

As Reported by the House Education Committee

124th General Assembly

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Sub. S. B. No. 266

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

REPRESENTATIVES Callender, Calvert, Hartnett, Distel, Carano, Fedor

A B I L L

To amend sections 955.43, 1713.02, 1713.03, 1713.25, 1
2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 2
3332.04, 3332.05, 3332.051, 3332.06, 3332.07, 3
3332.08, 3332.081, 3332.082, 3332.083, 3332.085, 4
3332.09, 3332.091, 3332.092, 3332.10 to 3332.13, 5
3332.18, 3333.043, 3333.12, 3333.29, 3334.01, 6
3365.01, 3365.15, 4742.05, 4742.06, 4743.03, 7
4762.02, 4763.05, 5107.58, 5747.01, and 5919.34 of 8
the Revised Code; and to amend Section 94.10 of Am. 9
Sub. H.B. 94 of the 124th General Assembly to make 10
changes to the oversight of career schools by 11
changing the name of the State Board of Proprietary 12
School Registration to the State Board of Career 13
Colleges and Schools, directing the Board to 14
establish the period of time that a career school 15
must maintain a surety bond, eliminating the 16
requirement that agents for career schools maintain 17
surety bonds, altering the structure of the Board 18
by adding an additional member with a background in 19
career school management and by making the student 20
representative a nonvoting member, establishing a 21
fixed rate of compensation for Board members, 22
eliminating the requirement that the Ohio Board of 23

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

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

Section 1. That sections 955.43, 1713.02, 1713.03, 1713.25, 46
2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 3332.04, 3332.05, 47
3332.051, 3332.06, 3332.07, 3332.08, 3332.081, 3332.082, 3332.083, 48
3332.085, 3332.09, 3332.091, 3332.092, 3332.10, 3332.11, 3332.12, 49
3332.13, 3332.18, 3333.043, 3333.12, 3333.29, 3334.01, 3365.01, 50
3365.15, 4742.05, 4742.06, 4743.03, 4762.02, 4763.05, 5107.58, 51
5747.01, and 5919.34 of the Revised Code be amended to read as 52
follows: 53

Sec. 955.43. (A) When a blind, deaf, or mobility impaired 54
person is accompanied by a dog that serves as or is in training to 55
become a guide, leader, listener, or support dog for ~~him~~ the 56
person, and ~~he~~ the person can show proof by certificate or other 57
means that the dog leading ~~him~~ the person, listening for ~~him~~ the 58
person, or providing support or assistance for ~~him~~ the person has 59
been or is being trained for that purpose by a nonprofit special 60
agency engaged in such work, the person is entitled to the full 61
and equal accommodations, advantages, facilities, and privileges 62
of all public conveyances, hotels, lodging places, all places of 63
public accommodation, amusement, or resort, all institutions of 64
education, and other places to which the general public is 65
invited, and may take the dog into such conveyances and places, 66
subject only to the conditions and limitations applicable to all 67
persons not so accompanied, except that: 68

(1) The dog shall not occupy a seat in any public conveyance. 69
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(2) The dog shall be upon a leash while using the facilities 71
of a common carrier. 72

(3) Any dog in training to become a guide, leader, listener, 73
or support dog shall be covered by a liability insurance policy 74
provided by the nonprofit special agency engaged in such work 75
protecting members of the public against personal injury or 76
property damage caused by the dog. 77

(B) No person shall deprive a blind, deaf, or mobility 78
impaired person of any of the advantages, facilities, or 79
privileges provided in division (A) of this section, nor charge 80
the blind, deaf, or mobility impaired person a fee or charge for 81
the dog. 82

(C) As used in this section, "institutions of education" 83
means: 84

(1) Any state university or college as defined in section 3345.32 of the Revised Code;	85 86
(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;	87 88 89
(3) Any elementary or secondary school operated by a board of education;	90 91
(4) Any chartered or nonchartered nonpublic elementary or secondary school;	92 93
(5) Any school issued a certificate of registration by the state board of proprietary school registration <u>career colleges and schools</u> .	94 95 96
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.	97 98 99
(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.	100 101 102 103 104 105 106 107 108
(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	109 110 111 112 113 114

of proficiency or achievement or offer any course or courses 115
within this state until it has received a certificate of 116
authorization from the Ohio board of regents, nor shall the 117
institution identify itself as a "college" or "university" unless 118
it has received such a certificate from the board. 119

(D) Each certificate of authorization shall specify the 120
diplomas or degrees authorized to be given, courses authorized to 121
be offered, and the sites at which courses are to be conducted. A 122
copy of such certificate shall be filed with the secretary of 123
state if the institution is incorporated. Any institution or 124
corporation established or that offered a course or courses of 125
instruction in this state prior to October 13, 1967, may apply to 126
the board for a certificate of authorization, and the board shall 127
issue a certificate if it finds that such institution or 128
corporation meets the requirements established pursuant to 129
sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 1713.09, and 130
1713.25 of the Revised Code. 131

(E) An institution that clearly identifies itself in its name 132
with the phrase "bible college" or "bible institute" and has not 133
received a certificate of authorization may confer diplomas and 134
other written evidences of proficiency or achievement other than 135
associate, baccalaureate, master's, and doctoral degrees or any 136
other type of degree and may identify itself as a "bible college" 137
if such institution: 138

(1) Prominently discloses on any transcripts, diplomas, or 139
other written evidences of proficiency or achievement, and 140
includes with any promotional material or other literature 141
intended for the public, the statement: "this institution is not 142
certified by the board of regents or the state of Ohio." 143

(2) Limits its course of instruction to religion, theology, 144
or preparation for a religious vocation, or is operated by a 145
church or religious organization and limits its instruction to 146

preparation for service to churches or other religious organizations. 147
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(3) Confers only diplomas and other written evidences of proficiency or achievement that bear titles clearly signifying the religious nature of the instruction offered by the institution. 149
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(F) Except as otherwise provided in section 3333.046 of the Revised Code, no school of the type described in division (E) of 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. 152
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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. 163
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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 173
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119. of the Revised Code. 178

An institution or school shall apply to the board for a 179
certificate of authorization on forms containing such information 180
as is prescribed by the board. Each institution or school with a 181
certificate of authorization shall file an annual report with the 182
board in such form and containing such information as the board 183
prescribes. 184

Sec. 1713.25. The board of trustees of an institution of 185
learning incorporated under the authority of this state for the 186
sole purpose of promoting education, religion and morality, or the 187
fine arts, at a regular or special meeting of such board called 188
for that purpose, after thirty days' actual notice to each 189
trustee, may change the name and enlarge the purposes and objects 190
of such institution of learning, by amendment to its charter, 191
approved by a majority of the board. 192

No institution as defined in section 1713.01 of the Revised 193
Code or school that holds a certificate of registration issued by 194
the state board of ~~proprietary school registration~~ career colleges
and schools pursuant to division (C) of section 3332.05 ~~(E)~~ of the 195
Revised Code, that has been issued a certificate of authorization 196
by the Ohio board of regents shall change the purposes of the 197
institution without giving written notice to the Ohio board of 198
regents, which shall issue an amended certificate of authorization 199
to the institution or school upon receipt of such notice. 200
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Sec. 2741.01. As used in this chapter: 202

(A) "Persona" means an individual's name, voice, signature, 203
photograph, image, likeness, or distinctive appearance, if any of 204
these aspects have commercial value. 205

(B) "Commercial purpose" means the use of or reference to an 206
aspect of an individual's persona in any of the following manners: 207

(1) On or in connection with a place, product, merchandise, goods, services, or other commercial activities not expressly exempted under this chapter;	208 209 210
(2) For advertising or soliciting the purchase of products, merchandise, goods, services, or other commercial activities not expressly exempted under this chapter;	211 212 213
(3) For the purpose of promoting travel to a place;	214
(4) For the purpose of fundraising.	215
(C) "Name" means the actual, assumed, or clearly identifiable name of or reference to a living or deceased individual that identifies the individual.	216 217 218
(D) "Right of publicity" means the property right in an individual's persona to use the individual's persona for a commercial purpose.	219 220 221
(E) "Trier of fact" means the jury or, in a nonjury action, the court.	222 223
(F) "Written consent" includes written, electronic, digital, or any other verifiable means of authorization.	224 225
(G) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of proprietary school registration <u>career colleges and schools</u> under Chapter 3332. of the Revised Code.	226 227 228 229 230 231 232 233 234 235
Sec. 3332.01. As used in this section and sections 3332.03 to	236

3332.99 of the Revised Code:	237
(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.	238 239 240 241 242
(B) "Certificate of registration" means a certificate issued by the state board of proprietary school registration <u>career colleges and schools</u> to the owner or operator of a for profit or nonprofit private career school located within or without the state of Ohio, that permits the school to solicit students and offer and maintain a program in Ohio.	243 244 245 246 247 248
(C) "Program" means the complete <u>a</u> course of study, whether offered in a specific place, by correspondence using the mails, or by any other means of communication, designed to prepare students for potential employment in a recognized vocation, occupation, or profession and lead to a <u>at the</u> certificate, diploma, or degree <u>level</u> .	249 250 251 252 253 254
(D) "Program authorization" means written notification by the board to a private career school granting approval for offering programs and awarding certificates, diplomas, or degrees.	255 256 257
(E) "Private career school" or "school" means a person possessing a certificate of registration and one or more program authorizations.	258 259 260
Sec. 3332.02. This chapter does not apply to the following categories of courses, schools, or colleges:	261 262
(A) Tuition-free courses or schools conducted by employers exclusively for their own employees;	263 264
(B) Nonprofit institutions with certificates of authorization issued pursuant to section 1713.02 of the Revised Code or that are	265 266

nonprofit institutions exempted from the requirement to obtain a
certificate by division (E) of that section;

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

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

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

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

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

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

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

Sec. 3332.03. There is hereby created the state board of
~~proprietary school registration~~ career colleges and schools to
consist of the state superintendent of public instruction or an
assistant superintendent designated by the superintendent, the
chancellor of the Ohio board of regents or a vice chancellor
designated by the chancellor, and ~~five~~ six members appointed by

the governor, with the advice and consent of the senate. Members' 297
terms of office shall be for five years, commencing on the 298
twenty-first day of November and ending on the twentieth day of 299
November. Each member shall hold office from the date of ~~his~~ 300
appointment until the end of the term for which ~~he~~ the member was 301
appointed. 302

~~Two~~ Three of the members appointed by the governor shall have 303
been engaged for a period of not less than five years immediately 304
preceding appointment in an executive or managerial position in a 305
private, trade, technical, or other school subject to this 306
chapter. One member appointed by the governor shall be a 307
representative of students and shall have graduated with an 308
associate or baccalaureate degree, within five years prior to ~~his~~ 309
appointment, from a school subject to this chapter. Two members 310
appointed by the governor shall be representatives of the general 311
public and shall have had no affiliation with, or direct or 312
indirect interest in, schools subject to this chapter for at least 313
two years prior to appointment. In selecting the representatives 314
of the general public, the governor shall make an effort to find 315
individuals with background or experience in the regulation of 316
commerce, business, or education. The two members of the board who 317
are representatives of the general public shall not be affiliated 318
in any way with or have any direct or indirect interest in any 319
schools subject to this chapter during their terms. Except for 320
enrollment in a school subject to this chapter, the member 321
representing students shall have had no affiliation in any way 322
with, or have any direct or indirect interest in any school 323
subject to this chapter for at least two years prior to ~~his~~ 324
appointment or during ~~his~~ the member's term. 325

Any vacancy shall be filled in the manner provided for 326
original appointment. Any member appointed to fill a vacancy 327
occurring prior to the expiration of the term for which ~~his~~ the 328

member's predecessor was appointed shall hold office for the 329
remainder of such term. Any appointed member shall continue in 330
office subsequent to the expiration date of ~~his~~ the member's term 331
until ~~his~~ the member's successor takes office, or until a period 332
of sixty days has elapsed, whichever occurs first. 333

~~All seven members~~ Members of the board have full voting 334
rights. ~~The members shall not be paid for their services, but the,~~ 335
except for the member representing students who shall be a 336
nonvoting member. Each member of the board appointed by the 337
governor shall be compensated at the rate established pursuant to 338
division (J) of section 124.15 of the Revised Code, but shall not 339
receive step advancements, for those days the member is engaged in 340
the discharge of official duties. In addition, members appointed 341
by the governor may be compensated for the expenses necessarily 342
incurred in the attendance at meetings or in performing other 343
services for the board. The ~~chairman~~ chairperson of the board 344
shall annually be elected or determined as follows: 345

(A) If both members of the board representing the general 346
public have served on the board for at least one year, the members 347
shall elect one of these two members as ~~chairman~~ chairperson. If 348
one of these members declines to be elected or serve, the other 349
member representing the general public shall be ~~chairman~~ 350
chairperson. If both members representing the general public 351
decline to be elected or serve, division (C) of this section shall 352
apply. 353

(B) If only one member of the board representing the general 354
public has served on the board for at least one year, this member 355
shall be ~~chairman~~ chairperson. If this member declines to serve, 356
division (C) of this section shall apply. 357

(C) If neither member of the board representing the general 358
public has served on the board for at least one year or if this 359
division applies pursuant to division (A) or (B) of this section, 360

the members of the board shall elect a ~~chairman~~ chairperson from 361
among any of the voting members of the board who have served on 362
the board for at least one year. 363

Sec. 3332.031. The state board of ~~proprietary school~~ 364
~~registration~~ career colleges and schools shall: 365

(A) Adopt rules under Chapter 119. of the Revised Code 366
necessary to carry out its duties and responsibilities under this 367
chapter; 368

(B) Establish minimum standards for the registration and 369
operation of private career schools including but not necessarily 370
limited to standards to ensure school financial stability; 371

(C) Issue certificates of registration to private career 372
schools pursuant to division (A) of section 3332.05 of the Revised 373
Code; 374

(D) Suspend or revoke the certificate of registration of 375
schools pursuant to sections 3332.09 and 3332.091 of the Revised 376
Code; 377

(E) Establish minimum standards for certificate, diploma, and 378
degree programs offered by schools; 379

(F) Issue program authorization pursuant to divisions (B) and 380
(C) of section 3332.05 of the Revised Code; 381

(G) Suspend or revoke program authorization for schools 382
pursuant to sections 3332.09 and 3332.091 of the Revised Code; 383

(H) Establish minimum standards, including but not 384
necessarily limited to a code of ethics, for agents employed by 385
schools registered under this chapter to reasonably ensure that 386
such agents provide adequate, ethical, and accurate information to 387
prospective students; 388

(I) Grant permits to agents pursuant to sections 3332.10 and 389

3332.11 of the Revised Code;	390
(J) Suspend or revoke an agent's permit pursuant to section 3123.47 or 3332.12 of the Revised Code;	391 392
(K) Monitor recruitment and admissions practices of schools holding certificates of registration to ensure compliance with this chapter and the rules of the board;	393 394 395
(L)(1) Adopt rules requiring all schools to provide all applicant students, prior to their signing enrollment agreements, written information concerning the school's graduation and placement rates for each of the preceding three years and any other information the board deems pertinent.	396 397 398 399 400
(2) Adopt rules requiring all schools to provide any student or applicant student, prior to the signing of any financial aid, grant, or loan application, written information concerning the obligations of a student obtaining such financial aid, grant, or loan.	401 402 403 404 405
(3) Upon request, a school shall furnish the board with a copy of all information required by this division. The board shall monitor schools to ensure their compliance with this division.	406 407 408 409
(M) Adopt a rule requiring all schools to include, in the enrollment agreement, notice that any problems the student is having with the school, or complaints the student has about the school, may be directed to the board, which notice shall include the telephone number of the executive director of the board;	410 411 412 413 414
(N) Report annually to the governor and the general assembly on the activities of the board and private career schools, and make legislative recommendations when necessary to enable the board to better serve the student population and the schools registered under this chapter;	415 416 417 418 419

