 2113
the trust increased by (a)(i) the additions to adjusted gross 2114
income required under division (A) of this section and (ii) the 2115
personal exemptions allowed to the trust pursuant to section 2116
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 2117
deductions to adjusted gross income required under division (A) of 2118
this section, (ii) the amount of federal income taxes attributable 2119
to such income, and (iii) the amount of taxable income that has 2120
been included in the adjusted gross income of a beneficiary by 2121
reason of a prior accumulation distribution. Any undistributed net 2122
income included in the adjusted gross income of a beneficiary 2123
shall reduce the undistributed net income of the trust commencing 2124
with the earliest years of the accumulation period. 2125

2126

(7) Deduct the amount of wages and salaries, if any, not 2127
otherwise allowable as a deduction but that would have been 2128

allowable as a deduction in computing federal adjusted gross 2129
income for the taxable year, had the targeted jobs credit allowed 2130
and determined under sections 38, 51, and 52 of the Internal 2131
Revenue Code not been in effect. 2132

(8) Deduct any interest or interest equivalent on public 2133
obligations and purchase obligations to the extent included in 2134
federal adjusted gross income. 2135

(9) Add any loss or deduct any gain resulting from the sale, 2136
exchange, or other disposition of public obligations to the extent 2137
included in federal adjusted gross income. 2138

(10) Deduct or add amounts, as provided under section 5747.70 2139
of the Revised Code, related to contributions to variable college 2140
savings program accounts made or tuition credits purchased 2141
pursuant to Chapter 3334. of the Revised Code. 2142

(11)(a) Deduct, to the extent not otherwise allowable as a 2143
deduction or exclusion in computing federal or Ohio adjusted gross 2144
income for the taxable year, the amount the taxpayer paid during 2145
the taxable year for medical care insurance and qualified 2146
long-term care insurance for the taxpayer, the taxpayer's spouse, 2147
and dependents. No deduction for medical care insurance under 2148
division (A)(11) of this section shall be allowed either to any 2149
taxpayer who is eligible to participate in any subsidized health 2150
plan maintained by any employer of the taxpayer or of the 2151
taxpayer's spouse, or to any taxpayer who is entitled to, or on 2152
application would be entitled to, benefits under part A of Title 2153
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 2154
301, as amended. For the purposes of division (A)(11)(a) of this 2155
section, "subsidized health plan" means a health plan for which 2156
the employer pays any portion of the plan's cost. The deduction 2157
allowed under division (A)(11)(a) of this section shall be the net 2158
of any related premium refunds, related premium reimbursements, or 2159
related insurance premium dividends received during the taxable 2160

year. 2161

(b) Deduct, to the extent not otherwise deducted or excluded 2162
in computing federal or Ohio adjusted gross income during the 2163
taxable year, the amount the taxpayer paid during the taxable 2164
year, not compensated for by any insurance or otherwise, for 2165
medical care of the taxpayer, the taxpayer's spouse, and 2166
dependents, to the extent the expenses exceed seven and one-half 2167
per cent of the taxpayer's federal adjusted gross income. 2168

(c) For purposes of division (A)(11) of this section, 2169
"medical care" has the meaning given in section 213 of the 2170
Internal Revenue Code, subject to the special rules, limitations, 2171
and exclusions set forth therein, and "qualified long-term care" 2172
has the same meaning given in section 7702(B)(b) of the Internal 2173
Revenue Code. 2174

(12)(a) Deduct any amount included in federal adjusted gross 2175
income solely because the amount represents a reimbursement or 2176
refund of expenses that in any year the taxpayer had deducted as 2177
an itemized deduction pursuant to section 63 of the Internal 2178
Revenue Code and applicable United States department of the 2179
treasury regulations. The deduction otherwise allowed under 2180
division (A)(12)(a) of this section shall be reduced to the extent 2181
the reimbursement is attributable to an amount the taxpayer 2182
deducted under this section in any taxable year. 2183

(b) Add any amount not otherwise included in Ohio adjusted 2184
gross income for any taxable year to the extent that the amount is 2185
attributable to the recovery during the taxable year of any amount 2186
deducted or excluded in computing federal or Ohio adjusted gross 2187
income in any taxable year. 2188

(13) Deduct any portion of the deduction described in section 2189
1341(a)(2) of the Internal Revenue Code, for repaying previously 2190
reported income received under a claim of right, that meets both 2191

of the following requirements:	2192
(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;	2193 2194 2195 2196
(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.	2197 2198
(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.	2199 2200 2201 2202 2203 2204 2205
(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;	2206 2207 2208 2209 2210 2211
(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.	2212 2213 2214
(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:	2215 2216 2217
(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;	2218 2219 2220 2221

(b) The amount resulted in a reduction of the taxpayer's 2222
federal adjusted gross income as required to be reported for any 2223
of the taxpayer's taxable years under the Internal Revenue Code. 2224

(17) Deduct the amount contributed by the taxpayer to an 2225
individual development account program established by a county 2226
department of job and family services pursuant to sections 329.11 2227
to 329.14 of the Revised Code for the purpose of matching funds 2228
deposited by program participants. On request of the tax 2229
commissioner, the taxpayer shall provide any information that, in 2230
the tax commissioner's opinion, is necessary to establish the 2231
amount deducted under division (A)(17) of this section. 2232

(18) Beginning in taxable year 2001, if the taxpayer is 2233
married and files a joint return and the combined federal adjusted 2234
gross income of the taxpayer and the taxpayer's spouse for the 2235
taxable year does not exceed one hundred thousand dollars, or if 2236
the taxpayer is single and has a federal adjusted gross income for 2237
the taxable year not exceeding fifty thousand dollars, deduct 2238
amounts paid during the taxable year for qualified tuition and 2239
fees paid to an eligible institution for the taxpayer, the 2240
taxpayer's spouse, or any dependent of the taxpayer, who is a 2241
resident of this state and is enrolled in or attending a program 2242
that culminates in a degree or diploma at an eligible institution. 2243
The deduction may be claimed only to the extent that qualified 2244
tuition and fees are not otherwise deducted or excluded for any 2245
taxable year from federal or Ohio adjusted gross income. The 2246
deduction may not be claimed for educational expenses for which 2247
the taxpayer claims a credit under section 5747.27 of the Revised 2248
Code. 2249

(19) Add any reimbursement received during the taxable year 2250
of any amount the taxpayer deducted under division (A)(18) of this 2251
section in any previous taxable year to the extent the amount is 2252
not otherwise included in Ohio adjusted gross income. 2253

