

3313.98 of the Revised Code;	31023
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	31024 31025 31026 31027
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	31028 31029
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	31030 31031 31032 31033 31034
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	31035 31036 31037 31038
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	31039 31040 31041
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	31042 31043 31044 31045
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	31046 31047 31048
(e) An educational service center or cooperative education district;	31049 31050
(f) Another school district under a cooperative education agreement, compact, or contract.	31051 31052

(3) ~~One-fourth~~ Twenty per cent of the number of students 31053
enrolled in a joint vocational school district or under a 31054
vocational education compact, excluding any students entitled to 31055
attend school in the district under section 3313.64 or 3313.65 of 31056
the Revised Code who are enrolled in another school district 31057
through an open enrollment policy as reported under division 31058
(A)(2)(d) of this section and then enroll in a joint vocational 31059
school district or under a vocational education compact; 31060

(4) The number of handicapped children, other than 31061
handicapped preschool children, entitled to attend school in the 31062
district pursuant to section 3313.64 or 3313.65 of the Revised 31063
Code who are placed with a county MR/DD board, minus the number of 31064
such children placed with a county MR/DD board in fiscal year 31065
1998. If this calculation produces a negative number, the number 31066
reported under division (A)(4) of this section shall be zero. 31067

(B) To enable the department of education to obtain the data 31068
needed to complete the calculation of payments pursuant to this 31069
chapter, in addition to the formula ADM, each superintendent shall 31070
report separately the following student counts: 31071

(1) The total average daily membership in regular day classes 31072
included in the report under division (A)(1) or (2) of this 31073
section for kindergarten, and each of grades one through twelve in 31074
schools under the superintendent's supervision; 31075

(2) The number of all handicapped preschool children enrolled 31076
as of the first day of December in classes in the district that 31077
are eligible for approval ~~by the state board of education~~ under 31078
division (B) of section 3317.05 of the Revised Code and the number 31079
of those classes, which shall be reported not later than the 31080
fifteenth day of December, in accordance with rules adopted under 31081
that section; 31082

(3) The number of children entitled to attend school in the 31083

district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a community school established under Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school, or are participating in a program operated by a county MR/DD board or a state institution;

(4) The number of pupils enrolled in joint vocational schools;

(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;

(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;

(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps described

in division (D) of section 3317.013 of the Revised Code;	31115
(9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	31116 31117 31118 31119
(10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	31120 31121 31122 31123
(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center;	31124 31125 31126 31127 31128 31129
(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center;	31130 31131 31132 31133 31134 31135
(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;	31136 31137 31138 31139
(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;	31140 31141 31142
(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services	31143 31144 31145

for the category one handicap described in division (A) of section	31146
3317.013 of the Revised Code;	31147
(c) The number of handicapped children, other than	31148
handicapped preschool children, placed with a county MR/DD board	31149
in the current fiscal year to receive special education services	31150
for category two handicaps described in division (B) of section	31151
3317.013 of the Revised Code;	31152
(d) The number of handicapped children, other than	31153
handicapped preschool children, placed with a county MR/DD board	31154
in the current fiscal year to receive special education services	31155
for category three handicaps described in division (C) of section	31156
3317.013 of the Revised Code;	31157
(e) The number of handicapped children, other than	31158
handicapped preschool children, placed with a county MR/DD board	31159
in the current fiscal year to receive special education services	31160
for category four handicaps described in division (D) of section	31161
3317.013 of the Revised Code;	31162
(f) The number of handicapped children, other than	31163
handicapped preschool children, placed with a county MR/DD board	31164
in the current fiscal year to receive special education services	31165
for the category five handicap described in division (E) of	31166
section 3317.013 of the Revised Code;	31167
(g) The number of handicapped children, other than	31168
handicapped preschool children, placed with a county MR/DD board	31169
in the current fiscal year to receive special education services	31170
for category six handicaps described in division (F) of section	31171
3317.013 of the Revised Code.	31172
(C)(1) Except as otherwise provided in this section for	31173
kindergarten students, the average daily membership in divisions	31174
(B)(1) to (12) of this section shall be based upon the number of	31175
full-time equivalent students. The state board of education shall	31176

adopt rules defining full-time equivalent students and for 31177
determining the average daily membership therefrom for the 31178
purposes of divisions (A), (B), and (D) of this section. 31179

(2) A student enrolled in a community school established 31180
under Chapter 3314. of the Revised Code shall be counted in the 31181
formula ADM and, if applicable, the category one, two, three, 31182
four, five, or six special education ADM of the school district in 31183
which the student is entitled to attend school under section 31184
3313.64 or 3313.65 of the Revised Code for the same proportion of 31185
the school year that the student is counted in the enrollment of 31186
the community school for purposes of section 3314.08 of the 31187
Revised Code. 31188

(3) No child shall be counted as more than a total of one 31189
child in the sum of the average daily memberships of a school 31190
district under division (A), divisions (B)(1) to (12), or division 31191
(D) of this section, except as follows: 31192

(a) A child with a handicap described in section 3317.013 of 31193
the Revised Code may be counted both in formula ADM and in 31194
category one, two, three, four, five, or six special education ADM 31195
and, if applicable, in category one or two vocational education 31196
ADM. As provided in division (C) of section 3317.02 of the Revised 31197
Code, such a child shall be counted in category one, two, three, 31198
four, five, or six special education ADM in the same proportion 31199
that the child is counted in formula ADM. 31200

(b) A child enrolled in vocational education programs or 31201
classes described in section 3317.014 of the Revised Code may be 31202
counted both in formula ADM and category one or two vocational 31203
education ADM and, if applicable, in category one, two, three, 31204
four, five, or six special education ADM. Such a child shall be 31205
counted in category one or two vocational education ADM in the 31206
same proportion as the percentage of time that the child spends in 31207
the vocational education programs or classes. 31208

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which, except as otherwise provided in this division, shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, including students enrolled in a community school established under Chapter 3314. of the Revised Code who are attending the joint vocational district under an agreement between the district board of education and the governing authority of the community school and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district.

The following categories of students shall not be included in the determination made under division (D)(1) of this section:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data	31240
needed to complete the calculation of payments pursuant to this	31241
chapter, in addition to the formula ADM, each superintendent shall	31242
report separately the average daily membership included in the	31243
report under division (D)(1) of this section for each of the	31244
following categories of students:	31245
(a) Students enrolled in each grade included in the joint	31246
vocational district schools;	31247
(b) Handicapped children receiving special education services	31248
for the category one handicap described in division (A) of section	31249
3317.013 of the Revised Code;	31250
(c) Handicapped children receiving special education services	31251
for the category two handicaps described in division (B) of	31252
section 3317.013 of the Revised Code;	31253
(d) Handicapped children receiving special education services	31254
for category three handicaps described in division (C) of section	31255
3317.013 of the Revised Code;	31256
(e) Handicapped children receiving special education services	31257
for category four handicaps described in division (D) of section	31258
3317.013 of the Revised Code;	31259
(f) Handicapped children receiving special education services	31260
for the category five handicap described in division (E) of	31261
section 3317.013 of the Revised Code;	31262
(g) Handicapped children receiving special education services	31263
for category six handicaps described in division (F) of section	31264
3317.013 of the Revised Code;	31265
(h) Students receiving category one vocational education	31266
services, described in division (A) of section 3317.014 of the	31267
Revised Code;	31268
(i) Students receiving category two vocational education	31269

services, described in division (B) of section 3317.014 of the Revised Code. 31270
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The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 31272
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(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following: 31277
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(1) Any pupil who has graduated from the twelfth grade of a public high school; 31292
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(2) Any pupil who is not a resident of the state; 31294

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) of that section; 31295
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(4) Any pupil who has attained the age of twenty-two years, 31300

except for veterans of the armed services whose attendance was 31301
interrupted before completing the recognized twelve-year course of 31302
the public schools by reason of induction or enlistment in the 31303
armed forces and who apply for reenrollment in the public school 31304
system of their residence not later than four years after 31305
termination of war or their honorable discharge. 31306

If, however, any veteran described by division (E)(4) of this 31307
section elects to enroll in special courses organized for veterans 31308
for whom tuition is paid under the provisions of federal laws, or 31309
otherwise, that veteran shall not be included in average daily 31310
membership. 31311

Notwithstanding division (E)(3) of this section, the 31312
membership of any school may include a pupil who did not take a 31313
test required by section 3301.0711 of the Revised Code if the 31314
superintendent of public instruction grants a waiver from the 31315
requirement to take the test to the specific pupil. The 31316
superintendent may grant such a waiver only for good cause in 31317
accordance with rules adopted by the state board of education. 31318

Except as provided in divisions (B)(2) and (F) of this 31319
section, the average daily membership figure of any local, city, 31320
exempted village, or joint vocational school district shall be 31321
determined by dividing the figure representing the sum of the 31322
number of pupils enrolled during each day the school of attendance 31323
is actually open for instruction during the first full school week 31324
in October by the total number of days the school was actually 31325
open for instruction during that week. For purposes of state 31326
funding, "enrolled" persons are only those pupils who are 31327
attending school, those who have attended school during the 31328
current school year and are absent for authorized reasons, and 31329
those handicapped children currently receiving home instruction. 31330

The average daily membership figure of any cooperative 31331
education school district shall be determined in accordance with 31332

rules adopted by the state board of education. 31333

(F)(1) If the formula ADM for the first full school week in 31334
February is at least three per cent greater than that certified 31335
for the first full school week in the preceding October, the 31336
superintendent of schools of any city, exempted village, or joint 31337
vocational school district or educational service center shall 31338
certify such increase to the superintendent of public instruction. 31339
Such certification shall be submitted no later than the fifteenth 31340
day of February. For the balance of the fiscal year, beginning 31341
with the February payments, the superintendent of public 31342
instruction shall use the increased formula ADM in calculating or 31343
recalculating the amounts to be allocated in accordance with 31344
section 3317.022 or 3317.16 of the Revised Code. In no event shall 31345
the superintendent use an increased membership certified to the 31346
superintendent after the fifteenth day of February. 31347

(2) If on the first school day of April the total number of 31348
classes or units for handicapped preschool children that are 31349
eligible for approval under division (B) of section 3317.05 of the 31350
Revised Code exceeds the number of units that have been approved 31351
for the year under that division, the superintendent of schools of 31352
any city, exempted village, or cooperative education school 31353
district or educational service center shall make the 31354
certifications required by this section for that day. If the ~~state~~ 31355
~~board of education~~ department determines additional units can be 31356
approved for the fiscal year within any limitations set forth in 31357
the acts appropriating moneys for the funding of such units, the 31358
~~board~~ department shall approve additional units for the fiscal 31359
year on the basis of such average daily membership. For each unit 31360
so approved, the department ~~of education~~ shall pay an amount 31361
computed in the manner prescribed in section 3317.052 or 3317.19 31362
and section 3317.053 of the Revised Code. 31363

(3) If a student attending a community school under Chapter 31364

3314. of the Revised Code is not included in the formula ADM 31365
certified for the first full school week of October for the school 31366
district in which the student is entitled to attend school under 31367
section 3313.64 or 3313.65 of the Revised Code, the department of 31368
education shall adjust the formula ADM of that school district to 31369
include the community school student in accordance with division 31370
(C)(2) of this section, and shall recalculate the school 31371
district's payments under this chapter for the entire fiscal year 31372
on the basis of that adjusted formula ADM. This requirement 31373
applies regardless of whether the student was enrolled, as defined 31374
in division (E) of this section, in the community school during 31375
the first full school week in October. 31376

(G)(1)(a) The superintendent of an institution operating a 31377
special education program pursuant to section 3323.091 of the 31378
Revised Code shall, for the programs under such superintendent's 31379
supervision, certify to the state board of education the average 31380
daily membership of all handicapped children in classes or 31381
programs approved annually by the ~~state board~~ department of 31382
education, in the manner prescribed by the superintendent of 31383
public instruction. 31384

(b) The superintendent of an institution with vocational 31385
education units approved under division (A) of section 3317.05 of 31386
the Revised Code shall, for the units under the superintendent's 31387
supervision, certify to the state board of education the average 31388
daily membership in those units, in the manner prescribed by the 31389
superintendent of public instruction. 31390

(2) The superintendent of each county MR/DD board that 31391
maintains special education classes under section 3317.20 of the 31392
Revised Code or units approved ~~by the state board of education~~ 31393
pursuant to section 3317.05 of the Revised Code shall do both of 31394
the following: 31395

(a) Certify to the state board, in the manner prescribed by 31396

the board, the average daily membership in classes under section 31397
3317.20 of the Revised Code for each school district that has 31398
placed children in the classes; 31399

(b) Certify to the state board, in the manner prescribed by 31400
the board, the number of all handicapped preschool children 31401
enrolled as of the first day of December in classes eligible for 31402
approval under division (B) of section 3317.05 of the Revised 31403
Code, and the number of those classes. 31404

(3)(a) If on the first school day of April the number of 31405
classes or units maintained for handicapped preschool children by 31406
the county MR/DD board that are eligible for approval under 31407
division (B) of section 3317.05 of the Revised Code is greater 31408
than the number of units approved for the year under that 31409
division, the superintendent shall make the certification required 31410
by this section for that day. 31411

(b) If the ~~state board~~ department determines that additional 31412
classes or units can be approved for the fiscal year within any 31413
limitations set forth in the acts appropriating moneys for the 31414
funding of the classes and units described in division (G)(3)(a) 31415
of this section, the ~~board~~ department shall approve and fund 31416
additional units for the fiscal year on the basis of such average 31417
daily membership. For each unit so approved, the department ~~of~~ 31418
~~education~~ shall pay an amount computed in the manner prescribed in 31419
sections 3317.052 and 3317.053 of the Revised Code. 31420