(O) Adopt a rule requiring a uniform tuition refund policy 420
for all schools subject to this chapter. In adopting the rule, the 421
board shall consider the tuition refund policies effectuated by 422
state-supported colleges and universities. Each school subject to 423
this chapter shall furnish to each prospective student, prior to 424
the signing of an enrollment agreement, a copy of the tuition 425
refund policy. 426

(P) Adopt a rule establishing minimum standards for all 427
faculty and instructional staff in all instructional programs at a 428
school. In the case of full-time faculty members employed for 429
degree programs, such standards shall include all of the 430
following: 431

(1) A prohibition against employing on or after July 1, 1993, 432
any new full-time faculty member to teach the general study 433
portion of any degree program, unless the person holds a master's 434
degree in the subject matter discipline or holds a master's degree 435
in education with proficiency in the subject matter discipline 436
demonstrated in accordance with the standards adopted by the 437
board. 438

(2) Except as provided under the standards adopted pursuant 439
to division (P)(3) of this section, a prohibition against 440
employing or reemploying on or after July 1, 1998, any full-time 441
faculty member to teach the general study portion of any degree 442
program, unless the person holds a master's degree in the subject 443
matter discipline or holds a master's degree in education with 444
proficiency in the subject matter discipline demonstrated in 445
accordance with the standards adopted by the board. 446

(3) Standards under which the board, upon written request 447
submitted to the board prior to July 1, 1994, by any school, may 448
exempt the school from the prohibition adopted pursuant to 449
division (P)(2) of this section with regard to any individual 450
full-time faculty member employed by the school who has 451

demonstrated outstanding teaching performance in the general study 452
portion of any degree program at the school for a period of at 453
least six years prior to July 1, 1993. 454

(4) Definitions of "full-time faculty member," "new faculty 455
member," and any other term the board considers necessary to 456
define. 457

(Q) Adopt a rule prohibiting a school or branch campus 458
thereof from claiming accreditation from an accrediting agency in 459
any of its advertising, recruiting, or promotional materials 460
unless the agency is recognized as an accrediting agency by the 461
United States department of education. 462

Sec. 3332.04. The state board of ~~proprietary school~~ 463
~~registration~~ career colleges and schools may appoint an executive 464
director and such other staff as may be required for the 465
performance of the board's duties and provide necessary 466
facilities. In selecting an executive director, the board shall 467
appoint an individual with a background or experience in the 468
regulation of commerce, business, or education. The board may also 469
arrange for services and facilities to be provided by the state 470
board of education and the Ohio board of regents. All receipts of 471
the board shall be deposited in the state treasury to the credit 472
of the general revenue fund. 473

Sec. 3332.05. (A) The state board of ~~proprietary school~~ 474
~~registration~~ career colleges and schools shall issue a certificate 475
of registration to an applicant of good reputation seeking to 476
offer one or more programs upon receipt of the fee established in 477
accordance with section 3332.07 of the Revised Code and upon 478
determining the applicant has the facilities, resources, and 479
faculty to provide students with the kind of instruction that it 480
proposes to offer and meets the minimum standards of the board. A 481

certificate of registration shall be granted or denied within one 482
hundred twenty days of the receipt of the application therefor by 483
the board. A person shall obtain a separate certificate for each 484
location at which the person offers programs. The first 485
certificate of registration issued on or after ~~the effective date~~ 486
~~of this amendment~~ June 29, 1999, for each new location is valid 487
for one year, unless earlier revoked for cause by the board under 488
section 3332.09 of the Revised Code. Any other certificate of 489
registration is valid for two years, unless earlier revoked for 490
cause by the board under that section. 491

(B) The board shall issue program authorization for an 492
associate degree, certificate, or diploma program to an applicant 493
holding a certificate of registration issued pursuant to division 494
(A) of this section upon receipt of the fee established in 495
accordance with section 3332.07 of the Revised Code and upon 496
determining the applicant has the facilities, resources, and 497
faculty to provide students the kind of program it proposes to 498
offer and meets the minimum standards of the state board. 499

~~The state board shall promptly furnish the Ohio board of 500
regents a copy of all applications for issuance or renewal of 501
program authorization to offer any associate degree program. Prior 502
to the issuance or renewal of such program authorization the state 503
board shall conduct an on-site visit of the school proposing the 504
program. A representative of the board of regents shall 505
participate in the visit. Within twenty one days of the on-site 506
visit the representative of the board of regents shall provide the 507
state board with a written statement recommending approval or 508
disapproval of the application. 509~~

Any program authorization issued by the board under this 510
division is valid only for the specified program at the location 511
for which it is issued and does not cover any other program 512
offered at the school or at other schools operated by the owner. 513

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.

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

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

(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.

(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 546
program authorization unless the degree program has been approved 547
by the board of regents. 548

(D) The board may cause an investigation to be made into the 549
correctness of the information submitted in any application 550
received under this section. If the board believes that false, 551
misleading, or incomplete information has been submitted to it in 552
connection with any application, the board shall conduct a hearing 553
on the matter pursuant to Chapter 119. of the Revised Code, and 554
may withhold a certificate of registration or program 555
authorization upon finding that the applicant has failed to meet 556
the standards for such certificate or program authorization or has 557
submitted false, misleading, or incomplete information to the 558
board. Application for a certificate of registration or program 559
authorization shall be made in writing to the board on forms 560
furnished by the board. A certificate of registration or program 561
authorization is not transferable and shall be prominently 562
displayed on the premises of an institution. 563

The board shall assign registration numbers to all schools 564
registered with it. Schools shall display their registration 565
numbers on all school publications and on all advertisements 566
bearing the name of the school. 567

Notwithstanding the requirements of this section for issuance 568
of certificates of registration and program authorization, the 569
board may, in accordance with rules adopted by it, grant 570
certificates of registration and program authorization to schools, 571
colleges, institutes, or universities that have been approved by 572
the state department of education pursuant to the "Act of March 3, 573
1966," 80 Stat. 20, 38 U.S.C.A. 1771. 574

Sec. 3332.051. The state board of ~~proprietary school~~ 575
registration career colleges and schools shall direct that a 576

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

Sec. 3332.06. (A)(1) No program shall be established, 594
offered, or given for a charge, fee, or other contribution; no 595
certificate, diploma, degree, or other written evidence of 596
proficiency or achievement shall be offered whether in a specified 597
place, by correspondence, or any other means of communication, or 598
awarded; and no student enrollment in such program shall be 599
solicited through advertising, agents, mail circulars, or other 600
means, until the person planning to offer or offering such 601
program, certificate, diploma, or degree has obtained a 602
certificate of registration and appropriate program authorization 603
in accordance with section 3332.05 of the Revised Code. No school 604
shall offer a baccalaureate, master's, or doctoral degree program 605
unless it has received a certificate of authorization from the 606
Ohio board of regents and program authorization from the state 607
board of ~~proprietary school registration~~ career colleges and 608

schools. 609

(2) No institution receiving a certificate of registration 610
after July 28, 1989, shall call itself a "university" unless it 611
meets all of the following conditions: 612

(a) It also holds an equivalent certificate issued by another 613
state; 614

(b) It calls itself a "university" in that other state, as 615
permitted under the terms of the other state's certificate; 616

(c) It has been issued degree program authorization under 617
division (C) of section 3332.05 of the Revised Code. 618

(B) The board shall petition the court of common pleas of the 619
county in which a person or agent, as defined in section 3332.01 620
of the Revised Code, offers one or more programs subject to this 621
chapter or advertises for the offering of such programs without a 622
certificate of registration and program authorization, for an 623
order enjoining such offering or advertising. The court may grant 624
such injunctive relief upon a showing that the respondent named in 625
the petition is offering or advertising one or more programs 626
without a certificate of registration and program authorization. 627

Sec. 3332.07. (A) Each application for issuance and renewal 629
of a certificate 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 state board of 632
~~proprietary school registration~~ career colleges and schools shall 633
be accompanied by the required fee. Fees submitted under this 634
section are not returnable even if approval or renewal is denied. 635

(B) Fee schedules for the issuance and renewal of 636
certificates of registration, for the issuance and renewal of 637
program authorization, for issuance and renewal of agent's 638

permits, and for any other service specified by the board shall be established by rule adopted by the state board. The fee for a one-year certificate of registration shall be one-half the fee for a two-year certificate.

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

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

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The liability of the surety on such bond for the school 671
covered shall not exceed the sum of ten thousand dollars as an 672
aggregate for all students for all breaches of the conditions of 673
the bond by the school. The term of the bond shall be continuous, 674
but it shall be subject to cancellation by the surety in the 675
manner described in this section. The bond shall provide blanket 676
coverage for the acts of all persons engaged as agents of the 677
school without naming them and without regard to the time they are 678
engaged during the term of the bond. 679

The surety may terminate the bond upon giving a sixty-day 680
written notice to the principal and to the state board of 681
~~proprietary school registration~~ career colleges and schools, but 682
the liability of the surety for acts of the principal and its 683
agents continues during the sixty days of cancellation notice. The 684
notice does not absolve the surety from liability which accrues 685
before the cancellation becomes final but which is discovered 686
after that date and which may have arisen at any time during the 687
term of the bond. Unless the bond is replaced by that of another 688
surety before the expiration of the sixty days notice of 689
cancellation, the certificate of registration shall be suspended. 690
Any person subject to this section required to file a bond with an 691
application for a certificate of registration may file, in lieu 692
thereof, cash, a certificate of deposit, letter of credit, or 693
government bonds in the amount of ten thousand dollars. The 694
deposit is subject to the same terms and conditions as are 695
provided for in the surety bond required herein. Any interest or 696
earnings on such deposits are payable to the depositor. 697

Sec. 3332.081. The student tuition recovery authority is 698
created as a body corporate and politic of this state. The purpose 699
of the authority is to protect students of any school registered 700
by the state board of ~~proprietary school registration~~ career 701
colleges and schools from prepaid tuition loss for the academic 702

term, ~~whether due to business failure or any other reason for~~ 703
~~which the student is not legally responsible a school closure.~~ 704

The authority shall consist of five members as follows: the 705
executive director of the state board of ~~proprietary school~~ 706
~~registration~~ career colleges and schools, the executive director 707
of the Ohio ~~council of private~~ association of career colleges and 708
schools, the treasurer of state or ~~his~~ the treasurer of state's 709
designee, the ~~chairman~~ chairperson of the senate committee that 710
primarily deals with education, and the ~~chairman~~ chairperson of 711
the committee of the house of representatives that primarily deals 712
with education. The chairpersons of the legislative committees 713
that primarily deal with education shall be nonvoting ex officio 714
members. Each voting member of the authority, before entering upon 715
~~his~~ the member's official duties, shall take an oath as provided 716
by Section 7 of Article XV, Ohio Constitution. The authority shall 717
elect one of its voting members as ~~chairman~~ chairperson and 718
another as ~~vice-chairman~~ vice-chairperson, and shall appoint a 719
secretary-treasurer who need not be a member of the authority. 720

All meetings of the authority shall be public. All final 721
actions of the authority shall be journalized and such journal and 722
the records of the authority shall be open to public inspection at 723
all reasonable times. 724
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Sec. 3332.082. The state board of ~~proprietary school~~ 726
~~registration~~ career colleges and schools may pursue any lawful 727
means of assuring that students of any school registered by the 728
state board do not suffer prepaid tuition loss as a result of a 729
~~business failure or other default~~ the closure of a school. This 730
may include lawsuits against a school or any individual who may 731
reasonably have liability as a result of the default, in which the 732
attorney general shall advise and represent the board. Any student 733
seeking reimbursement for a prepaid tuition loss shall submit a 734

claim for reimbursement to the board not later than one year 735
following the school's closure. 736

~~On and after January 1, 1991, any~~ Any reimbursement for a 737
prepaid tuition loss or advance against a possible prepaid tuition 738
loss of a student, and any expenses reasonably incurred by the 739
board in its pursuit of any remedy, shall be paid from the student 740
tuition recovery fund created by section 3332.083 of the Revised 741
Code. ~~This~~ Tuition loss does not include moneys held by a school 742
in escrow accounts for tuition or fees for future terms, as 743
uncommitted grants, loans, or Pell grant money. If the fund is not 744
of sufficient size to pay the students the full amount of their 745
prepaid fee, the ~~students~~ student tuition recovery authority shall 746
determine the percentage of the amount that will be paid. 747

Any money recovered from the defaulting school, any 748
individual with liability for the default, or the surety under a 749
bond provided under section 3332.08 of the Revised Code shall be 750
deposited into the fund. 751

Sec. 3332.083. The student tuition recovery fund is created 752
in the custody of the treasurer of state, but not as a part of the 753
state treasury. All revenues received from payments ~~recieved~~ 754
received under section 3332.085 of the Revised Code from schools 755
registered by the state board of ~~proprietary school registration~~ 756
career colleges and schools and any other sources shall be 757
deposited into the fund. The treasurer of state shall invest any 758
portion of the fund not needed for immediate use in the same 759
manner as in the investment of state funds. All investment 760
earnings of the fund shall be credited to the fund. The treasurer 761
of state shall disburse money from the fund on order of the 762
~~chairman~~ chairperson of the student tuition recovery authority or 763
~~his~~ the chairperson's designee. 764

All moneys and other assets acquired by the authority shall 765

be held in trust to carry out its powers and duties and shall be 766
used and reused to provide for the services described in this 767
chapter. 768

Sec. 3332.085. (A) Not later than the thirty-first day of 769
August in each year, each school registered by the state board of 770
~~proprietary school registration~~ career colleges and schools shall 771
pay into the student tuition recovery fund in the following 772
amounts: 773

(1) Schools initially registered or sold on or after July 28, 774
1989, for the first five payments \$500; 775

(2) Any other school, according to its prior year's tuition 776
receipts: 777

Up to \$400,000	\$	200	778
\$400,001 to \$700,000		400	779
\$700,001 to \$1,000,000		800	780
Over \$1,000,000		1,000	781

Checks shall be made payable to the student tuition recovery 782
fund and sent to the executive director of the state board, who 783
shall promptly forward all such receipts to the treasurer of 784
state. Failure of a school to make a payment is cause for 785
cancellation of its certificate of registration. 786

(B) The student tuition recovery authority may impose a 787
special assessment on the schools in an amount up to the amount of 788
an annual contribution if the draw on the money exceeds the money 789
on hand. 790

(C) Once the fund has assets in excess of liabilities of 791
approximately one million dollars, the authority may: 792

(1) Reduce or eliminate the annual contributions, except on 793
institutions that are required to contribute to the fund for at 794
least a five-year period. The reduction in contributions to the 795

fund will be at the discretion of the authority but they will be 796
guided by the objective to maintain assets in excess of 797
liabilities of approximately one million dollars. 798

(2) Utilize moneys in excess of the assets required to be 799
maintained in the fund by division (C)(1) of this section for the 800
purposes of disseminating consumer information about ~~proprietary~~ 801
private career schools and maintaining student records from closed 802
schools. 803

Sec. 3332.09. The state board of ~~proprietary school~~ 804
registration career colleges and schools may limit, suspend, 805
revoke, or refuse to issue or renew a certificate of registration 806
or program authorization or may impose a penalty pursuant to 807
section 3332.091 of the Revised Code for any one or combination of 808
the following causes: 809

(A) Violation of any provision of sections 3332.01 to 3332.09 810
of the Revised Code, the board's minimum standards, or any rule 811
made by the board; 812

(B) Furnishing of false, misleading, deceptive, altered, or 813
incomplete information or documents to the board; 814

(C) The signing of an application or the holding of a 815
certificate of registration by a person who has pleaded guilty or 816
has been found guilty of a felony or has pleaded guilty or been 817
found guilty of a crime involving moral turpitude; 818