(20)(a) Add five-sixths of the amount of depreciation expense 2254
allowed by subsection (k) of section 168 of the Internal Revenue 2255
Code, including the taxpayer's proportionate or distributive share 2256
of the amount of depreciation expense allowed by that subsection 2257
to a pass-through entity in which the taxpayer has a direct or 2258
indirect ownership interest. The tax commissioner, under 2259
procedures established by the commissioner, may waive the add-back 2260
related to a pass-through entity if the taxpayer owns, directly or 2261
indirectly, less than five per cent of the pass-through entity. 2262

2263

(b) Nothing in division (A)(20) of this section shall be 2264
construed to adjust or modify the adjusted basis of any asset. 2265

(c) To the extent the add-back required under division 2266
(A)(20)(a) of this section is attributable to property generating 2267
nonbusiness income or loss allocated under section 5747.20 of the 2268
Revised Code, the add-back shall be situated to the same location 2269
as the nonbusiness income or loss generated by the property for 2270
the purpose of determining the credit under division (A) of 2271
section 5747.05 of the Revised Code. Otherwise, the add-back shall 2272
be apportioned, subject to one or more of the four alternative 2273
methods of apportionment enumerated in section 5747.21 of the 2274
Revised Code. 2275

(21)(a) If the taxpayer was required to add an amount under 2276
division (A)(20)(a) of this section for a taxable year, deduct 2277
one-fifth of the amount so added for each of the five succeeding 2278
taxable years. 2279

(b) If the amount deducted under division (A)(21)(a) of this 2280
section is attributable to an add-back allocated under division 2281
(A)(20)(c) of this section, the amount deducted shall be situated 2282
to the same location. Otherwise, the add-back shall be apportioned 2283
using the apportionment factors for the taxable year in which the 2284
deduction is taken, subject to one or more of the four alternative 2285

methods of apportionment enumerated in section 5747.21 of the	2286
Revised Code.	2287
(B) "Business income" means income arising from transactions,	2288
activities, and sources in the regular course of a trade or	2289
business and includes income from real property, tangible	2290
property, and intangible property if the acquisition, rental,	2291
management, and disposition of the property constitute integral	2292
parts of the regular course of a trade or business operation.	2293
"Business income" includes income, including gain or loss, from a	2294
partial or complete liquidation of a business, including, but not	2295
limited to, gain or loss from the sale or other disposition of	2296
goodwill.	2297
(C) "Nonbusiness income" means all income other than business	2298
income and may include, but is not limited to, compensation, rents	2299
and royalties from real or tangible personal property, capital	2300
gains, interest, dividends and distributions, patent or copyright	2301
royalties, or lottery winnings, prizes, and awards.	2302
	2303
(D) "Compensation" means any form of remuneration paid to an	2304
employee for personal services.	2305
(E) "Fiduciary" means a guardian, trustee, executor,	2306
administrator, receiver, conservator, or any other person acting	2307
in any fiduciary capacity for any individual, trust, or estate.	2308
(F) "Fiscal year" means an accounting period of twelve months	2309
ending on the last day of any month other than December.	2310
(G) "Individual" means any natural person.	2311
(H) "Internal Revenue Code" means the "Internal Revenue Code	2312
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	2313
(I) "Resident" means:	2314
(1) An individual who is domiciled in this state, subject to	2315

section 5747.24 of the Revised Code; 2316

(2) The estate of a decedent who at the time of death was 2317
domiciled in this state. The domicile tests of section 5747.24 of 2318
the Revised Code and any election under section 5747.25 of the 2319
Revised Code are not controlling for purposes of division (I)(2) 2320
of this section. 2321

(3) Division (I)(3) of this section applies only to taxable 2322
years of a trust beginning in 2002, 2003, or 2004. 2323

A trust that, in whole or part, resides in this state. If 2324
only part of a trust resides in this state, the trust is a 2325
resident only with respect to that part. For the purposes of 2326
division (I)(3) of this section, a trust resides in this state to 2327
the extent that it consists, directly or indirectly, in whole or 2328
in part, of the net current value, adjusted for any profits, 2329
gains, or losses, of assets or liabilities that were transferred 2330
to the trust by any of the following: 2331

(a) The will of a decedent who was domiciled in this state at 2332
the time of the decedent's death; 2333

(b) A person who is domiciled in this state if the trust or 2334
part of the trust is not irrevocable; 2335

(c) A person who was domiciled in this state when the trust 2336
or part of the trust became irrevocable, but only if, for all or 2337
some portion of the current taxable year of the trust, at least 2338
one beneficiary of the trust is a resident for the purposes of 2339
this chapter. 2340

For the purpose of divisions (I)(3)(b) and (c) of this 2341
section, the transfer of net assets to a trust is irrevocable to 2342
the extent that the transferor is not considered to be the owner 2343
of the net assets of the trust under sections 671 to 678 of the 2344
Internal Revenue Code. 2345

The tax commissioner may adopt rules to ascertain the part of a trust residing in this state under this division.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	2376
(1) "Subdivision" means any county, municipal corporation, park district, or township.	2377
(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.	2378
(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.	2379
(S) "Taxable income" applies only to estates and trusts, and means taxable income as defined and used in the Internal Revenue Code adjusted as follows:	2380
(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities;	2381
(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States that are exempt from federal income taxes but not from state income taxes;	2382
(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;	2383
(4) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States that are exempt from state taxes under the laws of the United States;	2384
(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for	2385
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the taxable year, had the targeted jobs credit allowed under 2406
sections 38, 51, and 52 of the Internal Revenue Code not been in 2407
effect; 2408

(6) Deduct any interest or interest equivalent on public 2409
obligations and purchase obligations to the extent included in 2410
federal taxable income; 2411

(7) Add any loss or deduct any gain resulting from sale, 2412
exchange, or other disposition of public obligations to the extent 2413
included in federal taxable income; 2414

(8) Except in the case of the final return of an estate, add 2415
any amount deducted by the taxpayer on both its Ohio estate tax 2416
return pursuant to section 5731.14 of the Revised Code, and on its 2417
federal income tax return in determining either federal adjusted 2418
gross income or federal taxable income; 2419

