

As Reported by the Senate Education Committee

124th General Assembly
Regular Session
2001-2002

Am. S. B. No. 266

SENATOR Robert Gardner

A BILL

To amend sections 955.43, 1713.02, 1713.03, 1713.25, 1
2741.01, 3332.01, 3332.02, 3332.03, 3332.031, 2
3332.04, 3332.05, 3332.051, 3332.06, 3332.07, 3
3332.08, 3332.081, 3332.082, 3332.083, 3332.085, 4
3332.09, 3332.091, 3332.092, 3332.10 to 3332.13, 5
3332.18, 3333.043, 3333.12, 3333.29, 3334.01, 6
3365.01, 3365.15, 4742.05, 4742.06, 4743.03, 7
4762.02, 4763.05, 5107.58, 5747.01, and 5919.34 of 8
the Revised Code to make changes to the oversight 9
of career schools by changing the name of the State 10
Board of Proprietary School Registration to the 11
State Board of Career Colleges and Schools, 12
directing the Board to establish the period of time 13
that a career school must maintain a surety bond, 14
eliminating the requirement that agents for career 15
schools maintain surety bonds, altering the 16
structure of the Board by adding an additional 17
member with a background in career school 18
management and by making the student representative 19
a nonvoting member, establishing a fixed rate of 20
compensation for Board members, eliminating the 21
requirement that the Ohio Board of Regents 22
recommend whether to approve applications for the 23
issuance or renewal of program authorizations for 24
associate degree programs at career schools, making 25

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

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

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

Sec. 955.43. (A) When a blind, deaf, or mobility impaired 47
person is accompanied by a dog that serves as or is in training to 48
become a guide, leader, listener, or support dog for ~~him~~ the 49
person, and ~~he~~ the person can show proof by certificate or other 50
means that the dog leading ~~him~~ the person, listening for ~~him~~ the 51
person, or providing support or assistance for ~~him~~ the person has 52
been or is being trained for that purpose by a nonprofit special 53
agency engaged in such work, the person is entitled to the full 54

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

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

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

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

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

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

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

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

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

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

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

Sec. 1713.02. (A) Any institution described in division (A) of section 1713.01 of the Revised Code may become incorporated under sections 1702.01 to 1702.58 of the Revised Code.

(B) Except as provided in division (E) of this section, no nonprofit institution or corporation of the type described in division (A) of section 1713.01 of the Revised Code that is established after October 13, 1967, may confer degrees, diplomas, or other written evidences of proficiency or achievement, until it has received a certificate of authorization issued by the Ohio board of regents, nor shall any such institution or corporation identify itself as a "college" or "university" unless it has received a certificate of authorization from the board.

(C) Except as provided in division (E) of this section, no institution of the type described in division (A)(3) or (B) of section 1713.01 of the Revised Code that intends to offer or offers a course or courses within this state, but that did not offer a course or courses within this state on or before October 13, 1967, may confer degrees, diplomas, or other written evidences of proficiency or achievement or offer any course or courses within this state until it has received a certificate of authorization from the Ohio board of regents, nor shall the institution identify itself as a "college" or "university" unless it has received such a certificate from the board.

(D) Each certificate of authorization shall specify the diplomas or degrees authorized to be given, courses authorized to be offered, and the sites at which courses are to be conducted. A

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

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

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

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

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

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

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

147
148
149
150
151
152
153
154
155

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

156
157
158
159
160
161
162
163
164
165

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

166
167
168
169
170
171

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

172
173
174
175
176
177

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

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

Sec. 2741.01. As used in this chapter: 195

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

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

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

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

(3) For the purpose of promoting travel to a place;	207
(4) For the purpose of fundraising.	208
(C) "Name" means the actual, assumed, or clearly identifiable name of or reference to a living or deceased individual that identifies the individual.	209 210 211
(D) "Right of publicity" means the property right in an individual's persona to use the individual's persona for a commercial purpose.	212 213 214
(E) "Trier of fact" means the jury or, in a nonjury action, the court.	215 216
(F) "Written consent" includes written, electronic, digital, or any other verifiable means of authorization.	217 218
(G) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of proprietary school registration <u>career colleges and schools</u> under Chapter 3332. of the Revised Code.	219 220 221 222 223 224 225 226 227 228
Sec. 3332.01. As used in this section and sections 3332.03 to 3332.99 of the Revised Code:	229 230
(A) "Agent" means any individual whose primary duties, performed while on or off school premises, include distribution of literature or information on behalf of a person offering a program, and the solicitation of prospective students in Ohio to enroll for a fee in a program.	231 232 233 234 235