(D) The signing of an application or the holding of a 819
certificate of registration by a person who is addicted to the use 820
of any controlled substance, or who is found to be mentally 821
incompetent; 822

(E) Violation of any commitment made in an application for a 823
certificate of registration or program authorization; 824

(F) Presenting to prospective students, either at the time of 825

solicitation or enrollment, or through advertising, mail	826
circulars, or phone solicitation, misleading, deceptive, false, or	827
fraudulent information relating to any program, employment	828
opportunity, or opportunities for enrollment in accredited	829
institutions of higher education after entering or completing	830
programs offered by the holder of a certificate of registration;	831
(G) Failure to provide or maintain premises or equipment for	832
offering programs in a safe and sanitary condition;	833
(H) Refusal by an agent to display the agent's permit upon	834
demand of a prospective student or other interested person;	835
(I) Failure to maintain financial resources adequate for the	836
satisfactory conduct of programs as presented in the plan of	837
operation or to retain a sufficient number and qualified staff of	838
instruction, except that nothing in this chapter requires an	839
instructor to be licensed by the state board of education or to	840
hold any type of post-high school degree;	841
(J) Offering training or programs other than those presented	842
in the application, except that schools may offer special courses	843
adapted to the needs of individual students when the special	844
courses are in the subject field specified in the application;	845
(K) Discrimination in the acceptance of students upon the	846
basis of race, color, religion, sex, or national origin;	847
(L) Accepting the services of an agent not holding a valid	848
permit issued under section 3332.10 or 3332.11 of the Revised	849
Code;	850
(M) The use of monetary or other valuable consideration by	851
the school's agents or representatives to induce prospective	852
students to enroll in the school, or the practice of awarding	853
monetary or other valuable considerations <u>without board approval</u>	854
to students in exchange for procuring the enrollment of others;	855

(N) Failure to provide at the request of the board, any 856
information, records, or files pertaining to the operation of the 857
school or recruitment and enrollment of students. 858

If the board modifies or adopts additional minimum standards 859
or rules pursuant to section 3332.031 of the Revised Code, all 860
schools and agents shall have sixty days from the effective date 861
of the modifications or additional standards or rules to comply 862
with such modifications or additions. 863

Sec. 3332.091. (A)(1) Any person adversely affected by the 864
actions of a certificate holder may file a complaint with the 865
state board of ~~proprietary school registration~~ career colleges and 866
schools alleging that any school registered with the board has 867
violated any provision of section 3332.09 of the Revised Code. The 868
complaint shall be in writing and signed by the complainant and 869
shall be filed with the board within six months after the 870
violations allegedly were committed. Upon receiving a complaint, 871
the board shall initiate a preliminary investigation to determine 872
whether it is probable that violations were committed. If the 873
board determines after preliminary investigation that it is not 874
probable that any violations were committed, it shall notify the 875
person who filed the complaint that it has so determined and that 876
it will not issue a formal complaint in the matter. 877

If the board determines after a preliminary investigation 878
that it is probable that violations were committed, it may issue a 879
formal complaint under division (A)(2) of this section or it may 880
endeavor to eliminate such practices by informal methods of 881
conference, conciliation, and persuasion. Nothing said or done 882
during these endeavors shall be disclosed by any member of the 883
board or its staff or be used as evidence in any subsequent 884
proceedings. If, after such investigation and conference, the 885
board is satisfied that such violations will be eliminated, it may 886

treat the complaint as conciliated, and entry of such disposition 887
shall be made in the records of the board. 888

(2) If as a result of any informal methods utilized under 889
division (A)(1) of this section, the board fails to effect the 890
elimination of violations or fails to obtain voluntary compliance 891
with this chapter, the board shall issue a formal complaint to the 892
holder of a certificate of registration of the school under 893
investigation. The formal complaint shall state the charges 894
against the school and ~~require~~ grant the certificate holder the 895
opportunity to appear before the board at a public hearing 896
pursuant to Chapter 119. of the Revised Code. The board shall hold 897
the public hearing not sooner than thirty days after issuance of 898
the formal complaint. Any formal complaint issued pursuant to this 899
section must be issued within one year after the state board's 900
receipt of a complaint from a person adversely affected by the 901
actions of a certificate holder. 902

If at the time of issuing a formal complaint, the board has 903
reasonable cause to believe that the violations that are the 904
subject of the complaint will continue and constitute an immediate 905
threat to the welfare of current and prospective students, the 906
board, for a period not to exceed the lesser of ninety days or the 907
period of time until a final adjudication order dismissing the 908
complaint or imposing a penalty is issued under this section, may: 909

(a) Issue an order prohibiting the school's agents from 910
personally contacting students; 911

(b) Issue an order prohibiting the school from using any 912
advertising, recruiting, or promotional materials unless such 913
materials have been approved by the board. The board must approve 914
or disapprove any materials submitted to it under such an order 915
within thirty days of their receipt. 916

(c) Issue an order prohibiting the operation of a school. 917

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

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

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

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

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

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

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

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

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

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 980
students shall first secure a permit as an agent from the state 981
board of ~~proprietary school registration~~ career colleges and 982
schools. If the agent represents more than one school, a separate 983
permit shall be obtained for each school represented by ~~him~~ the 984
agent. An agent who represents a person that operates more than 985
one school in the same geographical area, as determined by the 986
board, need not obtain a separate permit for each such school. 987
Upon approval for a permit, the board shall issue a pocket card to 988
the individual, giving ~~his~~ the individual's name, address, permit 989
number, and the name and address of ~~his~~ the employing school, and 990
certifying that the individual whose name appears on the card is 991
an authorized agent of the school. 992

(B) The application for a permit shall be made on forms to be 993
furnished by the board and accompanied by the fee established in 994
accordance with section 3332.07 of the Revised Code ~~and a surety~~ 995
~~bond acceptable to the board in the penal sum of one thousand~~ 996
~~dollars~~. A permit shall be renewed every twelve months and shall 997
be valid for up to thirty days after its expiration date. ~~The~~ 998
~~surety bond may be continuous and shall be conditioned to provide~~ 999
~~indemnification to any student suffering loss as a result of any~~ 1000
~~fraud or misrepresentation used in procuring his enrollment, and~~ 1001
~~may be supplied by an agent of a school or by the school itself as~~ 1002
~~a blanket bond covering all of its agents in the amount of one~~ 1003
~~thousand dollars for each agent. The liability of the surety on~~ 1004
~~such bond for each agent covered shall not exceed the sum of one~~ 1005
~~thousand dollars as an aggregate for all students for all breaches~~ 1006
~~of the conditions of the bond by such agents. The surety of any~~ 1007
~~such bond may cancel the same upon giving thirty days' notice in~~ 1008
~~writing to the board and is relieved of liability for any breach~~ 1009
~~of condition occurring after the effective date of the~~ 1010
~~cancellation~~. An application for renewal shall be accompanied by 1011
the fee established in accordance with section 3332.07 of the 1012

Revised Code and a surety bond as provided in this section, if a
continuous bond has not been furnished. 1013
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(C) Each school subject to this chapter shall assume full 1015
responsibility for the actions, statements, and conduct of its 1016
agents, and shall provide them with adequate training and arrange 1017
for proper supervision of their work. The board shall hold schools 1018
liable for the actions, statements, and conduct of agents that 1019
violate any provision of this chapter, unless an agent's acts or 1020
omissions were manifestly outside the scope of ~~his~~ the agent's 1021
employment or official responsibilities. 1022

Sec. 3332.11. Any agent's permit applied for pursuant to 1023
section 3332.10 of the Revised Code shall be granted or denied 1024
within thirty days of the receipt of the application by the state 1025
board of ~~proprietary school registration~~ career colleges and 1026
schools. If the board has not completed its determination with 1027
respect to the issuance of a permit within such thirty-day period, 1028
it shall issue a temporary permit to the applicant, which permit 1029
is sufficient to meet the requirements of section 3332.10 of the 1030
Revised Code until such time as such determination is made. 1031

No permit shall be issued to any person found by the board 1032
not to be of good moral character. 1033

Sec. 3332.12. Any agent's permit issued may be suspended or 1034
revoked by the state board of ~~proprietary school registration~~ 1035
career colleges and schools if the holder of the permit solicits 1036
or enrolls students through fraud, deception, or 1037
misrepresentation, upon a finding that the permit holder has 1038
violated any provision enumerated in division (A), (B), (F), (H), 1039
(J), (K), or (M) of section 3332.09 of the Revised Code, or upon 1040
finding that the permit holder is not of good moral character. 1041

Upon receipt of any written complaint from any person, the 1042

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

If after such hearing the board also determines that the 1061
school at which the agent was employed was negligent in its 1062
supervision of the agent or encouraged or caused the commission of 1063
the violations, the board shall levy penalties against such school 1064
in accordance with division (A) of section 3332.091 of the Revised 1065
Code. Nothing said or done in the informal conferences shall be 1066
disclosed by the board or any member of its staff nor be used as 1067
evidence in any subsequent proceedings. 1068

Sec. 3332.13. The fact that a bond is in force pursuant to 1069
section ~~3332.10~~ 3332.08 of the Revised Code does not limit nor 1070
impair any right of recovery otherwise available pursuant to law, 1071
nor is the amount of such bond relevant in determining the amount 1072
of damages or other relief to which any plaintiff may be entitled. 1073

Sec. 3332.18. On receipt of a notice pursuant to section 1074
3123.43 of the Revised Code, the state board of ~~proprietary school~~ 1075
~~registration~~ career colleges and schools shall comply with 1076
sections 3123.41 to 3123.50 of the Revised Code and any applicable 1077
rules adopted under section 3123.63 of the Revised Code with 1078
respect to a permit issued pursuant to this chapter. 1079

Sec. 3333.043. (A) As used in this section: 1080

(1) "Institution of higher education" means the state 1081
universities listed in section 3345.011 of the Revised Code, 1082
municipal educational institutions established under Chapter 3349. 1083
of the Revised Code, community colleges established under Chapter 1084
3354. of the Revised Code, university branches established under 1085
Chapter 3355. of the Revised Code, technical colleges established 1086
under Chapter 3357. of the Revised Code, state community colleges 1087
established under Chapter 3358. of the Revised Code, any 1088
institution of higher education with a certificate of registration 1089
from the state board of ~~proprietary school registration~~ career 1090
colleges and schools, and any institution for which the Ohio board 1091
of regents receives a notice pursuant to division (C) of this 1092
section. 1093

(2) "Community service" has the same meaning as in section 1094
3313.605 of the Revised Code. 1095

(B)(1) The board of trustees or other governing entity of 1096
each institution of higher education shall encourage and promote 1097
participation of students in community service through a program 1098
appropriate to the mission, student population, and environment of 1099
each institution. The program may include, but not be limited to, 1100
providing information about community service opportunities during 1101
student orientation or in student publications; providing awards 1102
for exemplary community service; encouraging faculty members to 1103

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

(2) The Ohio board of regents shall encourage all 1122
institutions of higher education in the development of community 1123
service programs. With the assistance of the Ohio community 1124
service council created in section 121.40 of the Revised Code, the 1125
board of regents shall make available information about higher 1126
education community service programs to institutions of higher 1127
education and to statewide organizations involved with or 1128
promoting volunteerism, including information about model 1129
community service programs, teacher training courses, and 1130
community service curricula and teaching materials for possible 1131
use by institutions of higher education in their programs. The 1132
board shall encourage institutions of higher education to jointly 1133
coordinate higher education community service programs through 1134
consortia of institutions or other appropriate means of 1135

coordination. 1136

(C) The board of trustees of any nonprofit institution with a 1137
certificate of authorization issued by the Ohio board of regents 1138
pursuant to Chapter 1713. of the Revised Code or the governing 1139
authority of a private institution exempt from regulation under 1140
Chapter 3332. of the Revised Code as prescribed in section 1141
3333.046 of the Revised Code may notify the board of regents that 1142
it is making itself subject to divisions (A) and (B) of this 1143
section. Upon receipt of such a notice, these divisions shall 1144
apply to that institution. 1145

Sec. 3333.12. (A) As used in this section: 1146

(1) "Eligible student" means an undergraduate student who is: 1147

(a) An Ohio resident; 1148

(b) Enrolled in either of the following: 1149

(i) An accredited institution of higher education in this 1150
state that meets the requirements of Title VI of the Civil Rights 1151
Act of 1964 and is state-assisted, is nonprofit and has a 1152
certificate of authorization from the Ohio board of regents 1153
pursuant to Chapter 1713. of the Revised Code, has a certificate 1154
of registration from the state board of ~~proprietary school~~ 1155
registration career colleges and schools and program authorization 1156
to award an associate or bachelor's degree, or is a private 1157
institution exempt from regulation under Chapter 3332. of the 1158
Revised Code as prescribed in section 3333.046 of the Revised 1159
Code. Students who attend an institution that holds a certificate 1160
of registration shall be enrolled in a program leading to an 1161
associate or bachelor's degree for which associate or bachelor's 1162
degree program the institution has program authorization issued 1163
under section 3332.05 of the Revised Code. 1164

(ii) A technical education program of at least two years 1165

duration sponsored by a private institution of higher education in 1166
this state that meets the requirements of Title VI of the Civil 1167
Rights Act of 1964. 1168

(c) Enrolled as a full-time student or enrolled as a less 1169
than full-time student for the term expected to be the student's 1170
final term of enrollment and is enrolled for the number of credit 1171
hours necessary to complete the requirements of the program in 1172
which the student is enrolled. 1173

(2) "Gross income" includes all taxable and nontaxable income 1174
of the parents, the student, and the student's spouse, except 1175
income derived from an Ohio academic scholarship, income earned by 1176
the student between the last day of the spring term and the first 1177
day of the fall term, and other income exclusions designated by 1178
the board. Gross income may be verified to the board by the 1179
institution in which the student is enrolled using the federal 1180
financial aid eligibility verification process or by other means 1181
satisfactory to the board. 1182

(3) "Resident," "full-time student," "dependent," 1183
"financially independent," and "accredited" shall be defined by 1184
rules adopted by the board. 1185

(B) The Ohio board of regents shall establish and administer 1186
an instructional grant program and may adopt rules to carry out 1187
this section. The general assembly shall support the instructional 1188
grant program by such sums and in such manner as it may provide, 1189
but the board may also receive funds from other sources to support 1190
the program. If the amounts available for support of the program 1191
are inadequate to provide grants to all eligible students, 1192
preference in the payment of grants shall be given in terms of 1193
income, beginning with the lowest income category of gross income 1194
and proceeding upward by category to the highest gross income 1195
category. 1196

An instructional grant shall be paid to an eligible student 1197
through the institution in which the student is enrolled, except 1198
that no instructional grant shall be paid to any person serving a 1199
term of imprisonment. Applications for such grants shall be made 1200
as prescribed by the board, and such applications may be made in 1201
conjunction with and upon the basis of information provided in 1202
conjunction with student assistance programs funded by agencies of 1203
the United States government or from financial resources of the 1204
institution of higher education. The institution shall certify 1205
that the student applicant meets the requirements set forth in 1206
divisions (A)(1)(b) and (c) of this section. Instructional grants 1207
shall be provided to an eligible student only as long as the 1208
student is making appropriate progress toward a nursing diploma or 1209
an associate or bachelor's degree. No student shall be eligible to 1210
receive a grant for more than ten semesters, fifteen quarters, or 1211
the equivalent of five academic years. A grant made to an eligible 1212
student on the basis of less than full-time enrollment shall be 1213
based on the number of credit hours for which the student is 1214
enrolled and shall be computed in accordance with a formula 1215
adopted by the board. No student shall receive more than one grant 1216
on the basis of less than full-time enrollment. 1217

An instructional grant shall not exceed the total 1218
instructional and general charges of the institution. 1219

