

# As Passed by the Senate

124th General Assembly

Regular Session

2001-2002

Am. S. B. No. 266

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

---

## 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 to make changes to the oversight 9  
of career schools by changing the name of the State 10  
Board of Proprietary School Registration to the 11  
State Board of Career Colleges and Schools, 12  
directing the Board to establish the period of time 13  
that a career school must maintain a surety bond, 14  
eliminating the requirement that agents for career 15  
schools maintain surety bonds, altering the 16  
structure of the Board by adding an additional 17  
member with a background in career school 18  
management and by making the student representative 19  
a nonvoting member, establishing a fixed rate of 20  
compensation for Board members, eliminating the 21  
requirement that the Ohio Board of Regents 22  
recommend whether to approve applications for the 23  
issuance or renewal of program authorizations for 24

associate degree programs at career schools, making 25  
the legislative members of the Student Tuition 26  
Recovery Authority nonvoting ex officio members, 27  
specifying that students are eligible for 28  
reimbursement of prepaid tuition losses only in the 29  
event of a school closure, paying reimbursements 30  
for prepaid tuition losses from the career school's 31  
surety bond beginning July 1, 2003, and by making 32  
other revisions to the oversight of career schools, 33  
and to enable students enrolled in eligible 34  
institutions prior to July 1, 2000, to receive 35  
student workforce development grants, and to amend 36  
sections 3332.04, 3332.08, 3332.082, and 3332.084 37  
of the Revised Code effective July 1, 2003. 38

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

**Section 1.** That sections 955.43, 1713.02, 1713.03, 1713.25, 39  
2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 3332.04, 3332.05, 40  
3332.051, 3332.06, 3332.07, 3332.08, 3332.081, 3332.082, 3332.083, 41  
3332.085, 3332.09, 3332.091, 3332.092, 3332.10, 3332.11, 3332.12, 42  
3332.13, 3332.18, 3333.043, 3333.12, 3333.29, 3334.01, 3365.01, 43  
3365.15, 4742.05, 4742.06, 4743.03, 4762.02, 4763.05, 5107.58, 44  
5747.01, and 5919.34 of the Revised Code be amended to read as 45  
follows: 46

**Sec. 955.43.** (A) When a blind, deaf, or mobility impaired 47  
person is accompanied by a dog that serves as or is in training to 48  
become a guide, leader, listener, or support dog for ~~him~~ the 49  
person, and ~~he~~ the person can show proof by certificate or other 50  
means that the dog leading ~~him~~ the person, listening for ~~him~~ the 51  
person, or providing support or assistance for ~~him~~ the person has 52  
been or is being trained for that purpose by a nonprofit special 53

agency engaged in such work, the person is entitled to the full 54  
and equal accommodations, advantages, facilities, and privileges 55  
of all public conveyances, hotels, lodging places, all places of 56  
public accommodation, amusement, or resort, all institutions of 57  
education, and other places to which the general public is 58  
invited, and may take the dog into such conveyances and places, 59  
subject only to the conditions and limitations applicable to all 60  
persons not so accompanied, except that: 61

(1) The dog shall not occupy a seat in any public conveyance. 62  
63

(2) The dog shall be upon a leash while using the facilities 64  
of a common carrier. 65

(3) Any dog in training to become a guide, leader, listener, 66  
or support dog shall be covered by a liability insurance policy 67  
provided by the nonprofit special agency engaged in such work 68  
protecting members of the public against personal injury or 69  
property damage caused by the dog. 70

(B) No person shall deprive a blind, deaf, or mobility 71  
impaired person of any of the advantages, facilities, or 72  
privileges provided in division (A) of this section, nor charge 73  
the blind, deaf, or mobility impaired person a fee or charge for 74  
the dog. 75

(C) As used in this section, "institutions of education" 76  
means: 77

(1) Any state university or college as defined in section 78  
3345.32 of the Revised Code; 79

(2) Any private college or university that holds a 80  
certificate of authorization issued by the Ohio board of regents 81  
pursuant to Chapter 1713. of the Revised Code; 82

(3) Any elementary or secondary school operated by a board of 83  
education; 84

(4) Any chartered or nonchartered nonpublic elementary or secondary school;

(5) Any school issued a certificate of registration by the state board of ~~proprietary school registration~~ career colleges and schools.

**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.

(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.

(C) Except as provided in division (E) of this section, no institution of the type described in division (A)(3) or (B) of 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.

(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 116  
state if the institution is incorporated. Any institution or 117  
corporation established or that offered a course or courses of 118  
instruction in this state prior to October 13, 1967, may apply to 119  
the board for a certificate of authorization, and the board shall 120  
issue a certificate if it finds that such institution or 121  
corporation meets the requirements established pursuant to 122  
sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 1713.09, and 123  
1713.25 of the Revised Code. 124

(E) An institution that clearly identifies itself in its name 125  
with the phrase "bible college" or "bible institute" and has not 126  
received a certificate of authorization may confer diplomas and 127  
other written evidences of proficiency or achievement other than 128  
associate, baccalaureate, master's, and doctoral degrees or any 129  
other type of degree and may identify itself as a "bible college" 130  
if such institution: 131

(1) Prominently discloses on any transcripts, diplomas, or 132  
other written evidences of proficiency or achievement, and 133  
includes with any promotional material or other literature 134  
intended for the public, the statement: "this institution is not 135  
certified by the board of regents or the state of Ohio." 136

(2) Limits its course of instruction to religion, theology, 137  
or preparation for a religious vocation, or is operated by a 138  
church or religious organization and limits its instruction to 139  
preparation for service to churches or other religious 140  
organizations. 141

(3) Confers only diplomas and other written evidences of 142  
proficiency or achievement that bear titles clearly signifying the 143  
religious nature of the instruction offered by the institution. 144

(F) Except as otherwise provided in section 3333.046 of the 145  
Revised Code, no school of the type described in division (E) of 146

section 3332.01 of the Revised Code that intends to offer or  
offers a degree program within this state or solicits students  
within this state may confer a baccalaureate, master's, or  
doctoral degree or solicit students for such degree programs until  
it has received both a certificate of authorization from the board  
of regents under this chapter and program authorization from the  
state board of ~~proprietary school registration~~ career colleges and  
schools for such degree program under section 3332.05 of the  
Revised Code.

147  
148  
149  
150  
151  
152  
153  
154  
155

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

156  
157  
158  
159  
160  
161  
162  
163  
164  
165

The standards for a certificate of authorization may include,  
for various types of institutions, schools, or degrees, minimum  
qualifications for faculty, library, laboratories, and other  
facilities as adopted and published by the Ohio board of regents.  
The standards shall be adopted by the board pursuant to Chapter  
119. of the Revised Code.

166  
167  
168  
169  
170  
171

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

172  
173  
174  
175  
176  
177

**Sec. 1713.25.** The board of trustees of an institution of 178  
learning incorporated under the authority of this state for the 179  
sole purpose of promoting education, religion and morality, or the 180  
fine arts, at a regular or special meeting of such board called 181  
for that purpose, after thirty days' actual notice to each 182  
trustee, may change the name and enlarge the purposes and objects 183  
of such institution of learning, by amendment to its charter, 184  
approved by a majority of the board. 185

No institution as defined in section 1713.01 of the Revised 186  
Code or school that holds a certificate of registration issued by 187  
the state board of ~~proprietary school registration~~ career colleges 188  
and schools pursuant to division (C) of section 3332.05 ~~(E)~~ of the 189  
Revised Code, that has been issued a certificate of authorization 190  
by the Ohio board of regents shall change the purposes of the 191  
institution without giving written notice to the Ohio board of 192  
regents, which shall issue an amended certificate of authorization 193  
to the institution or school upon receipt of such notice. 194

**Sec. 2741.01.** As used in this chapter: 195

(A) "Persona" means an individual's name, voice, signature, 196  
photograph, image, likeness, or distinctive appearance, if any of 197  
these aspects have commercial value. 198

(B) "Commercial purpose" means the use of or reference to an 199  
aspect of an individual's persona in any of the following manners: 200

(1) On or in connection with a place, product, merchandise, 201  
goods, services, or other commercial activities not expressly 202  
exempted under this chapter; 203

(2) For advertising or soliciting the purchase of products, 204  
merchandise, goods, services, or other commercial activities not 205  
expressly exempted under this chapter; 206

(3) For the purpose of promoting travel to a place;	207
(4) For the purpose of fundraising.	208
(C) "Name" means the actual, assumed, or clearly identifiable name of or reference to a living or deceased individual that identifies the individual.	209 210 211
(D) "Right of publicity" means the property right in an individual's persona to use the individual's persona for a commercial purpose.	212 213 214
(E) "Trier of fact" means the jury or, in a nonjury action, the court.	215 216
(F) "Written consent" includes written, electronic, digital, or any other verifiable means of authorization.	217 218
(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 <del>proprietary school registration</del> <u>career colleges and schools</u> under Chapter 3332. of the Revised Code.	219 220 221 222 223 224 225 226 227 228
<b>Sec. 3332.01.</b> As used in this section and sections 3332.03 to 3332.99 of the Revised Code:	229 230
(A) "Agent" means any individual whose primary duties, performed while on or off school premises, include distribution of literature or information on behalf of a person offering a program, and the solicitation of prospective students in Ohio to enroll for a fee in a program.	231 232 233 234 235



(B) "Certificate of registration" means a certificate issued 236  
by the state board of ~~proprietary school registration~~ career 237  
colleges and schools to the owner or operator of a for profit or 238  
nonprofit private career school located within or without the 239  
state of Ohio, that permits the school to solicit students and 240  
offer and maintain a program in Ohio. 241

(C) "Program" means ~~the complete~~ a course of study, whether 242  
offered in a specific place, by correspondence using the mails, or 243  
by any other means of communication, designed to prepare students 244  
for potential employment in a recognized vocation, occupation, or 245  
profession ~~and lead to a~~ at the certificate, diploma, or degree 246  
level. 247

(D) "Program authorization" means written notification by the 248  
board to a private career school granting approval for offering 249  
programs and awarding certificates, diplomas, or degrees. 250

(E) "Private career school" or "school" means a person 251  
possessing a certificate of registration and one or more program 252  
authorizations. 253

**Sec. 3332.02.** This chapter does not apply to the following 254  
categories of courses, schools, or colleges: 255

(A) Tuition-free courses or schools conducted by employers 256  
exclusively for their own employees; 257

(B) Nonprofit institutions with certificates of authorization 258  
issued pursuant to section 1713.02 of the Revised Code or that are 259  
nonprofit institutions exempted from the requirement to obtain a 260  
certificate by division (E) of that section; 261  
262

(C) Schools, colleges, technical colleges, or universities 263  
established by law or chartered by the Ohio board of regents; 264

(D) Courses of instruction required by law to be approved or 265

licensed, ~~or given by institutions approved or licensed,~~ by a 266  
state board or agency other than the state board of ~~school and~~ 267  
~~college registration~~ career colleges and schools, except that a 268  
school so approved or licensed may apply to the state board of 269  
~~proprietary school registration~~ career colleges and schools for a 270  
certificate of registration to be issued in accordance with this 271  
chapter; 272

(E) Schools for which minimum standards are prescribed by the 273  
state board of education pursuant to division (D) of section 274  
3301.07 of the Revised Code; 275

(F) Courses of instruction conducted by a public school 276  
district or a combination of public school districts; 277

(G) Courses of instruction conducted outside the United 278  
States; 279

(H) Private institutions exempt from regulation under this 280  
chapter as prescribed in section 3333.046 of the Revised Code; 281

(I) Training courses for employees paid for by their 282  
employers and conducted by outside service providers. 283

**Sec. 3332.03.** There is hereby created the state board of 284  
~~proprietary school registration~~ career colleges and schools to 285  
consist of the state superintendent of public instruction or an 286  
assistant superintendent designated by the superintendent, the 287  
chancellor of the Ohio board of regents or a vice chancellor 288  
designated by the chancellor, and ~~five~~ six members appointed by 289  
the governor, with the advice and consent of the senate. Members' 290  
terms of office shall be for five years, commencing on the 291  
twenty-first day of November and ending on the twentieth day of 292  
November. Each member shall hold office from the date of ~~his~~ 293  
appointment until the end of the term for which ~~he~~ the member was 294  
appointed. 295

~~Two~~ Three of the members appointed by the governor shall have 296  
been engaged for a period of not less than five years immediately 297  
preceding appointment in an executive or managerial position in a 298  
private, trade, technical, or other school subject to this 299  
chapter. One member appointed by the governor shall be a 300  
representative of students and shall have graduated with an 301  
associate or baccalaureate degree, within five years prior to ~~his~~ 302  
appointment, from a school subject to this chapter. Two members 303  
appointed by the governor shall be representatives of the general 304  
public and shall have had no affiliation with, or direct or 305  
indirect interest in, schools subject to this chapter for at least 306  
two years prior to appointment. In selecting the representatives 307  
of the general public, the governor shall make an effort to find 308  
individuals with background or experience in the regulation of 309  
commerce, business, or education. The two members of the board who 310  
are representatives of the general public shall not be affiliated 311  
in any way with or have any direct or indirect interest in any 312  
schools subject to this chapter during their terms. Except for 313  
enrollment in a school subject to this chapter, the member 314  
representing students shall have had no affiliation in any way 315  
with, or have any direct or indirect interest in any school 316  
subject to this chapter for at least two years prior to ~~his~~ 317  
appointment or during ~~his~~ the member's term. 318

Any vacancy shall be filled in the manner provided for 319  
original appointment. Any member appointed to fill a vacancy 320  
occurring prior to the expiration of the term for which ~~his~~ the 321  
member's predecessor was appointed shall hold office for the 322  
remainder of such term. Any appointed member shall continue in 323  
office subsequent to the expiration date of ~~his~~ the member's term 324  
until ~~his~~ the member's successor takes office, or until a period 325  
of sixty days has elapsed, whichever occurs first. 326

~~All seven members~~ Members of the board have full voting 327

rights. ~~The members shall not be paid for their services, but the,~~ 328  
except for the member representing students who shall be a 329  
nonvoting member. Each member of the board appointed by the 330  
governor shall be compensated at the rate established pursuant to 331  
division (J) of section 124.15 of the Revised Code, but shall not 332  
receive step advancements, for those days the member is engaged in 333  
the discharge of official duties. In addition, members appointed 334  
by the governor may be compensated for the expenses necessarily 335  
incurred in the attendance at meetings or in performing other 336  
services for the board. The ~~chairman~~ chairperson of the board 337  
shall annually be elected or determined as follows: 338

(A) If both members of the board representing the general 339  
public have served on the board for at least one year, the members 340  
shall elect one of these two members as ~~chairman~~ chairperson. If 341  
one of these members declines to be elected or serve, the other 342  
member representing the general public shall be ~~chairman~~ 343  
chairperson. If both members representing the general public 344  
decline to be elected or serve, division (C) of this section shall 345  
apply. 346

(B) If only one member of the board representing the general 347  
public has served on the board for at least one year, this member 348  
shall be ~~chairman~~ chairperson. If this member declines to serve, 349  
division (C) of this section shall apply. 350