(9)(a) Deduct any amount included in federal taxable income 2420
solely because the amount represents a reimbursement or refund of 2421
expenses that in a previous year the decedent had deducted as an 2422
itemized deduction pursuant to section 63 of the Internal Revenue 2423
Code and applicable treasury regulations. The deduction otherwise 2424
allowed under division (S)(9)(a) of this section shall be reduced 2425
to the extent the reimbursement is attributable to an amount the 2426
taxpayer or decedent deducted under this section in any taxable 2427
year. 2428

(b) Add any amount not otherwise included in Ohio taxable 2429
income for any taxable year to the extent that the amount is 2430
attributable to the recovery during the taxable year of any amount 2431
deducted or excluded in computing federal or Ohio taxable income 2432
in any taxable year. 2433

(10) Deduct any portion of the deduction described in section 2434
1341(a)(2) of the Internal Revenue Code, for repaying previously 2435
reported income received under a claim of right, that meets both 2436

of the following requirements: 2437

(a) It is allowable for repayment of an item that was 2438
included in the taxpayer's taxable income or the decedent's 2439
adjusted gross income for a prior taxable year and did not qualify 2440
for a credit under division (A) or (B) of section 5747.05 of the 2441
Revised Code for that year. 2442

(b) It does not otherwise reduce the taxpayer's taxable 2443
income or the decedent's adjusted gross income for the current or 2444
any other taxable year. 2445

(11) Add any amount claimed as a credit under section 2446
5747.059 of the Revised Code to the extent that the amount 2447
satisfies either of the following: 2448

(a) The amount was deducted or excluded from the computation 2449
of the taxpayer's federal taxable income as required to be 2450
reported for the taxpayer's taxable year under the Internal 2451
Revenue Code; 2452

(b) The amount resulted in a reduction in the taxpayer's 2453
federal taxable income as required to be reported for any of the 2454
taxpayer's taxable years under the Internal Revenue Code. 2455

(12) Deduct any amount that a trust is required to report as 2456
farm income on its federal income tax return, but only if the 2457
assets of the trust include at least ten acres of land satisfying 2458
the definition of "land devoted exclusively to agricultural use" 2459
under section 5713.30 of the Revised Code, regardless of whether 2460
the land is valued for tax purposes as such land under sections 2461
5713.30 to 5713.38 of the Revised Code. Division (S)(12) of this 2462
section applies only to taxable years of a trust beginning in 2463
2002, 2003, or 2004. 2464

(13) Add the net amount of income described in section 641(c) 2465
of the Internal Revenue Code to the extent that amount is not 2466
included in federal taxable income. 2467

(14) Add or deduct the amount the taxpayer would be required 2468
to add or deduct under division (A)(20) or (21) of this section if 2469
the taxpayer's taxable income were computed in the same manner as 2470
an individual's adjusted gross income is computed under this 2471
section. In the case of a trust, division (S)(14) of this section 2472
applies only to any of the trust's taxable years beginning in 2473
2002, 2003, or 2004. 2474

(T) "School district income" and "school district income tax" 2475
have the same meanings as in section 5748.01 of the Revised Code. 2476
2477

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 2478
of this section, "public obligations," "purchase obligations," and 2479
"interest or interest equivalent" have the same meanings as in 2480
section 5709.76 of the Revised Code. 2481

(V) "Limited liability company" means any limited liability 2482
company formed under Chapter 1705. of the Revised Code or under 2483
the laws of any other state. 2484

(W) "Pass-through entity investor" means any person who, 2485
during any portion of a taxable year of a pass-through entity, is 2486
a partner, member, shareholder, or investor in that pass-through 2487
entity. 2488

(X) "Banking day" has the same meaning as in section 1304.01 2489
of the Revised Code. 2490

(Y) "Month" means a calendar month. 2491

(Z) "Quarter" means the first three months, the second three 2492
months, the third three months, or the last three months of the 2493
taxpayer's taxable year. 2494

(AA)(1) "Eligible institution" means a state university or 2495
state institution of higher education as defined in section 2496
3345.011 of the Revised Code, or a private, nonprofit college, 2497

university, or other post-secondary institution located in this 2498
state that possesses a certificate of authorization issued by the 2499
Ohio board of regents pursuant to Chapter 1713. of the Revised 2500
Code or a certificate of registration issued by the state board of 2501
~~proprietary school registration~~ career colleges and schools under 2502
Chapter 3332. of the Revised Code. 2503

(2) "Qualified tuition and fees" means tuition and fees 2504
imposed by an eligible institution as a condition of enrollment or 2505
attendance, not exceeding two thousand five hundred dollars in 2506
each of the individual's first two years of post-secondary 2507
education. If the individual is a part-time student, "qualified 2508
tuition and fees" includes tuition and fees paid for the academic 2509
equivalent of the first two years of post-secondary education 2510
during a maximum of five taxable years, not exceeding a total of 2511
five thousand dollars. "Qualified tuition and fees" does not 2512
include: 2513

(a) Expenses for any course or activity involving sports, 2514
games, or hobbies unless the course or activity is part of the 2515
individual's degree or diploma program; 2516

(b) The cost of books, room and board, student activity fees, 2517
athletic fees, insurance expenses, or other expenses unrelated to 2518
the individual's academic course of instruction; 2519

(c) Tuition, fees, or other expenses paid or reimbursed 2520
through an employer, scholarship, grant in aid, or other 2521
educational benefit program. 2522

(BB)(1) "Modified business income" means the business income 2523
included in a trust's taxable income after such taxable income is 2524
first reduced by the qualifying amount, if any. 2525

(2) "Qualifying amount" of a trust means capital gains and 2526
losses from the sale, exchange, or other disposition of equity or 2527
ownership interest in, or debt obligations of, a qualifying 2528

investee to the extent included in the trust's taxable income, but 2529
only if the location of the physical assets of the qualifying 2530
investee is available to the trust. 2531

(3) "Modified nonbusiness income" means a trust's taxable 2532
income other than modified business income and other than the 2533
qualifying amount. 2534

(4) "Modified taxable income" applies only to trusts and 2535
means the sum of the following: 2536

(a) Modified business income multiplied by the fraction 2537
calculated under division (B)(2) of section 5733.05, and applying 2538
section 5733.057 of the Revised Code, as if the trust were a 2539
corporation subject to the tax imposed by section 5733.06 of the 2540
Revised Code; 2541

(b) The qualifying amount multiplied by the ratio of the book 2542
value of the physical assets in this state of the qualifying 2543
investee to the book value of the total physical assets everywhere 2544
of the qualifying investee. If, for a taxable year, the trust 2545
recognizes a qualifying amount with respect to more than one 2546
qualifying investee, the amount described in division (BB)(4)(b) 2547
of this section shall equal the sum of the products so computed 2548
for each such qualifying investee. 2549