(C) The tables in this division prescribe the maximum grant 1220
amounts covering two semesters, three quarters, or a comparable 1221
portion of one academic year. Grant amounts for additional terms 1222
in the same academic year shall be determined under division (D) 1223
of this section. 1224

For a full-time student who is a dependent and enrolled in a 1225
nonprofit educational institution that is not a state-assisted 1226
institution and that has a certificate of authorization issued 1227
pursuant to Chapter 1713. of the Revised Code, the amount of the 1228

instructional grant for two semesters, three quarters, or a 1229
comparable portion of the academic year shall be determined in 1230
accordance with the following table: 1231

Private Institution						1232
Table of Grants						1233
Maximum Grant \$5,466						1234
Gross Income	Number of Dependents					1235
	1	2	3	4	5 or more	1236
						1237
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	1238
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	1239
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	1240
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	1241
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	1242
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	1243
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	1244
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	1245
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	1246
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	1247
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	1248
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	1249
\$34,001 - \$35,000	444	888	984	1,080	1,344	1250
\$35,001 - \$36,000	--	444	888	984	1,080	1251
\$36,001 - \$37,000	--	--	444	888	984	1252
\$37,001 - \$38,000	--	--	--	444	888	1253
\$38,001 - \$39,000	--	--	--	--	444	1254

For a full-time student who is financially independent and 1255
enrolled in a nonprofit educational institution that is not a 1256
state-assisted institution and that has a certificate of 1257
authorization issued pursuant to Chapter 1713. of the Revised 1258
Code, the amount of the instructional grant for two semesters, 1259

three quarters, or a comparable portion of the academic year shall 1260
be determined in accordance with the following table: 1261

Private Institution 1262							1263
Table of Grants 1264							1265
Maximum Grant \$5,466 1265							1266
Gross Income	Number of Dependents 1266						1267
	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	1268
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	1269
\$5,301 - \$5,800	4,362	4,920	5,466	5,466	5,466	5,466	1270
\$5,801 - \$6,300	3,828	4,362	4,920	5,466	5,466	5,466	1271
\$6,301 - \$6,800	3,288	3,828	4,362	4,920	5,466	5,466	1272
\$6,801 - \$7,300	2,736	3,288	3,828	4,362	4,920	5,466	1273
\$7,301 - \$8,300	2,178	2,736	3,288	3,828	4,362	4,920	1274
\$8,301 - \$9,300	1,626	2,178	2,736	3,288	3,828	4,362	1275
\$9,301 - \$10,300	1,344	1,626	2,178	2,736	3,288	3,828	1276
\$10,301 - \$11,800	1,080	1,344	1,626	2,178	2,736	3,288	1277
\$11,801 - \$13,300	984	1,080	1,344	1,626	2,178	2,736	1278
\$13,301 - \$14,800	888	984	1,080	1,344	1,626	2,178	1279
\$14,801 - \$16,300	444	888	984	1,080	1,344	1,626	1280
\$16,301 - \$19,300	--	444	888	984	1,080	1,344	1281
\$19,301 - \$22,300	--	--	444	888	984	1,080	1282
\$22,301 - \$25,300	--	--	--	444	888	984	1283
\$25,301 - \$30,300	--	--	--	--	444	888	1284
\$30,301 - \$35,300	--	--	--	--	--	444	1285

For a full-time student who is a dependent and enrolled in an 1286
educational institution that holds a certificate of registration 1287
from the state board of ~~proprietary school registration~~ career 1288
colleges and schools or a private institution exempt from 1289
regulation under Chapter 3332. of the Revised Code as prescribed 1290

in section 3333.046 of the Revised Code, the amount of the 1291
 instructional grant for two semesters, three quarters, or a 1292
 comparable portion of the academic year shall be determined in 1293
 accordance with the following table: 1294

~~Proprietary Career~~ Institution 1295

Table of Grants 1296

Maximum Grant \$4,632 1297

Gross Income Number of Dependents 1298

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

For a full-time student who is financially independent and 1317
 enrolled in an educational institution that holds a certificate of 1318
 registration from the state board of ~~proprietary school~~ 1319
~~registration~~ career colleges and schools or a private institution 1320
 exempt from regulation under Chapter 3332. of the Revised Code as 1321
 prescribed in section 3333.046 of the Revised Code, the amount of 1322

the instructional grant for two semesters, three quarters, or a 1323
 comparable portion of the academic year shall be determined in 1324
 accordance with the following table: 1325

Proprietary Career Institution 1326

Table of Grants 1327

Maximum Grant \$4,632 1328

Gross Income Number of Dependents 1329

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

For a full-time student who is a dependent and enrolled in a 1349
 state-assisted educational institution, the amount of the 1350
 instructional grant for two semesters, three quarters, or a 1351
 comparable portion of the academic year shall be determined in 1352
 accordance with the following table: 1353

Public Institution 1354

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

For a full-time student who is financially independent and 1376
enrolled in a state-assisted educational institution, the amount 1377
of the instructional grant for two semesters, three quarters, or a 1378
comparable portion of the academic year shall be determined in 1379
accordance with the following table: 1380

Public Institution						1381	
Table of Grants						1382	
Maximum Grant \$2,190						1383	
Gross Income	Number of Dependents					1384	
	0	1	2	3	4	5 or more	1385

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

(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, 1418
no grant shall be made to any student for enrollment during a 1419
fiscal year in an institution with a cohort default rate 1420
determined by the United States secretary of education pursuant to 1421
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 1422
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 1423
preceding the fiscal year, equal to or greater than thirty per 1424
cent for each of the preceding two fiscal years. 1425

(2) Division (F)(1) of this section does not apply to the 1426
following: 1427

(a) Any student enrolled in an institution that under the 1428
federal law appeals its loss of eligibility for federal financial 1429
aid and the United States secretary of education determines its 1430
cohort default rate after recalculation is lower than the rate 1431
specified in division (F)(1) of this section or the secretary 1432
determines due to mitigating circumstances the institution may 1433
continue to participate in federal financial aid programs. The 1434
board shall adopt rules requiring institutions to provide 1435
information regarding an appeal to the board. 1436

(b) Any student who has previously received a grant under 1437
this section who meets all other requirements of this section. 1438

(3) The board shall adopt rules for the notification of all 1439
institutions whose students will be ineligible to participate in 1440
the grant program pursuant to division (F)(1) of this section. 1441

(4) A student's attendance at an institution whose students 1442
lose eligibility for grants under division (F)(1) of this section 1443
shall not affect that student's eligibility to receive a grant 1444
when enrolled in another institution. 1445

(G) Institutions of higher education that enroll students 1446
receiving instructional grants under this section shall report to 1447
the board all students who have received instructional grants but 1448

are no longer eligible for all or part of such grants and shall 1449
refund any moneys due the state within thirty days after the 1450
beginning of the quarter or term immediately following the quarter 1451
or term in which the student was no longer eligible to receive all 1452
or part of the student's grant. There shall be an interest charge 1453
of one per cent per month on all moneys due and payable after such 1454
thirty-day period. The board shall immediately notify the office 1455
of budget and management and the legislative service commission of 1456
all refunds so received. 1457

Sec. 3333.29. (A) As used in this section: 1458

(1) "Resident" has the meaning established for purposes of 1459
this section by rule of the Ohio board of regents. 1460

(2) "Eligible institution" means either: 1461

(a) A private career school registered in accordance with 1462
section 3332.05 of the Revised Code; 1463

(b) A private institution exempt from regulation under 1464
Chapter 3332. of the Revised Code as prescribed in section 1465
3333.046 of the Revised Code. 1466

(B) ~~Beginning July 1, 2000, the~~ The Ohio board of regents 1467
shall establish and administer the student workforce development 1468
grant program and shall adopt rules for the administration of the 1469
program. Such rules shall be similar to the rules the Ohio board 1470
of regents adopts under section 3333.27 of the Revised Code. 1471

(C) The Ohio board of regents may make a grant to any 1472
resident of this state who is enrolled as a full-time student in 1473
an authorized baccalaureate degree or associate degree program at 1474
an eligible institution and who maintains an academic record that 1475
meets or exceeds a standard established by rule of the state board 1476
of ~~proprietary school registration, except that no grant shall be~~ 1477
~~made to any individual who was enrolled as a student in an~~ 1478

~~eligible institution before July 1, 2000~~ career colleges and 1479
schools. The size of an annual grant award shall be determined by 1480
the Ohio board of regents based on the amount of funds available 1481
for the program. The grant shall be prorated and paid in equal 1482
installments per academic term in accordance with division (E) of 1483
this section. 1484

(D) The Ohio board of regents shall prescribe the form and 1485
manner of application for grants and shall provide a method for 1486
eligible institutions to certify applicants who are enrolled in 1487
authorized baccalaureate degree or associate degree programs and 1488
have academic records meeting or exceeding the standard 1489
established by the state board of ~~proprietary school registration~~ 1490
career colleges and schools. 1491

(E) A grant awarded to an eligible student shall be paid to 1492
the eligible institution in which the student is enrolled, and the 1493
institution shall reduce the student's instructional and general 1494
charges by the amount of the grant. Each grant awarded shall be 1495
paid in accordance with division (C) of this section within thirty 1496
days after the start of each term of the academic year for which 1497
the grant is awarded. No student shall be eligible to receive 1498
grants for more than the equivalent of five academic years. 1499

(F) The receipt of a workforce development grant shall not 1501
affect a student's eligibility for assistance or the amount of 1502
such assistance granted under any other provision of state law. If 1503
a student receives assistance under one or more other provisions 1504
of state law, the grant made to the student under this section 1505
shall not exceed the difference between the total instructional 1506
and general charges assessed to the student by the eligible 1507
institution and the amount of total assistance the student 1508
receives under other provisions of state law. 1509

(G) The general assembly shall support the workforce 1510

development grant program with such appropriations as the general
assembly sees fit. The Ohio board of regents may also receive
funds from other sources to support the program.

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

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

Sec. 3334.01. As used in this chapter:

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

(B) "Beneficiary" means:

(1) An individual designated by the purchaser under a tuition
payment contract or through a scholarship program as the

individual on whose behalf tuition credits purchased under the 1541
contract or awarded through the scholarship program will be 1542
applied toward the payment of undergraduate, graduate, or 1543
professional tuition; or 1544

(2) An individual designated by the contributor under a 1545
variable college savings program contract as the individual whose 1546
tuition and other higher education expenses will be paid from a 1547
variable college savings program account. 1548

(C) "Capital appreciation bond" means a bond for which the 1549
following is true: 1550

(1) The principal amount is less than the amount payable at 1551
maturity or early redemption; and 1552

(2) No interest is payable on a current basis. 1553

(D) "Tuition credit" means a credit of the Ohio tuition trust 1554
authority purchased under section 3334.09 of the Revised Code. 1555
1556

(E) "College savings bonds" means revenue and other 1557
obligations issued on behalf of the state or any agency or issuing 1558
authority thereof as a zero-coupon or capital appreciation bond, 1559
and designated as college savings bonds as provided in this 1560
chapter. "College savings bond issue" means any issue of bonds of 1561
which any part has been designated as college savings bonds. 1562

(F) "Institution of higher education" means a state 1563
institution of higher education, a private college, university, or 1564
other postsecondary institution located in this state that 1565
possesses a certificate of authorization issued by the Ohio board 1566
of regents pursuant to Chapter 1713. of the Revised Code or a 1567
certificate of registration issued by the state board of 1568
~~proprietary school registration~~ career colleges and schools under 1569
Chapter 3332. of the Revised Code, or an accredited college, 1570
university, or other postsecondary institution located outside 1571

this state that is accredited by an accrediting organization or 1572
professional association recognized by the authority. To be 1573
considered an institution of higher education, an institution 1574
shall meet the definition of an eligible educational institution 1575
under section 529 of the Internal Revenue Code. 1576

(G) "Issuing authority" means any authority, commission, 1577
body, agency, or individual empowered by the Ohio Constitution or 1578
the Revised Code to issue bonds or any other debt obligation of 1579
the state or any agency or department thereof. "Issuer" means the 1580
issuing authority or, if so designated under division (B) of 1581
section 3334.04 of the Revised Code, the treasurer of state. 1582

(H) "Tuition" means the charges imposed to attend an 1583
institution of higher education as an undergraduate, graduate, or 1584
professional student and all fees required as a condition of 1585
enrollment, as determined by the Ohio tuition trust authority. 1586
"Tuition" does not include laboratory fees, room and board, or 1587
other similar fees and charges. 1588

(I) "Weighted average tuition" means the tuition cost 1589
resulting from the following calculation: 1590

(1) Add the products of the annual undergraduate tuition 1591
charged to Ohio residents at each four-year state university 1592
multiplied by that institution's total number of undergraduate 1593
fiscal year equated students; and 1594

(2) Divide the gross total of the products from division 1595
(I)(1) of this section by the total number of undergraduate fiscal 1596
year equated students attending four-year state universities. 1597

(J) "Zero-coupon bond" means a bond which has a stated 1598
interest rate of zero per cent and on which no interest is payable 1599
until the maturity or early redemption of the bond, and is offered 1600
at a substantial discount from its original stated principal 1601
amount. 1602

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

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

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

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

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

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

(Q) "Purchaser" means the person signing the tuition payment contract, who controls the account and acquires tuition credits

for an account under the terms and conditions of the contract. 1634

(R) "Contributor" means a person who signs a variable college 1635
savings program contract with the Ohio tuition trust authority and 1636
contributes to and owns the account created under the contract. 1637
1638

Sec. 3365.01. As used in sections 3365.01 to 3365.10 of the 1639
Revised Code: 1640

(A) "College" means any state-assisted college or university 1641
described in section 3333.041 of the Revised Code, any nonprofit 1642
institution holding a certificate of authorization pursuant to 1643
Chapter 1713. of the Revised Code, any private institution exempt 1644
from regulation under Chapter 3332. of the Revised Code as 1645
prescribed in section 3333.046 of the Revised Code, and any 1646
institution holding a certificate of registration from the state 1647
board of ~~proprietary school registration~~ career colleges and 1648
schools and program authorization for an associate or bachelor's 1649
degree program issued under section 3332.05 of the Revised Code. 1650

(B) "School district," except as specified in division (G) of 1651
this section, means any school district to which a student is 1652
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 1653
the Revised Code and does not include a joint vocational or 1654
cooperative education school district. 1655

(C) "Parent" has the same meaning as in section 3313.64 of 1656
the Revised Code. 1657

(D) "Participant" means a student enrolled in a college under 1658
the post-secondary enrollment options program established by this 1659
chapter. 1660

(E) "Secondary grade" means the ninth through twelfth grades. 1661
1662

(F) "School foundation payments" means the amount required to 1663

be paid to a school district for a fiscal year under Chapter 3317. 1664
of the Revised Code. 1665

(G) "Tuition base" means, with respect to a participant's 1666
school district, the formula amount defined in division (B) of 1667
section 3317.02 of the Revised Code multiplied by the district's 1668
cost-of-doing-business factor defined in division (N) of section 1669
3317.02 of the Revised Code. The participant's "school district" 1670
in the case of a participant enrolled in a community school shall 1671
be the school district in which the student is entitled to attend 1672
school under section 3313.64 or 3313.65 of the Revised Code. 1673

(H) "Educational program" means enrollment in one or more 1674
school districts, in a nonpublic school, or in a college under 1675
division (B) of section 3365.04 of the Revised Code. 1676

(I) "Nonpublic school" means a chartered or nonchartered 1677
school for which minimum standards are prescribed by the state 1678
board of education pursuant to division (D) of section 3301.07 of 1679
the Revised Code. 1680

(J) "School year" means the year beginning on the first day 1681
of July and ending on the thirtieth day of June. 1682

(K) "Community school" means any school established pursuant 1683
to Chapter 3314. of the Revised Code that includes secondary 1684
grades. 1685