(C) If neither member of the board representing the general 351  
public has served on the board for at least one year or if this 352  
division applies pursuant to division (A) or (B) of this section, 353  
the members of the board shall elect a ~~chairman~~ chairperson from 354  
among any of the voting members of the board who have served on 355  
the board for at least one year. 356

**Sec. 3332.031.** The state board of ~~proprietary school~~ 357  
registration career colleges and schools shall: 358

(A) Adopt rules under Chapter 119. of the Revised Code	359
necessary to carry out its duties and responsibilities under this	360
chapter;	361
(B) Establish minimum standards for the registration and	362
operation of private career schools including but not necessarily	363
limited to standards to ensure school financial stability;	364
(C) Issue certificates of registration to private career	365
schools pursuant to division (A) of section 3332.05 of the Revised	366
Code;	367
(D) Suspend or revoke the certificate of registration of	368
schools pursuant to sections 3332.09 and 3332.091 of the Revised	369
Code;	370
(E) Establish minimum standards for certificate, diploma, and	371
degree programs offered by schools;	372
(F) Issue program authorization pursuant to divisions (B) and	373
(C) of section 3332.05 of the Revised Code;	374
(G) Suspend or revoke program authorization for schools	375
pursuant to sections 3332.09 and 3332.091 of the Revised Code;	376
(H) Establish minimum standards, including but not	377
necessarily limited to a code of ethics, for agents employed by	378
schools registered under this chapter to reasonably ensure that	379
such agents provide adequate, ethical, and accurate information to	380
prospective students;	381
(I) Grant permits to agents pursuant to sections 3332.10 and	382
3332.11 of the Revised Code;	383
(J) Suspend or revoke an agent's permit pursuant to section	384
3123.47 or 3332.12 of the Revised Code;	385
(K) Monitor recruitment and admissions practices of schools	386
holding certificates of registration to ensure compliance with	387
this chapter and the rules of the board;	388

(L)(1) Adopt rules requiring all schools to provide all 389  
applicant students, prior to their signing enrollment agreements, 390  
written information concerning the school's graduation and 391  
placement rates for each of the preceding three years and any 392  
other information the board deems pertinent. 393

(2) Adopt rules requiring all schools to provide any student 394  
or applicant student, prior to the signing of any financial aid, 395  
grant, or loan application, written information concerning the 396  
obligations of a student obtaining such financial aid, grant, or 397  
loan. 398

(3) Upon request, a school shall furnish the board with a 399  
copy of all information required by this division. The board shall 400  
monitor schools to ensure their compliance with this division. 401  
402

(M) Adopt a rule requiring all schools to include, in the 403  
enrollment agreement, notice that any problems the student is 404  
having with the school, or complaints the student has about the 405  
school, may be directed to the board, which notice shall include 406  
the telephone number of the executive director of the board; 407

(N) Report annually to the governor and the general assembly 408  
on the activities of the board and private career schools, and 409  
make legislative recommendations when necessary to enable the 410  
board to better serve the student population and the schools 411  
registered under this chapter; 412

(O) Adopt a rule requiring a uniform tuition refund policy 413  
for all schools subject to this chapter. In adopting the rule, the 414  
board shall consider the tuition refund policies effectuated by 415  
state-supported colleges and universities. Each school subject to 416  
this chapter shall furnish to each prospective student, prior to 417  
the signing of an enrollment agreement, a copy of the tuition 418  
refund policy. 419

(P) Adopt a rule establishing minimum standards for all 420  
faculty and instructional staff in all instructional programs at a 421  
school. In the case of full-time faculty members employed for 422  
degree programs, such standards shall include all of the 423  
following: 424

(1) A prohibition against employing on or after July 1, 1993, 425  
any new full-time faculty member to teach the general study 426  
portion of any degree program, unless the person holds a master's 427  
degree in the subject matter discipline or holds a master's degree 428  
in education with proficiency in the subject matter discipline 429  
demonstrated in accordance with the standards adopted by the 430  
board. 431

(2) Except as provided under the standards adopted pursuant 432  
to division (P)(3) of this section, a prohibition against 433  
employing or reemploying on or after July 1, 1998, any full-time 434  
faculty member to teach the general study portion of any degree 435  
program, unless the person holds a master's degree in the subject 436  
matter discipline or holds a master's degree in education with 437  
proficiency in the subject matter discipline demonstrated in 438  
accordance with the standards adopted by the board. 439

(3) Standards under which the board, upon written request 440  
submitted to the board prior to July 1, 1994, by any school, may 441  
exempt the school from the prohibition adopted pursuant to 442  
division (P)(2) of this section with regard to any individual 443  
full-time faculty member employed by the school who has 444  
demonstrated outstanding teaching performance in the general study 445  
portion of any degree program at the school for a period of at 446  
least six years prior to July 1, 1993. 447

(4) Definitions of "full-time faculty member," "new faculty 448  
member," and any other term the board considers necessary to 449  
define. 450

(Q) Adopt a rule prohibiting a school or branch campus 451  
thereof from claiming accreditation from an accrediting agency in 452  
any of its advertising, recruiting, or promotional materials 453  
unless the agency is recognized as an accrediting agency by the 454  
United States department of education. 455

**Sec. 3332.04.** The state board of ~~proprietary school~~ 456  
~~registration~~ career colleges and schools may appoint an executive 457  
director and such other staff as may be required for the 458  
performance of the board's duties and provide necessary 459  
facilities. In selecting an executive director, the board shall 460  
appoint an individual with a background or experience in the 461  
regulation of commerce, business, or education. The board may also 462  
arrange for services and facilities to be provided by the state 463  
board of education and the Ohio board of regents. All receipts of 464  
the board shall be deposited in the state treasury to the credit 465  
of the general revenue fund. 466

**Sec. 3332.05.** (A) The state board of ~~proprietary school~~ 467  
~~registration~~ career colleges and schools shall issue a certificate 468  
of registration to an applicant of good reputation seeking to 469  
offer one or more programs upon receipt of the fee established in 470  
accordance with section 3332.07 of the Revised Code and upon 471  
determining the applicant has the facilities, resources, and 472  
faculty to provide students with the kind of instruction that it 473  
proposes to offer and meets the minimum standards of the board. A 474  
certificate of registration shall be granted or denied within one 475  
hundred twenty days of the receipt of the application therefor by 476  
the board. A person shall obtain a separate certificate for each 477  
location at which the person offers programs. The first 478  
certificate of registration issued on or after ~~the effective date~~ 479  
~~of this amendment~~ June 29, 1999, for each new location is valid 480  
for one year, unless earlier revoked for cause by the board under 481



section 3332.09 of the Revised Code. Any other certificate of 482  
registration is valid for two years, unless earlier revoked for 483  
cause by the board under that section. 484

(B) The board shall issue program authorization for an 485  
associate degree, certificate, or diploma program to an applicant 486  
holding a certificate of registration issued pursuant to division 487  
(A) of this section upon receipt of the fee established in 488  
accordance with section 3332.07 of the Revised Code and upon 489  
determining the applicant has the facilities, resources, and 490  
faculty to provide students the kind of program it proposes to 491  
offer and meets the minimum standards of the state board. 492

~~The state board shall promptly furnish the Ohio board of 493  
regents a copy of all applications for issuance or renewal of 494  
program authorization to offer any associate degree program. Prior 495  
to the issuance or renewal of such program authorization the state 496  
board shall conduct an on-site visit of the school proposing the 497  
program. A representative of the board of regents shall 498  
participate in the visit. Within twenty-one days of the on-site 499  
visit the representative of the board of regents shall provide the 500  
state board with a written statement recommending approval or 501  
disapproval of the application. 502~~

Any program authorization issued by the board under this 503  
division is valid only for the specified program at the location 504  
for which it is issued and does not cover any other program 505  
offered at the school or at other schools operated by the owner. 506  
Program authorization is valid for the period of time specified by 507  
the board, unless earlier suspended or revoked for cause by the 508  
board under section 3332.09 of the Revised Code. 509

(C)(1) The state board shall accept and review applications 510  
for program authorization for baccalaureate, master's, and 511  
doctoral degree programs only from the following: 512

(a) Any school holding a certificate of registration issued 513

by the board that has held such certificate for the ten previous  
consecutive years;

514  
515

(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.

516  
517  
518  
519

(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  
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. The state board shall not issue such  
program authorization unless the degree program has been approved  
by the board of regents.

520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541

(D) The board may cause an investigation to be made into the  
correctness of the information submitted in any application  
received under this section. If the board believes that false,  
misleading, or incomplete information has been submitted to it in

542  
543  
544  
545

connection with any application, the board shall conduct a hearing  
on the matter pursuant to Chapter 119. of the Revised Code, and  
may withhold a certificate of registration or program  
authorization upon finding that the applicant has failed to meet  
the standards for such certificate or program authorization or has  
submitted false, misleading, or incomplete information to the  
board. Application for a certificate of registration or program  
authorization shall be made in writing to the board on forms  
furnished by the board. A certificate of registration or program  
authorization is not transferable and shall be prominently  
displayed on the premises of an institution.

546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556

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

557  
558  
559  
560

Notwithstanding the requirements of this section for issuance  
of certificates of registration and program authorization, the  
board may, in accordance with rules adopted by it, grant  
certificates of registration and program authorization to schools,  
colleges, institutes, or universities that have been approved by  
the state department of education pursuant to the "Act of March 3,  
1966," 80 Stat. 20, 38 U.S.C.A. 1771.

561  
562  
563  
564  
565  
566  
567

**Sec. 3332.051.** The state board of ~~proprietary school~~  
~~registration~~ career colleges and schools shall direct that a  
written survey be obtained by schools subject to this chapter,  
which shall be used to solicit comments from students enrolled at  
such schools. The board shall establish the guidelines for the  
survey by rule. The survey shall be designed to determine student  
satisfaction with the quality of instruction, facilities, school  
personnel, and business operations, including recruitment and  
recruitment agents. The board shall adopt rules for the

568  
569  
570  
571  
572  
573  
574  
575  
576

administration of surveys and shall include provisions to ensure 577  
student anonymity. Surveys shall be administered prior to the end 578  
of each school year. Completed surveys shall be collected by the 579  
holder of the certificate of registration or the director or 580  
administrator of the school and shall be compiled by the school. 581  
Each school shall retain the surveys and the compiled results on 582  
file for at least three years and shall make them available to the 583  
state board for examination upon request. The holder of a 584  
certificate of registration shall be responsible for ensuring that 585  
completed surveys are in no way altered. 586

**Sec. 3332.06.** (A)(1) No program shall be established, 587  
offered, or given for a charge, fee, or other contribution; no 588  
certificate, diploma, degree, or other written evidence of 589  
proficiency or achievement shall be offered whether in a specified 590  
place, by correspondence, or any other means of communication, or 591  
awarded; and no student enrollment in such program shall be 592  
solicited through advertising, agents, mail circulars, or other 593  
means, until the person planning to offer or offering such 594  
program, certificate, diploma, or degree has obtained a 595  
certificate of registration and appropriate program authorization 596  
in accordance with section 3332.05 of the Revised Code. No school 597  
shall offer a baccalaureate, master's, or doctoral degree program 598  
unless it has received a certificate of authorization from the 599  
Ohio board of regents and program authorization from the state 600  
board of ~~proprietary school registration~~ career colleges and 601  
schools. 602

(2) No institution receiving a certificate of registration 603  
after July 28, 1989, shall call itself a "university" unless it 604  
meets all of the following conditions: 605

(a) It also holds an equivalent certificate issued by another 606  
state; 607

(b) It calls itself a "university" in that other state, as 608  
permitted under the terms of the other state's certificate; 609

(c) It has been issued degree program authorization under 610  
division (C) of section 3332.05 of the Revised Code. 611

(B) The board shall petition the court of common pleas of the 612  
county in which a person or agent, as defined in section 3332.01 613  
of the Revised Code, offers one or more programs subject to this 614  
chapter or advertises for the offering of such programs without a 615  
certificate of registration and program authorization, for an 616  
order enjoining such offering or advertising. The court may grant 617  
such injunctive relief upon a showing that the respondent named in 618  
the petition is offering or advertising one or more programs 619  
without a certificate of registration and program authorization. 620  
621

**Sec. 3332.07.** (A) Each application for issuance and renewal 622  
of a certificate of registration, for the issuance and renewal of 623  
program authorization, for issuance and renewal of agent's 624  
permits, and for any other service specified by the state board of 625  
~~proprietary school registration~~ career colleges and schools shall 626  
be accompanied by the required fee. Fees submitted under this 627  
section are not returnable even if approval or renewal is denied. 628

(B) Fee schedules for the issuance and renewal of 629  
certificates of registration, for the issuance and renewal of 630  
program authorization, for issuance and renewal of agent's 631  
permits, and for any other service specified by the board shall be 632  
established by rule adopted by the state board. The fee for a 633  
one-year certificate of registration shall be one-half the fee for 634  
a two-year certificate. 635

(C) If in any fiscal year the amount received in fees under 636  
this section does not equal or exceed fifty per cent of board 637  
expenditures for the fiscal year, the board shall increase fees 638

for the ensuing fiscal year by an amount estimated to be 639  
sufficient to produce revenues equal to fifty per cent of 640  
estimated expenditures for that ensuing fiscal year. 641

**Sec. 3332.08.** The application for a certificate of 642  
registration shall be accompanied by a surety bond in the penal 643  
sum of ten thousand dollars with conditions and in a form 644  
prescribed by the state board of ~~proprietary school registration~~ 645  
career colleges and schools with at least one corporate bonding 646  
company approved by the department of insurance as surety thereon. 647  
Bond shall be maintained in effect for ~~three years by any school~~ 648  
~~that has existed under the same ownership for five years~~ 649  
~~immediately before the effective date of this amendment, for five~~ 650  
~~years after the effective date of this amendment, or its later~~ 651  
~~original registration, for any other school; and for five years~~ 652  
~~after the approval of a change of ownership of any school a period~~ 653  
specified by rule of the board. The board may permit a school to 654  
cancel its bond if the school has been approved to participate in 655  
any federal student financial assistance program authorized under 656  
Title IV of the "Higher Education Act of 1965," 20 U.S.C.A. 1070 657  
et seq., as amended, or if the school meets standards of financial 658  
responsibility otherwise established by the board. The bond shall 659  
provide for the indemnification of any person suffering loss as 660  
the result of any fraud or misrepresentation used in behalf of the 661  
principal in procuring such person's enrollment in a program, 662  
including repayment of tuition paid in advance by any student. 663

The liability of the surety on such bond for the school 664  
covered shall not exceed the sum of ten thousand dollars as an 665  
aggregate for all students for all breaches of the conditions of 666  
the bond by the school. The term of the bond shall be continuous, 667  
but it shall be subject to cancellation by the surety in the 668  
manner described in this section. The bond shall provide blanket 669  
coverage for the acts of all persons engaged as agents of the 670

school without naming them and without regard to the time they are  
engaged during the term of the bond.