(c) Modified nonbusiness income to the extent produced by 2550
assets held by a trust or portion of a trust that is a resident 2551
for the purposes of this chapter. 2552

If the allocation and apportionment of a trust's income under 2553
divisions (BB)(4)(a) and (c) of this section do not fairly 2554
represent the modified taxable income of the trust in this state, 2555
the alternative methods described in division (C) of section 2556
5747.21 of the Revised Code may be applied in the manner and to 2557
the same extent provided in that section. 2558

(5) "Qualifying investee" means a person in which a trust has 2559

an equity or ownership interest, or a person or unit of government 2560
the debt obligations of either of which are owned by a trust. 2561
2562

(CC) Any term used in this chapter that is not otherwise 2563
defined in this section and that is not used in a comparable 2564
context in the Internal Revenue Code and other statutes of the 2565
United States relating to federal income taxes has the same 2566
meaning as in section 5733.40 of the Revised Code. 2567

Sec. 5919.34. (A) As used in this section: 2568

(1) "Academic term" means any one of the following: 2569

(a) Fall term, which consists of fall semester or fall 2570
quarter, as appropriate; 2571

(b) Winter term, which consists of winter semester, winter 2572
quarter, or spring semester, as appropriate; 2573

(c) Spring term, which consists of spring quarter; 2574

(d) Summer term, which consists of summer semester or summer 2575
quarter, as appropriate. 2576

(2) "Eligible applicant" means any individual to whom all of 2577
the following apply: 2578

(a) The individual does not possess a baccalaureate degree. 2579

(b) The individual has enlisted, re-enlisted, or extended 2580
current enlistment in the Ohio national guard or is an individual 2581
to which division (F) of this section applies. 2582

(c) The individual is actively enrolled as a full-time or 2583
part-time student for at least six credit hours of course work in 2584
a semester or quarter in a two-year or four-year degree-granting 2585
program at an institution of higher education or in a 2586
diploma-granting program at an institution of higher education 2587
that is a school of nursing. 2588

(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.

(3) "Institution of higher education" means an Ohio institution of higher education that is state-assisted, that is nonprofit and has received a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of ~~proprietary school registration~~ career colleges and schools pursuant to section 3332.05 of the Revised Code.

(4) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B)(1) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program. For the fiscal year 2000, the number of participants in the program for the fall term is limited to the equivalent of two thousand five hundred full-time participants; the number of participants in the program for the winter term is limited to the equivalent of two thousand five hundred full-time participants; the number of participants in the program for the spring term is limited to the equivalent of one thousand six hundred seventy-five full-time participants; and the number of participants in the program for the summer term is limited to the equivalent of six hundred full-time participants. Except as provided in division (B)(2) of this section for the fiscal year 2001 and succeeding fiscal years, the number of participants in the program for the fall term is limited to the equivalent of three thousand five hundred full-time participants; the number of participants in the program for the winter term is limited to the equivalent of three thousand five hundred full-time participants; the number of participants in the

program for the spring term is limited to the equivalent of two 2621
thousand three hundred forty-five full-time participants; and the 2622
number of participants in the program for the summer term is 2623
limited to the equivalent of eight hundred full-time participants. 2624

(2) After the application deadline for any academic term in 2625
fiscal year 2001, the adjutant general may request the controlling 2626
board, if sufficient appropriated funds are available, to approve 2627
the following number of additional participants for that term: 2628

(a) For the fall or winter academic term, up to the 2629
equivalent of five hundred additional full-time participants; 2630

(b) For the spring academic term, up to the equivalent of 2631
three hundred seventy-five additional full-time participants; 2632

(c) For the summer academic term, up to the equivalent of one 2633
hundred twenty-five additional full-time participants. 2634

(C) If the adjutant general estimates that appropriations for 2635
all scholarships applied for under this section and likely to be 2636
used during an academic term are inadequate for all eligible 2637
applicants for that academic term to receive scholarships, the 2638
adjutant general shall promptly inform all applicants not 2639
receiving scholarships for that academic term of the next academic 2640
term that appropriations will be adequate for the scholarships. 2641
Any such eligible applicant may again apply for a scholarship 2642
beginning that academic term if the applicant is in compliance 2643
with all requirements established by this section and the adjutant 2644
general for the program. The adjutant general shall process all 2645
applications for scholarships for each academic term in the order 2646
in which they are received. The scholarships shall be made without 2647
regard to financial need. At no time shall one person be placed in 2648
priority over another because of sex, race, or religion. 2649

(D)(1) Except as provided in division (I) of this section, 2650
for each academic term that an eligible applicant is approved for 2651

a scholarship under this section and either remains a current
member in good standing of the Ohio national guard or is eligible
for a scholarship under division (F)(1) of this section, the
institution of higher education in which the applicant is enrolled
shall, if the applicant's enlistment obligation extends beyond the
end of that academic term or if division (F)(1) of this section
applies, be paid on the applicant's behalf the applicable one of
the following amounts:

(a) If the institution is state-assisted, an amount equal to
one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or
a private institution exempt from regulation under Chapter 3332.
of the Revised Code as prescribed in section 3333.046 of the
Revised Code, an amount equal to one hundred per cent of the
average tuition charges of all state universities;

(c) If the institution is an institution that holds a
certificate of registration from the state board of ~~proprietary~~
~~school registration~~ career colleges and schools, the lesser of the
following:

(i) An amount equal to one hundred per cent of the total
instructional and general charges of the institution;

(ii) An amount equal to one hundred per cent of the average
tuition charges of all state universities.

(2) An eligible applicant's scholarship shall not be reduced
by the amount of that applicant's benefits under "the Montgomery
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

(E) A scholarship recipient under this section shall be
entitled to receive scholarships under this section for the number
of quarters or semesters it takes the recipient to accumulate
ninety-six eligibility units as determined under divisions (E)(1)
to (3) of this section.