(L) "Community school payments" means payments made by the 1686
department of education to a community school pursuant to division 1687
(D) of section 3314.08 of the Revised Code. 1688

Sec. 3365.15. This section does not apply to students 1689
enrolled in twelfth grade after July 1, 2001. 1690

No later than July 1, 1999, the board of regents shall adopt 1691
rules under which it shall award at least a five-hundred dollar 1692
scholarship to each student who both: 1693

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

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

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

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

(B) Upon receipt of an application, the state board of education shall review it and consider whether the proposed course or coursework meets the requirements of division (A) or (B) of section 4742.03 of the Revised Code concerning course length and content. If the proposed course or coursework meets those requirements, the state board of education shall issue a certification of that fact to the ~~proprietary career~~ school. Inclusion of on-site verifiable electronic training as part of a

proposed basic or continuing education course shall not be a 1725
reason for the state board to deny certification. 1726

(C) If, after receiving a certification from the state board 1727
of education under this section, the proprietary career school 1728
changes the approved course or coursework, the prior certification 1729
is canceled and the proprietary career school shall apply to the 1730
state board of education for certification of the changed course 1731
or coursework. 1732

Sec. 4742.06. (A) A person may obtain certification as an 1733
emergency service telecommunicator by successfully completing a 1734
basic course of emergency service telecommunicator training that 1735
is conducted by a proprietary career school that has obtained 1736
certification of that course from the state board of education 1737
under section 4742.05 of the Revised Code. If a person 1738
successfully completes the course, the proprietary career school 1739
shall certify the person's successful completion. 1740

(B) A person may maintain certification as an emergency 1741
service telecommunicator by successfully completing continuing 1742
education coursework in emergency service telecommunicator 1743
training that is conducted by a proprietary career school that has 1744
obtained certification of that coursework from the state board of 1745
education under section 4742.05 of the Revised Code. If a person 1746
successfully completes the coursework, the proprietary career 1747
school shall certify the person's successful completion. 1748

(C) Upon certification of a person's successful completion 1749
under division (A) or (B) of this section, the proprietary career 1750
school shall send a copy of the certification to the person and to 1751
the emergency service provider that employs the person. 1752

(D) Tuition and materials costs for a person enrolled in a 1753
certified basic or continuing education course conducted by a 1754
proprietary career school shall be paid by the person, an 1755

emergency service provider, or any other entity on behalf of the 1756
person or an emergency service provider. 1757

Sec. 4743.03. No board, commission, or agency created under 1758
or by virtue of Title 47 of the Revised Code shall restrict entry 1759
into any occupation, profession, or trade under its supervision or 1760
regulation by: 1761

(A) Unreasonably restricting the number of schools or other 1762
institutions it certifies or accredits for the purpose of 1763
fulfilling educational or training requirements for such 1764
occupation, profession, or trade; 1765

(B) Denying certification or accreditation for the purpose of 1766
fulfilling such educational or training requirements to any 1767
school, college, or other educational institution that has been 1768
certified by the Ohio board of regents or the state board of 1769
~~proprietary school registration~~ career colleges and schools or to 1770
a high school for which the state board of education prescribes 1771
minimum standards under division (D) of section 3301.07 of the 1772
Revised Code, unless the educational or training program offered 1773
by such school, college, or institution is not in substantial 1774
compliance with applicable standards of the occupation, 1775
profession, or trade. 1776

(C) Rules of state regulatory boards relevant to age and 1777
level of education required for admission to courses of study 1778
leading to examination and licensing in professions or occupations 1779
controlled by regulatory boards not requiring a technical, 1780
associate, or baccalaureate degree shall not apply to vocational 1781
education programs conducted in the public schools where such 1782
vocational education programs in all other respects meet the 1783
minimum standards and requirements of any regulatory board and 1784
students completing such programs are of the minimum age required 1785
for examination and licensing for the purpose of practicing 1786

professions or occupations controlled by regulatory boards. 1787

Nothing in this section shall prohibit a board, commission, 1788
or agency from prescribing and enforcing educational and training 1789
requirements and standards for certification and accreditation of 1790
schools and other institutions that constitute reasonable bases 1791
for maintaining necessary standards of performance in any 1792
occupation, profession, or trade. 1793

Sec. 4762.02. (A) Except as provided in division (B) of this 1794
section, no person shall engage in the practice of acupuncture 1795
unless the person holds a valid certificate of registration as an 1796
acupuncturist issued by the state medical board under this 1797
chapter. 1798

(B) Division (A) of this section does not apply to a 1799
physician or to a person who performs acupuncture as part of a 1800
training program in acupuncture operated by an educational 1801
institution that holds an effective certificate of authorization 1802
issued by the Ohio board of regents under section 1713.02 of the 1803
Revised Code or a school that holds an effective certificate of 1804
registration issued by the state board of ~~proprietary school~~ 1805
registration career colleges and schools under section 3332.05 of 1806
the Revised Code. 1807

Sec. 4763.05. (A)(1) A person shall make application for an 1808
initial state-certified general real estate appraiser certificate, 1809
an initial state-certified residential real estate appraiser 1810
certificate, an initial state-licensed residential real estate 1811
appraiser license, or an initial state-registered real estate 1812
appraiser assistant registration in writing to the superintendent 1813
of real estate on a form the superintendent prescribes. The 1814
application shall include the address of the applicant's principal 1815
place of business and all other addresses at which the applicant 1816

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

(2) For purposes of providing funding for the real estate 1834
appraiser recovery fund established by section 4763.16 of the 1835
Revised Code, the real estate appraiser board shall levy an 1836
assessment against each person issued an initial certificate, 1837
registration, or license and against current licensees, 1838
registrants, and certificate holders, as required by board rule. 1839
The assessment is in addition to the application and examination 1840
fees for initial applicants required by division (A)(1) of this 1841
section and the renewal fees required for current certificate 1842
holders, registrants, and licensees. The superintendent shall 1843
deposit the assessment into the state treasury to the credit of 1844
the real estate appraiser recovery fund. The assessment for 1845
initial certificate holders, registrants, and licensees shall be 1846
paid prior to the issuance of a certificate, registration, or 1847
license, and for current certificate holders, registrants, and 1848
licensees, at the time of renewal. 1849

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

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

(a) If the applicant is seeking a state-certified general real estate appraiser certificate, that the applicant has successfully completed at least one hundred sixty-five classroom hours of courses in subjects related to real estate appraisal, including at least one course devoted exclusively to federal, state, and municipal fair housing law, presented by a nationally recognized appraisal organization, an institution of higher education, a ~~proprietary career~~ school registered by the state board of ~~proprietary school registration~~ career colleges and schools, a state or federal commission or agency, or any other organization that represents the interests of financial institutions or real estate brokers, appraisers, or agents and that provides appraisal education, plus fifteen classroom hours

related to standards of professional practice and the provisions 1882
of this chapter; 1883

(b) If the applicant is seeking a state-certified residential 1884
real estate appraiser certificate, that the applicant has 1885
successfully completed at least one hundred five classroom hours 1886
of courses in subjects related to real estate appraisal, including 1887
at least one course devoted exclusively to federal, state, and 1888
municipal fair housing law, presented by a nationally recognized 1889
appraisal organization, an institution of higher education, a 1890
~~proprietary~~ career school registered by the state board of 1891
~~proprietary school registration~~ career colleges and schools, or 1892
any other organization that represents the interests of financial 1893
institutions or real estate brokers, appraisers, or agents and 1894
that provides appraisal education, plus fifteen classroom hours 1895
related to standards of professional practice and the provisions 1896
of this chapter; 1897

(c) If the applicant is seeking a state-licensed residential 1898
real estate appraiser license, that the applicant has successfully 1899
completed at least seventy-five classroom hours of courses in 1900
subjects related to real estate appraisal, including at least one 1901
course devoted exclusively to federal, state, and municipal fair 1902
housing law, presented by a nationally recognized appraisal 1903
organization, an institution of higher education, a ~~proprietary~~ 1904
career school registered by the state board of ~~proprietary school~~ 1905
~~registration~~ career colleges and schools, a state or federal 1906
commission or agency, or any other organization that represents 1907
the interests of financial institutions or real estate brokers, 1908
appraisers, or agents and that provides appraisal education, plus 1909
fifteen classroom hours related to standards of professional 1910
practice and the provisions of this chapter; 1911

(d) If the applicant is seeking a state-registered real 1912
estate appraiser assistant registration, that the applicant has 1913

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

(2) Each person who files an application for an initial 1927
certificate or license within one year of the date established by 1928
the board as the first date on which applications will be accepted 1929
under this section, which date shall be no later than September 1, 1930
1990, and who, at the time of filing that application, does not 1931
satisfy the educational requirements for the certification or 1932
licensure sought of either division (C)(1)(a) or (b) of this 1933
section is exempt from those educational requirements for the term 1934
of the initial certification or licensure. In applying for a 1935
renewal certificate or license pursuant to section 4763.06 of the 1936
Revised Code, a certificate holder or licensee who was exempted 1937
from the educational requirements of division (C)(1)(a) or (b) of 1938
this section when applying for the initial certificate or license 1939
shall present satisfactory evidence to the superintendent that the 1940
certificate holder or licensee has completed the educational 1941
requirements for the certification or licensure to be renewed of 1942
one of those divisions before the renewal certificate or license 1943
may be issued. 1944

(D) An applicant for an initial general real estate appraiser 1945

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

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

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

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

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

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

(6) Basic understanding of real estate law;

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

(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 1976
substantially similar to those set forth in this chapter and the 1977
rules adopted thereunder. 1978

(2) A nonresident appraiser may apply for, and the board may 1979
issue, a temporary certificate or license if the board determines 1980
that the state in which the nonresident appraiser is licensed or 1981
certified has licensing or certification requirements that are 1982
substantially similar to the certification or licensure 1983
requirements set forth in this chapter and the rules adopted 1984
thereunder. 1985

The board shall adopt rules relating to the temporary 1986
certification and licensure of nonresident appraisers. Each 1987
temporary certificate and license issued by the board shall 1988
identify the location of the real estate property to be appraised 1989
and shall not authorize appraisal of more than one real estate 1990
property located in this state. The board shall not issue more 1991
than two temporary certificates or licenses in any one calendar 1992
year to any one applicant. 1993

(3) In addition to any other information required to be 1994
submitted with the nonresident applicant's or appraiser's 1995
application for a certificate, registration, license, or temporary 1996
certificate or license, each nonresident applicant or appraiser 1997
shall submit a statement consenting to the service of process upon 1998
the nonresident applicant or appraiser by means of delivering that 1999
process to the secretary of state if, in an action against the 2000
applicant, certificate holder, registrant, or licensee arising 2001
from the applicant's, certificate holder's, registrant's, or 2002
licensee's activities as a certificate holder, registrant, or 2003
licensee, the plaintiff, in the exercise of due diligence, cannot 2004
effect personal service upon the applicant, certificate holder, 2005
registrant, or licensee. 2006

(F) The superintendent shall not issue a certificate, 2007

registration, temporary certificate or license, or license to a 2008
corporation, partnership, or association. This prohibition shall 2009
not be construed to prevent a certificate holder or licensee from 2010
signing an appraisal report on behalf of a corporation, 2011
partnership, or association. 2012

(G) Every person licensed, registered, or certified under 2013
this chapter shall notify the superintendent, on a form provided 2014
by the superintendent, of a change in the address of the 2015
licensee's, registrant's, or certificate holder's principal place 2016
of business or residence within thirty days of the change. If a 2017
licensee's, registrant's, or certificate holder's license, 2018
registration, or certificate is revoked or not renewed, the 2019
licensee, registrant, or certificate holder immediately shall 2020
return the annual and any renewal certificate, registration, or 2021
license to the superintendent. 2022

(H) The superintendent shall not issue a certificate, 2023
registration, temporary certificate or license, or license to any 2024
person who does not meet applicable minimum criteria for state 2025
certification, registration, or licensure prescribed by federal 2026
law or rule. 2027

Sec. 5107.58. In accordance with a federal waiver granted by 2028
the United States secretary of health and human services pursuant 2029
to a request made under former section 5101.09 of the Revised 2030
Code, county departments of job and family services may establish 2031
and administer as a work activity for minor heads of households 2032
and adults participating in Ohio works first an education program 2033
under which the participant is enrolled full-time in 2034
post-secondary education leading to vocation at a state 2035
institution of higher education, as defined in section 3345.031 of 2036
the Revised Code; a private nonprofit college or university that 2037
possesses a certificate of authorization issued by the Ohio board 2038

of regents pursuant to Chapter 1713. of the Revised Code, or is 2039
exempted by division (E) of section 1713.02 of the Revised Code 2040
from the requirement of a certificate; a school that holds a 2041
certificate of registration and program authorization issued by 2042
the state board of ~~proprietary school registration~~ career colleges 2043
and schools under Chapter 3332. of the Revised Code; a private 2044
institution exempt from regulation under Chapter 3332. of the 2045
Revised Code as prescribed in section 3333.046 of the Revised 2046
Code; or a school that has entered into a contract with the county 2047
department of job and family services. The participant shall make 2048
reasonable efforts, as determined by the county department, to 2049
obtain a loan, scholarship, grant, or other assistance to pay for 2050
the tuition, including a federal Pell grant under 20 U.S.C.A. 2051
1070a and an Ohio instructional grant under section 3333.12 of the 2052
Revised Code. If the participant has made reasonable efforts but 2053
is unable to obtain sufficient assistance to pay the tuition the 2054
program may pay the tuition. On or after October 1, 1998, the 2055
county department may enter into a loan agreement with the 2056
participant to pay the tuition. The total period for which tuition 2057
is paid and loans made shall not exceed two years. If the 2058
participant, pursuant to division (B)(3) of section 5107.43 of the 2059
Revised Code, volunteers to participate in the education program 2060
for more hours each week than the participant is assigned to the 2061
program, the program may pay or the county department may loan the 2062
cost of the tuition for the additional voluntary hours as well as 2063
the cost of the tuition for the assigned number of hours. The 2064
participant may receive, for not more than three years, support 2065
services, including publicly funded child day-care under Chapter 2066
5104. of the Revised Code and transportation, that the participant 2067
needs to participate in the program. To receive support services 2068
in the third year, the participant must be, as determined by the 2069
educational institution in which the participant is enrolled, in 2070
good standing with the institution. 2071

A county department that provides loans under this section 2072
shall establish procedures governing loan application for and 2073
approval and administration of loans granted pursuant to this 2074
section. 2075

Sec. 5747.01. Except as otherwise expressly provided or 2076
clearly appearing from the context, any term used in this chapter 2077
has the same meaning as when used in a comparable context in the 2078
Internal Revenue Code, and all other statutes of the United States 2079
relating to federal income taxes. 2080

As used in this chapter: 2081

(A) "Adjusted gross income" or "Ohio adjusted gross income" 2082
means adjusted gross income as defined and used in the Internal 2083
Revenue Code, adjusted as provided in this section: 2084

(1) Add interest or dividends on obligations or securities of 2085
any state or of any political subdivision or authority of any 2086
state, other than this state and its subdivisions and authorities. 2087

(2) Add interest or dividends on obligations of any 2088
authority, commission, instrumentality, territory, or possession 2089
of the United States that are exempt from federal income taxes but 2090
not from state income taxes. 2091

(3) Deduct interest or dividends on obligations of the United 2092
States and its territories and possessions or of any authority, 2093
commission, or instrumentality of the United States to the extent 2094
included in federal adjusted gross income but exempt from state 2095
income taxes under the laws of the United States. 2096

(4) Deduct disability and survivor's benefits to the extent 2097
included in federal adjusted gross income. 2098

(5) Deduct benefits under Title II of the Social Security Act 2099
and tier 1 railroad retirement benefits to the extent included in 2100
federal adjusted gross income under section 86 of the Internal 2101