(H) Except as provided in division (I) of this section, when 31421
any city, local, or exempted village school district provides 31422
instruction for a nonresident pupil whose attendance is 31423
unauthorized attendance as defined in section 3327.06 of the 31424
Revised Code, that pupil's membership shall not be included in 31425
that district's membership figure used in the calculation of that 31426
district's formula ADM or included in the determination of any 31427
unit approved for the district under section 3317.05 of the 31428

Revised Code. The reporting official shall report separately the 31429
average daily membership of all pupils whose attendance in the 31430
district is unauthorized attendance, and the membership of each 31431
such pupil shall be credited to the school district in which the 31432
pupil is entitled to attend school under division (B) of section 31433
3313.64 or section 3313.65 of the Revised Code as determined by 31434
the department of education. 31435

(I)(1) A city, local, exempted village, or joint vocational 31436
school district admitting a scholarship student of a pilot project 31437
district pursuant to division (C) of section 3313.976 of the 31438
Revised Code may count such student in its average daily 31439
membership. 31440

(2) In any year for which funds are appropriated for pilot 31441
project scholarship programs, a school district implementing a 31442
state-sponsored pilot project scholarship program that year 31443
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 31444
count in average daily membership: 31445

(a) All children residing in the district and utilizing a 31446
scholarship to attend kindergarten in any alternative school, as 31447
defined in section 3313.974 of the Revised Code; 31448

(b) All children who were enrolled in the district in the 31449
preceding year who are utilizing a scholarship to attend any such 31450
alternative school. 31451

(J) The superintendent of each cooperative education school 31452
district shall certify to the superintendent of public 31453
instruction, in a manner prescribed by the state board of 31454
education, the applicable average daily memberships for all 31455
students in the cooperative education district, also indicating 31456
the city, local, or exempted village district where each pupil is 31457
entitled to attend school under section 3313.64 or 3313.65 of the 31458
Revised Code. 31459

Sec. 3317.032. (A) Each city, local, exempted village, and cooperative education school district, each educational service center, each county MR/DD board, and each institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, in accordance with procedures adopted by the state board of education, maintain a record of district membership of both of the following:

(1) All handicapped preschool children in units approved under division (B) of section 3317.05 of the Revised Code;

(2) All handicapped preschool children who are not in units approved ~~by the state board~~ under division (B) of section 3317.05 of the Revised Code but who are otherwise served by a special education program.

(B) The superintendent of each district, board, or institution subject to division (A) of this section shall certify to the state board of education, in accordance with procedures adopted by that board, membership figures of all handicapped preschool children whose membership is maintained under division (A)(2) of this section. The figures certified under this division shall be used in the determination of the ADM used to compute funds for educational service center governing boards under ~~division (B) of~~ section 3317.11 of the Revised Code.

Sec. 3317.05. (A) For the purpose of calculating payments under sections 3317.052 and 3317.053 of the Revised Code, the ~~state board~~ department of education shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of vocational education units or fractions of units approved by the ~~state board~~ department on the basis of standards and rules adopted by the state board of education. As used in this

division, "institution" means an institution operated by a 31490
department specified in section 3323.091 of the Revised Code and 31491
that provides vocational education programs under the supervision 31492
of the division of vocational education of the department ~~of~~ 31493
~~education~~ that meet the standards and rules for these programs, 31494
including licensure of professional staff involved in the 31495
programs, as established by the state board ~~of education~~. 31496

(B) For the purpose of calculating payments under sections 31497
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 31498
~~state board~~ department shall determine, based on information 31499
certified under section 3317.03 of the Revised Code, the following 31500
by the last day of January of each year for each educational 31501
service center, for each school district, including each 31502
cooperative education school district, for each institution 31503
eligible for payment under section 3323.091 of the Revised Code, 31504
and for each county MR/DD board: the number of classes operated by 31505
the school district, service center, institution, or county MR/DD 31506
board for handicapped preschool children, or fraction thereof, 31507
including in the case of a district or service center that is a 31508
funding agent, classes taught by a licensed teacher employed by 31509
that district or service center under section 3313.841 of the 31510
Revised Code, approved annually by the ~~state board~~ department on 31511
the basis of standards and rules adopted by the state board. 31512

(C) For the purpose of calculating payments under sections 31513
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 31514
~~state board~~ department shall determine, based on information 31515
certified under section 3317.03 of the Revised Code, the following 31516
by the last day of January of each year for each school district, 31517
including each cooperative education school district, for each 31518
institution eligible for payment under section 3323.091 of the 31519
Revised Code, and for each county MR/DD board: the number of 31520
preschool handicapped related services units for child study, 31521

occupational, physical, or speech and hearing therapy, special 31522
education supervisors, and special education coordinators approved 31523
annually by the ~~state board~~ department on the basis of standards 31524
and rules adopted by the state board. 31525

(D) For the purpose of calculating payments under sections 31526
3317.052 and 3317.053 of the Revised Code, the ~~state board~~ 31527
department shall determine, based on information certified under 31528
section 3317.03 of the Revised Code, the following by the last day 31529
of January of each year for each institution eligible for payment 31530
under section 3323.091 of the Revised Code: 31531

(1) The number of classes operated by an institution for 31532
handicapped children other than handicapped preschool children, or 31533
fraction thereof, approved annually by the ~~state board~~ department 31534
on the basis of standards and rules adopted by the state board; 31535

(2) The number of related services units for children other 31536
than handicapped preschool children for child study, occupational, 31537
physical, or speech and hearing therapy, special education 31538
supervisors, and special education coordinators approved annually 31539
by the ~~state board~~ department on the basis of standards and rules 31540
adopted by the state board. 31541

(E) All of the arithmetical calculations made under this 31542
section shall be carried to the second decimal place. The total 31543
number of units for school districts, service centers, and 31544
institutions approved annually ~~by the state board~~ under this 31545
section shall not exceed the number of units included in the ~~state~~ 31546
~~board's~~ estimate of cost for these units and appropriations made 31547
for them by the general assembly. 31548

In the case of units described in division (D)(1) of this 31549
section operated by institutions eligible for payment under 31550
section 3323.091 of the Revised Code, the ~~state board~~ department 31551
shall approve only units for persons who are under age twenty-two 31552

on the first day of the academic year, but not less than six years 31553
of age on the thirtieth day of September of that year, except that 31554
such a unit may include one or more children who are under six 31555
years of age on the thirtieth day of September if such children 31556
have been admitted to the unit pursuant to rules of the state 31557
board. In the case of handicapped preschool units described in 31558
division (B) of this section ~~operated by county MR/DD boards and~~ 31559
~~institutions eligible for payment under section 3323.091 of the~~ 31560
~~Revised Code, the state board~~ department shall approve only 31561
preschool units for children who are under age six but not less 31562
than age three on the ~~thirtieth~~ first day of ~~September~~ December of 31563
the academic year, except that such a unit may include one or more 31564
children who are under age three or are age six or over on the 31565
~~thirtieth~~ first day of ~~September~~ December, as reported under 31566
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 31567
Code, if such children have been admitted to the unit pursuant to 31568
rules of the state board ~~of education~~. The number of units for 31569
county MR/DD boards and institutions eligible for payment under 31570
section 3323.091 of the Revised Code approved ~~by the state board~~ 31571
under this section shall not exceed the number that can be funded 31572
with appropriations made for such purposes by the general 31573
assembly. 31574

No unit shall be approved under divisions (B) to (D) of this 31575
section unless a plan has been submitted and approved under 31576
Chapter 3323. of the Revised Code. 31577

(F) The department shall approve units or fractions thereof 31578
for gifted children on the basis of standards and rules adopted by 31579
the state board. 31580

Sec. 3317.064. (A) There is hereby established in the state 31581
treasury the auxiliary services ~~mobile unit replacement and repair~~ 31582
reimbursement fund. By the thirtieth day of January of each 31583

odd-numbered year, the director of job and family services and the 31584
superintendent of public instruction shall determine the amount of 31585
any excess moneys in the auxiliary services personnel unemployment 31586
compensation fund not reasonably necessary for the purposes of 31587
section 4141.47 of the Revised Code, and shall certify such amount 31588
to the director of budget and management for transfer to the 31589
auxiliary services ~~mobile unit replacement and repair~~ 31590
reimbursement fund. If the director of job and family services and 31591
the superintendent disagree on such amount, the director of budget 31592
and management shall determine the amount to be transferred. 31593

(B) Moneys in the auxiliary services ~~mobile unit replacement~~ 31594
~~and repair~~ reimbursement fund shall be used for the relocation or 31595
for the replacement and repair of mobile units used to provide the 31596
services specified in division (E), (F), (G), or (I) of section 31597
3317.06 of the Revised Code. The state board of education shall 31598
adopt guidelines and procedures for replacement, repair, and 31599
relocation of mobile units and the procedures under which a school 31600
district may apply to receive moneys with which to repair or 31601
replace or relocate such units. 31602

(C) School districts may apply to the department for moneys 31603
from the auxiliary services ~~mobile unit replacement and repair~~ 31604
reimbursement fund for payment of incentives for early retirement 31605
and severance for school district personnel assigned to provide 31606
services authorized by section 3317.06 of the Revised Code at 31607
chartered nonpublic schools. The portion of the cost of any early 31608
retirement or severance incentive for any employee that is paid 31609
using money from the auxiliary services ~~mobile unit replacement~~ 31610
~~and repair~~ reimbursement fund shall not exceed the percentage of 31611
such employee's total service credit that the employee spent 31612
providing services to chartered nonpublic school students under 31613
section 3317.06 of the Revised Code. 31614

Sec. 3317.07. The state board of education shall establish 31615
rules for the purpose of distributing subsidies for the purchase 31616
of school buses under division (E) of section 3317.024 of the 31617
Revised Code. 31618

No school bus subsidy payments shall be paid to any district 31619
unless such district can demonstrate that pupils residing more 31620
than one mile from the school could not be transported without 31621
such additional aid. 31622

The amount paid to a county MR/DD board for buses purchased 31623
for transportation of children in special education programs 31624
operated by the board shall be one hundred per cent of the board's 31625
net cost. 31626

The amount paid to a school district for buses purchased for 31627
transportation of handicapped and nonpublic school pupils shall be 31628
one hundred per cent of the school district's net cost. 31629

The state board of education shall adopt a formula to 31630
determine the amount of payments that shall be distributed to 31631
school districts to purchase school buses for pupils other than 31632
handicapped or nonpublic school pupils. 31633

If any district or MR/DD board obtains bus services for pupil 31634
transportation pursuant to a contract, such district or board may 31635
use payments received under this section to defray the costs of 31636
contracting for bus services in lieu of for purchasing buses. 31637

If the department of education determines that a county MR/DD 31638
board no longer needs a school bus because the board no longer 31639
transports children to a special education program operated by the 31640
board, or if the department determines that a school district no 31641
longer needs a school bus to transport pupils to a nonpublic 31642
school or special education program, the department may reassign a 31643
bus that was funded with payments provided pursuant to this 31644

section for the purpose of transporting such pupils. The 31645
department may reassign a bus to a county MR/DD board or school 31646
district that transports children to a special education program 31647
designated in the children's individualized education plans, or to 31648
a school district that transports pupils to a nonpublic school, 31649
and needs an additional school bus. 31650

Sec. 3317.09. All moneys distributed to a school district, 31651
including any cooperative education or joint vocational school 31652
district and all moneys distributed to any educational service 31653
center, by the state whether from a state or federal source, shall 31654
be accounted for by the division of school finance of the 31655
department of education. All moneys distributed shall be coded as 31656
to county, school district or educational service center, source, 31657
and other pertinent information, and at the end of each month, a 31658
report of such distribution shall be made by such division of 31659
school finance to the clerk of the senate and the chief 31660
administrative officer of the house of representatives, to the 31661
Ohio legislative service commission to be available for 31662
examination by any member of either house, to each school district 31663
and educational service center, and to the governor. 31664

On or before the first day of September in each year, a copy 31665
of the annual statistical report required in ~~sections~~ section 31666
3319.33 ~~and 3319.34~~ of the Revised Code shall be filed by the 31667
state board of education with the clerk of the senate and the 31668
chief administrative officer of the house of representatives, the 31669
Ohio legislative service commission, the governor, and the auditor 31670
of state. The report shall contain an analysis for the prior 31671
fiscal year on an accrual basis of revenue receipts from all 31672
sources and expenditures for all purposes for each school district 31673
~~and each educational service center~~, including each joint 31674
vocational and cooperative education school district, in the 31675
state. If any board of education ~~or any educational service center~~ 31676

~~governing board~~ fails to make the report required in ~~sections~~ 31677
section 3319.33 ~~and 3319.34~~ of the Revised Code, the 31678
superintendent of public instruction shall be without authority to 31679
distribute funds to that school district or educational service 31680
center pursuant to sections 3317.022 to 3317.0212, 3317.11, 31681
3317.16, 3317.17, or 3317.19 of the Revised Code until such time 31682
as the required reports are filed with all specified officers, 31683
boards, or agencies. 31684

Sec. 3317.10. (A) On or before the first day of March of each 31685
year, the department of job and family services shall certify to 31686
the state board of education the unduplicated number of children 31687
ages five through seventeen residing in each school district and 31688
living in a family that, during the preceding October, had family 31689
income not exceeding the federal poverty guidelines as defined in 31690
section 5101.46 of the Revised Code and participated in one of the 31691
following: 31692

(1) Ohio works first; 31693

(2) The food stamp program; 31694

(3) The medical assistance program, including the healthy 31695
start program, established under Chapter 5111. of the Revised 31696
Code; 31697

(4) The children's health insurance program part I 31698
established under section 5101.50 of the Revised Code; 31699

(5) The disability financial assistance program established 31700
under Chapter 5115. of the Revised Code; 31701

(6) The disability medical assistance program established 31702
under Chapter 5115. of the Revised Code. 31703

The department of job and family services shall certify this 31704
information according to the school district of residence for each 31705
child. Except as provided under division (B) of this section, the 31706

number of children so certified in any year shall be used by the 31707
department of education in calculating the distribution of moneys 31708
for the ensuing fiscal year as provided in section 3317.029 of the 31709
Revised Code. 31710

(B) Upon the transfer of part of the territory of one school 31711
district to the territory of one or more other school districts, 31712
the department of education may adjust the number of children 31713
certified under division (A) of this section for any district 31714
gaining or losing territory in such a transfer in order to take 31715
into account the effect of the transfer on the number of such 31716
children who reside in the district. Within sixty days of receipt 31717
of a request for information from the department of education, the 31718
department of job and family services shall provide any 31719
information the department of education determines is necessary to 31720
make such adjustments. The department of education may use the 31721
adjusted number for any district for the applicable fiscal year, 31722
in lieu of the number certified for the district for that fiscal 31723
year under division (A) of this section, in the calculation of the 31724
distribution of moneys provided in section 3317.029 of the Revised 31725
Code. 31726

Sec. 3317.11. (A) As used in this section: 31727

(1) "Client school district" means a city or exempted village 31728
school district that has entered into an agreement under section 31729
3313.843 of the Revised Code to receive any services from an 31730
educational service center. 31731

(2) "Service center ADM" means the sum of the total student 31732
counts of all local school districts within an educational service 31733
center's territory and all of the service center's client school 31734
districts. 31735

(3) "Total student count" has the same meaning as in section 31736
3301.011 of the Revised Code. 31737

(B)(1) The governing board of each educational service center shall provide supervisory services to each local school district within the service center's territory. Each city or exempted village school district that enters into an agreement under section 3313.843 of the Revised Code for a governing board to provide any services also is considered to be provided supervisory services by the governing board. Except as provided in division (B)(2) of this section, the supervisory services shall not exceed one supervisory teacher for the first fifty classroom teachers required to be employed in the districts, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated.