(1) To determine the maximum number of semesters or quarters 2683
for which a recipient is entitled to a scholarship under this 2684
section, the adjutant general shall convert a recipient's credit 2685
hours of enrollment for each academic term into eligibility units 2686
in accordance with the following table: 2687

		The			2688
Number of	credit hours	following	The following		2689
			number of	number of	2690
of enrollment		eligibility	eligibility	2691	
in an academic		units if a	units if a	2692	
term	equals	semester	or	quarter	2693
					2694
12 or more hours		12 units		8 units	2695
9 but less than 12		9 units		6 units	2696
6 but less than 9		6 units		4 units	2697

(2) A scholarship recipient under this section may continue 2698
to apply for scholarships under this section until the recipient 2699
has accumulated ninety-six eligibility units. 2700

(3) If a scholarship recipient withdraws from courses prior 2701
to the end of an academic term so that the recipient's enrollment 2702
for that academic term is less than six credit hours, no 2703
scholarship shall be paid on behalf of that person for that 2704
academic term. Except as provided in division (F)(3) of this 2705
section, if a scholarship has already been paid on behalf of the 2706
person for that academic term, the adjutant general shall add to 2707
that person's accumulated eligibility units the number of 2708
eligibility units for which the scholarship was paid. 2709

(F) This division applies to any eligible applicant called 2710
into active duty on or after September 11, 2001. As used in this 2711
division, "active duty" means active duty pursuant to an executive 2712
order of the president of the United States, an act of the 2713
congress of the United States, or section 5919.29 or 5923.21 of 2714

the Revised Code.

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(1) An individual to whom this division applies is eligible for scholarships under this section for those academic terms that were missed or could have been missed as a result of the individual's call into active duty. Scholarships shall not be paid for the academic term in which an eligible applicant's enlistment obligation ends unless an applicant is eligible under this division for a scholarship for such academic term due to previous active duty.

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(2) When an individual to whom this division applies withdraws or otherwise fails to complete courses, for which scholarships have been awarded under this section, because the individual was called into active duty, the institution of higher education shall grant the individual a leave of absence from the individual's education program and shall not impose any academic penalty for such withdrawal or failure to complete courses.

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Division (F)(2) of this section applies regardless of whether or not the scholarship amount was paid to the institution of higher education.

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(3) If an individual to whom this division applies withdraws or otherwise fails to complete courses because the individual was called into active duty, and if scholarships for those courses have already been paid, either:

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(a) The adjutant general shall not add to that person's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid and the institution of higher education shall repay the scholarship amount to the state.

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(b) The adjutant general shall add to that individual's accumulated eligibility units calculated under division (E) of

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this section the number of eligibility units for the academic 2746
courses or term for which the scholarship was paid if the 2747
institution of higher education agrees to permit the individual to 2748
complete the remainder of the academic courses in which the 2749
individual was enrolled at the time the individual was called into 2750
active duty. 2751

(G) A scholarship recipient under this section who fails to 2752
complete the term of enlistment, re-enlistment, or extension of 2753
current enlistment the recipient was serving at the time a 2754
scholarship was paid on behalf of the recipient under this section 2755
is liable to the state for repayment of a percentage of all Ohio 2756
national guard scholarships paid on behalf of the recipient under 2757
this section, plus interest at the rate of ten per cent per annum 2758
calculated from the dates the scholarships were paid. This 2759
percentage shall equal the percentage of the current term of 2760
enlistment, re-enlistment, or extension of enlistment a recipient 2761
has not completed as of the date the recipient is discharged from 2762
the Ohio national guard. 2763

The attorney general may commence a civil action on behalf of 2764
the adjutant general to recover the amount of the scholarships and 2765
the interest provided for in this division and the expenses 2766
incurred in prosecuting the action, including court costs and 2767
reasonable attorney's fees. A scholarship recipient is not liable 2768
under this division if the recipient's failure to complete the 2769
term of enlistment being served at the time a scholarship was paid 2770
on behalf of the recipient under this section is due to the 2771
recipient's death; discharge from the national guard due to 2772
disability; or the recipient's enlistment, for a term not less 2773
than the recipient's remaining term in the national guard, in the 2774
active component of the United States armed forces or the active 2775
reserve component of the United States armed forces. 2776

(H) On or before the first day of each academic term, the 2777

adjutant general shall provide an eligibility roster to each 2778
institution of higher education at which one or more scholarship 2779
recipients have applied for enrollment. The institution shall use 2780
the roster to certify the actual full-time or part-time enrollment 2781
of each scholarship recipient listed as enrolled at the 2782
institution and return the roster to the adjutant general within 2783
thirty days after the first day of the academic term. The adjutant 2784
general shall report to the Ohio board of regents the number of 2785
students in the Ohio national guard scholarship program at each 2786
institution of higher education. The Ohio board of regents shall 2787
provide for payment of the appropriate number and amount of 2788
scholarships to each institution of higher education pursuant to 2789
division (D) of this section. The adjutant general shall report on 2790
a quarterly basis to the director of budget and management, the 2791
speaker of the house of representatives, and the president of the 2792
senate the number of Ohio national guard scholarship recipients 2793
and a projection of the cost of the program for the remainder of 2794
the biennium. 2795

(I) The chancellor of the Ohio board of regents and the 2796
adjutant general may adopt rules pursuant to Chapter 119. of the 2797
Revised Code governing the administration and fiscal management of 2798
the Ohio national guard scholarship program and the procedure by 2799
which the Ohio board of regents and the department of the adjutant 2800
general may modify the amount of scholarships a member receives 2801
based on the amount of other state financial aid a member 2802
receives. 2803

(J) Notwithstanding division (A) of section 127.14 of the 2804
Revised Code, the controlling board shall not transfer all or part 2805
of any appropriation for the Ohio national guard scholarship 2806
program. 2807

Section 2. That existing sections 955.43, 1713.02, 1713.03, 2808

1713.25, 2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 3332.04, 2809
3332.05, 3332.051, 3332.06, 3332.07, 3332.08, 3332.081, 3332.082, 2810
3332.083, 3332.085, 3332.09, 3332.091, 3332.092, 3332.10, 3332.11, 2811
3332.12, 3332.13, 3332.18, 3333.043, 3333.12, 3333.29, 3334.01, 2812
3365.01, 3365.15, 4742.05, 4742.06, 4743.03, 4762.02, 4763.05, 2813
5107.58, 5747.01, and 5919.34 of the Revised Code are hereby 2814
repealed. 2815

Section 3. That sections 3332.04, 3332.08, 3332.082, and 2816
3332.084 of the Revised Code be amended to read as follows: 2817