Revenue Code. 2102

(6) In the case of a taxpayer who is a beneficiary of a trust 2103
that makes an accumulation distribution as defined in section 665 2104
of the Internal Revenue Code, add, for the beneficiary's taxable 2105
years beginning before 2002 or after 2004, the portion, if any, of 2106
such distribution that does not exceed the undistributed net 2107
income of the trust for the three taxable years preceding the 2108
taxable year in which the distribution is made to the extent that 2109
the portion was not included in the trust's taxable income for any 2110
of the trust's taxable years beginning in 2002, 2003, or 2004. 2111
"Undistributed net income of a trust" means the taxable income of 2112
the trust increased by (a)(i) the additions to adjusted gross 2113
income required under division (A) of this section and (ii) the 2114
personal exemptions allowed to the trust pursuant to section 2115
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 2116
deductions to adjusted gross income required under division (A) of 2117
this section, (ii) the amount of federal income taxes attributable 2118
to such income, and (iii) the amount of taxable income that has 2119
been included in the adjusted gross income of a beneficiary by 2120
reason of a prior accumulation distribution. Any undistributed net 2121
income included in the adjusted gross income of a beneficiary 2122
shall reduce the undistributed net income of the trust commencing 2123
with the earliest years of the accumulation period. 2124

(7) Deduct the amount of wages and salaries, if any, not 2126
otherwise allowable as a deduction but that would have been 2127
allowable as a deduction in computing federal adjusted gross 2128
income for the taxable year, had the targeted jobs credit allowed 2129
and determined under sections 38, 51, and 52 of the Internal 2130
Revenue Code not been in effect. 2131

(8) Deduct any interest or interest equivalent on public 2132
obligations and purchase obligations to the extent included in 2133

federal adjusted gross income. 2134

(9) Add any loss or deduct any gain resulting from the sale, 2135
exchange, or other disposition of public obligations to the extent 2136
included in federal adjusted gross income. 2137

(10) Deduct or add amounts, as provided under section 5747.70 2138
of the Revised Code, related to contributions to variable college 2139
savings program accounts made or tuition credits purchased 2140
pursuant to Chapter 3334. of the Revised Code. 2141

(11)(a) Deduct, to the extent not otherwise allowable as a 2142
deduction or exclusion in computing federal or Ohio adjusted gross 2143
income for the taxable year, the amount the taxpayer paid during 2144
the taxable year for medical care insurance and qualified 2145
long-term care insurance for the taxpayer, the taxpayer's spouse, 2146
and dependents. No deduction for medical care insurance under 2147
division (A)(11) of this section shall be allowed either to any 2148
taxpayer who is eligible to participate in any subsidized health 2149
plan maintained by any employer of the taxpayer or of the 2150
taxpayer's spouse, or to any taxpayer who is entitled to, or on 2151
application would be entitled to, benefits under part A of Title 2152
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 2153
301, as amended. For the purposes of division (A)(11)(a) of this 2154
section, "subsidized health plan" means a health plan for which 2155
the employer pays any portion of the plan's cost. The deduction 2156
allowed under division (A)(11)(a) of this section shall be the net 2157
of any related premium refunds, related premium reimbursements, or 2158
related insurance premium dividends received during the taxable 2159
year. 2160

(b) Deduct, to the extent not otherwise deducted or excluded 2161
in computing federal or Ohio adjusted gross income during the 2162
taxable year, the amount the taxpayer paid during the taxable 2163
year, not compensated for by any insurance or otherwise, for 2164
medical care of the taxpayer, the taxpayer's spouse, and 2165

dependents, to the extent the expenses exceed seven and one-half
per cent of the taxpayer's federal adjusted gross income. 2166
2167

(c) For purposes of division (A)(11) of this section, 2168
"medical care" has the meaning given in section 213 of the 2169
Internal Revenue Code, subject to the special rules, limitations, 2170
and exclusions set forth therein, and "qualified long-term care" 2171
has the same meaning given in section 7702(B)(b) of the Internal 2172
Revenue Code. 2173

(12)(a) Deduct any amount included in federal adjusted gross 2174
income solely because the amount represents a reimbursement or 2175
refund of expenses that in any year the taxpayer had deducted as 2176
an itemized deduction pursuant to section 63 of the Internal 2177
Revenue Code and applicable United States department of the 2178
treasury regulations. The deduction otherwise allowed under 2179
division (A)(12)(a) of this section shall be reduced to the extent 2180
the reimbursement is attributable to an amount the taxpayer 2181
deducted under this section in any taxable year. 2182

(b) Add any amount not otherwise included in Ohio adjusted 2183
gross income for any taxable year to the extent that the amount is 2184
attributable to the recovery during the taxable year of any amount 2185
deducted or excluded in computing federal or Ohio adjusted gross 2186
income in any taxable year. 2187

(13) Deduct any portion of the deduction described in section 2188
1341(a)(2) of the Internal Revenue Code, for repaying previously 2189
reported income received under a claim of right, that meets both 2190
of the following requirements: 2191

(a) It is allowable for repayment of an item that was 2192
included in the taxpayer's adjusted gross income for a prior 2193
taxable year and did not qualify for a credit under division (A) 2194
or (B) of section 5747.05 of the Revised Code for that year; 2195

(b) It does not otherwise reduce the taxpayer's adjusted 2196

gross income for the current or any other taxable year.	2197
(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.	2198 2199 2200 2201 2202 2203 2204
(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;	2205 2206 2207 2208 2209 2210
(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.	2211 2212 2213
(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:	2214 2215 2216
(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;	2217 2218 2219 2220
(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.	2221 2222 2223
(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	2224 2225 2226 2227

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.

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

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

(20)(a) Add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest. The tax commissioner, under procedures established by the commissioner, may waive the add-back

related to a pass-through entity if the taxpayer owns, directly or 2260
indirectly, less than five per cent of the pass-through entity. 2261
2262

(b) Nothing in division (A)(20) of this section shall be 2263
construed to adjust or modify the adjusted basis of any asset. 2264

(c) To the extent the add-back required under division 2265
(A)(20)(a) of this section is attributable to property generating 2266
nonbusiness income or loss allocated under section 5747.20 of the 2267
Revised Code, the add-back shall be situated to the same location 2268
as the nonbusiness income or loss generated by the property for 2269
the purpose of determining the credit under division (A) of 2270
section 5747.05 of the Revised Code. Otherwise, the add-back shall 2271
be apportioned, subject to one or more of the four alternative 2272
methods of apportionment enumerated in section 5747.21 of the 2273
Revised Code. 2274

(21)(a) If the taxpayer was required to add an amount under 2275
division (A)(20)(a) of this section for a taxable year, deduct 2276
one-fifth of the amount so added for each of the five succeeding 2277
taxable years. 2278

(b) If the amount deducted under division (A)(21)(a) of this 2279
section is attributable to an add-back allocated under division 2280
(A)(20)(c) of this section, the amount deducted shall be situated 2281
to the same location. Otherwise, the add-back shall be apportioned 2282
using the apportionment factors for the taxable year in which the 2283
deduction is taken, subject to one or more of the four alternative 2284
methods of apportionment enumerated in section 5747.21 of the 2285
Revised Code. 2286

(B) "Business income" means income arising from transactions, 2287
activities, and sources in the regular course of a trade or 2288
business and includes income from real property, tangible 2289
property, and intangible property if the acquisition, rental, 2290
management, and disposition of the property constitute integral 2291

parts of the regular course of a trade or business operation.	2292
"Business income" includes income, including gain or loss, from a	2293
partial or complete liquidation of a business, including, but not	2294
limited to, gain or loss from the sale or other disposition of	2295
goodwill.	2296
(C) "Nonbusiness income" means all income other than business	2297
income and may include, but is not limited to, compensation, rents	2298
and royalties from real or tangible personal property, capital	2299
gains, interest, dividends and distributions, patent or copyright	2300
royalties, or lottery winnings, prizes, and awards.	2301
	2302
(D) "Compensation" means any form of remuneration paid to an	2303
employee for personal services.	2304
(E) "Fiduciary" means a guardian, trustee, executor,	2305
administrator, receiver, conservator, or any other person acting	2306
in any fiduciary capacity for any individual, trust, or estate.	2307
(F) "Fiscal year" means an accounting period of twelve months	2308
ending on the last day of any month other than December.	2309
(G) "Individual" means any natural person.	2310
(H) "Internal Revenue Code" means the "Internal Revenue Code	2311
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	2312
(I) "Resident" means:	2313
(1) An individual who is domiciled in this state, subject to	2314
section 5747.24 of the Revised Code;	2315
(2) The estate of a decedent who at the time of death was	2316
domiciled in this state. The domicile tests of section 5747.24 of	2317
the Revised Code and any election under section 5747.25 of the	2318
Revised Code are not controlling for purposes of division (I)(2)	2319
of this section.	2320
(3) Division (I)(3) of this section applies only to taxable	2321

years of a trust beginning in 2002, 2003, or 2004. 2322

A trust that, in whole or part, resides in this state. If 2323
only part of a trust resides in this state, the trust is a 2324
resident only with respect to that part. For the purposes of 2325
division (I)(3) of this section, a trust resides in this state to 2326
the extent that it consists, directly or indirectly, in whole or 2327
in part, of the net current value, adjusted for any profits, 2328
gains, or losses, of assets or liabilities that were transferred 2329
to the trust by any of the following: 2330

(a) The will of a decedent who was domiciled in this state at 2331
the time of the decedent's death; 2332

(b) A person who is domiciled in this state if the trust or 2333
part of the trust is not irrevocable; 2334

(c) A person who was domiciled in this state when the trust 2335
or part of the trust became irrevocable, but only if, for all or 2336
some portion of the current taxable year of the trust, at least 2337
one beneficiary of the trust is a resident for the purposes of 2338
this chapter. 2339

For the purpose of divisions (I)(3)(b) and (c) of this 2340
section, the transfer of net assets to a trust is irrevocable to 2341
the extent that the transferor is not considered to be the owner 2342
of the net assets of the trust under sections 671 to 678 of the 2343
Internal Revenue Code. 2344

The tax commissioner may adopt rules to ascertain the part of 2345
a trust residing in this state under this division. 2346

(J) "Nonresident" means an individual or estate that is not a 2347
resident. An individual who is a resident for only part of a 2348
taxable year is a nonresident for the remainder of that taxable 2349
year. 2350

(K) "Pass-through entity" has the same meaning as in section 2351

5733.04 of the Revised Code.	2352
(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.	2353 2354 2355 2356
(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.	2357 2358 2359 2360
(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.	2361 2362 2363 2364
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	2365 2366 2367 2368 2369
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.	2370 2371 2372 2373 2374
(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	2375 2376
(1) "Subdivision" means any county, municipal corporation, park district, or township.	2377 2378
(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a	2379 2380 2381

charter adopted pursuant to the Ohio Constitution.	2382
(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.	2383 2384
(S) "Taxable income" applies only to estates and trusts, and means taxable income as defined and used in the Internal Revenue Code adjusted as follows:	2385 2386 2387
(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities;	2388 2389 2390
(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States that are exempt from federal income taxes but not from state income taxes;	2391 2392 2393 2394
(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;	2395 2396
(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;	2397 2398 2399 2400 2401
(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;	2402 2403 2404 2405 2406 2407
(6) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent included in federal taxable income;	2408 2409 2410
(7) Add any loss or deduct any gain resulting from sale,	2411

exchange, or other disposition of public obligations to the extent 2412
included in federal taxable income; 2413

(8) Except in the case of the final return of an estate, add 2414
any amount deducted by the taxpayer on both its Ohio estate tax 2415
return pursuant to section 5731.14 of the Revised Code, and on its 2416
federal income tax return in determining either federal adjusted 2417
gross income or federal taxable income; 2418

(9)(a) Deduct any amount included in federal taxable income 2419
solely because the amount represents a reimbursement or refund of 2420
expenses that in a previous year the decedent had deducted as an 2421
itemized deduction pursuant to section 63 of the Internal Revenue 2422
Code and applicable treasury regulations. The deduction otherwise 2423
allowed under division (S)(9)(a) of this section shall be reduced 2424
to the extent the reimbursement is attributable to an amount the 2425
taxpayer or decedent deducted under this section in any taxable 2426
year. 2427

(b) Add any amount not otherwise included in Ohio taxable 2428
income for any taxable year to the extent that the amount is 2429
attributable to the recovery during the taxable year of any amount 2430
deducted or excluded in computing federal or Ohio taxable income 2431
in any taxable year. 2432

(10) Deduct any portion of the deduction described in section 2433
1341(a)(2) of the Internal Revenue Code, for repaying previously 2434
reported income received under a claim of right, that meets both 2435
of the following requirements: 2436

(a) It is allowable for repayment of an item that was 2437
included in the taxpayer's taxable income or the decedent's 2438
adjusted gross income for a prior taxable year and did not qualify 2439
for a credit under division (A) or (B) of section 5747.05 of the 2440
Revised Code for that year. 2441

(b) It does not otherwise reduce the taxpayer's taxable 2442

income or the decedent's adjusted gross income for the current or 2443
any other taxable year. 2444

(11) Add any amount claimed as a credit under section 2445
5747.059 of the Revised Code to the extent that the amount 2446
satisfies either of the following: 2447

(a) The amount was deducted or excluded from the computation 2448
of the taxpayer's federal taxable income as required to be 2449
reported for the taxpayer's taxable year under the Internal 2450
Revenue Code; 2451

(b) The amount resulted in a reduction in the taxpayer's 2452
federal taxable income as required to be reported for any of the 2453
taxpayer's taxable years under the Internal Revenue Code. 2454

(12) Deduct any amount that a trust is required to report as 2455
farm income on its federal income tax return, but only if the 2456
assets of the trust include at least ten acres of land satisfying 2457
the definition of "land devoted exclusively to agricultural use" 2458
under section 5713.30 of the Revised Code, regardless of whether 2459
the land is valued for tax purposes as such land under sections 2460
5713.30 to 5713.38 of the Revised Code. Division (S)(12) of this 2461
section applies only to taxable years of a trust beginning in 2462
2002, 2003, or 2004. 2463

(13) Add the net amount of income described in section 641(c) 2464
of the Internal Revenue Code to the extent that amount is not 2465
included in federal taxable income. 2466

(14) Add or deduct the amount the taxpayer would be required 2467
to add or deduct under division (A)(20) or (21) of this section if 2468
the taxpayer's taxable income were computed in the same manner as 2469
an individual's adjusted gross income is computed under this 2470
section. In the case of a trust, division (S)(14) of this section 2471
applies only to any of the trust's taxable years beginning in 2472
2002, 2003, or 2004. 2473

(T) "School district income" and "school district income tax"	2474
have the same meanings as in section 5748.01 of the Revised Code.	2475
	2476
(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7)	2477
of this section, "public obligations," "purchase obligations," and	2478
"interest or interest equivalent" have the same meanings as in	2479
section 5709.76 of the Revised Code.	2480
(V) "Limited liability company" means any limited liability	2481
company formed under Chapter 1705. of the Revised Code or under	2482
the laws of any other state.	2483
(W) "Pass-through entity investor" means any person who,	2484
during any portion of a taxable year of a pass-through entity, is	2485
a partner, member, shareholder, or investor in that pass-through	2486
entity.	2487
(X) "Banking day" has the same meaning as in section 1304.01	2488
of the Revised Code.	2489
(Y) "Month" means a calendar month.	2490
(Z) "Quarter" means the first three months, the second three	2491
months, the third three months, or the last three months of the	2492
taxpayer's taxable year.	2493
(AA)(1) "Eligible institution" means a state university or	2494
state institution of higher education as defined in section	2495
3345.011 of the Revised Code, or a private, nonprofit college,	2496
university, or other post-secondary institution located in this	2497
state that possesses a certificate of authorization issued by the	2498
Ohio board of regents pursuant to Chapter 1713. of the Revised	2499
Code or a certificate of registration issued by the state board of	2500
proprietary school registration <u>career colleges and schools</u> under	2501
Chapter 3332. of the Revised Code.	2502
(2) "Qualified tuition and fees" means tuition and fees	2503

imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified 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)(1) "Modified business income" means the business income included in a trust's taxable income after such taxable income is first reduced by the qualifying amount, if any.