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

514
515

516
517
518
519

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

542
543
544
545

connection with any application, the board shall conduct a hearing 546
on the matter pursuant to Chapter 119. of the Revised Code, and 547
may withhold a certificate of registration or program 548
authorization upon finding that the applicant has failed to meet 549
the standards for such certificate or program authorization or has 550
submitted false, misleading, or incomplete information to the 551
board. Application for a certificate of registration or program 552
authorization shall be made in writing to the board on forms 553
furnished by the board. A certificate of registration or program 554
authorization is not transferable and shall be prominently 555
displayed on the premises of an institution. 556

The board shall assign registration numbers to all schools 557
registered with it. Schools shall display their registration 558
numbers on all school publications and on all advertisements 559
bearing the name of the school. 560

Notwithstanding the requirements of this section for issuance 561
of certificates of registration and program authorization, the 562
board may, in accordance with rules adopted by it, grant 563
certificates of registration and program authorization to schools, 564
colleges, institutes, or universities that have been approved by 565
the state department of education pursuant to the "Act of March 3, 566
1966," 80 Stat. 20, 38 U.S.C.A. 1771. 567

Sec. 3332.051. The state board of ~~proprietary school~~ 568
~~registration~~ career colleges and schools shall direct that a 569
written survey be obtained by schools subject to this chapter, 570
which shall be used to solicit comments from students enrolled at 571
such schools. The board shall establish the guidelines for the 572
survey by rule. The survey shall be designed to determine student 573
satisfaction with the quality of instruction, facilities, school 574
personnel, and business operations, including recruitment and 575
recruitment agents. The board shall adopt rules for the 576

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

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

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

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

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

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

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

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

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

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

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

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

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

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

671
672

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

673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690

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

691
692
693
694
695
696
697

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

698
699
700
701

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

schools. 796

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

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

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

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

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

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

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

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

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

with such modifications or additions.

856

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

857

858

859

860

861

862

863

864

865

866

867

868

869

870

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

871

872

873

874

875

876

877

878

879

880

881

(2) If as a result of any informal methods utilized under division (A)(1) of this section, the board fails to effect the elimination of violations or fails to obtain voluntary compliance with this chapter, the board shall issue a formal complaint to the holder of a certificate of registration of the school under

882

883

884

885

886

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

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

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

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

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

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

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

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

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

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

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

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

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

any person under oath, issue subpoenas, compel the attendance of
witnesses, or require the production for examination of any books
and papers relating to any matter under investigation or in
question before the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) An Ohio resident; 1141

(b) Enrolled in either of the following: 1142

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

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

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

which the student is enrolled. 1166

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

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

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

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

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

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

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

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

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

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

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

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

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

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of ~~proprietary school registration~~ career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

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

As Reported by the Senate Education Committee

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

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

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

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

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

Public Institution 1374

Table of Grants 1375

Maximum Grant \$2,190 1376

Gross Income Number of Dependents 1377

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	1378
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	1379
\$5,301 - \$5,800	1,740	1,974	2,190	2,190	2,190	2,190	1380
\$5,801 - \$6,300	1,542	1,740	1,974	2,190	2,190	2,190	1381
\$6,301 - \$6,800	1,320	1,542	1,740	1,974	2,190	2,190	1382
\$6,801 - \$7,300	1,080	1,320	1,542	1,740	1,974	2,190	1383
\$7,301 - \$8,300	864	1,080	1,320	1,542	1,740	1,974	1384
\$8,301 - \$9,300	648	864	1,080	1,320	1,542	1,740	1385
\$9,301 - \$10,300	522	648	864	1,080	1,320	1,542	1386
\$10,301 - \$11,800	420	522	648	864	1,080	1,320	1387

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

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

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

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

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

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

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

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

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

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

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

(2) "Eligible institution" means either: 1454

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

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

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

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

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

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

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

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

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

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

school's refund policy. 1515

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

Sec. 3334.01. As used in this chapter: 1525

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

(B) "Beneficiary" means: 1531

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

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

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

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

maturity or early redemption; and 1545

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or bachelor's degree. 1698

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As used in this chapter: 2074

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 2200
2201
2202

(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following: 2203
2204
2205

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 2206
2207
2208
2209

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

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

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

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

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

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

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

2253

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

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

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

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

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	2262 2263
(I) "Resident" means:	2264
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	2265 2266
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code and any election under section 5747.25 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	2267 2268 2269 2270 2271
(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.	2272 2273 2274 2275
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	2276 2277
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	2278 2279 2280 2281
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	2282 2283 2284 2285
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	2286 2287 2288 2289
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax	2290 2291

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

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

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

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

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

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

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

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

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

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

(4) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States that are exempt from state taxes under the laws of the United States;

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the following apply: 2443

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

tuition charges of all state universities. 2536

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

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

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

Number of	The following	The following	
credit hours	number of	number of	
of enrollment	eligibility	eligibility	
in an academic	units if a	units if a	
term	semester	quarter	
12 or more hours	12 units	8 units	2555
9 but less than 12	9 units	6 units	2556
6 but less than 9	6 units	4 units	2557

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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