Sec. 3332.04. The state board of career colleges and schools 2818
may appoint an executive director and such other staff as may be 2819
required for the performance of the board's duties and provide 2820
necessary facilities. In selecting an executive director, the 2821
board shall appoint an individual with a background or experience 2822
in the regulation of commerce, business, or education. The board 2823
may also arrange for services and facilities to be provided by the 2824
state board of education and the Ohio board of regents. All 2825
receipts of the board shall be deposited in the career colleges 2826
and schools operating fund, which is hereby created in the state 2827
treasury to the credit of the general revenue fund. Moneys in the 2828
fund shall be used solely for the administration and enforcement 2829
of Chapter 3332. of the Revised Code. All investment earnings on 2830
the fund shall be credited to the fund. 2831

Sec. 3332.08. The application for a certificate of 2832
registration for a school located within Ohio shall be accompanied 2833
by a surety bond in ~~the a~~ a penal sum of ~~ten thousand dollars~~ 2834
established by rule of the state board of career colleges and 2835
schools pursuant to Chapter 119. of the Revised Code with 2836
conditions and in a form prescribed by the ~~state board of career~~ 2837
~~colleges and schools~~ with at least one corporate bonding company 2838

approved by the department of insurance as surety thereon. Bond 2839
shall be maintained in effect for a period specified by rule of 2840
the board. The board may permit a school to cancel its bond if the 2841
school has been approved to participate in any federal student 2842
financial assistance program authorized under Title IV of the 2843
"Higher Education Act of 1965," 20 U.S.C.A. 1070 et seq., as 2844
amended, or if the school meets standards of financial 2845
responsibility otherwise established by the board. The bond shall 2846
provide for the indemnification of any person suffering prepaid 2847
tuition loss as the result of ~~any fraud or misrepresentation used~~ 2848
~~in behalf of the principal in procuring such person's enrollment~~ 2849
~~in a program, including repayment of tuition paid in advance by~~ 2850
~~any student~~ a school closure in accordance with section 3332.082 2851
of the Revised Code. 2852

The liability of the surety on such bond for the school 2853
covered shall not exceed the sum of ~~ten thousand dollars~~ the bond 2854
as an aggregate for all students for all breaches of the 2855
conditions of the bond by the school. The term of the bond shall 2856
be continuous, but it shall be subject to cancellation by the 2857
surety in the manner described in this section. The bond shall 2858
provide blanket coverage for the acts of all persons engaged as 2859
agents of the school without naming them and without regard to the 2860
time they are engaged during the term of the bond. 2861

The surety may terminate the bond upon giving a sixty-day 2862
written notice to the principal and to the state board of career 2863
colleges and schools, but the liability of the surety for acts of 2864
the principal and its agents continues during the sixty days of 2865
cancellation notice. The notice does not absolve the surety from 2866
liability which accrues before the cancellation becomes final but 2867
which is discovered after that date and which may have arisen at 2868
any time during the term of the bond. Unless the bond is replaced 2869
by that of another surety before the expiration of the sixty days 2870

notice of cancellation, the certificate of registration shall be 2871
suspended. Any person subject to this section required to file a 2872
bond with an application for a certificate of registration may 2873
file, in lieu thereof, cash, a certificate of deposit, letter of 2874
credit, or government bonds in the amount ~~of ten thousand dollars~~ 2875
established by the board. The deposit is subject to the same terms 2876
and conditions as are provided for in the surety bond required 2877
herein. Any interest or earnings on such deposits are payable to 2878
the depositor. 2879

Sec. 3332.082. The state board of career colleges and schools 2880
may pursue any lawful means of assuring that students of any 2881
school registered by the state board do not suffer prepaid tuition 2882
loss as a result of the closure of a school. This may include 2883
lawsuits against a school or any individual who may reasonably 2884
have liability as a result of the default, in which the attorney 2885
general shall advise and represent the board. Any student seeking 2886
reimbursement for a prepaid tuition loss shall submit a claim for 2887
reimbursement to the board not later than one year following the 2888
school's closure. 2889

Any reimbursement for a prepaid tuition loss or advance 2890
against a possible prepaid tuition loss of a student, and any 2891
expenses reasonably incurred by the board in its pursuit of any 2892
remedy, shall be paid by the surety on the bond provided by the 2893
school pursuant to section 3332.08 of the Revised Code. If 2894
proceeds from the surety bond are not sufficient to cover such 2895
payments, any additional payments shall be paid from the student 2896
tuition recovery fund created by section 3332.083 of the Revised 2897
Code. Tuition loss does not include moneys held by a school in 2898
escrow accounts for tuition or fees for future terms, as 2899
uncommitted grants, loans, or Pell grant money. If the fund is not 2900
of sufficient size to pay the students the full amount of their 2901
prepaid fee, the student tuition recovery authority shall 2902

determine the percentage of the amount that will be paid. 2903

Any money recovered from the defaulting school, or any 2904
individual with liability for the default, or from the surety 2905
under a bond provided under section 3332.08 of the Revised Code in 2906
excess of any payments made under this section shall be deposited 2907
into the fund. 2908

Sec. 3332.084. The student tuition recovery authority may: 2909

(A) Adopt bylaws for the regulation of its affairs and the 2910
conduct of its business; 2911

(B) Maintain a principal office at such place within the 2912
state as is designated by the authority; 2913

(C) ~~Distribute~~ Direct moneys ~~from to be paid by the surety on~~ 2914
the bond required by section 3332.08 of the Revised Code and 2915
distribute moneys from the student tuition recovery fund to or on 2916
behalf of students who are determined eligible by the authority; 2917

(D) Reduce contributions to or utilize excess money in the 2918
fund, as provided in division (C) of section 3332.085 of the 2919
Revised Code. 2920

Section 4. That existing sections 3332.04, 3332.08, 3332.082, 2921
and 3332.084 of the Revised Code are hereby repealed. 2922

Section 5. That Section 94.10 of Am. Sub. H.B. 94 of the 2923
124th General Assembly be amended to read as follows: 2924

Sec. 94.10. SEA GRANTS 2925

The foregoing appropriation item 235-402, Sea Grants, shall 2926
be disbursed to The Ohio State University and shall be used to 2927
conduct research on fish in Lake Erie. 2928

INFORMATION SYSTEM 2929

The foregoing appropriation item 235-409, Information System, 2930
shall be used by the Board of Regents to operate the higher 2931
education information data system known as the Higher Education 2932
Information System. 2933

STUDENT SUPPORT SERVICES 2934

The foregoing appropriation item 235-502, Student Support 2935
Services, shall be distributed by the Board of Regents to Ohio's 2936
state-assisted colleges and universities that incur 2937
disproportionate costs in the provision of support services to 2938
disabled students. 2939