The supervisory services shall be financed annually through supervisory units. Except as provided in division (B)(2) of this section, the number of supervisory units assigned to each district shall not exceed one unit for the first fifty classroom teachers required to be employed in the district, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated. The cost of each supervisory unit shall be the sum of:

(a) The minimum salary prescribed by section 3317.13 of the Revised Code for the licensed supervisory employee of the governing board;

(b) An amount equal to fifteen per cent of the salary prescribed by section 3317.13 of the Revised Code;

(c) An allowance for necessary travel expenses, limited to the lesser of two hundred twenty-three dollars and sixteen cents per month or two thousand six hundred seventy-eight dollars per year.

(2) If a majority of the boards of education, or superintendents acting on behalf of the boards, of the local and

client school districts receiving services from the educational 31769
service center agree to receive additional supervisory services 31770
and to pay the cost of a corresponding number of supervisory units 31771
in excess of the services and units specified in division (B)(1) 31772
of this section, the service center shall provide the additional 31773
services as agreed to by the majority of districts to, and the 31774
department of education shall apportion the cost of the 31775
corresponding number of additional supervisory units pursuant to 31776
division (B)(3) of this section among, all of the service center's 31777
local and client school districts. 31778

(3) The department shall apportion the total cost for all 31779
supervisory units among the service center's local and client 31780
school districts based on each district's total student count. The 31781
department shall deduct each district's apportioned share pursuant 31782
to division (E) of section 3317.023 of the Revised Code and pay 31783
the apportioned share to the service center. 31784

(C) The department annually shall deduct from each local and 31785
client school district of each educational service center, 31786
pursuant to division (E) of section 3317.023 of the Revised Code, 31787
and pay to the service center an amount equal to six dollars and 31788
fifty cents times the school district's total student count. The 31789
board of education, or the superintendent acting on behalf of the 31790
board, of any local or client school district may agree to pay an 31791
amount in excess of six dollars and fifty cents per student in 31792
total student count. If a majority of the boards of education, or 31793
superintendents acting on behalf of the boards, of the local 31794
school districts within a service center's territory approve an 31795
amount in excess of six dollars and fifty cents per student in 31796
total student count, the department shall deduct the approved 31797
excess per student amount from all of the local school districts 31798
within the service center's territory and pay the excess amount to 31799
the service center. 31800

(D) The department shall pay each educational service center the amounts due to it from school districts pursuant to contracts, compacts, or agreements under which the service center furnishes services to the districts or their students. In order to receive payment under this division, an educational service center shall furnish either a copy of the contract, compact, or agreement clearly indicating the amounts of the payments, or a written statement that clearly indicates the payments owed and is signed by the superintendent or treasurer of the responsible school district. The amounts paid to service centers under this division shall be deducted from payments to school districts pursuant to division (K)(3) of section 3317.023 of the Revised Code. 31801
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(E) Each school district's deduction under this section and divisions (E) and (K)(3) of section 3317.023 of the Revised Code shall be made from the total payment computed for the district under this chapter, after making any other adjustments in that payment required by law. 31813
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(F)(1) Except as provided in division (F)(2) of this section, the department annually shall pay the governing board of each educational service center state funds equal to thirty-seven dollars times its service center ADM. 31818
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(2) The department annually shall pay state funds equal to forty dollars and fifty-two cents times the service center ADM to each educational service center comprising territory that was included in the territory of at least three former service centers or county school districts, which former centers or districts engaged in one or more mergers under section 3311.053 of the Revised Code to form the present center. 31822
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(G) Each city, exempted village, local, joint vocational, or cooperative education school district shall pay to the governing board of an educational service center any amounts agreed to for 31829
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each child enrolled in the district who receives special education and related services or career-technical education from the educational service center, unless these educational services are provided pursuant to a contract, compact, or agreement for which the department deducts and transfers payments under division (D) of this section and division (K)(3) of section 3317.023 of the Revised Code.

(H) An educational service center:

(1) May provide special education and career-technical education to students in its local or client school districts;

(2) Is eligible for transportation funding under division (J) of section 3317.024 of the Revised Code and for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code;

(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts;

(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code.

Sec. 3317.16. (A) As used in this section:

(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:

(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.

(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:

cost-of-doing-business factor X

the formula amount X 31862
~~the greater of formula ADM or~~ 31863
~~three year average~~ formula ADM 31864

The resultant number is the district's state share 31865
percentage. 31866

(2) The "total special education weight" for a joint 31867
vocational school district shall be calculated in the same manner 31868
as prescribed in division (B)(1) of section 3317.022 of the 31869
Revised Code. 31870

(3) The "total vocational education weight" for a joint 31871
vocational school district shall be calculated in the same manner 31872
as prescribed in division (B)(4) of section 3317.022 of the 31873
Revised Code. 31874

(4) The "total recognized valuation" of a joint vocational 31875
school district shall be determined by adding the recognized 31876
valuations of all its constituent school districts for the 31877
applicable fiscal year. 31878

(5) "Resident district" means the city, local, or exempted 31879
village school district in which a student is entitled to attend 31880
school under section 3313.64 or 3313.65 of the Revised Code. 31881

(6) "Community school" means a community school established 31882
under Chapter 3314. of the Revised Code. 31883

(B) The department of education shall compute and distribute 31884
state base cost funding to each joint vocational school district 31885
for the fiscal year in accordance with the following formula: 31886

(cost-of-doing-business factor X 31887
formula amount X ~~the greater of formula~~ 31888
~~ADM or three year average~~ formula ADM) - 31889
(.0005 X total recognized valuation) 31890

If the difference obtained under this division is a negative 31891

number, the district's computation shall be zero. 31892

(C)(1) The department shall compute and distribute state 31893
vocational education additional weighted costs funds to each joint 31894
vocational school district in accordance with the following 31895
formula: 31896

state share percentage X formula amount X 31897

total vocational education weight 31898

In each fiscal year, a joint vocational school district 31899
receiving funds under division (C)(1) of this section shall spend 31900
those funds only for the purposes the department designates as 31901
approved for vocational education expenses. Vocational educational 31902
expenses approved by the department shall include only expenses 31903
connected to the delivery of career-technical programming to 31904
career-technical students. The department shall require the joint 31905
vocational school district to report data annually so that the 31906
department may monitor the district's compliance with the 31907
requirements regarding the manner in which funding received under 31908
division (C)(1) of this section may be spent. 31909

(2) The department shall compute for each joint vocational 31910
school district state funds for vocational education associated 31911
services costs in accordance with the following formula: 31912

state share percentage X .05 X 31913

the formula amount X the sum of 31914

categories one and two vocational 31915

education ADM 31916

In any fiscal year, a joint vocational school district 31917
receiving funds under division (C)(2) of this section, or through 31918
a transfer of funds pursuant to division (L) of section 3317.023 31919
of the Revised Code, shall spend those funds only for the purposes 31920
that the department designates as approved for vocational 31921
education associated services expenses, which may include such 31922
purposes as apprenticeship coordinators, coordinators for other 31923

vocational education services, vocational evaluation, and other 31924
purposes designated by the department. The department may deny 31925
payment under division (C)(2) of this section to any district that 31926
the department determines is not operating those services or is 31927
using funds paid under division (C)(2) of this section, or through 31928
a transfer of funds pursuant to division (L) of section 3317.023 31929
of the Revised Code, for other purposes. 31930

(D)(1) The department shall compute and distribute state 31931
special education and related services additional weighted costs 31932
funds to each joint vocational school district in accordance with 31933
the following formula: 31934

state share percentage X formula amount X 31935
total special education weight 31936

(2)(a) As used in this division, the "personnel allowance" 31937
means thirty thousand dollars in fiscal years 2002 ~~and~~ 2003, 31938
2004, and 2005. 31939

(b) For the provision of speech language pathology services 31940
to students, including students who do not have individualized 31941
education programs prepared for them under Chapter 3323. of the 31942
Revised Code, and for no other purpose, the department shall pay 31943
each joint vocational school district an amount calculated under 31944
the following formula: 31945

(formula ADM divided by 2000) X the personnel 31946
allowance X state share percentage 31947

(3) In any fiscal year, a joint vocational school district 31948
shall spend for purposes that the department designates as 31949
approved for special education and related services expenses at 31950
least the amount calculated as follows: 31951

(cost-of-doing-business factor X formula amount 31952
X the sum of categories one through 31953
six special education ADM) + 31954
(total special education weight X 31955

formula amount) 31956

The purposes approved by the department for special education 31957
expenses shall include, but shall not be limited to, compliance 31958
with state rules governing the education of handicapped children, 31959
providing services identified in a student's individualized 31960
education program as defined in section 3323.01 of the Revised 31961
Code, provision of speech language pathology services, and the 31962
portion of the district's overall administrative and overhead 31963
costs that are attributable to the district's special education 31964
student population. 31965

The department shall require joint vocational school 31966
districts to report data annually to allow for monitoring 31967
compliance with division (D)(3) of this section. The department 31968
shall annually report to the governor and the general assembly the 31969
amount of money spent by each joint vocational school district for 31970
special education and related services. 31971

(4) In any fiscal year, a joint vocational school district 31972
shall spend for the provision of speech language pathology 31973
services not less than the sum of the amount calculated under 31974
division (D)(1) of this section for the students in the district's 31975
category one special education ADM and the amount calculated under 31976
division (D)(2) of this section. 31977

(E)(2)(1) If a joint vocational school district's costs for a 31978
fiscal year for a student in its categories ~~one~~ two through six 31979
special education ADM exceed the threshold catastrophic cost for 31980
servicing the student, as specified in division (C)(3)(b) of section 31981
3317.022 of the Revised Code, the district may submit to the 31982
superintendent of public instruction documentation, as prescribed 31983
by the superintendent, of all of its costs for that student. Upon 31984
submission of documentation for a student of the type and in the 31985
manner prescribed, the department shall pay to the district an 31986
amount equal to the sum of the following: 31987

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;	31988 31989
(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.	31990 31991 31992
(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.	31993 31994 31995 31996 31997 31998 31999
(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.	32000 32001 32002
(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:	32003 32004 32005
(1 - state share percentage) X	32006
Total special education weight X	32007
the formula amount	32008
<u>(2) For each handicapped student receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section.</u>	32009 32010 32011 32012 32013 32014 32015 32016 32017
<u>Those excess costs shall be calculated by subtracting the sum</u>	32018

<u>of the following from the actual cost to provide special education</u>	32019
<u>and related services to the student:</u>	32020
<u>(a) The product of the formula amount times the</u>	32021
<u>cost-of-doing-business factor;</u>	32022
<u>(b) The product of the formula amount times the applicable</u>	32023
<u>multiple specified in section 3317.013 of the Revised Code;</u>	32024
<u>(c) Any funds paid under division (E) of this section for the</u>	32025
<u>student;</u>	32026
<u>(d) Any other funds received by the joint vocational school</u>	32027
<u>district under this chapter to provide special education and</u>	32028
<u>related services to the student, not including the amount</u>	32029
<u>calculated under division (G)(2) of this section.</u>	32030
<u>(3) The board of education of the joint vocational school</u>	32031
<u>district shall report the excess costs calculated under division</u>	32032
<u>(G)(2) of this section to the department of education.</u>	32033
<u>(4) The department shall pay the amount of excess cost</u>	32034
<u>calculated under division (G)(2) of this section to the joint</u>	32035
<u>vocational school district and shall deduct that amount as</u>	32036
<u>provided in division (G)(4)(a) or (b) of this section, as</u>	32037
<u>applicable:</u>	32038
<u>(a) If the student is not enrolled in a community school, the</u>	32039
<u>department shall deduct the amount from the account of the</u>	32040
<u>student's resident district pursuant to division (M) of section</u>	32041
<u>3317.023 of the Revised Code.</u>	32042
<u>(b) If the student is enrolled in a community school, the</u>	32043
<u>department shall deduct the amount from the account of the</u>	32044
<u>community school pursuant to section 3314.083 of the Revised Code.</u>	32045
(H) In any fiscal year, if the total of all payments made to	32046
a joint vocational school district under divisions (B) to (D) of	32047
this section and division (R) of section 3317.024 of the Revised	32048