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

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

The authority shall consist of five members as follows: the  
executive director of the state board of ~~proprietary school~~  
~~registration~~ career colleges and schools, the executive director  
of the Ohio ~~council of private~~ association of career colleges and

schools, the treasurer of state or ~~his~~ the treasurer of state's 702  
designee, the ~~chairman~~ chairperson of the senate committee that 703  
primarily deals with education, and the ~~chairman~~ chairperson of 704  
the committee of the house of representatives that primarily deals 705  
with education. The chairpersons of the legislative committees 706  
that primarily deal with education shall be nonvoting ex officio 707  
members. Each voting member of the authority, before entering upon 708  
~~his~~ the member's official duties, shall take an oath as provided 709  
by Section 7 of Article XV, Ohio Constitution. The authority shall 710  
elect one of its voting members as ~~chairman~~ chairperson and 711  
another as ~~vice-chairman~~ vice-chairperson, and shall appoint a 712  
secretary-treasurer who need not be a member of the authority. 713

All meetings of the authority shall be public. All final 715  
actions of the authority shall be journalized and such journal and 716  
the records of the authority shall be open to public inspection at 717  
all reasonable times. 718

**Sec. 3332.082.** The state board of ~~proprietary school~~ 719  
~~registration~~ career colleges and schools may pursue any lawful 720  
means of assuring that students of any school registered by the 721  
state board do not suffer prepaid tuition loss as a result of ~~a~~ 722  
~~business failure or other default~~ the closure of a school. This 723  
may include lawsuits against a school or any individual who may 724  
reasonably have liability as a result of the default, in which the 725  
attorney general shall advise and represent the board. Any student 726  
seeking reimbursement for a prepaid tuition loss shall submit a 727  
claim for reimbursement to the board not later than one year 728  
following the school's closure. 729

~~On and after January 1, 1991, any~~ Any reimbursement for a 730  
prepaid tuition loss or advance against a possible prepaid tuition 731  
loss of a student, and any expenses reasonably incurred by the 732  
board in its pursuit of any remedy, shall be paid from the student 733



tuition recovery fund created by section 3332.083 of the Revised Code. ~~This Tuition loss~~ does not include moneys held by a school in escrow accounts for tuition or fees for future terms, as uncommitted grants, loans, or Pell grant money. If the fund is not of sufficient size to pay the students the full amount of their prepaid fee, the ~~students~~ student tuition recovery authority shall determine the percentage of the amount that will be paid.

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

**Sec. 3332.083.** The student tuition recovery fund is created in the custody of the treasurer of state, but not as a part of the state treasury. All revenues received from payments ~~recieved~~ received under section 3332.085 of the Revised Code from schools registered by the state board of ~~proprietary school registration~~ career colleges and schools and any other sources shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as in the investment of state funds. All investment earnings of the fund shall be credited to the fund. The treasurer of state shall disburse money from the fund on order of the ~~chairman~~ chairperson of the student tuition recovery authority or ~~his~~ the chairperson's designee.

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

**Sec. 3332.085.** (A) Not later than the thirty-first day of August in each year, each school registered by the state board of ~~proprietary school registration~~ career colleges and schools shall

pay into the student tuition recovery fund in the following 765  
amounts: 766

(1) Schools initially registered or sold on or after July 28, 767  
1989, for the first five payments \$500; 768

(2) Any other school, according to its prior year's tuition 769  
receipts: 770

Up to \$400,000	\$	200	771
\$400,001 to \$700,000		400	772
\$700,001 to \$1,000,000		800	773
Over \$1,000,000		1,000	774

Checks shall be made payable to the student tuition recovery 775  
fund and sent to the executive director of the state board, who 776  
shall promptly forward all such receipts to the treasurer of 777  
state. Failure of a school to make a payment is cause for 778  
cancellation of its certificate of registration. 779

(B) The student tuition recovery authority may impose a 780  
special assessment on the schools in an amount up to the amount of 781  
an annual contribution if the draw on the money exceeds the money 782  
on hand. 783

(C) Once the fund has assets in excess of liabilities of 784  
approximately one million dollars, the authority may: 785

(1) Reduce or eliminate the annual contributions, except on 786  
institutions that are required to contribute to the fund for at 787  
least a five-year period. The reduction in contributions to the 788  
fund will be at the discretion of the authority but they will be 789  
guided by the objective to maintain assets in excess of 790  
liabilities of approximately one million dollars. 791

(2) Utilize moneys in excess of the assets required to be 792  
maintained in the fund by division (C)(1) of this section for the 793  
purposes of disseminating consumer information about proprietary 794  
private career schools and maintaining student records from closed 795

schools. 796

**Sec. 3332.09.** The state board of ~~proprietary school~~ 797  
~~registration~~ career colleges and schools may limit, suspend, 798  
revoke, or refuse to issue or renew a certificate of registration 799  
or program authorization or may impose a penalty pursuant to 800  
section 3332.091 of the Revised Code for any one or combination of 801  
the following causes: 802

(A) Violation of any provision of sections 3332.01 to 3332.09 803  
of the Revised Code, the board's minimum standards, or any rule 804  
made by the board; 805

(B) Furnishing of false, misleading, deceptive, altered, or 806  
incomplete information or documents to the board; 807

(C) The signing of an application or the holding of a 808  
certificate of registration by a person who has pleaded guilty or 809  
has been found guilty of a felony or has pleaded guilty or been 810  
found guilty of a crime involving moral turpitude; 811

(D) The signing of an application or the holding of a 812  
certificate of registration by a person who is addicted to the use 813  
of any controlled substance, or who is found to be mentally 814  
incompetent; 815

(E) Violation of any commitment made in an application for a 816  
certificate of registration or program authorization; 817

(F) Presenting to prospective students, either at the time of 818  
solicitation or enrollment, or through advertising, mail 819  
circulars, or phone solicitation, misleading, deceptive, false, or 820  
fraudulent information relating to any program, employment 821  
opportunity, or opportunities for enrollment in accredited 822  
institutions of higher education after entering or completing 823  
programs offered by the holder of a certificate of registration; 824

(G) Failure to provide or maintain premises or equipment for 825

offering programs in a safe and sanitary condition;	826
(H) Refusal by an agent to display the agent's permit upon demand of a prospective student or other interested person;	827 828
(I) Failure to maintain financial resources adequate for the satisfactory conduct of programs as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction, except that nothing in this chapter requires an instructor to be licensed by the state board of education or to hold any type of post-high school degree;	829 830 831 832 833 834
(J) Offering training or programs other than those presented in the application, except that schools may offer special courses adapted to the needs of individual students when the special courses are in the subject field specified in the application;	835 836 837 838
(K) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin;	839 840
(L) Accepting the services of an agent not holding a valid permit issued under section 3332.10 or 3332.11 of the Revised Code;	841 842 843
(M) The use of monetary or other valuable consideration by the school's agents or representatives to induce prospective students to enroll in the school, or the practice of awarding monetary or other valuable considerations <u>without board approval</u> to students in exchange for procuring the enrollment of others;	844 845 846 847 848
(N) Failure to provide at the request of the board, any information, records, or files pertaining to the operation of the school or recruitment and enrollment of students.	849 850 851
If the board modifies or adopts additional minimum standards or rules pursuant to section 3332.031 of the Revised Code, all schools and agents shall have sixty days from the effective date of the modifications or additional standards or rules to comply	852 853 854 855

with such modifications or additions.

856

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

857

858

859

860

861

862

863

864

865

866

867

868

869

870

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

871

872

873

874

875

876

877

878

879

880

881

(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

882

883

884

885

886

investigation. The formal complaint shall state the charges 887  
against the school and ~~require~~ grant the certificate holder the 888  
opportunity to appear before the board at a public hearing 889  
pursuant to Chapter 119. of the Revised Code. The board shall hold 890  
the public hearing not sooner than thirty days after issuance of 891  
the formal complaint. Any formal complaint issued pursuant to this 892  
section must be issued within one year after the state board's 893  
receipt of a complaint from a person adversely affected by the 894  
actions of a certificate holder. 895

If at the time of issuing a formal complaint, the board has 896  
reasonable cause to believe that the violations that are the 897  
subject of the complaint will continue and constitute an immediate 898  
threat to the welfare of current and prospective students, the 899  
board, for a period not to exceed the lesser of ninety days or the 900  
period of time until a final adjudication order dismissing the 901  
complaint or imposing a penalty is issued under this section, may: 902

(a) Issue an order prohibiting the school's agents from 903  
personally contacting students; 904

(b) Issue an order prohibiting the school from using any 905  
advertising, recruiting, or promotional materials unless such 906  
materials have been approved by the board. The board must approve 907  
or disapprove any materials submitted to it under such an order 908  
within thirty days of their receipt. 909

(c) Issue an order prohibiting the operation of a school. 910

If, after a public hearing, the board determines that the 911  
holder of a certificate of registration has violated any provision 912  
of section 3332.09 of the Revised Code, the board shall issue a 913  
final adjudication order levying a civil penalty pursuant to 914  
division (B) of this section or limiting, suspending, or revoking 915  
the certificate of registration or program authorization or any 916  
combination thereof. The board may impose additional penalties 917

including but not necessarily limited to curtailment of 918  
advertising, and discontinuation of enrollment of students in 919  
specific programs. Upon suspension or revocation, the board 920  
immediately shall also issue an order pursuant to Chapter 119. of 921  
the Revised Code requiring such person immediately to cease all 922  
sales, advertising, and enrollment activities. 923

(B) Pursuant to division (A) of this section, the board may 924  
impose a civil penalty of not less than one thousand nor more than 925  
three thousand five hundred dollars for each violation of section 926  
3332.09 of the Revised Code, but not to exceed an aggregate 927  
penalty of thirty-five thousand dollars in any six-month period. 928

(C) The board shall prepare an annual report that documents 929  
the disposition of all complaints, their status, board action, and 930  
the elapsed time from the initial filing of the complaint until 931  
final resolution. The report shall be made available to anyone 932  
upon request. 933

(D) The board may, upon its own initiative and independent of 934  
the filing of any complaints, conduct a preliminary investigation 935  
relating to any possible violations of section 3332.09 of the 936  
Revised Code. 937

At any time while a school is in session, the board or its 938  
designee may conduct on-site inspections and reviews of a school 939  
and its courses of instruction. The board shall conduct such 940  
visits and reviews, including visits without prior notice to the 941  
schools, as necessary to ensure compliance with this chapter. 942

All books, records, and files of a school shall be open for 943  
inspection by the board, its designees, or staff during on-site 944  
inspections, or whenever requested by the board for the purpose of 945  
ensuring compliance with the provisions of this chapter. 946

For the purpose of conducting any investigation, inspection, 947  
or review, the board may administer oaths, take the testimony of 948

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.

**Sec. 3332.10.** (A) No individual shall sell any program or  
solicit students therefor in this state unless ~~he~~ the individual  
is an employee of the school. Any individual whose primary duty,  
whether on or off school premises, is to solicit prospective  
students shall first secure a permit as an agent from the state  
board of ~~proprietary school registration~~ career colleges and  
schools. If the agent represents more than one school, a separate  
permit shall be obtained for each school represented by ~~him~~ the  
agent. An agent who represents a person that operates more than  
one school in the same geographical area, as determined by the



board, need not obtain a separate permit for each such school. 980  
Upon approval for a permit, the board shall issue a pocket card to 981  
the individual, giving ~~his~~ the individual's name, address, permit 982  
number, and the name and address of ~~his~~ the employing school, and 983  
certifying that the individual whose name appears on the card is 984  
an authorized agent of the school. 985

(B) The application for a permit shall be made on forms to be 986  
furnished by the board and accompanied by the fee established in 987  
accordance with section 3332.07 of the Revised Code ~~and a surety~~ 988  
~~bond acceptable to the board in the penal sum of one thousand~~ 989  
~~dollars.~~ A permit shall be renewed every twelve months and shall 990  
be valid for up to thirty days after its expiration date. The 991  
~~surety bond may be continuous and shall be conditioned to provide~~ 992  
~~indemnification to any student suffering loss as a result of any~~ 993  
~~fraud or misrepresentation used in procuring his enrollment, and~~ 994  
~~may be supplied by an agent of a school or by the school itself as~~ 995  
~~a blanket bond covering all of its agents in the amount of one~~ 996  
~~thousand dollars for each agent. The liability of the surety on~~ 997  
~~such bond for each agent covered shall not exceed the sum of one~~ 998  
~~thousand dollars as an aggregate for all students for all breaches~~ 999  
~~of the conditions of the bond by such agents. The surety of any~~ 1000  
~~such bond may cancel the same upon giving thirty days' notice in~~ 1001  
~~writing to the board and is relieved of liability for any breach~~ 1002  
~~of condition occurring after the effective date of the~~ 1003  
~~cancellation.~~ An application for renewal shall be accompanied by 1004  
the fee established in accordance with section 3332.07 of the 1005  
Revised Code ~~and a surety bond as provided in this section, if a~~ 1006  
~~continuous bond has not been furnished.~~ 1007

(C) Each school subject to this chapter shall assume full 1008  
responsibility for the actions, statements, and conduct of its 1009  
agents, and shall provide them with adequate training and arrange 1010  
for proper supervision of their work. The board shall hold schools 1011

liable for the actions, statements, and conduct of agents that 1012  
violate any provision of this chapter, unless an agent's acts or 1013  
omissions were manifestly outside the scope of ~~his~~ the agent's 1014  
employment or official responsibilities. 1015

**Sec. 3332.11.** Any agent's permit applied for pursuant to 1016  
section 3332.10 of the Revised Code shall be granted or denied 1017  
within thirty days of the receipt of the application by the state 1018  
board of ~~proprietary school registration~~ career colleges and 1019  
schools. If the board has not completed its determination with 1020  
respect to the issuance of a permit within such thirty-day period, 1021  
it shall issue a temporary permit to the applicant, which permit 1022  
is sufficient to meet the requirements of section 3332.10 of the 1023  
Revised Code until such time as such determination is made. 1024

No permit shall be issued to any person found by the board 1025  
not to be of good moral character. 1026

**Sec. 3332.12.** Any agent's permit issued may be suspended or 1027  
revoked by the state board of ~~proprietary school registration~~ 1028  
career colleges and schools if the holder of the permit solicits 1029  
or enrolls students through fraud, deception, or 1030  
misrepresentation, upon a finding that the permit holder has 1031  
violated any provision enumerated in division (A), (B), (F), (H), 1032  
(J), (K), or (M) of section 3332.09 of the Revised Code, or upon 1033  
finding that the permit holder is not of good moral character. 1034

Upon receipt of any written complaint from any person, the 1035  
board shall conduct a preliminary investigation. If after such 1036  
investigation or if as a result of any investigation conducted 1037  
under division (A) or (D) of section 3332.091 of the Revised Code, 1038  
the board determines it is probable violations were committed, the 1039  
board shall hold informal conferences in the same manner as 1040  
provided in section 3332.091 of the Revised Code with an agent 1041

believed to be in violation of one or more of the above 1042  
conditions. If after sixty days these conferences fail to 1043  
eliminate the agent's objectionable practices or procedures, the 1044  
board shall issue a formal complaint to the agent and the school 1045  
that employs the agent. The formal complaint shall state the 1046  
charges against the agent and the holder of the ~~certificate~~ 1047  
certificate of registration of the school and shall require them 1048  
to appear before the board at a public hearing pursuant to Chapter 1049  
119. of the Revised Code. If, after the public hearing, the board 1050  
determines that an agent has violated one or more of the 1051  
provisions described above, the board shall suspend or revoke the 1052  
agent's permit. 1053