CENTRAL STATE SUPPLEMENT 2940

The foregoing appropriation item 235-514, Central State 2941
Supplement, shall be used by Central State University to keep 2942
undergraduate fees below the statewide average, consistent with 2943
its mission of service to many first-generation college students 2944
from groups historically underrepresented in higher education and 2945
from families with limited incomes. 2946

SHAWNEE STATE SUPPLEMENT 2947

The foregoing appropriation item 235-520, Shawnee State 2948
Supplement, shall be used by Shawnee State University as detailed 2949
by both of the following: 2950

(A) To allow Shawnee State University to keep its 2951
undergraduate fees below the statewide average, consistent with 2952
its mission of service to an economically depressed Appalachian 2953
region; 2954

(B) To allow Shawnee State University to employ new faculty 2955
to develop and teach in new degree programs that meet the needs of 2956
Appalachians. 2957

POLICE AND FIRE PROTECTION 2958

The foregoing appropriation item 235-524, Police and Fire 2959

Protection, shall be used for police and fire services in the 2960
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 2961
Portsmouth, Xenia Township (Greene County), and Rootstown 2962
Township, which may be used to assist these local governments in 2963
providing police and fire protection for the central campus of the 2964
state-affiliated university located therein. Each participating 2965
municipality and township shall receive at least five thousand 2966
dollars per year. Funds shall be distributed by the Board of 2967
Regents. 2968

SCHOOL OF INTERNATIONAL BUSINESS 2969

Of the foregoing appropriation item 235-547, School of 2970
International Business, \$1,218,764 in each fiscal year shall be 2971
used for the continued development and support of the School of 2972
International Business of the state universities of northeast 2973
Ohio. The money shall go to the University of Akron. These funds 2974
shall be used by the university to establish a School of 2975
International Business located at the University of Akron. It may 2976
confer with Kent State University, Youngstown State University, 2977
and Cleveland State University as to the curriculum and other 2978
matters regarding the school. 2979

Of the foregoing appropriation item 235-547, School of 2980
International Business, \$245,000 in each fiscal year shall be used 2981
by the University of Toledo College of Business for expansion of 2982
its international business programs. 2983

Of the foregoing appropriation item 235-547, School of 2984
International Business, \$245,000 in each fiscal year shall be used 2985
by to support the Ohio State University BioMEMS program. 2986

CAPITAL COMPONENT 2987

The foregoing appropriation item 235-552, Capital Component, 2988
shall be used by the Board of Regents to implement the capital 2989
funding policy for state-assisted colleges and universities 2990

established in Am. H.B. No. 748 of the 121st General Assembly.	2991
Appropriations from this item shall be distributed to all campuses	2992
for which the estimated campus debt service attributable to new	2993
qualifying capital projects is less than the campus's	2994
formula-determined capital component allocation. Campus	2995
allocations shall be determined by subtracting the estimated	2996
campus debt service attributable to new qualifying capital	2997
projects from the campus formula-determined capital component	2998
allocation. Moneys distributed from this appropriation item shall	2999
be restricted to capital-related purposes.	3000
 DAYTON AREA GRADUATE STUDIES INSTITUTE	 3001
The foregoing appropriation item 235-553, Dayton Area	3002
Graduate Studies Institute, shall be used by the Board of Regents	3003
to support the Dayton Area Graduate Studies Institute, an	3004
engineering graduate consortium of three universities in the	3005
Dayton area: Wright State University, the University of Dayton,	3006
and the Air Force Institute of Technology, with the participation	3007
of the University of Cincinnati and The Ohio State University.	3008
 LONG-TERM CARE RESEARCH	 3009
The foregoing appropriation item 235-558, Long-term Care	3010
Research, shall be disbursed to Miami University for long-term	3011
care research.	3012
 BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER	 3013
The foregoing appropriation item 235-561, Bowling Green State	3014
University Canadian Studies Center, shall be used by the Canadian	3015
Studies Center at Bowling Green State University to study	3016
opportunities for Ohio and Ohio businesses to benefit from the	3017
Free Trade Agreement between the United States and Canada.	3018
 URBAN UNIVERSITY PROGRAMS	 3019
Of the foregoing appropriation item 235-583, Urban University	3020

Programs, universities receiving funds that are used to support an ongoing university unit shall certify periodically in a manner approved by the Board of Regents that program funds are being matched on a one-to-one basis with equivalent resources. Overhead support may not be used to meet this requirement. Where Urban University Program funds are being used to support an ongoing university unit, matching funds must come from continuing rather than one-time sources. At each participating state-assisted institution of higher education, matching funds must be within the substantial control of the individual designated by the institution's president as the Urban University Program representative.

Of the foregoing appropriation item 235-583, Urban University Programs, \$372,400 in each fiscal year shall be used to support a public communication outreach program (WCPN). The primary purpose of the program shall be to develop a relationship between Cleveland State University and nonprofit communications entities.

Of the foregoing appropriation item 235-583, Urban University Programs, \$176,400 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and the Urban Child at Cleveland State University. These funds shall be distributed according to rules adopted by the Board of Regents and shall be used by the center for interdisciplinary activities targeted toward increasing the chance of lifetime success of the urban child, including interventions beginning with the prenatal period. The primary purpose of the center is to study issues in urban education and to systematically map directions for new approaches and new solutions by bringing together a cadre of researchers, scholars, and professionals representing the social, behavioral, education, and health disciplines.