Code is less than the amount that district received in fiscal year 32049
1999 under the version of this section in effect that year, plus 32050
the amount that district received under the version of section 32051
3317.162 of the Revised Code in effect that year and minus the 32052
amounts received that year for driver education and adult 32053
education, the department shall pay the district an additional 32054
amount equal to the difference between those two amounts. 32055

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 32056
Revised Code: 32057

(A) "Ohio school facilities commission" means the commission 32058
created pursuant to section 3318.30 of the Revised Code. 32059

(B) "Classroom facilities" means rooms in which pupils 32060
regularly assemble in public school buildings to receive 32061
instruction and education and such facilities and building 32062
improvements for the operation and use of such rooms as may be 32063
needed in order to provide a complete educational program, and may 32064
include space within which a child day-care facility or a 32065
community resource center is housed. "Classroom facilities" 32066
includes any space necessary for the operation of a vocational 32067
education program for secondary students in any school district 32068
that operates such a program. 32069

(C) "Project" means a project to construct or acquire 32070
classroom facilities, or to reconstruct or make additions to 32071
existing classroom facilities, to be used for housing the 32072
applicable school district and its functions. 32073

(D) "School district" means a local, exempted village, or 32074
city school district as such districts are defined in Chapter 32075
3311. of the Revised Code, acting as an agency of state 32076
government, performing essential governmental functions of state 32077
government pursuant to sections 3318.01 and 3318.20 of the Revised 32078
Code. 32079

For purposes of assistance provided under sections 3318.40 to 32080
3318.45 of the Revised Code, the term "school district" as used in 32081
this section and in divisions (A), (C), and (D) of section 3318.03 32082
and in sections 3318.031, ~~3318.033~~, 3318.042, 3318.07, 3318.08, 32083
3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 32084
3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the 32085
Revised Code means a joint vocational school district established 32086
pursuant to section 3311.18 of the Revised Code. 32087

(E) "School district board" means the board of education of a 32088
school district. 32089

(F) "Net bonded indebtedness" means the difference between 32090
the sum of the par value of all outstanding and unpaid bonds and 32091
notes which a school district board is obligated to pay, any 32092
amounts the school district is obligated to pay under 32093
lease-purchase agreements entered into under section 3313.375 of 32094
the Revised Code, and the par value of bonds authorized by the 32095
electors but not yet issued, the proceeds of which can lawfully be 32096
used for the project, and the amount held in the sinking fund and 32097
other indebtedness retirement funds for their redemption. Notes 32098
issued for school buses in accordance with section 3327.08 of the 32099
Revised Code, notes issued in anticipation of the collection of 32100
current revenues, and bonds issued to pay final judgments shall 32101
not be considered in calculating the net bonded indebtedness. 32102

"Net bonded indebtedness" does not include indebtedness 32103
arising from the acquisition of land to provide a site for 32104
classroom facilities constructed, acquired, or added to pursuant 32105
to sections 3318.01 to 3318.20 of the Revised Code. 32106

(G) "Board of elections" means the board of elections of the 32107
county containing the most populous portion of the school 32108
district. 32109

(H) "County auditor" means the auditor of the county in which 32110

the greatest value of taxable property of such school district is 32111
located. 32112

(I) "Tax duplicates" means the general tax lists and 32113
duplicates prescribed by sections 319.28 and 319.29 of the Revised 32114
Code. 32115

(J) "Required level of indebtedness" means: 32116

(1) In the case of districts in the first percentile, five 32117
per cent of the district's valuation for the year preceding the 32118
year in which the controlling board approved the project under 32119
section 3318.04 of the Revised Code. 32120

(2) In the case of districts ranked in a subsequent 32121
percentile, five per cent of the district's valuation for the year 32122
preceding the year in which the controlling board approved the 32123
project under section 3318.04 of the Revised Code, plus [two 32124
one-hundredths of one per cent multiplied by (the percentile in 32125
which the district ranks for the fiscal year preceding the fiscal 32126
year in which the controlling board approved the district's 32127
project minus one)]. 32128

(K) "Required percentage of the basic project costs" means 32129
one per cent of the basic project costs times the percentile in 32130
which the district ranks for the fiscal year preceding the fiscal 32131
year in which the controlling board approved the district's 32132
project. 32133

(L) "Basic project cost" means a cost amount determined in 32134
accordance with rules adopted under section 111.15 of the Revised 32135
Code by the Ohio school facilities commission. The basic project 32136
cost calculation shall take into consideration the square footage 32137
and cost per square foot necessary for the grade levels to be 32138
housed in the classroom facilities, the variation across the state 32139
in construction and related costs, the cost of the installation of 32140
site utilities and site preparation, the cost of demolition of all 32141

or part of any existing classroom facilities that are abandoned 32142
under the project, the cost of insuring the project until it is 32143
completed, any contingency reserve amount prescribed by the 32144
commission under section 3318.086 of the Revised Code, and the 32145
professional planning, administration, and design fees that a 32146
district may have to pay to undertake a classroom facilities 32147
project. 32148

For a joint vocational school district that receives 32149
assistance under sections 3318.40 to 3318.45 of the Revised Code, 32150
the basic project cost calculation for a project under those 32151
sections shall also take into account the types of laboratory 32152
spaces and program square footages needed for the vocational 32153
education programs for high school students offered by the school 32154
district. 32155

~~"Basic project cost" also includes the value of classroom 32156
facilities authorized in a pre-existing bond issue as described in 32157
section 3318.033 of the Revised Code. 32158~~

(M)(1) Except for a joint vocational school district that 32159
receives assistance under sections 3318.40 to 3318.45 of the 32160
Revised Code, a "school district's portion of the basic project 32161
cost" means the amount determined under section 3318.032 of the 32162
Revised Code. 32163

(2) For a joint vocational school district that receives 32164
assistance under sections 3318.40 to 3318.45 of the Revised Code, 32165
a "school district's portion of the basic project cost" means the 32166
amount determined under division (C) of section 3318.42 of the 32167
Revised Code. 32168

(N) "Child day-care facility" means space within a classroom 32169
facility in which the needs of infants, toddlers, preschool 32170
children, and school children are provided for by persons other 32171
than the parent or guardian of such children for any part of the 32172

day, including persons not employed by the school district 32173
operating such classroom facility. 32174

(O) "Community resource center" means space within a 32175
classroom facility in which comprehensive services that support 32176
the needs of families and children are provided by community-based 32177
social service providers. 32178

(P) "Valuation" means the total value of all property in the 32179
district as listed and assessed for taxation on the tax 32180
duplicates. 32181

(Q) "Percentile" means the percentile in which the district 32182
is ranked pursuant to division (D) of section 3318.011 of the 32183
Revised Code. 32184

(R) "Installation of site utilities" means the installation 32185
of a site domestic water system, site fire protection system, site 32186
gas distribution system, site sanitary system, site storm drainage 32187
system, and site telephone and data system. 32188

(S) "Site preparation" means the earthwork necessary for 32189
preparation of the building foundation system, the paved 32190
pedestrian and vehicular circulation system, playgrounds on the 32191
project site, and lawn and planting on the project site. 32192

Sec. 3318.024. In the first year of a capital biennium, any 32193
funds appropriated to the Ohio school facilities commission for 32194
classroom facilities projects under this chapter in the previous 32195
capital biennium that were not spent or encumbered, or for which 32196
an encumbrance has been canceled under section 3318.05 of the 32197
Revised Code, shall be used by the commission only for projects 32198
under sections 3318.01 to 3318.20 of the Revised Code, subject to 32199
appropriation by the general assembly. 32200

In the second year of a capital biennium, any funds 32201
appropriated to the Ohio school facilities commission for 32202

classroom facilities projects under this chapter that were not 32203
spent or encumbered in the first year of the biennium and which 32204
are in excess of an amount equal to half of the appropriations for 32205
the capital biennium, or for which an encumbrance has been 32206
canceled under section 3318.05 of the Revised Code, shall be used 32207
by the commission only for projects under sections 3318.01 to 32208
3318.20 of the Revised Code, subject to appropriation by the 32209
general assembly. 32210

Sec. 3318.03. (A) Before conducting an on-site evaluation of 32211
a school district under section 3318.02 of the Revised Code, at 32212
the request of the district board of education, the Ohio school 32213
facilities commission shall examine any classroom facilities needs 32214
assessment that has been conducted by the district and any master 32215
plan developed for meeting the facility needs of the district. 32216

(B) Upon conducting the on-site evaluation under section 32217
3318.02 of the Revised Code, the Ohio school facilities commission 32218
shall make a determination of all of the following: 32219

(1) The needs of the school district for additional classroom 32220
facilities; 32221

(2) The number of classroom facilities to be included in a 32222
project, ~~including classroom facilities authorized by a bond issue~~ 32223
~~described in section 3318.033 of the Revised Code,~~ and the basic 32224
project cost of constructing, acquiring, reconstructing, or making 32225
additions to each such facility; 32226

(3) The amount of such cost that the school district can 32227
supply from available funds, by the issuance of bonds previously 32228
authorized by the electors of the school district the proceeds of 32229
which can lawfully be used for the project, ~~including bonds~~ 32230
~~authorized by the district's electors as described in section~~ 32231
~~3318.033 of the Revised Code,~~ and by the issuance of bonds under 32232
section 3318.05 of the Revised Code; 32233

(4) The remaining amount of such cost that shall be supplied 32234
by the state; 32235

(5) The amount of the state's portion to be encumbered in 32236
accordance with section 3318.11 of the Revised Code in the current 32237
and subsequent fiscal bienniums from funds appropriated for 32238
purposes of sections 3318.01 to 3318.20 of the Revised Code. 32239

(C) The commission shall make a determination in favor of 32240
constructing, acquiring, reconstructing, or making additions to a 32241
classroom facility only upon evidence that the proposed project 32242
conforms to sound educational practice, that it is in keeping with 32243
the orderly process of school district reorganization and 32244
consolidation, and that the actual or projected enrollment in each 32245
classroom facility proposed to be included in the project is at 32246
least three hundred fifty pupils. Exceptions shall be authorized 32247
only in those districts where topography, sparsity of population, 32248
and other factors make larger schools impracticable. 32249

If the school district board determines that an existing 32250
facility has historical value or for other good cause determines 32251
that an existing facility should be renovated in lieu of acquiring 32252
a comparable facility by new construction, the commission may 32253
approve the expenditure of project funds for the renovation of 32254
that facility up to but not exceeding one hundred per cent of the 32255
estimated cost of acquiring a comparable facility by new 32256
construction, as long as the commission determines that the 32257
facility when renovated can be operationally efficient, will be 32258
adequate for the future needs of the district, and will comply 32259
with the other provisions of this division. 32260

(D) Sections 125.81 and 153.04 of the Revised Code shall not 32261
apply to classroom facilities constructed under either sections 32262
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 32263
Code. 32264

Sec. 3318.042. (A) The board of education of any school 32265
district that is receiving assistance under sections 3318.01 to 32266
3318.20 of the Revised Code after May 20, 1997, or under sections 32267
3318.40 to 3318.45 of the Revised Code, and whose project is still 32268
under construction, may request that the Ohio school facilities 32269
commission examine whether the circumstances prescribed in either 32270
division (B)(1) or (2) of this section exist in the school 32271
district. If the commission so finds, the commission shall review 32272
the school district's original assessment and approved project and 32273
consider providing additional assistance to the school district to 32274
correct the prescribed conditions found to exist in the district. 32275
Additional assistance under this section shall be limited to 32276
additions to one or more buildings, remodeling of one or more 32277
buildings, or changes to the infrastructure of one or more 32278
buildings. 32279

(B) Consideration of additional assistance to a school 32280
district under this section is warranted in either of the 32281
following circumstances: 32282

(1) Additional work is needed to correct an oversight or 32283
deficiency not identified or included in the district's initial 32284
assessment. 32285

(2) Other conditions exist that, in the opinion of the 32286
commission, warrant additions or remodeling of the project 32287
facilities or changes to infrastructure associated with the 32288
district's project that were not identified in the initial 32289
assessment and plan. 32290

(C) If the commission decides in favor of providing 32291
additional assistance to any school district under this section, 32292
the school district shall be responsible for paying for its 32293
portion of the cost of the additions, remodeling, or 32294
infrastructure changes pursuant to section 3318.083 of the Revised 32295

Code. If, after making a financial evaluation of the school 32296
district, the commission determines that the school district is 32297
unable without undue hardship, according to the guidelines adopted 32298
by the commission, to fund the school district portion of the 32299
increase, then the state and the school district shall enter into 32300
an agreement whereby the state shall pay the portion of the cost 32301
increase attributable to the school district which is determined 32302
to be in excess of any local resources available to the district 32303
and the district shall thereafter reimburse the state. The 32304
commission shall establish the district's schedule for reimbursing 32305
the state, which shall not extend beyond five ten years. The 32306
commission may lengthen the reimbursement schedule of a school 32307
district that has entered into an agreement under this section 32308
prior to the effective date of this amendment as long as the total 32309
term of that schedule does not extend beyond ten years. Debt 32310
incurred under this section shall not be included in the 32311
calculation of the net indebtedness of the school district under 32312
section 133.06 of the Revised Code. 32313

Sec. 3318.05. The conditional approval of the Ohio school 32314
facilities commission for a project shall lapse and the amount 32315
reserved and encumbered for such project shall be released unless 32316
the school district board accepts such conditional approval within 32317
one hundred twenty days following the date of certification of the 32318
conditional approval to the school district board and the electors 32319
of the school district vote favorably on both of the propositions 32320
described in divisions (A) and (B) of this section within one year 32321
of the date of such certification, except that a school district 32322
described in division (C) of this section does not need to submit 32323
the proposition described in division (B) of this section. The 32324
propositions described in divisions (A) and (B) of this section 32325
shall be combined in a single proposal. If the district board or 32326
the district's electors fail to meet such requirements and the 32327

amount reserved and encumbered for the district's project is 32328
released, the district shall be given first priority for project 32329
funding as such funds become available. 32330