If after such hearing the board also determines that the 1054  
school at which the agent was employed was negligent in its 1055  
supervision of the agent or encouraged or caused the commission of 1056  
the violations, the board shall levy penalties against such school 1057  
in accordance with division (A) of section 3332.091 of the Revised 1058  
Code. Nothing said or done in the informal conferences shall be 1059  
disclosed by the board or any member of its staff nor be used as 1060  
evidence in any subsequent proceedings. 1061

**Sec. 3332.13.** The fact that a bond is in force pursuant to 1062  
section ~~3332.10~~ 3332.08 of the Revised Code does not limit nor 1063  
impair any right of recovery otherwise available pursuant to law, 1064  
nor is the amount of such bond relevant in determining the amount 1065  
of damages or other relief to which any plaintiff may be entitled. 1066

**Sec. 3332.18.** On receipt of a notice pursuant to section 1067  
3123.43 of the Revised Code, the state board of ~~proprietary school~~ 1068  
~~registration~~ career colleges and schools shall comply with 1069  
sections 3123.41 to 3123.50 of the Revised Code and any applicable 1070  
rules adopted under section 3123.63 of the Revised Code with 1071  
respect to a permit issued pursuant to this chapter. 1072

Sec. 3333.043. (A) As used in this section: 1073

(1) "Institution of higher education" means the state 1074  
universities listed in section 3345.011 of the Revised Code, 1075  
municipal educational institutions established under Chapter 3349. 1076  
of the Revised Code, community colleges established under Chapter 1077  
3354. of the Revised Code, university branches established under 1078  
Chapter 3355. of the Revised Code, technical colleges established 1079  
under Chapter 3357. of the Revised Code, state community colleges 1080  
established under Chapter 3358. of the Revised Code, any 1081  
institution of higher education with a certificate of registration 1082  
from the state board of ~~proprietary school registration~~ career 1083  
colleges and schools, and any institution for which the Ohio board 1084  
of regents receives a notice pursuant to division (C) of this 1085  
section. 1086

(2) "Community service" has the same meaning as in section 1087  
3313.605 of the Revised Code. 1088

(B)(1) The board of trustees or other governing entity of 1089  
each institution of higher education shall encourage and promote 1090  
participation of students in community service through a program 1091  
appropriate to the mission, student population, and environment of 1092  
each institution. The program may include, but not be limited to, 1093  
providing information about community service opportunities during 1094  
student orientation or in student publications; providing awards 1095  
for exemplary community service; encouraging faculty members to 1096  
incorporate community service into students' academic experiences 1097  
wherever appropriate to the curriculum; encouraging recognized 1098  
student organizations to undertake community service projects as 1099  
part of their purposes; and establishing advisory committees of 1100  
students, faculty members, and community and business leaders to 1101  
develop cooperative programs that benefit the community and 1102  
enhance student experience. The program shall be flexible in 1103

design so as to permit participation by the greatest possible  
number of students, including part-time students and students for  
whom participation may be difficult due to financial, academic,  
personal, or other considerations. The program shall emphasize  
community service opportunities that can most effectively use the  
skills of students, such as tutoring or literacy programs. The  
programs shall encourage students to perform services that will  
not supplant the hiring of, result in the displacement of, or  
impair any existing employment contracts of any particular  
employee of any private or governmental entity for which services  
are performed.

(2) The Ohio board of regents shall encourage all  
institutions of higher education in the development of community  
service programs. With the assistance of the Ohio community  
service council created in section 121.40 of the Revised Code, the  
board of regents shall make available information about higher  
education community service programs to institutions of higher  
education and to statewide organizations involved with or  
promoting volunteerism, including information about model  
community service programs, teacher training courses, and  
community service curricula and teaching materials for possible  
use by institutions of higher education in their programs. The  
board shall encourage institutions of higher education to jointly  
coordinate higher education community service programs through  
consortia of institutions or other appropriate means of  
coordination.

(C) The board of trustees of any nonprofit institution with a  
certificate of authorization issued by the Ohio board of regents  
pursuant to Chapter 1713. of the Revised Code or the governing  
authority of a private institution exempt from regulation under  
Chapter 3332. of the Revised Code as prescribed in section  
3333.046 of the Revised Code may notify the board of regents that

it is making itself subject to divisions (A) and (B) of this 1136  
section. Upon receipt of such a notice, these divisions shall 1137  
apply to that institution. 1138

**Sec. 3333.12.** (A) As used in this section: 1139

(1) "Eligible student" means an undergraduate student who is: 1140

(a) An Ohio resident; 1141

(b) Enrolled in either of the following: 1142

(i) An accredited institution of higher education in this 1143  
state that meets the requirements of Title VI of the Civil Rights 1144  
Act of 1964 and is state-assisted, is nonprofit and has a 1145  
certificate of authorization from the Ohio board of regents 1146  
pursuant to Chapter 1713. of the Revised Code, has a certificate 1147  
of registration from the state board of ~~proprietary school~~ 1148  
registration career colleges and schools and program authorization 1149  
to award an associate or bachelor's degree, or is a private 1150  
institution exempt from regulation under Chapter 3332. of the 1151  
Revised Code as prescribed in section 3333.046 of the Revised 1152  
Code. Students who attend an institution that holds a certificate 1153  
of registration shall be enrolled in a program leading to an 1154  
associate or bachelor's degree for which associate or bachelor's 1155  
degree program the institution has program authorization issued 1156  
under section 3332.05 of the Revised Code. 1157

(ii) A technical education program of at least two years 1158  
duration sponsored by a private institution of higher education in 1159  
this state that meets the requirements of Title VI of the Civil 1160  
Rights Act of 1964. 1161

(c) Enrolled as a full-time student or enrolled as a less 1162  
than full-time student for the term expected to be the student's 1163  
final term of enrollment and is enrolled for the number of credit 1164  
hours necessary to complete the requirements of the program in 1165

which the student is enrolled. 1166

(2) "Gross income" includes all taxable and nontaxable income 1167  
of the parents, the student, and the student's spouse, except 1168  
income derived from an Ohio academic scholarship, income earned by 1169  
the student between the last day of the spring term and the first 1170  
day of the fall term, and other income exclusions designated by 1171  
the board. Gross income may be verified to the board by the 1172  
institution in which the student is enrolled using the federal 1173  
financial aid eligibility verification process or by other means 1174  
satisfactory to the board. 1175

(3) "Resident," "full-time student," "dependent," 1176  
"financially independent," and "accredited" shall be defined by 1177  
rules adopted by the board. 1178

(B) The Ohio board of regents shall establish and administer 1179  
an instructional grant program and may adopt rules to carry out 1180  
this section. The general assembly shall support the instructional 1181  
grant program by such sums and in such manner as it may provide, 1182  
but the board may also receive funds from other sources to support 1183  
the program. If the amounts available for support of the program 1184  
are inadequate to provide grants to all eligible students, 1185  
preference in the payment of grants shall be given in terms of 1186  
income, beginning with the lowest income category of gross income 1187  
and proceeding upward by category to the highest gross income 1188  
category. 1189

An instructional grant shall be paid to an eligible student 1190  
through the institution in which the student is enrolled, except 1191  
that no instructional grant shall be paid to any person serving a 1192  
term of imprisonment. Applications for such grants shall be made 1193  
as prescribed by the board, and such applications may be made in 1194  
conjunction with and upon the basis of information provided in 1195  
conjunction with student assistance programs funded by agencies of 1196  
the United States government or from financial resources of the 1197

institution of higher education. The institution shall certify 1198  
that the student applicant meets the requirements set forth in 1199  
divisions (A)(1)(b) and (c) of this section. Instructional grants 1200  
shall be provided to an eligible student only as long as the 1201  
student is making appropriate progress toward a nursing diploma or 1202  
an associate or bachelor's degree. No student shall be eligible to 1203  
receive a grant for more than ten semesters, fifteen quarters, or 1204  
the equivalent of five academic years. A grant made to an eligible 1205  
student on the basis of less than full-time enrollment shall be 1206  
based on the number of credit hours for which the student is 1207  
enrolled and shall be computed in accordance with a formula 1208  
adopted by the board. No student shall receive more than one grant 1209  
on the basis of less than full-time enrollment. 1210

An instructional grant shall not exceed the total 1211  
instructional and general charges of the institution. 1212

(C) The tables in this division prescribe the maximum grant 1213  
amounts covering two semesters, three quarters, or a comparable 1214  
portion of one academic year. Grant amounts for additional terms 1215  
in the same academic year shall be determined under division (D) 1216  
of this section. 1217

For a full-time student who is a dependent and enrolled in a 1218  
nonprofit educational institution that is not a state-assisted 1219  
institution and that has a certificate of authorization issued 1220  
pursuant to Chapter 1713. of the Revised Code, the amount of the 1221  
instructional grant for two semesters, three quarters, or a 1222  
comparable portion of the academic year shall be determined in 1223  
accordance with the following table: 1224

		1225
	Private Institution	1226
	Table of Grants	1227
	Maximum Grant \$5,466	1228
Gross Income	Number of Dependents	1229



	1	2	3	4	5 or more	1230
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	1231
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	1232
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	1233
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	1234
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	1235
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	1236
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	1237
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	1238
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	1239
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	1240
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	1241
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	1242
\$34,001 - \$35,000	444	888	984	1,080	1,344	1243
\$35,001 - \$36,000	--	444	888	984	1,080	1244
\$36,001 - \$37,000	--	--	444	888	984	1245
\$37,001 - \$38,000	--	--	--	444	888	1246
\$38,001 - \$39,000	--	--	--	--	444	1247

For a full-time student who is financially independent and 1248  
enrolled in a nonprofit educational institution that is not a 1249  
state-assisted institution and that has a certificate of 1250  
authorization issued pursuant to Chapter 1713. of the Revised 1251  
Code, the amount of the instructional grant for two semesters, 1252  
three quarters, or a comparable portion of the academic year shall 1253  
be determined in accordance with the following table: 1254

1255

Private Institution							1256
Table of Grants							1257
Maximum Grant \$5,466							1258
Gross Income	Number of Dependents						1259
	0	1	2	3	4	5 or more	1260

\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	1261
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	1262
\$5,301 - \$5,800	4,362	4,920	5,466	5,466	5,466	5,466	1263
\$5,801 - \$6,300	3,828	4,362	4,920	5,466	5,466	5,466	1264
\$6,301 - \$6,800	3,288	3,828	4,362	4,920	5,466	5,466	1265
\$6,801 - \$7,300	2,736	3,288	3,828	4,362	4,920	5,466	1266
\$7,301 - \$8,300	2,178	2,736	3,288	3,828	4,362	4,920	1267
\$8,301 - \$9,300	1,626	2,178	2,736	3,288	3,828	4,362	1268
\$9,301 - \$10,300	1,344	1,626	2,178	2,736	3,288	3,828	1269
\$10,301 - \$11,800	1,080	1,344	1,626	2,178	2,736	3,288	1270
\$11,801 - \$13,300	984	1,080	1,344	1,626	2,178	2,736	1271
\$13,301 - \$14,800	888	984	1,080	1,344	1,626	2,178	1272
\$14,801 - \$16,300	444	888	984	1,080	1,344	1,626	1273
\$16,301 - \$19,300	--	444	888	984	1,080	1,344	1274
\$19,301 - \$22,300	--	--	444	888	984	1,080	1275
\$22,301 - \$25,300	--	--	--	444	888	984	1276
\$25,301 - \$30,300	--	--	--	--	444	888	1277
\$30,301 - \$35,300	--	--	--	--	--	444	1278

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 regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 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:

<u>Proprietary Career</u> Institution						
Table of Grants						
		Maximum Grant \$4,632				
Gross Income	Number of Dependents					
	1	2	3	4	5 or more	
						1279
						1280
						1281
						1282
						1283
						1284
						1285
						1286
						1287
						1288
						1289
						1290
						1291
						1292



\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	1325
\$5,301 - \$5,800	3,684	4,182	4,632	4,632	4,632	4,632	1326
\$5,801 - \$6,300	3,222	3,684	4,182	4,632	4,632	4,632	1327
\$6,301 - \$6,800	2,790	3,222	3,684	4,182	4,632	4,632	1328
\$6,801 - \$7,300	2,292	2,790	3,222	3,684	4,182	4,632	1329
\$7,301 - \$8,300	1,854	2,292	2,790	3,222	3,684	4,182	1330
\$8,301 - \$9,300	1,416	1,854	2,292	2,790	3,222	3,684	1331
\$9,301 - \$10,300	1,134	1,416	1,854	2,292	2,790	3,222	1332
\$10,301 - \$11,800	906	1,134	1,416	1,854	2,292	2,790	1333
\$11,801 - \$13,300	852	906	1,134	1,416	1,854	2,292	1334
\$13,301 - \$14,800	750	852	906	1,134	1,416	1,854	1335
\$14,801 - \$16,300	372	750	852	906	1,134	1,416	1336
\$16,301 - \$19,300	--	372	750	852	906	1,134	1337
\$19,301 - \$22,300	--	--	372	750	852	906	1338
\$22,301 - \$25,300	--	--	--	372	750	852	1339
\$25,301 - \$30,300	--	--	--	--	372	750	1340
\$30,301 - \$35,300	--	--	--	--	--	372	1341

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							1347
Table of Grants							1348
Maximum Grant \$2,190							1349
Gross Income	Number of Dependents						1350
	1	2	3	4	5 or more		1351
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190		1352
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190		1353
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190		1354
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190		1355
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190		1356

\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	1357
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	1358
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	1359
\$28,001 - \$31,000	522	648	864	1,080	1,320	1360
\$31,001 - \$32,000	420	522	648	864	1,080	1361
\$32,001 - \$33,000	384	420	522	648	864	1362
\$33,001 - \$34,000	354	384	420	522	648	1363
\$34,001 - \$35,000	174	354	384	420	522	1364
\$35,001 - \$36,000	--	174	354	384	420	1365
\$36,001 - \$37,000	--	--	174	354	384	1366
\$37,001 - \$38,000	--	--	--	174	354	1367
\$38,001 - \$39,000	--	--	--	--	174	1368

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

Table of Grants

Maximum Grant \$2,190

Gross Income	Number of Dependents					
	0	1	2	3	4	5 or more
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190
\$5,301 - \$5,800	1,740	1,974	2,190	2,190	2,190	2,190
\$5,801 - \$6,300	1,542	1,740	1,974	2,190	2,190	2,190
\$6,301 - \$6,800	1,320	1,542	1,740	1,974	2,190	2,190
\$6,801 - \$7,300	1,080	1,320	1,542	1,740	1,974	2,190
\$7,301 - \$8,300	864	1,080	1,320	1,542	1,740	1,974
\$8,301 - \$9,300	648	864	1,080	1,320	1,542	1,740
\$9,301 - \$10,300	522	648	864	1,080	1,320	1,542
\$10,301 - \$11,800	420	522	648	864	1,080	1,320