(2) "Qualifying amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interest in, or debt obligations of, a qualifying investee to the extent included in the trust's taxable income, but only if the location of the physical assets of the qualifying investee is available to the trust.

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

(4) "Modified taxable income" applies only to trusts and

means the sum of the following: 2535

(a) Modified business income multiplied by the fraction 2536
calculated under division (B)(2) of section 5733.05, and applying 2537
section 5733.057 of the Revised Code, as if the trust were a 2538
corporation subject to the tax imposed by section 5733.06 of the 2539
Revised Code; 2540

(b) The qualifying amount multiplied by the ratio of the book 2541
value of the physical assets in this state of the qualifying 2542
investee to the book value of the total physical assets everywhere 2543
of the qualifying investee. If, for a taxable year, the trust 2544
recognizes a qualifying amount with respect to more than one 2545
qualifying investee, the amount described in division (BB)(4)(b) 2546
of this section shall equal the sum of the products so computed 2547
for each such qualifying investee. 2548

(c) Modified nonbusiness income to the extent produced by 2549
assets held by a trust or portion of a trust that is a resident 2550
for the purposes of this chapter. 2551

If the allocation and apportionment of a trust's income under 2552
divisions (BB)(4)(a) and (c) of this section do not fairly 2553
represent the modified taxable income of the trust in this state, 2554
the alternative methods described in division (C) of section 2555
5747.21 of the Revised Code may be applied in the manner and to 2556
the same extent provided in that section. 2557

(5) "Qualifying investee" means a person in which a trust has 2558
an equity or ownership interest, or a person or unit of government 2559
the debt obligations of either of which are owned by a trust. 2560
2561

(CC) Any term used in this chapter that is not otherwise 2562
defined in this section and that is not used in a comparable 2563
context in the Internal Revenue Code and other statutes of the 2564
United States relating to federal income taxes has the same 2565

meaning as in section 5733.40 of the Revised Code.	2566
Sec. 5919.34. (A) As used in this section:	2567
(1) "Academic term" means any one of the following:	2568
(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	2569 2570
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	2571 2572
(c) Spring term, which consists of spring quarter;	2573
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	2574 2575
(2) "Eligible applicant" means any individual to whom all of the following apply:	2576 2577
(a) The individual does not possess a baccalaureate degree.	2578
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	2579 2580 2581
(c) The individual is actively enrolled as a full-time or part-time student for at least six credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at an institution of higher education or in a diploma-granting program at an institution of higher education that is a school of nursing.	2582 2583 2584 2585 2586 2587
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	2588 2589
(3) "Institution of higher education" means an Ohio institution of higher education that is state-assisted, that is nonprofit and has received a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised	2590 2591 2592 2593

Code, that is a private institution exempt from regulation under 2594
Chapter 3332. of the Revised Code as prescribed in section 2595
3333.046 of the Revised Code, or that holds a certificate of 2596
registration and program authorization issued by the state board 2597
of ~~proprietary school registration~~ career colleges and schools 2598
pursuant to section 3332.05 of the Revised Code. 2599

(4) "State university" has the same meaning as in section 2600
3345.011 of the Revised Code. 2601

(B)(1) There is hereby created a scholarship program to be 2602
known as the Ohio national guard scholarship program. For the 2603
fiscal year 2000, the number of participants in the program for 2604
the fall term is limited to the equivalent of two thousand five 2605
hundred full-time participants; the number of participants in the 2606
program for the winter term is limited to the equivalent of two 2607
thousand five hundred full-time participants; the number of 2608
participants in the program for the spring term is limited to the 2609
equivalent of one thousand six hundred seventy-five full-time 2610
participants; and the number of participants in the program for 2611
the summer term is limited to the equivalent of six hundred 2612
full-time participants. Except as provided in division (B)(2) of 2613
this section for the fiscal year 2001 and succeeding fiscal years, 2614
the number of participants in the program for the fall term is 2615
limited to the equivalent of three thousand five hundred full-time 2616
participants; the number of participants in the program for the 2617
winter term is limited to the equivalent of three thousand five 2618
hundred full-time participants; the number of participants in the 2619
program for the spring term is limited to the equivalent of two 2620
thousand three hundred forty-five full-time participants; and the 2621
number of participants in the program for the summer term is 2622
limited to the equivalent of eight hundred full-time participants. 2623

(2) After the application deadline for any academic term in 2624
fiscal year 2001, the adjutant general may request the controlling 2625

board, if sufficient appropriated funds are available, to approve 2626
the following number of additional participants for that term: 2627

(a) For the fall or winter academic term, up to the 2628
equivalent of five hundred additional full-time participants; 2629

(b) For the spring academic term, up to the equivalent of 2630
three hundred seventy-five additional full-time participants; 2631

(c) For the summer academic term, up to the equivalent of one 2632
hundred twenty-five additional full-time participants. 2633

(C) If the adjutant general estimates that appropriations for 2634
all scholarships applied for under this section and likely to be 2635
used during an academic term are inadequate for all eligible 2636
applicants for that academic term to receive scholarships, the 2637
adjutant general shall promptly inform all applicants not 2638
receiving scholarships for that academic term of the next academic 2639
term that appropriations will be adequate for the scholarships. 2640
Any such eligible applicant may again apply for a scholarship 2641
beginning that academic term if the applicant is in compliance 2642
with all requirements established by this section and the adjutant 2643
general for the program. The adjutant general shall process all 2644
applications for scholarships for each academic term in the order 2645
in which they are received. The scholarships shall be made without 2646
regard to financial need. At no time shall one person be placed in 2647
priority over another because of sex, race, or religion. 2648

(D)(1) Except as provided in division (I) of this section, 2649
for each academic term that an eligible applicant is approved for 2650
a scholarship under this section and either remains a current 2651
member in good standing of the Ohio national guard or is eligible 2652
for a scholarship under division (F)(1) of this section, the 2653
institution of higher education in which the applicant is enrolled 2654
shall, if the applicant's enlistment obligation extends beyond the 2655
end of that academic term or if division (F)(1) of this section 2656

applies, be paid on the applicant's behalf the applicable one of 2657
the following amounts: 2658

(a) If the institution is state-assisted, an amount equal to 2659
one hundred per cent of the institution's tuition charges; 2660

(b) If the institution is a nonprofit private institution or 2661
a private institution exempt from regulation under Chapter 3332. 2662
of the Revised Code as prescribed in section 3333.046 of the 2663
Revised Code, an amount equal to one hundred per cent of the 2664
average tuition charges of all state universities; 2665

(c) If the institution is an institution that holds a 2666
certificate of registration from the state board of ~~proprietary~~ 2667
~~school registration~~ career colleges and schools, the lesser of the 2668
following: 2669

(i) An amount equal to one hundred per cent of the total 2670
instructional and general charges of the institution; 2671

(ii) An amount equal to one hundred per cent of the average 2672
tuition charges of all state universities. 2673

(2) An eligible applicant's scholarship shall not be reduced 2674
by the amount of that applicant's benefits under "the Montgomery 2675
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 2676

(E) A scholarship recipient under this section shall be 2677
entitled to receive scholarships under this section for the number 2678
of quarters or semesters it takes the recipient to accumulate 2679
ninety-six eligibility units as determined under divisions (E)(1) 2680
to (3) of this section. 2681

(1) To determine the maximum number of semesters or quarters 2682
for which a recipient is entitled to a scholarship under this 2683
section, the adjutant general shall convert a recipient's credit 2684
hours of enrollment for each academic term into eligibility units 2685
in accordance with the following table: 2686

	The			2687
Number of	following	The following		2688
credit hours	number of	number of		2689
of enrollment	eligibility	eligibility		2690
in an academic	units if a	units if a		2691
term	equals semester	or quarter		2692
				2693
12 or more hours	12 units	8 units		2694
9 but less than 12	9 units	6 units		2695
6 but less than 9	6 units	4 units		2696

(2) A scholarship recipient under this section may continue 2697
to apply for scholarships under this section until the recipient 2698
has accumulated ninety-six eligibility units. 2699

(3) If a scholarship recipient withdraws from courses prior 2700
to the end of an academic term so that the recipient's enrollment 2701
for that academic term is less than six credit hours, no 2702
scholarship shall be paid on behalf of that person for that 2703
academic term. Except as provided in division (F)(3) of this 2704
section, if a scholarship has already been paid on behalf of the 2705
person for that academic term, the adjutant general shall add to 2706
that person's accumulated eligibility units the number of 2707
eligibility units for which the scholarship was paid. 2708

(F) This division applies to any eligible applicant called 2709
into active duty on or after September 11, 2001. As used in this 2710
division, "active duty" means active duty pursuant to an executive 2711
order of the president of the United States, an act of the 2712
congress of the United States, or section 5919.29 or 5923.21 of 2713
the Revised Code. 2714

(1) An individual to whom this division applies is eligible 2715
for scholarships under this section for those academic terms that 2716
were missed or could have been missed as a result of the 2717
individual's call into active duty. Scholarships shall not be paid 2718

for the academic term in which an eligible applicant's enlistment 2719
obligation ends unless an applicant is eligible under this 2720
division for a scholarship for such academic term due to previous 2721
active duty. 2722

(2) When an individual to whom this division applies 2723
withdraws or otherwise fails to complete courses, for which 2724
scholarships have been awarded under this section, because the 2725
individual was called into active duty, the institution of higher 2726
education shall grant the individual a leave of absence from the 2727
individual's education program and shall not impose any academic 2728
penalty for such withdrawal or failure to complete courses. 2729
Division (F)(2) of this section applies regardless of whether or 2730
not the scholarship amount was paid to the institution of higher 2731
education. 2732

(3) If an individual to whom this division applies withdraws 2733
or otherwise fails to complete courses because the individual was 2734
called into active duty, and if scholarships for those courses 2735
have already been paid, either: 2736

(a) The adjutant general shall not add to that person's 2737
accumulated eligibility units calculated under division (E) of 2738
this section the number of eligibility units for the academic 2739
courses or term for which the scholarship was paid and the 2740
institution of higher education shall repay the scholarship amount 2741
to the state. 2742

(b) The adjutant general shall add to that individual's 2743
accumulated eligibility units calculated under division (E) of 2744
this section the number of eligibility units for the academic 2745
courses or term for which the scholarship was paid if the 2746
institution of higher education agrees to permit the individual to 2747
complete the remainder of the academic courses in which the 2748
individual was enrolled at the time the individual was called into 2749
active duty. 2750

(G) A scholarship recipient under this section who fails to 2751
complete the term of enlistment, re-enlistment, or extension of 2752
current enlistment the recipient was serving at the time a 2753
scholarship was paid on behalf of the recipient under this section 2754
is liable to the state for repayment of a percentage of all Ohio 2755
national guard scholarships paid on behalf of the recipient under 2756
this section, plus interest at the rate of ten per cent per annum 2757
calculated from the dates the scholarships were paid. This 2758
percentage shall equal the percentage of the current term of 2759
enlistment, re-enlistment, or extension of enlistment a recipient 2760
has not completed as of the date the recipient is discharged from 2761
the Ohio national guard. 2762

The attorney general may commence a civil action on behalf of 2763
the adjutant general to recover the amount of the scholarships and 2764
the interest provided for in this division and the expenses 2765
incurred in prosecuting the action, including court costs and 2766
reasonable attorney's fees. A scholarship recipient is not liable 2767
under this division if the recipient's failure to complete the 2768
term of enlistment being served at the time a scholarship was paid 2769
on behalf of the recipient under this section is due to the 2770
recipient's death; discharge from the national guard due to 2771
disability; or the recipient's enlistment, for a term not less 2772
than the recipient's remaining term in the national guard, in the 2773
active component of the United States armed forces or the active 2774
reserve component of the United States armed forces. 2775

(H) On or before the first day of each academic term, the 2776
adjutant general shall provide an eligibility roster to each 2777
institution of higher education at which one or more scholarship 2778
recipients have applied for enrollment. The institution shall use 2779
the roster to certify the actual full-time or part-time enrollment 2780
of each scholarship recipient listed as enrolled at the 2781
institution and return the roster to the adjutant general within 2782

thirty days after the first day of the academic term. The adjutant
general shall report to the Ohio board of regents the number of
students in the Ohio national guard scholarship program at each
institution of higher education. The Ohio board of regents shall
provide for payment of the appropriate number and amount of
scholarships to each institution of higher education pursuant to
division (D) of this section. The adjutant general shall report on
a quarterly basis to the director of budget and management, the
speaker of the house of representatives, and the president of the
senate the number of Ohio national guard scholarship recipients
and a projection of the cost of the program for the remainder of
the biennium.

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

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

Section 2. That existing sections 955.43, 1713.02, 1713.03,
1713.25, 2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 3332.04,
3332.05, 3332.051, 3332.06, 3332.07, 3332.08, 3332.081, 3332.082,
3332.083, 3332.085, 3332.09, 3332.091, 3332.092, 3332.10, 3332.11,
3332.12, 3332.13, 3332.18, 3333.043, 3333.12, 3333.29, 3334.01,
3365.01, 3365.15, 4742.05, 4742.06, 4743.03, 4762.02, 4763.05,
5107.58, 5747.01, and 5919.34 of the Revised Code are hereby

repealed. 2814

Section 3. That sections 3332.04, 3332.08, 3332.082, and 2815
3332.084 of the Revised Code be amended to read as follows: 2816

Sec. 3332.04. The state board of career colleges and schools 2817
may appoint an executive director and such other staff as may be 2818
required for the performance of the board's duties and provide 2819
necessary facilities. In selecting an executive director, the 2820
board shall appoint an individual with a background or experience 2821
in the regulation of commerce, business, or education. The board 2822
may also arrange for services and facilities to be provided by the 2823
state board of education and the Ohio board of regents. All 2824
receipts of the board shall be deposited in the career colleges 2825
and schools operating fund, which is hereby created in the state 2826
treasury to the credit of the general revenue fund. Moneys in the 2827
fund shall be used solely for the administration and enforcement 2828
of Chapter 3332. of the Revised Code. All investment earnings on 2829
the fund shall be credited to the fund. 2830

Sec. 3332.08. The application for a certificate of 2831
registration for a school located within Ohio shall be accompanied 2832
by a surety bond in the a penal sum of ten thousand dollars 2833
established by rule of the state board of career colleges and 2834
schools pursuant to Chapter 119. of the Revised Code with 2835
conditions and in a form prescribed by the ~~state board of career~~ 2836
~~colleges and schools~~ with at least one corporate bonding company 2837
approved by the department of insurance as surety thereon. Bond 2838
shall be maintained in effect for a period specified by rule of 2839
the board. The board may permit a school to cancel its bond if the 2840
school has been approved to participate in any federal student 2841
financial assistance program authorized under Title IV of the 2842
"Higher Education Act of 1965," 20 U.S.C.A. 1070 et seq., as 2843

amended, or if the school meets standards of financial 2844
responsibility otherwise established by the board. The bond shall 2845
provide for the indemnification of any person suffering prepaid 2846
tuition loss as the result of ~~any fraud or misrepresentation used~~ 2847
~~in behalf of the principal in procuring such person's enrollment~~ 2848
~~in a program, including repayment of tuition paid in advance by~~ 2849
~~any student~~ a school closure in accordance with section 3332.082 2850
of the Revised Code. 2851