(A) On the question of issuing bonds of the school district 32331
board, for the school district's portion of the basic project 32332
cost, in an amount equal to the school district's portion of the 32333
basic project cost ~~less any deduction made under section 3318.033~~ 32334
~~of the Revised Code and~~ less the amount of the proceeds of any 32335
securities authorized or to be authorized under division (J) of 32336
section 133.06 of the Revised Code and dedicated by the school 32337
district board to payment of the district's portion of the basic 32338
project cost; and 32339

(B) On the question of levying a tax the proceeds of which 32340
shall be used to pay the cost of maintaining the classroom 32341
facilities included in the project. Such tax shall be at the rate 32342
of not less than one-half mill for each dollar of valuation for a 32343
period of twenty-three years, subject to any extension approved 32344
under section 3318.061 of the Revised Code. 32345

(C) If a school district has in place a tax levied under 32346
section 5705.21 of the Revised Code for general ongoing permanent 32347
improvements ~~of at least two mills for each dollar of valuation~~ 32348
and the proceeds of such tax can be used for maintenance, the 32349
school district need not levy the additional tax required under 32350
division (B) of this section, provided the school district board 32351
includes in the agreement entered into under section 3318.08 of 32352
the Revised Code provisions earmarking an amount from the proceeds 32353
of that permanent improvement tax for maintenance of classroom 32354
facilities equivalent to the amount of the additional tax and for 32355
the equivalent number of years otherwise required under this 32356
section. 32357

(D) Proceeds of the tax to be used for maintenance of the 32358
classroom facilities under either division (B) or (C) of this 32359

section shall be deposited into a separate fund established by the 32360
school district for such purpose. 32361

Sec. 3318.052. At any time after the electors of a school 32362
district have approved either or both a property tax levied under 32363
section 5705.21 or 5705.218 of the Revised Code for the purpose of 32364
general ongoing permanent improvements or a school district income 32365
tax levied under Chapter 5748. of the Revised Code, the proceeds 32366
of which, pursuant to the ballot measures approved by the 32367
electors, are not so restricted that they cannot be used to pay 32368
the costs of a project or maintaining classroom facilities, the 32369
school district board may: 32370

(A) Within one year following the date of the certification 32371
of the conditional approval of the school district's classroom 32372
facilities project by the Ohio school facilities commission, enter 32373
into a written agreement with the commission, which may be part of 32374
an agreement entered into under section 3318.08 of the Revised 32375
Code, and in which the school district board covenants and agrees 32376
to do one or both of the following: 32377

(1) Apply a specified amount of available proceeds of that 32378
property tax levy, of that school district income tax, or of 32379
securities issued under this section, or of proceeds from any two 32380
or more of those sources, to pay all or part of the district's 32381
portion of the basic project cost of its classroom facilities 32382
project; 32383

(2) Apply available proceeds of either or both a property tax 32384
levied under section 5705.21 or 5705.218 of the Revised Code in 32385
effect for a continuing period of time, or of a school district 32386
income tax levied under Chapter 5748. of the Revised Code in 32387
effect for a continuing period of time to the payment of costs of 32388
maintaining the classroom facilities. 32389

(B) Receive, as a credit against the amount of bonds required 32390

under sections 3318.05 and 3318.06 of the Revised Code, to be 32391
approved by the electors of the district and issued by the 32392
district board for the district's portion of the basic project 32393
cost of its classroom facilities project in order for the district 32394
to receive state assistance for the project, an amount equal to 32395
the specified amount that the district board covenants and agrees 32396
with the commission to apply as set forth in division (A)(1) of 32397
this section; 32398

(C) Receive, as a credit against the amount of the tax levy 32399
required under sections 3318.05 and 3318.06 of the Revised Code, 32400
to be approved by the electors of the district to pay the costs of 32401
maintaining the classroom facilities in order to receive state 32402
assistance for the classroom facilities project, an amount 32403
equivalent to the specified amount of proceeds the school district 32404
board covenants and agrees with the commission to apply as 32405
referred to in division (A)(2) of this section; 32406

(D) Apply proceeds of either or both a school district income 32407
tax levied under Chapter 5748. of the Revised Code that may 32408
lawfully be used to pay the costs of a classroom facilities 32409
project or of a tax levied under section 5705.21 or 5705.218 of 32410
the Revised Code to the payment of debt charges on and financing 32411
costs related to securities issued under this section; 32412

(E) Issue securities to provide moneys to pay all or part of 32413
the district's portion of the basic project cost of its classroom 32414
facilities project in accordance with an agreement entered into 32415
under division (A) of this section. Securities issued under this 32416
section shall be Chapter 133. securities and may be issued as 32417
general obligation securities or issued in anticipation of a 32418
school district income tax or as property tax anticipation notes 32419
under section 133.24 of the Revised Code. The district board's 32420
resolution authorizing the issuance and sale of general obligation 32421
securities under this section shall conform to the applicable 32422

requirements of section 133.22 or 133.23 of the Revised Code. 32423

Securities issued under this section shall have principal payments 32424

during each year after the year of issuance over a period of not 32425

more than twenty-three years and, if so determined by the district 32426

board, during the year of issuance. Securities issued under this 32427

section shall not be included in the calculation of net 32428

indebtedness of the district under section 133.06 of the Revised 32429

Code, if the resolution of the district board authorizing their 32430

issuance and sale includes covenants to appropriate annually from 32431

lawfully available proceeds of a property tax levied under section 32432

5705.21 or 5705.218 of the Revised Code or of a school district 32433

income tax levied under Chapter 5748. of the Revised Code and to 32434

continue to levy and collect the tax in amounts necessary to pay 32435

the debt charges on and financing costs related to the securities 32436

as they become due. No property tax levied under section 5705.21 32437

or 5705.218 of the Revised Code and no school district income tax 32438

levied under Chapter 5748. of the Revised Code that is pledged, or 32439

that the school district board has covenanted to levy, collect, 32440

and appropriate annually, to pay the debt charges on and financing 32441

costs related to securities issued under this section shall be 32442

repealed while those securities are outstanding. If such a tax is 32443

reduced by the electors of the district or by the district board 32444

while those securities are outstanding, the school district board 32445

shall continue to levy and collect the tax under the authority of 32446

the original election authorizing the tax at a rate in each year 32447

that the board reasonably estimates will produce an amount in that 32448

year equal to the debt charges on the securities in that year, 32449

except that in the case of a school district income tax that 32450

amount shall be rounded up to the nearest one-fourth of one per 32451

cent. 32452

No state moneys shall be released for a project to which this 32453

section applies until the proceeds of the tax securities issued 32454

under this section that are dedicated for the payment of the 32455

district portion of the basic project cost of its classroom 32456
facilities project are first deposited into the district's project 32457
construction fund. 32458

Sec. 3318.06. (A) After receipt of the conditional approval 32459
of the Ohio school facilities commission, the school district 32460
board by a majority of all of its members shall, if it desires to 32461
proceed with the project, declare all of the following by 32462
resolution: 32463

(1) That by issuing bonds in an amount equal to the school 32464
district's portion of the basic project cost, ~~including bonds~~ 32465
~~previously authorized by the district's electors as described in~~ 32466
~~section 3318.033 of the Revised Code,~~ the district is unable to 32467
provide adequate classroom facilities without assistance from the 32468
state; 32469

(2) Unless the school district board has resolved to apply 32470
the proceeds of a property tax or the proceeds of an income tax, 32471
or a combination of proceeds from such taxes, as authorized under 32472
section 3318.052 of the Revised Code, that to qualify for such 32473
state assistance it is necessary to do either of the following: 32474

(a) Levy a tax outside the ten-mill limitation the proceeds 32475
of which shall be used to pay the cost of maintaining the 32476
classroom facilities included in the project; 32477

(b) Earmark for maintenance of classroom facilities from the 32478
proceeds of an existing permanent improvement tax levied under 32479
section 5705.21 of the Revised Code, if such tax ~~is of at least~~ 32480
~~two mills for each dollar of valuation and~~ can be used for 32481
maintenance, an amount equivalent to the amount of the additional 32482
tax otherwise required under this section and sections 3318.05 and 32483
3318.08 of the Revised Code. 32484

(3) That the question of any tax levy specified in a 32485

resolution described in division (A)(2)(a) of this section, if 32486
required, shall be submitted to the electors of the school 32487
district at the next general or primary election, if there be a 32488
general or primary election not less than seventy-five and not 32489
more than ninety-five days after the day of the adoption of such 32490
resolution or, if not, at a special election to be held at a time 32491
specified in the resolution which shall be not less than 32492
seventy-five days after the day of the adoption of the resolution 32493
and which shall be in accordance with the requirements of section 32494
3501.01 of the Revised Code. 32495

Such resolution shall also state that the question of issuing 32496
bonds of the board shall be combined in a single proposal with the 32497
question of such tax levy. More than one election under this 32498
section may be held in any one calendar year. Such resolution 32499
shall specify both of the following: 32500

(a) That the rate which it is necessary to levy shall be at 32501
the rate of not less than one-half mill for each one dollar of 32502
valuation, and that such tax shall be levied for a period of 32503
twenty-three years; 32504

(b) That the proceeds of the tax shall be used to pay the 32505
cost of maintaining the classroom facilities included in the 32506
project. 32507

(B) A copy of a resolution adopted under division (A) of this 32508
section shall after its passage and not less than seventy-five 32509
days prior to the date set therein for the election be certified 32510
to the county board of elections. 32511

The resolution of the school district board, in addition to 32512
meeting other applicable requirements of section 133.18 of the 32513
Revised Code, shall state that the amount of bonds to be issued 32514
will be an amount equal to the school district's portion of the 32515
basic project cost, and state the maximum maturity of the bonds 32516

which may be any number of years not exceeding the term calculated 32517
under section 133.20 of the Revised Code as determined by the 32518
board. In estimating the amount of bonds to be issued, the board 32519
shall take into consideration the amount of moneys then in the 32520
bond retirement fund and the amount of moneys to be collected for 32521
and disbursed from the bond retirement fund during the remainder 32522
of the year in which the resolution of necessity is adopted. 32523

If the bonds are to be issued in more than one series, the 32524
resolution may state, in addition to the information required to 32525
be stated under division (B)(3) of section 133.18 of the Revised 32526
Code, the number of series, which shall not exceed five, the 32527
principal amount of each series, and the approximate date each 32528
series will be issued, and may provide that no series, or any 32529
portion thereof, may be issued before such date. Upon such a 32530
resolution being certified to the county auditor as required by 32531
division (C) of section 133.18 of the Revised Code, the county 32532
auditor, in calculating, advising, and confirming the estimated 32533
average annual property tax levy under that division, shall also 32534
calculate, advise, and confirm by certification the estimated 32535
average property tax levy for each series of bonds to be issued. 32536

Notice of the election shall include the fact that the tax 32537
levy shall be at the rate of not less than one-half mill for each 32538
one dollar of valuation for a period of twenty-three years, and 32539
that the proceeds of the tax shall be used to pay the cost of 32540
maintaining the classroom facilities included in the project. 32541

If the bonds are to be issued in more than one series, the 32542
board of education, when filing copies of the resolution with the 32543
board of elections as required by division (D) of section 133.18 32544
of the Revised Code, may direct the board of elections to include 32545
in the notice of election the principal amount and approximate 32546
date of each series, the maximum number of years over which the 32547
principal of each series may be paid, the estimated additional 32548

average property tax levy for each series, and the first calendar 32549
year in which the tax is expected to be due for each series, in 32550
addition to the information required to be stated in the notice 32551
under division (E)(3)(a) to (e) of section 133.18 of the Revised 32552
Code. 32553

(C)(1) Except as otherwise provided in division (C)(2) of 32554
this section, the form of the ballot to be used at such election 32555
shall be: 32556

"A majority affirmative vote is necessary for passage. 32557

Shall bonds be issued by the (here insert name 32558
of school district) school district to pay the local share of 32559
school construction under the State of Ohio Classroom Facilities 32560
Assistance Program in the principal amount of (here 32561
insert principal amount of the bond issue), to be repaid annually 32562
over a maximum period of (here insert the maximum 32563
number of years over which the principal of the bonds may be paid) 32564
years, and an annual levy of property taxes be made outside the 32565
ten-mill limitation, estimated by the county auditor to average 32566
over the repayment period of the bond issue (here 32567
insert the number of mills estimated) mills for each one dollar of 32568
tax valuation, which amounts to (rate expressed in 32569
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 32570
for each one hundred dollars of tax valuation to pay the annual 32571
debt charges on the bonds and to pay debt charges on any notes 32572
issued in anticipation of the bonds?" 32573

and, unless the additional levy 32574

of taxes is not required pursuant 32575

to division (C) of section 32576

3318.05 of the Revised Code, 32577

"Shall an additional levy of taxes be made for a period of 32578
twenty-three years to benefit the (here insert name 32579
of school district) school district, the proceeds of which shall 32580

be used to pay the cost of maintaining the classroom facilities 32581
included in the project at the rate of (here insert the 32582
number of mills, which shall not be less than one-half mill) mills 32583
for each one dollar of valuation? 32584

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

32585
32586
32587
32588

(2) If authority is sought to issue bonds in more than one 32589
series and the board of education so elects, the form of the 32590
ballot shall be as prescribed in section 3318.062 of the Revised 32591
Code. If the board of education elects the form of the ballot 32592
prescribed in that section, it shall so state in the resolution 32593
adopted under this section. 32594

(D) If it is necessary for the school district to acquire a 32595
site for the classroom facilities to be acquired pursuant to 32596
sections 3318.01 to 3318.20 of the Revised Code, the district 32597
board may propose either to issue bonds of the board or to levy a 32598
tax to pay for the acquisition of such site, and may combine the 32599
question of doing so with the questions specified in division (B) 32600
of this section. Bonds issued under this division for the purpose 32601
of acquiring a site are a general obligation of the school 32602
district and are Chapter 133. securities. 32603