\$11,801 - \$13,300	384	420	522	648	864	1,080	1389
\$13,301 - \$14,800	354	384	420	522	648	864	1390
\$14,801 - \$16,300	174	354	384	420	522	648	1391
\$16,301 - \$19,300	--	174	354	384	420	522	1392
\$19,301 - \$22,300	--	--	174	354	384	420	1393
\$22,301 - \$25,300	--	--	--	174	354	384	1394
\$25,301 - \$30,300	--	--	--	--	174	354	1395
\$30,301 - \$35,300	--	--	--	--	--	174	1396

(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 accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

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

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

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

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

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

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

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

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

(1) "Resident" has the meaning established for purposes of 1452  
this section by rule of the Ohio board of regents. 1453

(2) "Eligible institution" means either: 1454

(a) A private career school registered in accordance with 1455  
section 3332.05 of the Revised Code; 1456

(b) A private institution exempt from regulation under 1457  
Chapter 3332. of the Revised Code as prescribed in section 1458  
3333.046 of the Revised Code. 1459

(B) ~~Beginning July 1, 2000, the~~ The Ohio board of regents 1460  
shall establish and administer the student workforce development 1461  
grant program and shall adopt rules for the administration of the 1462  
program. Such rules shall be similar to the rules the Ohio board 1463  
of regents adopts under section 3333.27 of the Revised Code. 1464

(C) The Ohio board of regents may make a grant to any 1465  
resident of this state who is enrolled as a full-time student in 1466  
an authorized baccalaureate degree or associate degree program at 1467  
an eligible institution and who maintains an academic record that 1468  
meets or exceeds a standard established by rule of the state board 1469  
of ~~proprietary school registration, except that no grant shall be~~ 1470  
~~made to any individual who was enrolled as a student in an~~ 1471  
~~eligible institution before July 1, 2000~~ career colleges and 1472  
schools. The size of an annual grant award shall be determined by 1473  
the Ohio board of regents based on the amount of funds available 1474  
for the program. The grant shall be prorated and paid in equal 1475  
installments per academic term in accordance with division (E) of 1476  
this section. 1477

(D) The Ohio board of regents shall prescribe the form and 1478  
manner of application for grants and shall provide a method for 1479  
eligible institutions to certify applicants who are enrolled in 1480  
authorized baccalaureate degree or associate degree programs and 1481  
have academic records meeting or exceeding the standard 1482



established by the state board of ~~proprietary school registration~~ 1483  
career colleges and schools. 1484

(E) A grant awarded to an eligible student shall be paid to 1485  
the eligible institution in which the student is enrolled, and the 1486  
institution shall reduce the student's instructional and general 1487  
charges by the amount of the grant. Each grant awarded shall be 1488  
paid in accordance with division (C) of this section within thirty 1489  
days after the start of each term of the academic year for which 1490  
the grant is awarded. No student shall be eligible to receive 1491  
grants for more than the equivalent of five academic years. 1492  
1493

(F) The receipt of a workforce development grant shall not 1494  
affect a student's eligibility for assistance or the amount of 1495  
such assistance granted under any other provision of state law. If 1496  
a student receives assistance under one or more other provisions 1497  
of state law, the grant made to the student under this section 1498  
shall not exceed the difference between the total instructional 1499  
and general charges assessed to the student by the eligible 1500  
institution and the amount of total assistance the student 1501  
receives under other provisions of state law. 1502

(G) The general assembly shall support the workforce 1503  
development grant program with such appropriations as the general 1504  
assembly sees fit. The Ohio board of regents may also receive 1505  
funds from other sources to support the program. 1506

(H) Eligible institutions that enroll students receiving 1507  
grants under this section shall report to the Ohio board of 1508  
regents the name of each student who has received such a grant but 1509  
who is no longer eligible for such a grant. In the event that an 1510  
eligible student who has been awarded a grant under this section 1511  
withdraws from enrollment at an institution during any term, the 1512  
institution shall refund a prorated amount of the student's grant 1513  
for that term to the Ohio board of regents in accordance with the 1514

school's refund policy. 1515

(I) ~~Beginning July 1, 2000, the~~ The state board of 1516  
~~proprietary school registration~~ career colleges and schools shall 1517  
report to the Ohio board of regents each degree granting 1518  
~~proprietary private career~~ school's job placement rate for the 1519  
immediately preceding academic year. No grant awarded to an 1520  
eligible student under this section shall be paid to a registered 1521  
private career school if the school's job placement rate for 1522  
baccalaureate degree and associate degree programs for the 1523  
preceding academic year was less than seventy-five per cent. 1524

**Sec. 3334.01.** As used in this chapter: 1525

(A) "Aggregate original principal amount" means the aggregate 1526  
of the initial offering prices to the public of college savings 1527  
bonds, exclusive of accrued interest, if any. "Aggregate original 1528  
principal amount" does not mean the aggregate accreted amount 1529  
payable at maturity or redemption of such bonds. 1530

(B) "Beneficiary" means: 1531

(1) An individual designated by the purchaser under a tuition 1532  
payment contract or through a scholarship program as the 1533  
individual on whose behalf tuition credits purchased under the 1534  
contract or awarded through the scholarship program will be 1535  
applied toward the payment of undergraduate, graduate, or 1536  
professional tuition; or 1537

(2) An individual designated by the contributor under a 1538  
variable college savings program contract as the individual whose 1539  
tuition and other higher education expenses will be paid from a 1540  
variable college savings program account. 1541

(C) "Capital appreciation bond" means a bond for which the 1542  
following is true: 1543

(1) The principal amount is less than the amount payable at 1544

maturity or early redemption; and 1545

(2) No interest is payable on a current basis. 1546

(D) "Tuition credit" means a credit of the Ohio tuition trust 1547  
authority purchased under section 3334.09 of the Revised Code. 1548  
1549

(E) "College savings bonds" means revenue and other 1550  
obligations issued on behalf of the state or any agency or issuing 1551  
authority thereof as a zero-coupon or capital appreciation bond, 1552  
and designated as college savings bonds as provided in this 1553  
chapter. "College savings bond issue" means any issue of bonds of 1554  
which any part has been designated as college savings bonds. 1555

(F) "Institution of higher education" means a state 1556  
institution of higher education, a private college, university, or 1557  
other postsecondary institution located in this state that 1558  
possesses a certificate of authorization issued by the Ohio board 1559  
of regents pursuant to Chapter 1713. of the Revised Code or a 1560  
certificate of registration issued by the state board of 1561  
~~proprietary school registration~~ career colleges and schools under 1562  
Chapter 3332. of the Revised Code, or an accredited college, 1563  
university, or other postsecondary institution located outside 1564  
this state that is accredited by an accrediting organization or 1565  
professional association recognized by the authority. To be 1566  
considered an institution of higher education, an institution 1567  
shall meet the definition of an eligible educational institution 1568  
under section 529 of the Internal Revenue Code. 1569

(G) "Issuing authority" means any authority, commission, 1570  
body, agency, or individual empowered by the Ohio Constitution or 1571  
the Revised Code to issue bonds or any other debt obligation of 1572  
the state or any agency or department thereof. "Issuer" means the 1573  
issuing authority or, if so designated under division (B) of 1574  
section 3334.04 of the Revised Code, the treasurer of state. 1575

(H) "Tuition" means the charges imposed to attend an 1576  
institution of higher education as an undergraduate, graduate, or 1577  
professional student and all fees required as a condition of 1578  
enrollment, as determined by the Ohio tuition trust authority. 1579  
"Tuition" does not include laboratory fees, room and board, or 1580  
other similar fees and charges. 1581

(I) "Weighted average tuition" means the tuition cost 1582  
resulting from the following calculation: 1583

(1) Add the products of the annual undergraduate tuition 1584  
charged to Ohio residents at each four-year state university 1585  
multiplied by that institution's total number of undergraduate 1586  
fiscal year equated students; and 1587

(2) Divide the gross total of the products from division 1588  
(I)(1) of this section by the total number of undergraduate fiscal 1589  
year equated students attending four-year state universities. 1590

(J) "Zero-coupon bond" means a bond which has a stated 1591  
interest rate of zero per cent and on which no interest is payable 1592  
until the maturity or early redemption of the bond, and is offered 1593  
at a substantial discount from its original stated principal 1594  
amount. 1595

(K) "State institution of higher education" includes the 1596  
state universities listed in section 3345.011 of the Revised Code, 1597  
community colleges created pursuant to Chapter 3354. of the 1598  
Revised Code, university branches created pursuant to Chapter 1599  
3355. of the Revised Code, technical colleges created pursuant to 1600  
Chapter 3357. of the Revised Code, state community colleges 1601  
created pursuant to Chapter 3358. of the Revised Code, the medical 1602  
college of Ohio at Toledo, and the northeastern Ohio universities 1603  
college of medicine. 1604

(L) "Four-year state university" means those state 1605  
universities listed in section 3345.011 of the Revised Code. 1606

(M) "Principal amount" refers to the initial offering price 1607  
to the public of an obligation, exclusive of the accrued interest, 1608  
if any. "Principal amount" does not refer to the aggregate 1609  
accreted amount payable at maturity or redemption of an 1610  
obligation. 1611

(N) "Scholarship program" means a program registered with the 1612  
Ohio tuition trust authority pursuant to section 3334.17 of the 1613  
Revised Code. 1614

(O) "Internal Revenue Code" means the "Internal Revenue Code 1615  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 1616

(P) "Other higher education expenses" means room and board 1617  
and books, supplies, equipment, and nontuition-related fees 1618  
associated with the cost of attendance of a beneficiary at an 1619  
institution of higher education, but only to the extent that such 1620  
expenses meet the definition of "qualified higher education 1621  
expenses" under section 529 of the Internal Revenue Code. "Other 1622  
higher education expenses" does not include tuition as defined in 1623  
division (H) of this section. 1624

(Q) "Purchaser" means the person signing the tuition payment 1625  
contract, who controls the account and acquires tuition credits 1626  
for an account under the terms and conditions of the contract. 1627

(R) "Contributor" means a person who signs a variable college 1628  
savings program contract with the Ohio tuition trust authority and 1629  
contributes to and owns the account created under the contract. 1630  
1631

**Sec. 3365.01.** As used in sections 3365.01 to 3365.10 of the 1632  
Revised Code: 1633

(A) "College" means any state-assisted college or university 1634  
described in section 3333.041 of the Revised Code, any nonprofit 1635  
institution holding a certificate of authorization pursuant to 1636

Chapter 1713. of the Revised Code, any private institution exempt 1637  
from regulation under Chapter 3332. of the Revised Code as 1638  
prescribed in section 3333.046 of the Revised Code, and any 1639  
institution holding a certificate of registration from the state 1640  
board of ~~proprietary school registration~~ career colleges and 1641  
schools and program authorization for an associate or bachelor's 1642  
degree program issued under section 3332.05 of the Revised Code. 1643

(B) "School district," except as specified in division (G) of 1644  
this section, means any school district to which a student is 1645  
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 1646  
the Revised Code and does not include a joint vocational or 1647  
cooperative education school district. 1648

(C) "Parent" has the same meaning as in section 3313.64 of 1649  
the Revised Code. 1650

(D) "Participant" means a student enrolled in a college under 1651  
the post-secondary enrollment options program established by this 1652  
chapter. 1653

(E) "Secondary grade" means the ninth through twelfth grades. 1654  
1655

(F) "School foundation payments" means the amount required to 1656  
be paid to a school district for a fiscal year under Chapter 3317. 1657  
of the Revised Code. 1658

(G) "Tuition base" means, with respect to a participant's 1659  
school district, the formula amount defined in division (B) of 1660  
section 3317.02 of the Revised Code multiplied by the district's 1661  
cost-of-doing-business factor defined in division (N) of section 1662  
3317.02 of the Revised Code. The participant's "school district" 1663  
in the case of a participant enrolled in a community school shall 1664  
be the school district in which the student is entitled to attend 1665  
school under section 3313.64 or 3313.65 of the Revised Code. 1666

(H) "Educational program" means enrollment in one or more 1667

school districts, in a nonpublic school, or in a college under 1668  
division (B) of section 3365.04 of the Revised Code. 1669

(I) "Nonpublic school" means a chartered or nonchartered 1670  
school for which minimum standards are prescribed by the state 1671  
board of education pursuant to division (D) of section 3301.07 of 1672  
the Revised Code. 1673

(J) "School year" means the year beginning on the first day 1674  
of July and ending on the thirtieth day of June. 1675

(K) "Community school" means any school established pursuant 1676  
to Chapter 3314. of the Revised Code that includes secondary 1677  
grades. 1678

(L) "Community school payments" means payments made by the 1679  
department of education to a community school pursuant to division 1680  
(D) of section 3314.08 of the Revised Code. 1681

**Sec. 3365.15.** This section does not apply to students 1682  
enrolled in twelfth grade after July 1, 2001. 1683

No later than July 1, 1999, the board of regents shall adopt 1684  
rules under which it shall award at least a five-hundred dollar 1685  
scholarship to each student who both: 1686

(A) After July 1, 1998, and while the student attends twelfth 1687  
grade, attains on all five tests at least the scores designated 1688  
under former division (A)(3) of section 3301.0710 of the Revised 1689  
Code; 1690

(B) Submits to the board of regents, in the form and manner 1691  
and by any deadline prescribed by the rules, evidence of having 1692  
enrolled in a state-assisted college or university, a nonprofit 1693  
institution holding a certificate of authorization pursuant to 1694  
Chapter 1713. of the Revised Code, or an institution registered by 1695  
the state board of ~~proprietary school registration~~ career colleges 1696  
and schools that has program authorization to award an associate 1697

or bachelor's degree. 1698

The board of regents shall pay each scholarship awarded under 1699  
this section to the student. It may be used to defray any 1700  
educational expenses. 1701

**Sec. 4742.05.** (A) A ~~proprietary career~~ school that holds a 1702  
valid certificate of registration from the state board of 1703  
~~proprietary school registration~~ career colleges and schools may 1704  
apply to the state board of education for certification of a basic 1705  
course of emergency service telecommunicator training or of 1706  
continuing education coursework in emergency service 1707  
telecommunicator training. The state board of education shall 1708  
prescribe the form of the application. 1709

(B) Upon receipt of an application, the state board of 1710  
education shall review it and consider whether the proposed course 1711  
or coursework meets the requirements of division (A) or (B) of 1712  
section 4742.03 of the Revised Code concerning course length and 1713  
content. If the proposed course or coursework meets those 1714  
requirements, the state board of education shall issue a 1715  
certification of that fact to the ~~proprietary career~~ school. 1716  
Inclusion of on-site verifiable electronic training as part of a 1717  
proposed basic or continuing education course shall not be a 1718  
reason for the state board to deny certification. 1719

(C) If, after receiving a certification from the state board 1720  
of education under this section, the ~~proprietary career~~ school 1721  
changes the approved course or coursework, the prior certification 1722  
is canceled and the ~~proprietary career~~ school shall apply to the 1723  
state board of education for certification of the changed course 1724  
or coursework. 1725

**Sec. 4742.06.** (A) A person may obtain certification as an 1726  
emergency service telecommunicator by successfully completing a 1727



basic course of emergency service telecommunicator training that 1728  
is conducted by a proprietary career school that has obtained 1729  
certification of that course from the state board of education 1730  
under section 4742.05 of the Revised Code. If a person 1731  
successfully completes the course, the proprietary career school 1732  
shall certify the person's successful completion. 1733