The liability of the surety on such bond for the school 2852
covered shall not exceed the sum of ~~ten thousand dollars~~ the bond 2853
as an aggregate for all students for all breaches of the 2854
conditions of the bond by the school. The term of the bond shall 2855
be continuous, but it shall be subject to cancellation by the 2856
surety in the manner described in this section. The bond shall 2857
provide blanket coverage for the acts of all persons engaged as 2858
agents of the school without naming them and without regard to the 2859
time they are engaged during the term of the bond. 2860

The surety may terminate the bond upon giving a sixty-day 2861
written notice to the principal and to the state board of career 2862
colleges and schools, but the liability of the surety for acts of 2863
the principal and its agents continues during the sixty days of 2864
cancellation notice. The notice does not absolve the surety from 2865
liability which accrues before the cancellation becomes final but 2866
which is discovered after that date and which may have arisen at 2867
any time during the term of the bond. Unless the bond is replaced 2868
by that of another surety before the expiration of the sixty days 2869
notice of cancellation, the certificate of registration shall be 2870
suspended. Any person subject to this section required to file a 2871
bond with an application for a certificate of registration may 2872
file, in lieu thereof, cash, a certificate of deposit, letter of 2873
credit, or government bonds in the amount ~~of ten thousand dollars~~ 2874
established by the board. The deposit is subject to the same terms 2875

and conditions as are provided for in the surety bond required 2876
herein. Any interest or earnings on such deposits are payable to 2877
the depositor. 2878

Sec. 3332.082. The state board of career colleges and schools 2879
may pursue any lawful means of assuring that students of any 2880
school registered by the state board do not suffer prepaid tuition 2881
loss as a result of the closure of a school. This may include 2882
lawsuits against a school or any individual who may reasonably 2883
have liability as a result of the default, in which the attorney 2884
general shall advise and represent the board. Any student seeking 2885
reimbursement for a prepaid tuition loss shall submit a claim for 2886
reimbursement to the board not later than one year following the 2887
school's closure. 2888

Any reimbursement for a prepaid tuition loss or advance 2889
against a possible prepaid tuition loss of a student, and any 2890
expenses reasonably incurred by the board in its pursuit of any 2891
remedy, shall be paid by the surety on the bond provided by the 2892
school pursuant to section 3332.08 of the Revised Code. If 2893
proceeds from the surety bond are not sufficient to cover such 2894
payments, any additional payments shall be paid from the student 2895
tuition recovery fund created by section 3332.083 of the Revised 2896
Code. Tuition loss does not include moneys held by a school in 2897
escrow accounts for tuition or fees for future terms, as 2898
uncommitted grants, loans, or Pell grant money. If the fund is not 2899
of sufficient size to pay the students the full amount of their 2900
prepaid fee, the student tuition recovery authority shall 2901
determine the percentage of the amount that will be paid. 2902

Any money recovered from the defaulting school, or any 2903
individual with liability for the default, or from the surety 2904
under a bond provided under section 3332.08 of the Revised Code in 2905
excess of any payments made under this section shall be deposited 2906
into the fund. 2907

Sec. 3332.084. The student tuition recovery authority may:	2908
(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;	2909 2910
(B) Maintain a principal office at such place within the state as is designated by the authority;	2911 2912
(C) <u>Distribute Direct moneys from to be paid by the surety on the bond required by section 3332.08 of the Revised Code and distribute moneys from</u> the student tuition recovery fund to or on behalf of students who are determined eligible by the authority;	2913 2914 2915 2916
(D) Reduce contributions to or utilize excess money in the fund, as provided in division (C) of section 3332.085 of the Revised Code.	2917 2918 2919
Section 4. That existing sections 3332.04, 3332.08, 3332.082, and 3332.084 of the Revised Code are hereby repealed.	2920 2921
Section 5. That Section 94.10 of Am. Sub. H.B. 94 of the 124th General Assembly be amended to read as follows:	2922 2923
Sec. 94.10. SEA GRANTS	2924
The foregoing appropriation item 235-402, Sea Grants, shall be disbursed to The Ohio State University and shall be used to conduct research on fish in Lake Erie.	2925 2926 2927
INFORMATION SYSTEM	2928
The foregoing appropriation item 235-409, Information System, shall be used by the Board of Regents to operate the higher education information data system known as the Higher Education Information System.	2929 2930 2931 2932
STUDENT SUPPORT SERVICES	2933
The foregoing appropriation item 235-502, Student Support	2934

Services, shall be distributed by the Board of Regents to Ohio's 2935
state-assisted colleges and universities that incur 2936
disproportionate costs in the provision of support services to 2937
disabled students. 2938

CENTRAL STATE SUPPLEMENT 2939

The foregoing appropriation item 235-514, Central State 2940
Supplement, shall be used by Central State University to keep 2941
undergraduate fees below the statewide average, consistent with 2942
its mission of service to many first-generation college students 2943
from groups historically underrepresented in higher education and 2944
from families with limited incomes. 2945

SHAWNEE STATE SUPPLEMENT 2946

The foregoing appropriation item 235-520, Shawnee State 2947
Supplement, shall be used by Shawnee State University as detailed 2948
by both of the following: 2949

(A) To allow Shawnee State University to keep its 2950
undergraduate fees below the statewide average, consistent with 2951
its mission of service to an economically depressed Appalachian 2952
region; 2953

(B) To allow Shawnee State University to employ new faculty 2954
to develop and teach in new degree programs that meet the needs of 2955
Appalachians. 2956

POLICE AND FIRE PROTECTION 2957

The foregoing appropriation item 235-524, Police and Fire 2958
Protection, shall be used for police and fire services in the 2959
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 2960
Portsmouth, Xenia Township (Greene County), and Rootstown 2961
Township, which may be used to assist these local governments in 2962
providing police and fire protection for the central campus of the 2963
state-affiliated university located therein. Each participating 2964

municipality and township shall receive at least five thousand 2965
dollars per year. Funds shall be distributed by the Board of 2966
Regents. 2967

SCHOOL OF INTERNATIONAL BUSINESS 2968

Of the foregoing appropriation item 235-547, School of 2969
International Business, \$1,218,764 in each fiscal year shall be 2970
used for the continued development and support of the School of 2971
International Business of the state universities of northeast 2972
Ohio. The money shall go to the University of Akron. These funds 2973
shall be used by the university to establish a School of 2974
International Business located at the University of Akron. It may 2975
confer with Kent State University, Youngstown State University, 2976
and Cleveland State University as to the curriculum and other 2977
matters regarding the school. 2978

Of the foregoing appropriation item 235-547, School of 2979
International Business, \$245,000 in each fiscal year shall be used 2980
by the University of Toledo College of Business for expansion of 2981
its international business programs. 2982

Of the foregoing appropriation item 235-547, School of 2983
International Business, \$245,000 in each fiscal year shall be used 2984
by to support the Ohio State University BioMEMS program. 2985

CAPITAL COMPONENT 2986

The foregoing appropriation item 235-552, Capital Component, 2987
shall be used by the Board of Regents to implement the capital 2988
funding policy for state-assisted colleges and universities 2989
established in Am. H.B. No. 748 of the 121st General Assembly. 2990
Appropriations from this item shall be distributed to all campuses 2991
for which the estimated campus debt service attributable to new 2992
qualifying capital projects is less than the campus's 2993
formula-determined capital component allocation. Campus 2994
allocations shall be determined by subtracting the estimated 2995

campus debt service attributable to new qualifying capital 2996
projects from the campus formula-determined capital component 2997
allocation. Moneys distributed from this appropriation item shall 2998
be restricted to capital-related purposes. 2999

DAYTON AREA GRADUATE STUDIES INSTITUTE 3000

The foregoing appropriation item 235-553, Dayton Area 3001
Graduate Studies Institute, shall be used by the Board of Regents 3002
to support the Dayton Area Graduate Studies Institute, an 3003
engineering graduate consortium of three universities in the 3004
Dayton area: Wright State University, the University of Dayton, 3005
and the Air Force Institute of Technology, with the participation 3006
of the University of Cincinnati and The Ohio State University. 3007

LONG-TERM CARE RESEARCH 3008

The foregoing appropriation item 235-558, Long-term Care 3009
Research, shall be disbursed to Miami University for long-term 3010
care research. 3011

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 3012

The foregoing appropriation item 235-561, Bowling Green State 3013
University Canadian Studies Center, shall be used by the Canadian 3014
Studies Center at Bowling Green State University to study 3015
opportunities for Ohio and Ohio businesses to benefit from the 3016
Free Trade Agreement between the United States and Canada. 3017

URBAN UNIVERSITY PROGRAMS 3018

Of the foregoing appropriation item 235-583, Urban University 3019
Programs, universities receiving funds that are used to support an 3020
ongoing university unit shall certify periodically in a manner 3021
approved by the Board of Regents that program funds are being 3022
matched on a one-to-one basis with equivalent resources. Overhead 3023
support may not be used to meet this requirement. Where Urban 3024
University Program funds are being used to support an ongoing 3025

university unit, matching funds must come from continuing rather 3026
than one-time sources. At each participating state-assisted 3027
institution of higher education, matching funds must be within the 3028
substantial control of the individual designated by the 3029
institution's president as the Urban University Program 3030
representative. 3031

Of the foregoing appropriation item 235-583, Urban University 3032
Programs, \$372,400 in each fiscal year shall be used to support a 3033
public communication outreach program (WCPN). The primary purpose 3034
of the program shall be to develop a relationship between 3035
Cleveland State University and nonprofit communications entities. 3036

Of the foregoing appropriation item 235-583, Urban University 3037
Programs, \$176,400 in each fiscal year shall be used to support 3038
the Center for the Interdisciplinary Study of Education and the 3039
Urban Child at Cleveland State University. These funds shall be 3040
distributed according to rules adopted by the Board of Regents and 3041
shall be used by the center for interdisciplinary activities 3042
targeted toward increasing the chance of lifetime success of the 3043
urban child, including interventions beginning with the prenatal 3044
period. The primary purpose of the center is to study issues in 3045
urban education and to systematically map directions for new 3046
approaches and new solutions by bringing together a cadre of 3047
researchers, scholars, and professionals representing the social, 3048
behavioral, education, and health disciplines. 3049

Of the foregoing appropriation item 235-583, Urban University 3050
Programs, \$254,800 in each fiscal year shall be used to support 3051
the Kent State University Learning and Technology Project. This 3052
project is a kindergarten through university collaboration between 3053
schools surrounding Kent's eight campuses in northeast Ohio, and 3054
corporate partners who will assist in development and delivery. 3055

The Kent State University Project shall provide a faculty 3056
member who has a full-time role in the development of 3057

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

Of the foregoing appropriation item 235-583, Urban University 3067
Programs, \$98,000 in each fiscal year shall be used to support the 3068
Ameritech Classroom/Center for Research at Kent State University. 3069

Of the foregoing appropriation item 235-583, Urban University 3070
Programs, \$980,000 in each fiscal year shall be used to support 3071
the Polymer Distance Learning Project at the University of Akron. 3072

Of the foregoing appropriation item 235-583, Urban University 3073
Programs, \$49,000 in each fiscal year shall be distributed to the 3074
Kent State University/Cleveland Design Center program. 3075

Of the foregoing appropriation item 235-583, Urban University 3076
Programs, \$245,000 in each fiscal year shall be used to support 3077
the Bliss Institute of Applied Politics at the University of 3078
Akron. 3079

Of the foregoing appropriation item 235-583, Urban University 3080
Programs, \$14,700 in each fiscal year shall be used for the 3081
Advancing-Up Program at the University of Akron. 3082

Of the foregoing appropriation item 235-583, Urban University 3083
Programs, in each fiscal year \$2,156,629 shall be distributed by 3084
the Board of Regents to Cleveland State University in support of 3085
the Maxine Goodman Levin College of Urban Affairs. 3086

Of the foregoing appropriation item 235-583, Urban University 3087
Programs, in each fiscal year \$2,156,630 shall be distributed to 3088

the Northeast Ohio Research Consortium, the Urban Linkages Program, and the Urban Research Technical Assistance Grant Program. The distribution among the three programs shall be determined by the chair of the Urban University Program.

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 3093

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

RURAL UNIVERSITY PROJECTS 3100

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

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

Of the foregoing appropriation item 235-587, Rural University Projects, \$73,500 in each fiscal year shall be used to support the COAD/ILGARD/GOA Appalachian Leadership Initiative.

A small portion of the funds provided to Ohio University shall also be used for the Institute for Local Government Administration and Rural Development State and Rural Policy Partnership with the Governor's Office of Appalachia and the

Appalachian delegation of the General Assembly.	3120
OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING	3121
The foregoing appropriation item 235-588, Ohio Resource Center for Mathematics, Science, and Reading, shall be used to support a resource center for mathematics, science, and reading to be located at a state-assisted university for the purpose of identifying best educational practices in primary and secondary schools and establishing methods for communicating them to colleges of education and school districts.	3122 3123 3124 3125 3126 3127 3128
HAZARDOUS MATERIALS PROGRAM	3129
The foregoing appropriation item 235-596, Hazardous Materials Program, shall be disbursed to Cleveland State University for the operation of a program to certify firefighters for the handling of hazardous materials. Training shall be available to all Ohio firefighters.	3130 3131 3132 3133 3134
Of the foregoing appropriation item 235-596, Hazardous Materials Program, \$150,000 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and Leadership in Public Service at Cleveland State University. These funds shall be distributed by the Board of Regents and shall be used by the center targeted toward increasing the role of special populations in public service and not-for-profit organizations. The primary purpose of the center is to study issues in public service and to guide strategies for attracting new communities into public service occupations by bringing together a cadre of researchers, scholars and professionals representing the public administration, social behavioral, and education disciplines.	3135 3136 3137 3138 3139 3140 3141 3142 3143 3144 3145 3146 3147
NATIONAL GUARD SCHOLARSHIP PROGRAM	3148
The Board of Regents shall disburse funds from appropriation item 235-599, National Guard Scholarship Program, at the direction	3149 3150

of the Adjutant General. 3151

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 3152

The foregoing appropriation item 235-602, HEFC 3153
Administration, shall be used by the Board of Regents for 3154
operating expenses related to the Board of Regents' support of the 3155
activities of the Ohio Higher Educational Facility Commission. 3156
Upon the request of the chancellor, the Director of Budget and 3157
Management shall transfer up to \$12,000 cash from Fund 461 to Fund 3158
4E8 in each fiscal year of the biennium. 3159

CAPITAL SCHOLARSHIP PROGRAMS 3160

The Chancellor of the Board of Regents may, for the purpose 3161
of providing up to one hundred twenty-five scholarships in each 3162
fiscal year in the amount of \$2,000 each for students enrolled in 3163
Ohio's public and private institutions of higher education to 3164
participate in either the Washington Center Internship Program or 3165
the Kent State University Columbus Program in Intergovernmental 3166
Issues, utilize any funds from any appropriation within the budget 3167
of the Board of Regents that the Chancellor determines to be 3168
available, not to exceed \$250,000 in any fiscal year. The 3169
scholarships to students participating in the Kent State 3170
University Columbus Program in Intergovernmental Issues shall be 3171
made only in fiscal year 2003 and only if adequate funds are 3172
available. The scholarships to students participating in the 3173
Washington Center Internship shall be matched by the Washington 3174
Center's scholarship funds. 3175

Section 6. That existing Section 94.10 of Am. Sub. H.B. 94 of 3176
the 124th General Assembly is hereby repealed. 3177

Section 7. Sections 3 and 4 of this act shall take effect 3178
July 1, 2003. 3179

Section 8. Within sixty days after the effective date of this 3180
act, the Governor shall appoint an additional member who has been 3181
engaged for at least the immediately preceding five years in an 3182
executive or managerial position at a career school to the State 3183
Board of Career Colleges and Schools pursuant to section 3332.03 3184
of the Revised Code, as amended by this act. Such member shall 3185
hold office until the twentieth day of November following the 3186
member's appointment and shall be eligible for reappointment to a 3187
full five-year term under that section. 3188