The form of that portion of the ballot to include the 32604
question of either issuing bonds or levying a tax for site 32605
acquisition purposes shall be one of the following: 32606

(1) "Shall bonds be issued by the (here insert 32607
name of the school district) school district to pay costs of 32608
acquiring a site for classroom facilities under the State of Ohio 32609
Classroom Facilities Assistance Program in the principal amount of 32610
..... (here insert principal amount of the bond issue), to be 32611

repaid annually over a maximum period of (here insert 32612
maximum number of years over which the principal of the bonds may 32613
be paid) years, and an annual levy of property taxes be made 32614
outside the ten-mill limitation, estimated by the county auditor 32615
to average over the repayment period of the bond issue 32616
(here insert number of mills) mills for each one dollar of tax 32617
valuation, which amount to (here insert rate expressed 32618
in cents or dollars and cents, such as "thirty-six cents" or 32619
"\$0.36") for each one hundred dollars of valuation to pay the 32620
annual debt charges on the bonds and to pay debt charges on any 32621
notes issued in anticipation of the bonds?" 32622

(2) "Shall an additional levy of taxes outside the ten-mill 32623
limitation be made for the benefit of the (here insert 32624
name of the school district) school district for the 32625
purpose of acquiring a site for classroom facilities in the sum of 32626
..... (here insert annual amount the levy is to produce) 32627
estimated by the county auditor to average (here insert 32628
number of mills) mills for each one hundred dollars of valuation, 32629
for a period of (here insert number of years the millage 32630
is to be imposed) years?" 32631

Where it is necessary to combine the question of issuing 32632
bonds of the school district and levying a tax as described in 32633
division (B) of this section with the question of issuing bonds of 32634
the school district for acquisition of a site, the question 32635
specified in that division to be voted on shall be "For the Bond 32636
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 32637
Levy." 32638

Where it is necessary to combine the question of issuing 32639
bonds of the school district and levying a tax as described in 32640
division (B) of this section with the question of levying a tax 32641
for the acquisition of a site, the question specified in that 32642
division to be voted on shall be "For the Bond Issue and the Tax 32643

Levies" and "Against the Bond Issue and the Tax Levies." 32644

Where the school district board chooses to combine the 32645
question in division (B) of this section with any of the 32646
additional questions described in divisions (A) to (D) of section 32647
3318.056 of the Revised Code, the question specified in division 32648
(B) of this section to be voted on shall be "For the Bond Issues 32649
and the Tax Levies" and "Against the Bond Issues and the Tax 32650
Levies." 32651

If a majority of those voting upon a proposition hereunder 32652
which includes the question of issuing bonds vote in favor 32653
thereof, and if the agreement provided for by section 3318.08 of 32654
the Revised Code has been entered into, the school district board 32655
may proceed under Chapter 133. of the Revised Code, with the 32656
issuance of bonds or bond anticipation notes in accordance with 32657
the terms of the agreement. 32658

Sec. 3318.08. Except in the case of a joint vocational school 32659
district that receives assistance under sections 3318.40 to 32660
3318.45 of the Revised Code, if the requisite favorable vote on 32661
the election is obtained, or if the school district board has 32662
resolved to apply the proceeds of a property tax levy or the 32663
proceeds of an income tax, or a combination of proceeds from such 32664
taxes, as authorized in section 3318.052 of the Revised Code, the 32665
Ohio school facilities commission, upon certification to it of 32666
either the results of the election or the resolution under section 32667
3318.052 of the Revised Code, shall enter into a written agreement 32668
with the school district board for the construction and sale of 32669
the project. In the case of a joint vocational school district 32670
that receives assistance under sections 3318.40 to 3318.45 of the 32671
Revised Code, if the school district board of education and the 32672
school district electors have satisfied the conditions prescribed 32673
in division (D)(1) of section 3318.41 of the Revised Code, the 32674

commission shall enter into an agreement with the school district 32675
board for the construction and sale of the project. In either 32676
case, the agreement shall include, but need not be limited to, the 32677
following provisions: 32678

(A) The sale and issuance of bonds or notes in anticipation 32679
thereof, as soon as practicable after the execution of the 32680
agreement, in an amount equal to the school district's portion of 32681
the basic project cost, including ~~any bonds previously authorized~~ 32682
~~by the district's electors as described in section 3318.033 of the~~ 32683
~~Revised Code and~~ any securities authorized under division (J) of 32684
section 133.06 of the Revised Code and dedicated by the school 32685
district board to payment of the district's portion of the basic 32686
project cost of the project; provided, that if at that time the 32687
county treasurer of each county in which the school district is 32688
located has not commenced the collection of taxes on the general 32689
duplicate of real and public utility property for the year in 32690
which the controlling board approved the project, the school 32691
district board shall authorize the issuance of a first installment 32692
of bond anticipation notes in an amount specified by the 32693
agreement, which amount shall not exceed an amount necessary to 32694
raise the net bonded indebtedness of the school district as of the 32695
date of the controlling board's approval to within five thousand 32696
dollars of the required level of indebtedness for the preceding 32697
year. In the event that a first installment of bond anticipation 32698
notes is issued, the school district board shall, as soon as 32699
practicable after the county treasurer of each county in which the 32700
school district is located has commenced the collection of taxes 32701
on the general duplicate of real and public utility property for 32702
the year in which the controlling board approved the project, 32703
authorize the issuance of a second and final installment of bond 32704
anticipation notes or a first and final issue of bonds. 32705

The combined value of the first and second installment of 32706

bond anticipation notes or the value of the first and final issue 32707
of bonds shall be equal to the school district's portion of the 32708
basic project cost. The proceeds of any such bonds shall be used 32709
first to retire any bond anticipation notes. Otherwise, the 32710
proceeds of such bonds and of any bond anticipation notes, except 32711
the premium and accrued interest thereon, shall be deposited in 32712
the school district's project construction fund. In determining 32713
the amount of net bonded indebtedness for the purpose of fixing 32714
the amount of an issue of either bonds or bond anticipation notes, 32715
gross indebtedness shall be reduced by moneys in the bond 32716
retirement fund only to the extent of the moneys therein on the 32717
first day of the year preceding the year in which the controlling 32718
board approved the project. Should there be a decrease in the tax 32719
valuation of the school district so that the amount of 32720
indebtedness that can be incurred on the tax duplicates for the 32721
year in which the controlling board approved the project is less 32722
than the amount of the first installment of bond anticipation 32723
notes, there shall be paid from the school district's project 32724
construction fund to the school district's bond retirement fund to 32725
be applied against such notes an amount sufficient to cause the 32726
net bonded indebtedness of the school district, as of the first 32727
day of the year following the year in which the controlling board 32728
approved the project, to be within five thousand dollars of the 32729
required level of indebtedness for the year in which the 32730
controlling board approved the project. The maximum amount of 32731
indebtedness to be incurred by any school district board as its 32732
share of the cost of the project is either an amount that will 32733
cause its net bonded indebtedness, as of the first day of the year 32734
following the year in which the controlling board approved the 32735
project, to be within five thousand dollars of the required level 32736
of indebtedness, or an amount equal to the required percentage of 32737
the basic project costs, whichever is greater. All bonds and bond 32738
anticipation notes shall be issued in accordance with Chapter 133. 32739

of the Revised Code, and notes may be renewed as provided in 32740
section 133.22 of the Revised Code. 32741

(B) The transfer of such funds of the school district board 32742
available for the project, together with the proceeds of the sale 32743
of the bonds or notes, except premium, accrued interest, and 32744
interest included in the amount of the issue, to the school 32745
district's project construction fund; 32746

(C) For all school districts except joint vocational school 32747
districts that receive assistance under sections 3318.40 to 32748
3318.45 of the Revised Code, the following provisions as 32749
applicable: 32750

(1) If section 3318.052 of the Revised Code applies, the 32751
earmarking of the proceeds of a tax levied under section 5705.21 32752
of the Revised Code for general ongoing permanent or under section 32753
5705.218 of the Revised Code for the purpose of permanent 32754
improvements, or the proceeds of a school district income tax 32755
levied under Chapter 5748. of the Revised Code, or the proceeds 32756
from a combination of those two taxes, in an amount to pay all or 32757
part of the service charges on bonds issued to pay the school 32758
district portion of the project and an amount equivalent to all or 32759
part of the tax required under division (B) of section 3318.05 of 32760
the Revised Code; 32761

(2) If section 3318.052 of the Revised Code does not apply, 32762
either of the following: 32763

(a) The levy of the tax authorized at the election for the 32764
payment of maintenance costs, as specified in division (B) of 32765
section 3318.05 of the Revised Code; 32766

(b) If the school district electors have approved a 32767
continuing tax ~~of at least two mills for each dollar of valuation~~ 32768
for general ongoing permanent improvements under section 5705.21 32769
of the Revised Code and that tax can be used for maintenance, the 32770

earmarking of an amount of the proceeds from such tax for 32771
maintenance of classroom facilities as specified in division (B) 32772
of section 3318.05 of the Revised Code. 32773

(D) For joint vocational school districts that receive 32774
assistance under sections 3318.40 to 3318.45 of the Revised Code, 32775
provision for deposit of school district moneys dedicated to 32776
maintenance of the classroom facilities acquired under those 32777
sections as prescribed in section 3318.43 of the Revised Code; 32778

(E) Dedication of any local donated contribution as provided 32779
for under section 3318.084 of the Revised Code, including a 32780
schedule for depositing such moneys applied as an offset of the 32781
district's obligation to levy the tax described in division (B) of 32782
section 3318.05 of the Revised Code as required under division 32783
(D)(2) of section 3318.084 of the Revised Code; 32784

(F) Ownership of or interest in the project during the period 32785
of construction, which shall be divided between the commission and 32786
the school district board in proportion to their respective 32787
contributions to the school district's project construction fund; 32788

(G) Maintenance of the state's interest in the project until 32789
any obligations issued for the project under section 3318.26 of 32790
the Revised Code are no longer outstanding; 32791

(H) The insurance of the project by the school district from 32792
the time there is an insurable interest therein and so long as the 32793
state retains any ownership or interest in the project pursuant to 32794
division (F) of this section, in such amounts and against such 32795
risks as the commission shall require; provided, that the cost of 32796
any required insurance until the project is completed shall be a 32797
part of the basic project cost; 32798

(I) The certification by the director of budget and 32799
management that funds are available and have been set aside to 32800
meet the state's share of the basic project cost as approved by 32801

the controlling board pursuant to either section 3318.04 or 32802
division (B)(1) of section 3318.41 of the Revised Code; 32803

(J) Authorization of the school district board to advertise 32804
for and receive construction bids for the project, for and on 32805
behalf of the commission, and to award contracts in the name of 32806
the state subject to approval by the commission; 32807

(K) Provisions for the disbursement of moneys from the school 32808
district's project account upon issuance by the commission or the 32809
commission's designated representative of vouchers for work done 32810
to be certified to the commission by the treasurer of the school 32811
district board; 32812

(L) Disposal of any balance left in the school district's 32813
project construction fund upon completion of the project; 32814

(M) Limitations upon use of the project or any part of it so 32815
long as any obligations issued to finance the project under 32816
section 3318.26 of the Revised Code are outstanding; 32817

(N) Provision for vesting the state's interest in the project 32818
to the school district board when the obligations issued to 32819
finance the project under section 3318.26 of the Revised Code are 32820
outstanding; 32821

(O) Provision for deposit of an executed copy of the 32822
agreement in the office of the commission; 32823

(P) Provision for termination of the contract and release of 32824
the funds encumbered at the time of the conditional approval, if 32825
the proceeds of the sale of the bonds of the school district board 32826
are not paid into the school district's project construction fund 32827
and if bids for the construction of the project have not been 32828
taken within such period after the execution of the agreement as 32829
may be fixed by the commission; 32830

(Q) Provision for the school district to maintain the project 32831

in accordance with a plan approved by the commission; 32832

(R)(1) For all school districts except a district undertaking 32833
a project under section 3318.38 of the Revised Code or a joint 32834
vocational school district undertaking a project under sections 32835
3318.40 to 3318.45 of the Revised Code, provision that all state 32836
funds reserved and encumbered to pay the state share of the cost 32837
of the project pursuant to section 3318.03 of the Revised Code be 32838
spent on the construction or acquisition of the project prior to 32839
the expenditure of any funds provided by the school district to 32840
pay for its share of the project cost, unless the school district 32841
certifies to the commission that expenditure by the school 32842
district is necessary to maintain the tax-exempt status of notes 32843
or bonds issued by the school district to pay for its share of the 32844
project cost or to comply with applicable temporary investment 32845
periods or spending exceptions to rebate as provided for under 32846
federal law in regard to those notes or bonds, in which cases, the 32847
school district may commit to spend, or spend, a portion of the 32848
funds it provides; 32849

(2) For a school district undertaking a project under section 32850
3318.38 of the Revised Code or a joint vocational school district 32851
undertaking a project under sections 3318.40 to 3318.45 of the 32852
Revised Code, provision that the state funds reserved and 32853
encumbered and the funds provided by the school district to pay 32854
the basic project cost of any segment of the project, or of the 32855
entire project if it is not divided into segments, be spent on the 32856
construction and acquisition of the project simultaneously in 32857
proportion to the state's and the school district's respective 32858
shares of that basic project cost as determined under section 32859
3318.032 of the Revised Code or, if the district is a joint 32860
vocational school district, under section 3318.42 of the Revised 32861
Code. 32862

(S) A provision stipulating that the commission may prohibit 32863

the district from proceeding with any project if the commission 32864
determines that the site is not suitable for construction 32865
purposes. The commission may perform soil tests in its 32866
determination of whether a site is appropriate for construction 32867
purposes. 32868

(T) A provision stipulating that, unless otherwise authorized 32869
by the commission, any contingency reserve portion of the 32870
construction budget prescribed by the commission shall be used 32871
only to pay costs resulting from unforeseen job conditions, to 32872
comply with rulings regarding building and other codes, to pay 32873
costs related to design clarifications or corrections to contract 32874
documents, and to pay the costs of settlements or judgments 32875
related to the project as provided under section 3318.086 of the 32876
Revised Code; 32877

(U) Provision stipulating that for continued release of 32878
project funds the school district board shall comply with section 32879
3313.41 of the Revised Code throughout the project and shall 32880
notify the department of education and the Ohio community school 32881
association when the board plans to dispose of facilities by sale 32882
under that section; 32883

(V) Provision that the commission shall not approve a 32884
contract for demolition of a facility until the school district 32885
board has complied with section 3313.41 of the Revised Code 32886
relative to that facility, unless demolition of that facility is 32887
to clear a site for construction of a replacement facility 32888
included in the district's project. 32889

Sec. 3318.30. (A) There is hereby created the Ohio school 32890
facilities commission. The commission shall administer the 32891
provision of financial assistance to school districts for the 32892
acquisition or construction of classroom facilities in accordance 32893
with sections 3318.01 to 3318.33 of the Revised Code. 32894

The commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the commission of its powers conferred by sections 3318.01 to 3318.33 of the Revised Code are essential public functions and public purposes of the state. The commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by sections 3318.01 to 3318.33 of the Revised Code, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines appropriate, the commission may delegate to any of its members, executive director, or other employees any of the commission's powers and duties to carry out its functions.