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

(C) Upon certification of a person's successful completion 1742  
under division (A) or (B) of this section, the proprietary career 1743  
school shall send a copy of the certification to the person and to 1744  
the emergency service provider that employs the person. 1745

(D) Tuition and materials costs for a person enrolled in a 1746  
certified basic or continuing education course conducted by a 1747  
proprietary career school shall be paid by the person, an 1748  
emergency service provider, or any other entity on behalf of the 1749  
person or an emergency service provider. 1750

**Sec. 4743.03.** No board, commission, or agency created under 1751  
or by virtue of Title 47 of the Revised Code shall restrict entry 1752  
into any occupation, profession, or trade under its supervision or 1753  
regulation by: 1754

(A) Unreasonably restricting the number of schools or other 1755  
institutions it certifies or accredits for the purpose of 1756  
fulfilling educational or training requirements for such 1757  
occupation, profession, or trade; 1758

(B) Denying certification or accreditation for the purpose of 1759  
fulfilling such educational or training requirements to any 1760  
school, college, or other educational institution that has been 1761  
certified by the Ohio board of regents or the state board of 1762  
~~proprietary school registration~~ career colleges and schools or to 1763  
a high school for which the state board of education prescribes 1764  
minimum standards under division (D) of section 3301.07 of the 1765  
Revised Code, unless the educational or training program offered 1766  
by such school, college, or institution is not in substantial 1767  
compliance with applicable standards of the occupation, 1768  
profession, or trade. 1769

(C) Rules of state regulatory boards relevant to age and 1770  
level of education required for admission to courses of study 1771  
leading to examination and licensing in professions or occupations 1772  
controlled by regulatory boards not requiring a technical, 1773  
associate, or baccalaureate degree shall not apply to vocational 1774  
education programs conducted in the public schools where such 1775  
vocational education programs in all other respects meet the 1776  
minimum standards and requirements of any regulatory board and 1777  
students completing such programs are of the minimum age required 1778  
for examination and licensing for the purpose of practicing 1779  
professions or occupations controlled by regulatory boards. 1780

Nothing in this section shall prohibit a board, commission, 1781  
or agency from prescribing and enforcing educational and training 1782  
requirements and standards for certification and accreditation of 1783  
schools and other institutions that constitute reasonable bases 1784  
for maintaining necessary standards of performance in any 1785  
occupation, profession, or trade. 1786

**Sec. 4762.02.** (A) Except as provided in division (B) of this 1787  
section, no person shall engage in the practice of acupuncture 1788  
unless the person holds a valid certificate of registration as an 1789

acupuncturist issued by the state medical board under this 1790  
chapter. 1791

(B) Division (A) of this section does not apply to a 1792  
physician or to a person who performs acupuncture as part of a 1793  
training program in acupuncture operated by an educational 1794  
institution that holds an effective certificate of authorization 1795  
issued by the Ohio board of regents under section 1713.02 of the 1796  
Revised Code or a school that holds an effective certificate of 1797  
registration issued by the state board of ~~proprietary school~~ 1798  
registration career colleges and schools under section 3332.05 of 1799  
the Revised Code. 1800

**Sec. 4763.05.** (A)(1) A person shall make application for an 1801  
initial state-certified general real estate appraiser certificate, 1802  
an initial state-certified residential real estate appraiser 1803  
certificate, an initial state-licensed residential real estate 1804  
appraiser license, or an initial state-registered real estate 1805  
appraiser assistant registration in writing to the superintendent 1806  
of real estate on a form the superintendent prescribes. The 1807  
application shall include the address of the applicant's principal 1808  
place of business and all other addresses at which the applicant 1809  
currently engages in the business of preparing real estate 1810  
appraisals and the address of the applicant's current residence. 1811  
The superintendent shall retain the applicant's current residence 1812  
address in a separate record which shall not constitute a public 1813  
record for purposes of section 149.03 of the Revised Code. The 1814  
application shall indicate whether the applicant seeks 1815  
certification as a general real estate appraiser or as a 1816  
residential real estate appraiser, licensure as a residential real 1817  
estate appraiser, or registration as a real estate appraiser 1818  
assistant and be accompanied by the prescribed examination and 1819  
certification, registration, or licensure fees set forth in 1820  
section 4763.09 of the Revised Code. The application also shall 1821

include a pledge, signed by the applicant, that the applicant will 1822  
comply with the standards set forth in this chapter and a 1823  
statement that the applicant understands the types of misconduct 1824  
for which disciplinary proceedings may be initiated against the 1825  
applicant pursuant to this chapter. 1826

(2) For purposes of providing funding for the real estate 1827  
appraiser recovery fund established by section 4763.16 of the 1828  
Revised Code, the real estate appraiser board shall levy an 1829  
assessment against each person issued an initial certificate, 1830  
registration, or license and against current licensees, 1831  
registrants, and certificate holders, as required by board rule. 1832  
The assessment is in addition to the application and examination 1833  
fees for initial applicants required by division (A)(1) of this 1834  
section and the renewal fees required for current certificate 1835  
holders, registrants, and licensees. The superintendent shall 1836  
deposit the assessment into the state treasury to the credit of 1837  
the real estate appraiser recovery fund. The assessment for 1838  
initial certificate holders, registrants, and licensees shall be 1839  
paid prior to the issuance of a certificate, registration, or 1840  
license, and for current certificate holders, registrants, and 1841  
licensees, at the time of renewal. 1842

(B) An applicant for an initial general real estate appraiser 1843  
certificate shall possess at least thirty months of experience in 1844  
real estate appraisal, or any equivalent experience the board 1845  
prescribes. An applicant for a residential real estate appraiser 1846  
certificate or residential real estate appraiser license shall 1847  
possess at least two years of experience in real estate appraisal, 1848  
or any equivalent experience the board prescribes. In addition to 1849  
any other information required by the board, the applicant shall 1850  
furnish, under oath, a detailed listing of the appraisal reports 1851  
or file memoranda for each year for which experience is claimed 1852  
and, upon request of the superintendent or the board, shall make 1853

available for examination a sample of the appraisal reports 1854  
prepared by the applicant in the course of the applicant's 1855  
practice. 1856

(C)(1) Except as provided in division (C)(2) of this section, 1857  
an applicant for an initial certificate, registration, or license 1858  
shall be at least eighteen years of age, honest, truthful, and of 1859  
good reputation and shall present satisfactory evidence to the 1860  
superintendent of the following, as appropriate: 1861

(a) If the applicant is seeking a state-certified general 1862  
real estate appraiser certificate, that the applicant has 1863  
successfully completed at least one hundred sixty-five classroom 1864  
hours of courses in subjects related to real estate appraisal, 1865  
including at least one course devoted exclusively to federal, 1866  
state, and municipal fair housing law, presented by a nationally 1867  
recognized appraisal organization, an institution of higher 1868  
education, a ~~proprietary career~~ school registered by the state 1869  
board of ~~proprietary school registration~~ career colleges and 1870  
schools, a state or federal commission or agency, or any other 1871  
organization that represents the interests of financial 1872  
institutions or real estate brokers, appraisers, or agents and 1873  
that provides appraisal education, plus fifteen classroom hours 1874  
related to standards of professional practice and the provisions 1875  
of this chapter; 1876

(b) If the applicant is seeking a state-certified residential 1877  
real estate appraiser certificate, that the applicant has 1878  
successfully completed at least one hundred five classroom hours 1879  
of courses in subjects related to real estate appraisal, including 1880  
at least one course devoted exclusively to federal, state, and 1881  
municipal fair housing law, presented by a nationally recognized 1882  
appraisal organization, an institution of higher education, a 1883  
~~proprietary career~~ school registered by the state board of 1884  
~~proprietary school registration~~ career colleges and schools, or 1885

any other organization that represents the interests of financial 1886  
institutions or real estate brokers, appraisers, or agents and 1887  
that provides appraisal education, plus fifteen classroom hours 1888  
related to standards of professional practice and the provisions 1889  
of this chapter; 1890

(c) If the applicant is seeking a state-licensed residential 1891  
real estate appraiser license, that the applicant has successfully 1892  
completed at least seventy-five classroom hours of courses in 1893  
subjects related to real estate appraisal, including at least one 1894  
course devoted exclusively to federal, state, and municipal fair 1895  
housing law, presented by a nationally recognized appraisal 1896  
organization, an institution of higher education, a ~~proprietary~~ 1897  
career school registered by the state board of ~~proprietary school~~ 1898  
~~registration~~ career colleges and schools, a state or federal 1899  
commission or agency, or any other organization that represents 1900  
the interests of financial institutions or real estate brokers, 1901  
appraisers, or agents and that provides appraisal education, plus 1902  
fifteen classroom hours related to standards of professional 1903  
practice and the provisions of this chapter; 1904

(d) If the applicant is seeking a state-registered real 1905  
estate appraiser assistant registration, that the applicant has 1906  
successfully completed at least seventy-five classroom hours of 1907  
courses in subjects related to real estate appraisal, including at 1908  
least one course devoted exclusively to federal, state, and 1909  
municipal fair housing law, presented by a nationally recognized 1910  
appraisal organization, an institution of higher education, a 1911  
~~proprietary~~ career school registered by the state board of 1912  
~~proprietary school registration~~ career colleges and schools, or 1913  
any other organization that represents the interests of financial 1914  
institutions or real estate brokers, appraisers, or agents, and 1915  
that provides appraisal education that included at least fifteen 1916  
classroom hours of instruction related to standards of 1917

professional practice and the requirements of this chapter and the 1918  
rules adopted under this chapter. 1919

(2) Each person who files an application for an initial 1920  
certificate or license within one year of the date established by 1921  
the board as the first date on which applications will be accepted 1922  
under this section, which date shall be no later than September 1, 1923  
1990, and who, at the time of filing that application, does not 1924  
satisfy the educational requirements for the certification or 1925  
licensure sought of either division (C)(1)(a) or (b) of this 1926  
section is exempt from those educational requirements for the term 1927  
of the initial certification or licensure. In applying for a 1928  
renewal certificate or license pursuant to section 4763.06 of the 1929  
Revised Code, a certificate holder or licensee who was exempted 1930  
from the educational requirements of division (C)(1)(a) or (b) of 1931  
this section when applying for the initial certificate or license 1932  
shall present satisfactory evidence to the superintendent that the 1933  
certificate holder or licensee has completed the educational 1934  
requirements for the certification or licensure to be renewed of 1935  
one of those divisions before the renewal certificate or license 1936  
may be issued. 1937

(D) An applicant for an initial general real estate appraiser 1938  
or residential real estate appraiser certificate or residential 1939  
real estate appraiser license shall take and successfully complete 1940  
a written examination in order to qualify for the certificate or 1941  
license. The examination shall require the applicant to 1942  
demonstrate all of the following: 1943

(1) Appropriate knowledge of technical terms commonly used in 1944  
or related to real estate appraising, appraisal report writing, 1945  
and the economic concepts applicable to real estate; 1946

(2) Understanding of the principles of land economics, real 1947  
estate appraisal processes, and problems likely to be encountered 1948  
in gathering, interpreting, and processing of data in carrying out 1949

appraisal disciplines;	1950
(3) Understanding of the standards for the development and communication of real estate appraisals as provided in this chapter and the rules adopted thereunder;	1951 1952 1953
(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;	1954 1955 1956 1957
(5) Knowledge of other principles and procedures as appropriate for the certification or license;	1958 1959
(6) Basic understanding of real estate law;	1960
(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a certificate holder and licensee.	1961 1962 1963
(E)(1) A nonresident, natural person of this state who has complied with this section may obtain a certificate, registration, or license. The board shall adopt rules relating to the certification, registration, and licensure of a nonresident applicant whose state of residence the board determines to have certification, registration, or licensure requirements that are substantially similar to those set forth in this chapter and the rules adopted thereunder.	1964 1965 1966 1967 1968 1969 1970 1971
(2) A nonresident appraiser may apply for, and the board may issue, a temporary certificate or license if the board determines that the state in which the nonresident appraiser is licensed or certified has licensing or certification requirements that are substantially similar to the certification or licensure requirements set forth in this chapter and the rules adopted thereunder.	1972 1973 1974 1975 1976 1977 1978
The board shall adopt rules relating to the temporary	1979



certification and licensure of nonresident appraisers. Each 1980  
temporary certificate and license issued by the board shall 1981  
identify the location of the real estate property to be appraised 1982  
and shall not authorize appraisal of more than one real estate 1983  
property located in this state. The board shall not issue more 1984  
than two temporary certificates or licenses in any one calendar 1985  
year to any one applicant. 1986

(3) In addition to any other information required to be 1987  
submitted with the nonresident applicant's or appraiser's 1988  
application for a certificate, registration, license, or temporary 1989  
certificate or license, each nonresident applicant or appraiser 1990  
shall submit a statement consenting to the service of process upon 1991  
the nonresident applicant or appraiser by means of delivering that 1992  
process to the secretary of state if, in an action against the 1993  
applicant, certificate holder, registrant, or licensee arising 1994  
from the applicant's, certificate holder's, registrant's, or 1995  
licensee's activities as a certificate holder, registrant, or 1996  
licensee, the plaintiff, in the exercise of due diligence, cannot 1997  
effect personal service upon the applicant, certificate holder, 1998  
registrant, or licensee. 1999

(F) The superintendent shall not issue a certificate, 2000  
registration, temporary certificate or license, or license to a 2001  
corporation, partnership, or association. This prohibition shall 2002  
not be construed to prevent a certificate holder or licensee from 2003  
signing an appraisal report on behalf of a corporation, 2004  
partnership, or association. 2005

(G) Every person licensed, registered, or certified under 2006  
this chapter shall notify the superintendent, on a form provided 2007  
by the superintendent, of a change in the address of the 2008  
licensee's, registrant's, or certificate holder's principal place 2009  
of business or residence within thirty days of the change. If a 2010  
licensee's, registrant's, or certificate holder's license, 2011

registration, or certificate is revoked or not renewed, the 2012  
licensee, registrant, or certificate holder immediately shall 2013  
return the annual and any renewal certificate, registration, or 2014  
license to the superintendent. 2015

(H) The superintendent shall not issue a certificate, 2016  
registration, temporary certificate or license, or license to any 2017  
person who does not meet applicable minimum criteria for state 2018  
certification, registration, or licensure prescribed by federal 2019  
law or rule. 2020