Of the foregoing appropriation item 235-583, Urban University Programs, \$254,800 in each fiscal year shall be used to support

the Kent State University Learning and Technology Project. This 3053
project is a kindergarten through university collaboration between 3054
schools surrounding Kent's eight campuses in northeast Ohio, and 3055
corporate partners who will assist in development and delivery. 3056

The Kent State University Project shall provide a faculty 3057
member who has a full-time role in the development of 3058
collaborative activities and teacher instructional programming 3059
between Kent and the K-12th grade schools that surround its eight 3060
campuses; appropriate student support staff to facilitate these 3061
programs and joint activities; and hardware and software to 3062
schools that will make possible the delivery of instruction to 3063
pre-service and in-service teachers, and their students, in their 3064
own classrooms or school buildings. This shall involve the 3065
delivery of low-bandwidth streaming video and web-based 3066
technologies in a distributed instructional model. 3067

Of the foregoing appropriation item 235-583, Urban University 3068
Programs, \$98,000 in each fiscal year shall be used to support the 3069
Ameritech Classroom/Center for Research at Kent State University. 3070

Of the foregoing appropriation item 235-583, Urban University 3071
Programs, \$980,000 in each fiscal year shall be used to support 3072
the Polymer Distance Learning Project at the University of Akron. 3073

Of the foregoing appropriation item 235-583, Urban University 3074
Programs, \$49,000 in each fiscal year shall be distributed to the 3075
Kent State University/Cleveland Design Center program. 3076

Of the foregoing appropriation item 235-583, Urban University 3077
Programs, \$245,000 in each fiscal year shall be used to support 3078
the Bliss Institute of Applied Politics at the University of 3079
Akron. 3080

Of the foregoing appropriation item 235-583, Urban University 3081
Programs, \$14,700 in each fiscal year shall be used for the 3082
Advancing-Up Program at the University of Akron. 3083

Of the foregoing appropriation item 235-583, Urban University Programs, in each fiscal year \$2,156,629 shall be distributed by the Board of Regents to Cleveland State University in support of the Maxine Goodman Levin College of Urban Affairs.

Of the foregoing appropriation item 235-583, Urban University Programs, in each fiscal year \$2,156,630 shall be distributed to the Northeast Ohio Research Consortium, the Urban Linkages Program, and the Urban Research Technical Assistance Grant Program. The distribution among the three programs shall be determined by the chair of the Urban University Program.

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 3094

The foregoing appropriation item 235-595, International Center for Water Resources Development, shall be used to support the International Center for Water Resources Development at Central State University. The center shall develop methods to improve the management of water resources for Ohio and for emerging nations.

RURAL UNIVERSITY PROJECTS 3101

Of the foregoing appropriation item 235-587, Rural University Projects, Bowling Green State University shall receive \$212,072 in each fiscal year, Miami University shall receive \$324,503 in each fiscal year, and Ohio University shall receive \$740,977 in each fiscal year. These funds shall be used to support the Institute for Local Government Administration and Rural Development at Ohio University, the Center for Public Management and Regional Affairs at Miami University, and the Center for Policy Analysis and Public Service at Bowling Green State University.

Of the foregoing appropriation item 235-587, Rural University Projects, \$24,500 in each fiscal year shall be used to support the Washington State Community College day care center.

Of the foregoing appropriation item 235-587, Rural University 3114

Projects, \$73,500 in each fiscal year shall be used to support the 3115
COAD/ILGARD/GOA Appalachian Leadership Initiative. 3116

A small portion of the funds provided to Ohio University 3117
shall also be used for the Institute for Local Government 3118
Administration and Rural Development State and Rural Policy 3119
Partnership with the Governor's Office of Appalachia and the 3120
Appalachian delegation of the General Assembly. 3121

OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING 3122

The foregoing appropriation item 235-588, Ohio Resource 3123
Center for Mathematics, Science, and Reading, shall be used to 3124
support a resource center for mathematics, science, and reading to 3125
be located at a state-assisted university for the purpose of 3126
identifying best educational practices in primary and secondary 3127
schools and establishing methods for communicating them to 3128
colleges of education and school districts. 3129

HAZARDOUS MATERIALS PROGRAM 3130

The foregoing appropriation item 235-596, Hazardous Materials 3131
Program, shall be disbursed to Cleveland State University for the 3132
operation of a program to certify firefighters for the handling of 3133
hazardous materials. Training shall be available to all Ohio 3134
firefighters. 3135

Of the foregoing appropriation item 235-596, Hazardous 3136
Materials Program, \$150,000 in each fiscal year shall be used to 3137
support the Center for the Interdisciplinary Study of Education 3138
and Leadership in Public Service at Cleveland State University. 3139
These funds shall be distributed by the Board of Regents and shall 3140
be used by the center targeted toward increasing the role of 3141
special populations in public service and not-for-profit 3142
organizations. The primary purpose of the center is to study 3143
issues in public service and to guide strategies for attracting 3144
new communities into public service occupations by bringing 3145

together a cadre of researchers, scholars and professionals 3146
representing the public administration, social behavioral, and 3147
education disciplines. 3148

NATIONAL GUARD SCHOLARSHIP PROGRAM 3149

The Board of Regents shall disburse funds from appropriation 3150
item 235-599, National Guard Scholarship Program, at the direction 3151
of the Adjutant General. 3152

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 3153

The foregoing appropriation item 235-602, HEFC 3154
Administration, shall be used by the Board of Regents for 3155
operating expenses related to the Board of Regents' support of the 3156
activities of the Ohio Higher Educational Facility Commission. 3157
Upon the request of the chancellor, the Director of Budget and 3158
Management shall transfer up to \$12,000 cash from Fund 461 to Fund 3159
4E8 in each fiscal year of the biennium. 3160

CAPITAL SCHOLARSHIP PROGRAMS 3161

The Chancellor of the Board of Regents may, for the purpose 3162
of providing up to one hundred twenty-five scholarships in each 3163
fiscal year in the amount of \$2,000 each for students enrolled in 3164
Ohio's public and private institutions of higher education to 3165
participate in either the Washington Center Internship Program or 3166
the Kent State University Columbus Program in Intergovernmental 3167
Issues, utilize any funds from any appropriation within the budget 3168
of the Board of Regents that the Chancellor determines to be 3169
available, not to exceed \$250,000 in any fiscal year. The 3170
scholarships to students participating in the Kent State 3171
University Columbus Program in Intergovernmental Issues shall be 3172
made only in fiscal year 2003 and only if adequate funds are 3173
available. The scholarships to students participating in the 3174
Washington Center Internship shall be matched by the Washington 3175
Center's scholarship funds. 3176

Section 6. That existing Section 94.10 of Am. Sub. H.B. 94 of 3177
the 124th General Assembly is hereby repealed. 3178

Section 7. Sections 3 and 4 of this act shall take effect 3179
July 1, 2003. 3180

Section 8. Within sixty days after the effective date of this 3181
act, the Governor shall appoint an additional member who has been 3182
engaged for at least the immediately preceding five years in an 3183
executive or managerial position at a career school to the State 3184
Board of Career Colleges and Schools pursuant to section 3332.03 3185
of the Revised Code, as amended by this act. Such member shall 3186
hold office until the twentieth day of November following the 3187
member's appointment and shall be eligible for reappointment to a 3188
full five-year term under that section. 3189