(B) The commission shall consist of seven members, three of whom are voting members. The voting members of the commission shall be the director of the office of budget and management, the director of administrative services, and the superintendent of public instruction, or their designees. Of the nonvoting members, two shall be members of the senate appointed by the president of the senate, and two shall be members of the house of representatives appointed by the speaker of the house. Each of the appointees of the president, and each of the appointees of the speaker, shall be members of different political parties.

Nonvoting members shall serve as members of the commission during the legislative biennium for which they are appointed, except that any such member who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the commission. Each nonvoting member shall be appointed within thirty-one days of the end of the term of that member's predecessor. Such members may be reappointed. Vacancies of nonvoting members shall be filled in the manner provided for

original appointments. 32927

Members of the commission shall serve without compensation. 32928

After the initial nonvoting members of the commission have 32929
been appointed, the commission shall meet and organize by electing 32930
voting members as the chairperson and vice-chairperson of the 32931
commission, who shall hold their offices until the next 32932
organizational meeting of the commission. Organizational meetings 32933
of the commission shall be held at the first meeting of each 32934
calendar year. At each organizational meeting, the commission 32935
shall elect from among its voting members a chairperson and 32936
vice-chairperson, who shall serve until the next annual 32937
organizational meeting. The commission shall adopt rules pursuant 32938
to section 111.15 of the Revised Code for the conduct of its 32939
internal business and shall keep a journal of its proceedings. 32940
Including the organizational meeting, the commission shall meet at 32941
least once each calendar quarter. 32942

Two voting members of the commission constitute a quorum, and 32943
the affirmative vote of two members is necessary for approval of 32944
any action taken by the commission. A vacancy in the membership of 32945
the commission does not impair a quorum from exercising all the 32946
rights and performing all the duties of the commission. Meetings 32947
of the commission may be held anywhere in the state and shall be 32948
held in compliance with section 121.22 of the Revised Code. 32949

(C) The commission shall file an annual report of its 32950
activities and finances with the governor, speaker of the house of 32951
representatives, president of the senate, and chairpersons of the 32952
house and senate finance committees. 32953

(D) The commission shall be exempt from the requirements of 32954
sections 101.82 to 101.87 of the Revised Code. 32955

Sec. 3318.31. (A) The Ohio school facilities commission may 32956

perform any act and ensure the performance of any function 32957
necessary or appropriate to carry out the purposes of, and 32958
exercise the powers granted under, Chapter 3318. of the Revised 32959
Code, including any of the following: 32960

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 32961
the Revised Code, rules for the administration of programs 32962
authorized under Chapter 3318. of the Revised Code. 32963

(2) Contract with, retain the services of, or designate, and 32964
fix the compensation of, such agents, accountants, consultants, 32965
advisers, and other independent contractors as may be necessary or 32966
desirable to carry out the programs authorized under Chapter 3318. 32967
of the Revised Code, or authorize the executive director to 32968
perform such powers and duties. 32969

(3) Receive and accept any gifts, grants, donations, and 32970
pledges, and receipts therefrom, to be used for the programs 32971
authorized under Chapter 3318. of the Revised Code. 32972

(4) Make and enter into all contracts, commitments, and 32973
agreements, and execute all instruments, necessary or incidental 32974
to the performance of its duties and the execution of its rights 32975
and powers under Chapter 3318. of the Revised Code, or authorize 32976
the executive director to perform such powers and duties. 32977

(B) The commission shall appoint and fix the compensation of 32978
an executive director who shall serve at the pleasure of the 32979
commission. The executive director shall supervise the operations 32980
of the commission and perform such other duties as delegated by 32981
the commission. The executive director also shall employ and fix 32982
the compensation of such employees as will facilitate the 32983
activities and purposes of the commission, who shall serve at the 32984
pleasure of the executive director. The employees of the 32985
commission shall be exempt from Chapter 4117. of the Revised Code 32986
and shall not be public employees as defined in section 4117.01 of 32987

the Revised Code. 32988

(C) The attorney general shall serve as the legal 32989
representative for the commission and may appoint other counsel as 32990
necessary for that purpose in accordance with section 109.07 of 32991
the Revised Code. 32992

Sec. 3318.37. (A)(1) As used in this section: 32993

~~(1)~~(a) "Large land area school district" means a school 32994
district with a territory of greater than three hundred square 32995
miles in any percentile as determined under section 3318.011 of 32996
the Revised Code. 32997

(b) "Low wealth school district" means a school district in 32998
the first through fiftieth percentiles as determined under section 32999
3318.011 of the Revised Code. 33000

~~(2)~~(c) A "school district with an exceptional need for 33001
immediate classroom facilities assistance" means a low wealth or 33002
large land area school district with an exceptional need for new 33003
facilities in order to protect the health and safety of all or a 33004
portion of its students. ~~School~~ 33005

(2) School districts reasonably expected to be eligible for 33006
state assistance under sections 3318.01 to 3318.20 of the Revised 33007
Code within three fiscal years after the year of the application 33008
for assistance under this section ~~is being considered by the Ohio~~ 33009
~~school facilities commission,~~ and school districts that 33010
participate in the school building assistance expedited local 33011
partnership program under section 3318.36 of the Revised Code, 33012
except for such districts described in division (A)(3) of this 33013
section, shall not be eligible for assistance under this section. 33014

(3) School districts that participate in the school building 33015
assistance expedited local partnership program under section 33016
3318.36 of the Revised Code may receive assistance under the 33017

program established under this section only if the following 33018
conditions are satisfied: 33019

(a) The district board adopted a resolution certifying its 33020
intent to participate in the school building assistance expedited 33021
local partnership program under section 3318.36 of the Revised 33022
Code prior to September 14, 2000. 33023

(b) The district was selected by the Ohio school facilities 33024
commission for participation in the school building assistance 33025
expedited local partnership program under section 3318.36 of the 33026
Revised Code in the manner prescribed by the commission under that 33027
section as it existed prior to September 14, 2000. 33028

(B)(1) There is hereby established the exceptional needs 33029
school facilities assistance program. Under the program, the Ohio 33030
school facilities commission may set aside from the moneys 33031
annually appropriated to it for classroom facilities assistance 33032
projects up to twenty-five per cent for assistance to school 33033
districts with exceptional needs for immediate classroom 33034
facilities assistance. 33035

(2)(a) After consulting with education and construction 33036
experts, the commission shall adopt guidelines for identifying 33037
school districts with an exceptional need for immediate classroom 33038
facilities assistance. 33039

(b) The guidelines shall include application forms and 33040
instructions for school districts ~~that believe they have an~~ 33041
~~exceptional need for immediate classroom facilities to use in~~ 33042
applying for assistance under this section. 33043

(3) The commission shall evaluate the classroom facilities, 33044
and the need for replacement classroom facilities from the 33045
applications received under this section. The commission, 33046
utilizing the guidelines adopted under division (B)(2)(a) of this 33047
section, shall prioritize the school districts to be assessed. 33048

Notwithstanding section 3318.02 of the Revised Code, the
commission may conduct on-site evaluation of the school districts
prioritized under this section and approve and award funds until
such time as all funds set aside under division (B)(1) of this
section have been encumbered ~~under section 3318.04 of the Revised
Code.~~ However, the commission need not conduct the evaluation of
facilities if the commission determines that a district's
assessment conducted under section 3318.36 of the Revised Code is
sufficient for purposes of this section.

(4) Notwithstanding division (A) of section 3318.05 of the
Revised Code, the school district's portion of the basic project
cost under this section shall be the "required percentage of the
basic project costs," as defined in division (K) of section
3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any
project undertaken with assistance under this section shall comply
with all provisions of sections 3318.01 to 3318.20 of the Revised
Code. A school district may receive assistance under sections
3318.01 to 3318.20 of the Revised Code for the remainder of the
district's classroom facilities needs as assessed under this
section when the district is eligible for such assistance pursuant
to section 3318.02 of the Revised Code, but any classroom facility
constructed with assistance under this section shall not be
included in a district's project at that time unless the
commission determines the district has experienced the increased
enrollment specified in division (B)(1) of section 3318.04 of the
Revised Code.

(C) No school district shall receive assistance under this
section for a classroom facility that has been included in the
discrete part of the district's classroom facilities needs
identified and addressed in the district's project pursuant to an
agreement entered into under section 3318.36 of the Revised Code.

Sec. 3318.41. (A)(1) The Ohio school facilities commission 33081
annually shall assess the classroom facilities needs of the number 33082
of joint vocational school districts that the commission 33083
reasonably expects to be able to provide assistance to in a fiscal 33084
year, based on the amount set aside for that fiscal year under 33085
division (B) of section 3318.40 of the Revised Code and the order 33086
of priority prescribed in division (B) of section 3318.42 of the 33087
Revised Code, except that in fiscal year 2004 the commission shall 33088
conduct at least the five assessments prescribed in division (E) 33089
of section 3318.40 of the Revised Code. 33090

Upon conducting an assessment of the classroom facilities 33091
needs of a school district, the commission shall make a 33092
determination of all of the following: 33093

(a) The number of classroom facilities to be included in a 33094
project, ~~including classroom facilities authorized by a bond~~ 33095
~~issued described in section 3318.033 of the Revised Code,~~ and the 33096
basic project cost of acquiring the classroom facilities included 33097
in the project. The number of facilities and basic project cost 33098
shall be determined in accordance with the specifications adopted 33099
under section 3318.311 of the Revised Code except to the extent 33100
that compliance with such specifications is waived by the 33101
commission pursuant to the rule of the commission adopted under 33102
division (F) of section 3318.40 of the Revised Code. 33103

(b) The school district's portion of the basic project cost 33104
as determined under division (C) of section 3318.42 of the Revised 33105
Code; 33106

(c) The remaining portion of the basic project cost that 33107
shall be supplied by the state; 33108

(d) The amount of the state's portion of the basic project 33109
cost to be encumbered in accordance with section 3318.11 of the 33110

Revised Code in the current and subsequent fiscal bienniums from 33111
funds set aside under division (B) of section 3318.40 of the 33112
Revised Code. 33113

(2) Divisions (A), (C), and (D) of section 3318.03 of the 33114
Revised Code apply to any project under sections 3318.40 to 33115
3318.45 of the Revised Code. 33116

(B)(1) If the commission makes a determination under division 33117
(A) of this section in favor of the acquisition of classroom 33118
facilities for a project under sections 3318.40 to 3318.45 of the 33119
Revised Code, such project shall be conditionally approved. Such 33120
conditional approval shall be submitted to the controlling board 33121
for approval. The controlling board shall immediately approve or 33122
reject the commission's determination, conditional approval, the 33123
amount of the state's portion of the basic project cost, and the 33124
amount of the state's portion of the basic project cost to be 33125
encumbered in the current fiscal biennium. In the event of 33126
approval by the controlling board, the commission shall certify 33127
the conditional approval to the joint vocational school district 33128
board of education and shall encumber the approved funds for the 33129
current fiscal year. 33130

(2) No school district that receives assistance under 33131
sections 3318.40 to 3318.45 of the Revised Code shall have another 33132
such project conditionally approved until the expiration of twenty 33133
years after the school district's prior project was conditionally 33134
approved, unless the school district board demonstrates to the 33135
satisfaction of the commission that the school district has 33136
experienced since conditional approval of its prior project an 33137
exceptional increase in enrollment or program requirements 33138
significantly above the school district's design capacity under 33139
that prior project as determined by rule of the commission. Any 33140
rule adopted by the commission to implement this division shall be 33141
tailored to address the classroom facilities needs of joint 33142

vocational school districts. 33143

(C) In addition to generating the amount of the school 33144
district's portion of the basic project cost as determined under 33145
division (C) of section 3318.42 of the Revised Code, in order for 33146
a school district to receive assistance under sections 3318.40 to 33147
3318.45 of the Revised Code, the school district board shall set 33148
aside school district moneys for the maintenance of the classroom 33149
facilities included in the school district's project in the amount 33150
and manner prescribed in section 3318.43 of the Revised Code. 33151

(D)(1) The conditional approval for a project certified under 33152
division (B)(1) of this section shall lapse and the amount 33153
reserved and encumbered for such project shall be released unless 33154
both of the following conditions are satisfied: 33155

(a) Within one hundred twenty days following the date of 33156
certification of the conditional approval to the joint vocational 33157
school district board, the school district board accepts the 33158
conditional approval and certifies to the commission the school 33159
district board's plan to generate the school district's portion of 33160
the basic project cost, as determined under division (C) of 33161
section 3318.42 of the Revised Code, and to set aside moneys for 33162
maintenance of the classroom facilities acquired under the 33163
project, as prescribed in section 3318.43 of the Revised Code. 33164