**Sec. 5107.58.** In accordance with a federal waiver granted by 2021  
the United States secretary of health and human services pursuant 2022  
to a request made under former section 5101.09 of the Revised 2023  
Code, county departments of job and family services may establish 2024  
and administer as a work activity for minor heads of households 2025  
and adults participating in Ohio works first an education program 2026  
under which the participant is enrolled full-time in 2027  
post-secondary education leading to vocation at a state 2028  
institution of higher education, as defined in section 3345.031 of 2029  
the Revised Code; a private nonprofit college or university that 2030  
possesses a certificate of authorization issued by the Ohio board 2031  
of regents pursuant to Chapter 1713. of the Revised Code, or is 2032  
exempted by division (E) of section 1713.02 of the Revised Code 2033  
from the requirement of a certificate; a school that holds a 2034  
certificate of registration and program authorization issued by 2035  
the state board of ~~proprietary school registration~~ career colleges 2036  
and schools under Chapter 3332. of the Revised Code; a private 2037  
institution exempt from regulation under Chapter 3332. of the 2038  
Revised Code as prescribed in section 3333.046 of the Revised 2039  
Code; or a school that has entered into a contract with the county 2040  
department of job and family services. The participant shall make 2041  
reasonable efforts, as determined by the county department, to 2042  
obtain a loan, scholarship, grant, or other assistance to pay for 2043

the tuition, including a federal Pell grant under 20 U.S.C.A. 2044  
1070a and an Ohio instructional grant under section 3333.12 of the 2045  
Revised Code. If the participant has made reasonable efforts but 2046  
is unable to obtain sufficient assistance to pay the tuition the 2047  
program may pay the tuition. On or after October 1, 1998, the 2048  
county department may enter into a loan agreement with the 2049  
participant to pay the tuition. The total period for which tuition 2050  
is paid and loans made shall not exceed two years. If the 2051  
participant, pursuant to division (B)(3) of section 5107.43 of the 2052  
Revised Code, volunteers to participate in the education program 2053  
for more hours each week than the participant is assigned to the 2054  
program, the program may pay or the county department may loan the 2055  
cost of the tuition for the additional voluntary hours as well as 2056  
the cost of the tuition for the assigned number of hours. The 2057  
participant may receive, for not more than three years, support 2058  
services, including publicly funded child day-care under Chapter 2059  
5104. of the Revised Code and transportation, that the participant 2060  
needs to participate in the program. To receive support services 2061  
in the third year, the participant must be, as determined by the 2062  
educational institution in which the participant is enrolled, in 2063  
good standing with the institution. 2064

A county department that provides loans under this section 2065  
shall establish procedures governing loan application for and 2066  
approval and administration of loans granted pursuant to this 2067  
section. 2068

**Sec. 5747.01.** Except as otherwise expressly provided or 2069  
clearly appearing from the context, any term used in this chapter 2070  
has the same meaning as when used in a comparable context in the 2071  
Internal Revenue Code, and all other statutes of the United States 2072  
relating to federal income taxes. 2073

As used in this chapter: 2074

(A) "Adjusted gross income" or "Ohio adjusted gross income"	2075
means adjusted gross income as defined and used in the Internal	2076
Revenue Code, adjusted as provided in this section:	2077
(1) Add interest or dividends on obligations or securities of	2078
any state or of any political subdivision or authority of any	2079
state, other than this state and its subdivisions and authorities.	2080
(2) Add interest or dividends on obligations of any	2081
authority, commission, instrumentality, territory, or possession	2082
of the United States that are exempt from federal income taxes but	2083
not from state income taxes.	2084
(3) Deduct interest or dividends on obligations of the United	2085
States and its territories and possessions or of any authority,	2086
commission, or instrumentality of the United States to the extent	2087
included in federal adjusted gross income but exempt from state	2088
income taxes under the laws of the United States.	2089
(4) Deduct disability and survivor's benefits to the extent	2090
included in federal adjusted gross income.	2091
(5) Deduct benefits under Title II of the Social Security Act	2092
and tier 1 railroad retirement benefits to the extent included in	2093
federal adjusted gross income under section 86 of the Internal	2094
Revenue Code.	2095
(6) Add, in the case of a taxpayer who is a beneficiary of a	2096
trust that makes an accumulation distribution as defined in	2097
section 665 of the Internal Revenue Code, the portion, if any, of	2098
such distribution that does not exceed the undistributed net	2099
income of the trust for the three taxable years preceding the	2100
taxable year in which the distribution is made. "Undistributed net	2101
income of a trust" means the taxable income of the trust increased	2102
by (a)(i) the additions to adjusted gross income required under	2103
division (A) of this section and (ii) the personal exemptions	2104
allowed to the trust pursuant to section 642(b) of the Internal	2105

Revenue Code, and decreased by (b)(i) the deductions to adjusted 2106  
gross income required under division (A) of this section, (ii) the 2107  
amount of federal income taxes attributable to such income, and 2108  
(iii) the amount of taxable income that has been included in the 2109  
adjusted gross income of a beneficiary by reason of a prior 2110  
accumulation distribution. Any undistributed net income included 2111  
in the adjusted gross income of a beneficiary shall reduce the 2112  
undistributed net income of the trust commencing with the earliest 2113  
years of the accumulation period. 2114

(7) Deduct the amount of wages and salaries, if any, not 2115  
otherwise allowable as a deduction but that would have been 2116  
allowable as a deduction in computing federal adjusted gross 2117  
income for the taxable year, had the targeted jobs credit allowed 2118  
and determined under sections 38, 51, and 52 of the Internal 2119  
Revenue Code not been in effect. 2120

(8) Deduct any interest or interest equivalent on public 2121  
obligations and purchase obligations to the extent included in 2122  
federal adjusted gross income. 2123

(9) Add any loss or deduct any gain resulting from the sale, 2124  
exchange, or other disposition of public obligations to the extent 2125  
included in federal adjusted gross income. 2126

(10) Deduct or add amounts, as provided under section 5747.70 2127  
of the Revised Code, related to contributions to variable college 2128  
savings program accounts made or tuition credits purchased 2129  
pursuant to Chapter 3334. of the Revised Code. 2130

(11)(a) Deduct, to the extent not otherwise allowable as a 2131  
deduction or exclusion in computing federal or Ohio adjusted gross 2132  
income for the taxable year, the amount the taxpayer paid during 2133  
the taxable year for medical care insurance and qualified 2134  
long-term care insurance for the taxpayer, the taxpayer's spouse, 2135  
and dependents. No deduction for medical care insurance under 2136

division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

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

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

(12)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under

division (A)(12)(a) of this section shall be reduced to the extent 2169  
the reimbursement is attributable to an amount the taxpayer 2170  
deducted under this section in any taxable year. 2171

(b) Add any amount not otherwise included in Ohio adjusted 2172  
gross income for any taxable year to the extent that the amount is 2173  
attributable to the recovery during the taxable year of any amount 2174  
deducted or excluded in computing federal or Ohio adjusted gross 2175  
income in any taxable year. 2176

(13) Deduct any portion of the deduction described in section 2177  
1341(a)(2) of the Internal Revenue Code, for repaying previously 2178  
reported income received under a claim of right, that meets both 2179  
of the following requirements: 2180

(a) It is allowable for repayment of an item that was 2181  
included in the taxpayer's adjusted gross income for a prior 2182  
taxable year and did not qualify for a credit under division (A) 2183  
or (B) of section 5747.05 of the Revised Code for that year; 2184

(b) It does not otherwise reduce the taxpayer's adjusted 2185  
gross income for the current or any other taxable year. 2186

(14) Deduct an amount equal to the deposits made to, and net 2187  
investment earnings of, a medical savings account during the 2188  
taxable year, in accordance with section 3924.66 of the Revised 2189  
Code. The deduction allowed by division (A)(14) of this section 2190  
does not apply to medical savings account deposits and earnings 2191  
otherwise deducted or excluded for the current or any other 2192  
taxable year from the taxpayer's federal adjusted gross income. 2193

(15)(a) Add an amount equal to the funds withdrawn from a 2194  
medical savings account during the taxable year, and the net 2195  
investment earnings on those funds, when the funds withdrawn were 2196  
used for any purpose other than to reimburse an account holder 2197  
for, or to pay, eligible medical expenses, in accordance with 2198  
section 3924.66 of the Revised Code; 2199

(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. 2200  
2201  
2202

(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: 2203  
2204  
2205

(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; 2206  
2207  
2208  
2209

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 2210  
2211  
2212

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 2213  
2214  
2215  
2216  
2217  
2218  
2219  
2220

(18) Beginning in taxable year 2001, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program 2221  
2222  
2223  
2224  
2225  
2226  
2227  
2228  
2229  
2230



that culminates in a degree or diploma at an eligible institution. 2231  
The deduction may be claimed only to the extent that qualified 2232  
tuition and fees are not otherwise deducted or excluded for any 2233  
taxable year from federal or Ohio adjusted gross income. The 2234  
deduction may not be claimed for educational expenses for which 2235  
the taxpayer claims a credit under section 5747.27 of the Revised 2236  
Code. 2237

(19) Add any reimbursement received during the taxable year 2238  
of any amount the taxpayer deducted under division (A)(18) of this 2239  
section in any previous taxable year to the extent the amount is 2240  
not otherwise included in Ohio adjusted gross income. 2241

(B) "Business income" means income arising from transactions, 2242  
activities, and sources in the regular course of a trade or 2243  
business and includes income from tangible and intangible property 2244  
if the acquisition, rental, management, and disposition of the 2245  
property constitute integral parts of the regular course of a 2246  
trade or business operation. 2247

(C) "Nonbusiness income" means all income other than business 2248  
income and may include, but is not limited to, compensation, rents 2249  
and royalties from real or tangible personal property, capital 2250  
gains, interest, dividends and distributions, patent or copyright 2251  
royalties, or lottery winnings, prizes, and awards. 2252

2253

(D) "Compensation" means any form of remuneration paid to an 2254  
employee for personal services. 2255

(E) "Fiduciary" means a guardian, trustee, executor, 2256  
administrator, receiver, conservator, or any other person acting 2257  
in any fiduciary capacity for any individual, trust, or estate. 2258

(F) "Fiscal year" means an accounting period of twelve months 2259  
ending on the last day of any month other than December. 2260

(G) "Individual" means any natural person. 2261

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	2262 2263
(I) "Resident" means:	2264
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	2265 2266
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code and any election under section 5747.25 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	2267 2268 2269 2270 2271
(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.	2272 2273 2274 2275
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	2276 2277
(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.	2278 2279 2280 2281
(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.	2282 2283 2284 2285
(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.	2286 2287 2288 2289
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax	2290 2291

return for the taxable year or which the taxpayer would have been 2292  
permitted to claim had the taxpayer filed a federal income tax 2293  
return. 2294

(P) "Principal county of employment" means, in the case of a 2295  
nonresident, the county within the state in which a taxpayer 2296  
performs services for an employer or, if those services are 2297  
performed in more than one county, the county in which the major 2298  
portion of the services are performed. 2299

(Q) As used in sections 5747.50 to 5747.55 of the Revised 2300  
Code: 2301

(1) "Subdivision" means any county, municipal corporation, 2302  
park district, or township. 2303

(2) "Essential local government purposes" includes all 2304  
functions that any subdivision is required by general law to 2305  
exercise, including like functions that are exercised under a 2306  
charter adopted pursuant to the Ohio Constitution. 2307

(R) "Overpayment" means any amount already paid that exceeds 2308  
the figure determined to be the correct amount of the tax. 2309

(S) "Taxable income" applies to estates only and means 2310  
taxable income as defined and used in the Internal Revenue Code 2311  
adjusted as follows: 2312

(1) Add interest or dividends on obligations or securities of 2313  
any state or of any political subdivision or authority of any 2314  
state, other than this state and its subdivisions and authorities; 2315

(2) Add interest or dividends on obligations of any 2316  
authority, commission, instrumentality, territory, or possession 2317  
of the United States that are exempt from federal income taxes but 2318  
not from state income taxes; 2319

(3) Add the amount of personal exemption allowed to the 2320  
estate pursuant to section 642(b) of the Internal Revenue Code; 2321

- (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;
- (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 the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect;
- (6) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent included in federal taxable income;
- (7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent included in federal taxable income;
- (8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining either federal adjusted gross income or federal taxable income;
- (9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable year.

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

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

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent'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.

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

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

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

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

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

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 2383  
of this section, "public obligations," "purchase obligations," and 2384  
"interest or interest equivalent" have the same meanings as in 2385  
section 5709.76 of the Revised Code. 2386

(V) "Limited liability company" means any limited liability 2387  
company formed under Chapter 1705. of the Revised Code or under 2388  
the laws of any other state. 2389

(W) "Pass-through entity investor" means any person who, 2390  
during any portion of a taxable year of a pass-through entity, is 2391  
a partner, member, shareholder, or investor in that pass-through 2392  
entity. 2393

(X) "Banking day" has the same meaning as in section 1304.01 2394  
of the Revised Code. 2395

(Y) "Month" means a calendar month. 2396

(Z) "Quarter" means the first three months, the second three 2397  
months, the third three months, or the last three months of the 2398  
taxpayer's taxable year. 2399

(AA)(1) "Eligible institution" means a state university or 2400  
state institution of higher education as defined in section 2401  
3345.011 of the Revised Code, or a private, nonprofit college, 2402  
university, or other post-secondary institution located in this 2403  
state that possesses a certificate of authorization issued by the 2404  
Ohio board of regents pursuant to Chapter 1713. of the Revised 2405  
Code or a certificate of registration issued by the state board of 2406  
~~proprietary school registration~~ career colleges and schools under 2407  
Chapter 3332. of the Revised Code. 2408

(2) "Qualified tuition and fees" means tuition and fees 2409  
imposed by an eligible institution as a condition of enrollment or 2410  
attendance, not exceeding two thousand five hundred dollars in 2411  
each of the individual's first two years of post-secondary 2412  
education. If the individual is a part-time student, "qualified 2413

tuition and fees" includes tuition and fees paid for the academic  
equivalent of the first two years of post-secondary education  
during a maximum of five taxable years, not exceeding a total of  
five thousand dollars. "Qualified tuition and fees" does not  
include:

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

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

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

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

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

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

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

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

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

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

(2) "Eligible applicant" means any individual to whom all of

the following apply: 2443

(a) The individual does not possess a baccalaureate degree. 2444

(b) The individual has enlisted, re-enlisted, or extended 2445  
current enlistment in the Ohio national guard. 2446

(c) The individual is actively enrolled as a full-time or 2447  
part-time student for at least six credit hours of course work in 2448  
a semester or quarter in a two-year or four-year degree-granting 2449  
program at an institution of higher education or in a 2450  
diploma-granting program at an institution of higher education 2451  
that is a school of nursing. 2452

(d) The individual has not accumulated ninety-six eligibility 2453  
units under division (E) of this section. 2454

(3) "Institution of higher education" means an Ohio 2455  
institution of higher education that is state-assisted, that is 2456  
nonprofit and has received a certificate of authorization from the 2457  
Ohio board of regents pursuant to Chapter 1713. of the Revised 2458  
Code, that is a private institution exempt from regulation under 2459  
Chapter 3332. of the Revised Code as prescribed in section 2460  
3333.046 of the Revised Code, or that holds a certificate of 2461  
registration and program authorization issued by the state board 2462  
of ~~proprietary school registration~~ career colleges and schools 2463  
pursuant to section 3332.05 of the Revised Code. 2464

(4) "State university" has the same meaning as in section 2465  
3345.011 of the Revised Code. 2466

(B)(1) There is hereby created a scholarship program to be 2467  
known as the Ohio national guard scholarship program. For the 2468  
fiscal year 2000, the number of participants in the program for 2469  
the fall term is limited to the equivalent of two thousand five 2470  
hundred full-time participants; the number of participants in the 2471  
program for the winter term is limited to the equivalent of two 2472  
thousand five hundred full-time participants; the number of 2473



participants in the program for the spring term is limited to the 2474  
equivalent of one thousand six hundred seventy-five full-time 2475  
participants; and the number of participants in the program for 2476  
the summer term is limited to the equivalent of six hundred 2477  
full-time participants. Except as provided in division (B)(2) of 2478  
this section for the fiscal year 2001 and succeeding fiscal years, 2479  
the number of participants in the program for the fall term is 2480  
limited to the equivalent of three thousand five hundred full-time 2481  
participants; the number of participants in the program for the 2482  
winter term is limited to the equivalent of three thousand five 2483  
hundred full-time participants; the number of participants in the 2484  
program for the spring term is limited to the equivalent of two 2485  
thousand three hundred forty-five full-time participants; and the 2486  
number of participants in the program for the summer term is 2487  
limited to the equivalent of eight hundred full-time participants. 2488

(2) After the application deadline for any academic term in 2489  
fiscal year 2001, the adjutant general may request the controlling 2490  
board, if sufficient appropriated funds are available, to approve 2491  
the following number of additional participants for that term: 2492

(a) For the fall or winter academic term, up to the 2493  
equivalent of five hundred additional full-time participants; 2494

(b) For the spring academic term, up to the equivalent of 2495  
three hundred seventy-five additional full-time participants; 2496

(c) For the summer academic term, up to the equivalent of one 2497  
hundred twenty-five additional full-time participants. 2498

(C) If the adjutant general estimates that appropriations for 2499  
all scholarships applied for under this section and likely to be 2500  
used during an academic term are inadequate for all eligible 2501  
applicants for that academic term to receive scholarships, the 2502  
adjutant general shall promptly inform all applicants not 2503  
receiving scholarships for that academic term of the next academic 2504

term that appropriations will be adequate for the scholarships. 2505  
Any such eligible applicant may again apply for a scholarship 2506  
beginning that academic term if the applicant is in compliance 2507  
with all requirements established by this section and the adjutant 2508  
general for the program. The adjutant general shall process all 2509  
applications for scholarships for each academic term in the order 2510  
in which they are received. The scholarships shall be made without 2511  
regard to financial need. At no time shall one person be placed in 2512  
priority over another because of sex, race, or religion. 2513

(D) Except as provided in division (H) of this section, for 2514  
each academic term that an eligible applicant is approved for a 2515  
scholarship under this section and remains a current member in 2516  
good standing of the Ohio national guard, the institution of 2517  
higher education in which the applicant is enrolled shall, if the 2518  
applicant's enlistment obligation extends beyond the end of that 2519  
academic term, be paid on the applicant's behalf the applicable 2520  
one of the following amounts: 2521

(1) If the institution is state-assisted, an amount equal to 2522  
one hundred per cent of the institution's tuition charges; 2523

(2) If the institution is a nonprofit private institution or 2524  
a private institution exempt from regulation under Chapter 3332. 2525  
of the Revised Code as prescribed in section 3333.046 of the 2526  
Revised Code, an amount equal to one hundred per cent of the 2527  
average tuition charges of all state universities; 2528

(3) If the institution is an institution that holds a 2529  
certificate of registration from the state board of ~~proprietary~~ 2530  
~~school registration~~ career colleges and schools, the lesser of the 2531  
following: 2532

(a) An amount equal to one hundred per cent of the total 2533  
instructional and general charges of the institution; 2534

(b) An amount equal to one hundred per cent of the average 2535

tuition charges of all state universities. 2536

(4) An eligible applicant's scholarship shall not be reduced 2537  
by the amount of that applicant's benefits under "the Montgomery 2538  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 2539

(E) A scholarship recipient under this section shall be 2540  
entitled to receive scholarships under this section for the number 2541  
of quarters or semesters it takes the recipient to accumulate 2542  
ninety-six eligibility units as determined under divisions (E)(1) 2543  
to (3) of this section. 2544

(1) To determine the maximum number of semesters or quarters 2545  
for which a recipient is entitled to a scholarship under this 2546  
section, the adjutant general shall convert a recipient's credit 2547  
hours of enrollment for each academic term into eligibility units 2548  
in accordance with the following table: 2549

Number of	The following	The following	
credit hours	number of	number of	
of enrollment	eligibility	eligibility	
in an academic	units if a	units if a	
term	semester	quarter	
12 or more hours	equals 12 units	or 8 units	2554
9 but less than 12	9 units	6 units	2555
6 but less than 9	6 units	4 units	2556

(2) A scholarship recipient under this section may continue 2558  
to apply for scholarships under this section until the recipient 2559  
has accumulated ninety-six eligibility units. 2560

(3) If a scholarship recipient withdraws from courses prior 2561  
to the end of an academic term so that the recipient's enrollment 2562  
for that academic term is less than six credit hours, no 2563  
scholarship shall be paid on behalf of that person for that 2564  
academic term except that, if a scholarship has already been paid 2565  
on behalf of the person for that academic term, the adjutant 2566

general shall add to that person's accumulated eligibility units 2567  
the number of eligibility units for which the scholarship was 2568  
paid. 2569

(F) A scholarship recipient under this section who fails to 2570  
complete the term of enlistment, re-enlistment, or extension of 2571  
current enlistment the recipient was serving at the time a 2572  
scholarship was paid on behalf of the recipient under this section 2573  
is liable to the state for repayment of a percentage of all Ohio 2574  
national guard scholarships paid on behalf of the recipient under 2575  
this section, plus interest at the rate of ten per cent per annum 2576  
calculated from the dates the scholarships were paid. This 2577  
percentage shall equal the percentage of the current term of 2578  
enlistment, re-enlistment, or extension of enlistment a recipient 2579  
has not completed as of the date the recipient is discharged from 2580  
the Ohio national guard. 2581

The attorney general may commence a civil action on behalf of 2582  
the adjutant general to recover the amount of the scholarships and 2583  
the interest provided for in this division and the expenses 2584  
incurred in prosecuting the action, including court costs and 2585  
reasonable attorney's fees. A scholarship recipient is not liable 2586  
under this division if the recipient's failure to complete the 2587  
term of enlistment being served at the time a scholarship was paid 2588  
on behalf of the recipient under this section is due to the 2589  
recipient's death; discharge from the national guard due to 2590  
disability; or the recipient's enlistment, for a term not less 2591  
than the recipient's remaining term in the national guard, in the 2592  
active component of the United States armed forces or the active 2593  
reserve component of the United States armed forces. 2594

(G) On or before the first day of each academic term, the 2595  
adjutant general shall provide an eligibility roster to each 2596  
institution of higher education at which one or more scholarship 2597  
recipients have applied for enrollment. The institution shall use 2598

the roster to certify the actual full-time or part-time enrollment 2599  
of each scholarship recipient listed as enrolled at the 2600  
institution and return the roster to the adjutant general within 2601  
thirty days after the first day of the academic term. The adjutant 2602  
general shall report to the Ohio board of regents the number of 2603  
students in the Ohio national guard scholarship program at each 2604  
institution of higher education. The Ohio board of regents shall 2605  
provide for payment of the appropriate number and amount of 2606  
scholarships to each institution of higher education pursuant to 2607  
division (D) of this section. The adjutant general shall report on 2608  
a quarterly basis to the director of budget and management, the 2609  
speaker of the house of representatives, and the president of the 2610  
senate the number of Ohio national guard scholarship recipients 2611  
and a projection of the cost of the program for the remainder of 2612  
the biennium. 2613

(H) The chancellor of the Ohio board of regents and the 2614  
adjutant general may adopt rules pursuant to Chapter 119. of the 2615  
Revised Code governing the administration and fiscal management of 2616  
the Ohio national guard scholarship program and the procedure by 2617  
which the Ohio board of regents and the department of the adjutant 2618  
general may modify the amount of scholarships a member receives 2619  
based on the amount other state financial aid a member receives. 2620

(I) Notwithstanding division (A) of section 127.14 of the 2621  
Revised Code, the controlling board shall not transfer all or part 2622  
of any appropriation for the Ohio national guard scholarship 2623  
program. 2624

**Section 2.** That existing sections 955.43, 1713.02, 1713.03, 2625  
1713.25, 2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 3332.04, 2626  
3332.05, 3332.051, 3332.06, 3332.07, 3332.08, 3332.081, 3332.082, 2627  
3332.083, 3332.085, 3332.09, 3332.091, 3332.092, 3332.10, 3332.11, 2628  
3332.12, 3332.13, 3332.18, 3333.043, 3333.12, 3333.29, 3334.01, 2629

3365.01, 3365.15, 4742.05, 4742.06, 4743.03, 4762.02, 4763.05, 2630  
5107.58, 5747.01, and 5919.34 of the Revised Code are hereby 2631  
repealed. 2632

**Section 3.** That sections 3332.04, 3332.08, 3332.082, and 2633  
3332.084 of the Revised Code be amended to read as follows: 2634

**Sec. 3332.04.** The state board of career colleges and schools 2635  
may appoint an executive director and such other staff as may be 2636  
required for the performance of the board's duties and provide 2637  
necessary facilities. In selecting an executive director, the 2638  
board shall appoint an individual with a background or experience 2639  
in the regulation of commerce, business, or education. The board 2640  
may also arrange for services and facilities to be provided by the 2641  
state board of education and the Ohio board of regents. All 2642  
receipts of the board shall be deposited in the career colleges 2643  
and schools operating fund, which is hereby created in the state 2644  
treasury to the credit of the general revenue fund. Moneys in the 2645  
fund shall be used solely for the administration and enforcement 2646  
of Chapter 3332. of the Revised Code. All investment earnings on 2647  
the fund shall be credited to the fund. 2648

**Sec. 3332.08.** The application for a certificate of 2649  
registration for a school located within Ohio shall be accompanied 2650  
by a surety bond in ~~the a~~ a penal sum of ~~ten thousand dollars~~ 2651  
established by rule of the state board of career colleges and 2652  
schools pursuant to Chapter 119. of the Revised Code with 2653  
conditions and in a form prescribed by the ~~state board of career~~ 2654  
~~colleges and schools~~ with at least one corporate bonding company 2655  
approved by the department of insurance as surety thereon. Bond 2656  
shall be maintained in effect for a period specified by rule of 2657  
the board. The board may permit a school to cancel its bond if the 2658  
school has been approved to participate in any federal student 2659

financial assistance program authorized under Title IV of the 2660  
"Higher Education Act of 1965," 20 U.S.C.A. 1070 et seq., as 2661  
amended, or if the school meets standards of financial 2662  
responsibility otherwise established by the board. The bond shall 2663  
provide for the indemnification of any person suffering prepaid 2664  
tuition loss as the result of ~~any fraud or misrepresentation used~~ 2665  
~~in behalf of the principal in procuring such person's enrollment~~ 2666  
~~in a program, including repayment of tuition paid in advance by~~ 2667  
~~any student~~ a school closure in accordance with section 3332.082 2668  
of the Revised Code. 2669

The liability of the surety on such bond for the school 2670  
covered shall not exceed the sum of ~~ten thousand dollars~~ the bond 2671  
as an aggregate for all students for all breaches of the 2672  
conditions of the bond by the school. The term of the bond shall 2673  
be continuous, but it shall be subject to cancellation by the 2674  
surety in the manner described in this section. The bond shall 2675  
provide blanket coverage for the acts of all persons engaged as 2676  
agents of the school without naming them and without regard to the 2677  
time they are engaged during the term of the bond. 2678

The surety may terminate the bond upon giving a sixty-day 2679  
written notice to the principal and to the state board of career 2680  
colleges and schools, but the liability of the surety for acts of 2681  
the principal and its agents continues during the sixty days of 2682  
cancellation notice. The notice does not absolve the surety from 2683  
liability which accrues before the cancellation becomes final but 2684  
which is discovered after that date and which may have arisen at 2685  
any time during the term of the bond. Unless the bond is replaced 2686  
by that of another surety before the expiration of the sixty days 2687  
notice of cancellation, the certificate of registration shall be 2688  
suspended. Any person subject to this section required to file a 2689  
bond with an application for a certificate of registration may 2690  
file, in lieu thereof, cash, a certificate of deposit, letter of 2691

credit, or government bonds in the amount of ~~ten thousand dollars~~ 2692  
established by the board. The deposit is subject to the same terms 2693  
and conditions as are provided for in the surety bond required 2694  
herein. Any interest or earnings on such deposits are payable to 2695  
the depositor. 2696

**Sec. 3332.082.** The state board of career colleges and schools 2697  
may pursue any lawful means of assuring that students of any 2698  
school registered by the state board do not suffer prepaid tuition 2699  
loss as a result of the closure of a school. This may include 2700  
lawsuits against a school or any individual who may reasonably 2701  
have liability as a result of the default, in which the attorney 2702  
general shall advise and represent the board. Any student seeking 2703  
reimbursement for a prepaid tuition loss shall submit a claim for 2704  
reimbursement to the board not later than one year following the 2705  
school's closure. 2706

Any reimbursement for a prepaid tuition loss or advance 2707  
against a possible prepaid tuition loss of a student, and any 2708  
expenses reasonably incurred by the board in its pursuit of any 2709  
remedy, shall be paid by the surety on the bond provided by the 2710  
school pursuant to section 3332.08 of the Revised Code. If 2711  
proceeds from the surety bond are not sufficient to cover such 2712  
payments, any additional payments shall be paid from the student 2713  
tuition recovery fund created by section 3332.083 of the Revised 2714  
Code. Tuition loss does not include moneys held by a school in 2715  
escrow accounts for tuition or fees for future terms, as 2716  
uncommitted grants, loans, or Pell grant money. If the fund is not 2717  
of sufficient size to pay the students the full amount of their 2718  
prepaid fee, the student tuition recovery authority shall 2719  
determine the percentage of the amount that will be paid. 2720

Any money recovered from the defaulting school, or any 2721  
individual with liability for the default, or from the surety 2722



under a bond provided under section 3332.08 of the Revised Code in 2723  
excess of any payments made under this section shall be deposited 2724  
into the fund. 2725

**Sec. 3332.084.** The student tuition recovery authority may: 2726

(A) Adopt bylaws for the regulation of its affairs and the 2727  
conduct of its business; 2728

(B) Maintain a principal office at such place within the 2729  
state as is designated by the authority; 2730

(C) Distribute Direct moneys from to be paid by the surety on 2731  
the bond required by section 3332.08 of the Revised Code and 2732  
distribute moneys from the student tuition recovery fund to or on 2733  
behalf of students who are determined eligible by the authority; 2734

(D) Reduce contributions to or utilize excess money in the 2735  
fund, as provided in division (C) of section 3332.085 of the 2736  
Revised Code. 2737

**Section 4.** That existing sections 3332.04, 3332.08, 3332.082, 2738  
and 3332.084 of the Revised Code are hereby repealed. 2739

**Section 5.** Sections 3 and 4 of this act shall take effect 2740  
July 1, 2003. 2741

**Section 6.** Within sixty days after the effective date of this 2742  
act, the Governor shall appoint an additional member who has been 2743  
engaged for at least the immediately preceding five years in an 2744  
executive or managerial position at a career school to the State 2745  
Board of Career Colleges and Schools pursuant to section 3332.03 2746  
of the Revised Code, as amended by this act. Such member shall 2747  
hold office until the twentieth day of November following the 2748  
member's appointment and shall be eligible for reappointment to a 2749  
full five-year term under that section. 2750