(b) Within one year following the date of certification of 33165
the conditional approval to the school district board, the 33166
electors of the school district vote favorably on any ballot 33167
measures proposed by the school district board to generate the 33168
school district's portion of the basic project cost. 33169

(2) If the school district board or electors fail to satisfy 33170
the conditions prescribed in division (D)(1) of this section and 33171
the amount reserved and encumbered for the school district's 33172
project is released, the school district shall be given first 33173

priority over other joint vocational school districts for project 33174
funding under sections 3318.40 to 3318.45 of the Revised Code as 33175
such funds become available. 33176

(E) If the conditions prescribed in division (D)(1) of this 33177
section are satisfied, the commission and the school district 33178
board shall enter into an agreement as prescribed in section 33179
3318.08 of the Revised Code and shall proceed with the development 33180
of plans, cost estimates, designs, drawings, and specifications as 33181
prescribed in section 3318.091 of the Revised Code. 33182

(F) Costs in excess of those approved by the commission under 33183
section 3318.091 of the Revised Code shall be payable only as 33184
provided in sections 3318.042 and 3318.083 of the Revised Code. 33185

(G) Advertisement for bids and the award of contracts for 33186
construction of any project under sections 3318.40 to 3318.45 of 33187
the Revised Code shall be conducted in accordance with section 33188
3318.10 of the Revised Code. 33189

(H) The state funds reserved and encumbered and the funds 33190
provided by the school district to pay the basic project cost of a 33191
project under sections 3318.40 to 3318.45 of the Revised Code 33192
shall be spent simultaneously in proportion to the state's and the 33193
school district's respective portions of that basic project cost. 33194

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 33195
Code apply to projects under sections 3318.40 to 3318.45 of the 33196
Revised Code. 33197

Sec. 3319.01. Except in an island school district, where the 33198
superintendent of an educational service center otherwise may 33199
serve as superintendent of the district and except as otherwise 33200
provided for any cooperative education school district pursuant to 33201
division (B)(2) of section 3311.52 or division (B)(3) of section 33202
3311.521 of the Revised Code, the board of education in each 33203

school district and the governing board of each service center 33204
shall, at a regular or special meeting held not later than the 33205
first day of May of the calendar year in which the term of the 33206
superintendent expires, appoint a person possessed of the 33207
qualifications provided in this section to act as superintendent, 33208
for a term not longer than five years beginning the first day of 33209
August and ending on the thirty-first day of July. Such 33210
superintendent is, at the expiration of a current term of 33211
employment, deemed reemployed for a term of one year at the same 33212
salary plus any increments that may be authorized by the board, 33213
unless such board, on or before the first day of March of the year 33214
in which the contract of employment expires, either reemploys the 33215
superintendent for a succeeding term as provided in this section 33216
or gives to the superintendent written notice of its intention not 33217
to reemploy the superintendent. A superintendent may not be 33218
transferred to any other position during the term of the 33219
superintendent's employment or reemployment except by mutual 33220
agreement by the superintendent and the board. If a vacancy occurs 33221
in the office of superintendent, the board shall appoint a 33222
superintendent for a term not to exceed five years from the next 33223
preceding first day of August. 33224

~~Except as otherwise provided in this section, the employment 33225
or reemployment of a superintendent of a local school district 33226
shall be only upon the recommendation of the service center 33227
superintendent, except that a local board of education, by a 33228
three fourths vote of its full membership, may, after considering 33229
two nominations for the position of local superintendent made by 33230
the service center superintendent, employ or reemploy a person not 33231
so nominated for such position. 33232~~

A board may at any regular or special meeting held during the 33233
period beginning on the first day of January of the calendar year 33234
immediately preceding the year the contract of employment of a 33235

superintendent expires and ending on the first day of March of the 33236
year it expires, reemploy such superintendent for a succeeding 33237
term for not longer than five years, beginning on the first day of 33238
August immediately following the expiration of the 33239
superintendent's current term of employment and ending on the 33240
thirty-first day of July of the year in which such succeeding term 33241
expires. No person shall be appointed to the office of 33242
superintendent of a city, or exempted village school district or a 33243
service center who does not hold a license designated for being a 33244
superintendent issued under section 3319.22 of the Revised Code, 33245
unless such person had been employed as a county, city, or 33246
exempted village superintendent prior to August 1, 1939. No person 33247
shall be appointed to the office of local superintendent who does 33248
not hold a license designated for being a superintendent issued 33249
under section 3319.22 of the Revised Code, unless such person held 33250
or was qualified to hold the position of executive head of a local 33251
school district on September 16, 1957. At the time of making such 33252
appointment or designation of term, such board shall fix the 33253
compensation of the superintendent, which may be increased or 33254
decreased during such term, provided such decrease is a part of a 33255
uniform plan affecting salaries of all employees of the district, 33256
and shall execute a written contract of employment with such 33257
superintendent. 33258

Each board shall adopt procedures for the evaluation of its 33259
superintendent and shall evaluate its superintendent in accordance 33260
with those procedures. An evaluation based upon such procedures 33261
shall be considered by the board in deciding whether to renew the 33262
superintendent's contract. The establishment of an evaluation 33263
procedure shall not create an expectancy of continued employment. 33264
Nothing in this section shall prevent a board from making the 33265
final determination regarding the renewal or failure to renew of a 33266
superintendent's contract. 33267

Termination of a superintendent's contract shall be pursuant 33268
to section 3319.16 of the Revised Code. 33269

A board may establish vacation leave for its superintendent. 33270
Upon the superintendent's separation from employment a board that 33271
has such leave may provide compensation at the superintendent's 33272
current rate of pay for all lawfully accrued and unused vacation 33273
leave to the superintendent's credit at the time of separation, 33274
not to exceed the amount accrued within three years before the 33275
date of separation. In case of the death of a superintendent, such 33276
unused vacation leave as the board would have paid to this 33277
superintendent upon separation shall be paid in accordance with 33278
section 2113.04 of the Revised Code, or to the superintendent's 33279
estate. 33280

The superintendent shall be the executive officer for the 33281
board. ~~Except as otherwise provided in this section for local~~ 33282
~~school districts, the~~ The superintendent shall direct and assign 33283
teachers and other employees of the district or service center, 33284
except as provided in section 3319.04 of the Revised Code; assign 33285
the pupils to the proper schools and grades, provided that the 33286
assignment of a pupil to a school outside of the pupil's district 33287
of residence is approved by the board of the district of residence 33288
of such pupil; and perform such other duties as the board 33289
determines. ~~The service center superintendent shall exercise the~~ 33290
~~responsibilities of this section with regard to the assignment of~~ 33291
~~pupils and teachers for local school districts under the~~ 33292
~~supervision of the service center, except that the board of~~ 33293
~~education of a local school district and the governing board of~~ 33294
~~the educational service center of which the local district is a~~ 33295
~~part may enter into an agreement requiring the local~~ 33296
~~superintendent, instead of the superintendent of the educational~~ 33297
~~service center, to exercise the responsibilities of this section~~ 33298
~~with regard to the assignment of pupils and teachers for the local~~ 33299

~~school district.~~ 33300

The board of education of any school district may contract 33301
with the governing board of the educational service center from 33302
which it otherwise receives services to conduct searches and 33303
recruitment of candidates for the superintendent position 33304
authorized under this section. 33305

Sec. 3319.02. (A)(1) As used in this section, "other 33306
administrator" means ~~either~~ any of the following: 33307

(a) Except as provided in division (A)(2) of this section, 33308
any employee in a position for which a board of education requires 33309
a license designated by rule of the department of education for 33310
being an administrator issued under section 3319.22 of the Revised 33311
Code, including a professional pupil services employee or 33312
administrative specialist or an equivalent of either one who is 33313
not employed as a school counselor and spends less than fifty per 33314
cent of the time employed teaching or working with students; 33315

(b) Any nonlicensed employee whose job duties enable such 33316
employee to be considered as either a "supervisor" or a 33317
"management level employee," as defined in section 4117.01 of the 33318
Revised Code; 33319

(c) A business manager appointed under section 3319.03 of the 33320
Revised Code. 33321

(2) As used in this section, "other administrator" does not 33322
include a superintendent, assistant superintendent, principal, or 33323
assistant principal. 33324

(B) The board of education of each school district and the 33325
governing board of an educational service center may appoint one 33326
or more assistant superintendents and such other administrators as 33327
are necessary. An assistant educational service center 33328
superintendent or service center supervisor employed on a 33329

part-time basis may also be employed by a local board as a 33330
teacher. The board of each city, exempted village, and local 33331
school district shall employ principals for all high schools and 33332
for such other schools as the board designates, and those boards 33333
may appoint assistant principals for any school that they 33334
designate. 33335

(C) In educational service centers and in city ~~and~~, exempted 33336
village, and local school districts, assistant superintendents, 33337
principals, assistant principals, and other administrators shall 33338
only be employed or reemployed in accordance with nominations of 33339
the superintendent, except that a ~~city or exempted village~~ board 33340
of education of a school district or the governing board of a 33341
service center, by a three-fourths vote of its full membership, 33342
may reemploy any assistant superintendent, principal, assistant 33343
principal, or other administrator whom the superintendent refuses 33344
to nominate. ~~In local school districts, assistant superintendents,~~ 33345
~~principals, assistant principals, and other administrators shall~~ 33346
~~only be employed or reemployed in accordance with nominations of~~ 33347
~~the superintendent of the service center of which the local~~ 33348
~~district is a part, except that a local board of education, by a~~ 33349
~~three-fourths vote of its full membership, may reemploy any~~ 33350
~~assistant superintendent, principal, assistant principal, or other~~ 33351
~~administrator whom such superintendent refuses to nominate.~~ 33352

The board of education or governing board shall execute a 33353
written contract of employment with each assistant superintendent, 33354
principal, assistant principal, and other administrator it employs 33355
or reemploys. The term of such contract shall not exceed three 33356
years except that in the case of a person who has been employed as 33357
an assistant superintendent, principal, assistant principal, or 33358
other administrator in the district or center for three years or 33359
more, the term of the contract shall be for not more than five 33360
years and, unless the superintendent of the district recommends 33361

otherwise, not less than two years. If the superintendent so 33362
recommends, the term of the contract of a person who has been 33363
employed by the district or service center as an assistant 33364
superintendent, principal, assistant principal, or other 33365
administrator for three years or more may be one year, but all 33366
subsequent contracts granted such person shall be for a term of 33367
not less than two years and not more than five years. When a 33368
teacher with continuing service status becomes an assistant 33369
superintendent, principal, assistant principal, or other 33370
administrator with the district or service center with which the 33371
teacher holds continuing service status, the teacher retains such 33372
status in the teacher's nonadministrative position as provided in 33373
sections 3319.08 and 3319.09 of the Revised Code. 33374

A board of education or governing board may reemploy an 33375
assistant superintendent, principal, assistant principal, or other 33376
administrator at any regular or special meeting held during the 33377
period beginning on the first day of January of the calendar year 33378
immediately preceding the year of expiration of the employment 33379
contract and ending on the last day of March of the year the 33380
employment contract expires. 33381

Except by mutual agreement of the parties thereto, no 33382
assistant superintendent, principal, assistant principal, or other 33383
administrator shall be transferred during the life of a contract 33384
to a position of lesser responsibility. No contract may be 33385
terminated by a board except pursuant to section 3319.16 of the 33386
Revised Code. No contract may be suspended except pursuant to 33387
section 3319.17 or 3319.171 of the Revised Code. The salaries and 33388
compensation prescribed by such contracts shall not be reduced by 33389
a board unless such reduction is a part of a uniform plan 33390
affecting the entire district or center. The contract shall 33391
specify the employee's administrative position and duties as 33392
included in the job description adopted under division (D) of this 33393

section, the salary and other compensation to be paid for 33394
performance of duties, the number of days to be worked, the number 33395
of days of vacation leave, if any, and any paid holidays in the 33396
contractual year. 33397

An assistant superintendent, principal, assistant principal, 33398
or other administrator is, at the expiration of the current term 33399
of employment, deemed reemployed at the same salary plus any 33400
increments that may be authorized by the board, unless such 33401
employee notifies the board in writing to the contrary on or 33402
before the first day of June, or unless such board, on or before 33403
the last day of March of the year in which the contract of 33404
employment expires, either reemploys such employee for a 33405
succeeding term or gives written notice of its intention not to 33406
reemploy the employee. The term of reemployment of a person 33407
reemployed under this paragraph shall be one year, except that if 33408
such person has been employed by the school district or service 33409
center as an assistant superintendent, principal, assistant 33410
principal, or other administrator for three years or more, the 33411
term of reemployment shall be two years. 33412

(D)(1) Each board shall adopt procedures for the evaluation 33413
of all assistant superintendents, principals, assistant 33414
principals, and other administrators and shall evaluate such 33415
employees in accordance with those procedures. The evaluation 33416
based upon such procedures shall be considered by the board in 33417
deciding whether to renew the contract of employment of an 33418
assistant superintendent, principal, assistant principal, or other 33419
administrator. 33420

(2) The evaluation shall measure each assistant 33421
superintendent's, principal's, assistant principal's, and other 33422
administrator's effectiveness in performing the duties included in 33423
the job description and the evaluation procedures shall provide 33424
for, but not be limited to, the following: 33425

(a) Each assistant superintendent, principal, assistant principal, and other administrator shall be evaluated annually through a written evaluation process. 33426
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(b) The evaluation shall be conducted by the superintendent or designee. 33429
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(c) In order to provide time to show progress in correcting the deficiencies identified in the evaluation process, the evaluation process shall be completed as follows: 33431
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(i) In any school year that the employee's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the employee no later than the end of the employee's contract year as defined by the employee's annual salary notice. 33434
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(ii) In any school year that the employee's contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the employee at least sixty days prior to any action by the board on the employee's contract of employment. The final evaluation shall indicate the superintendent's intended recommendation to the board regarding a contract of employment for the employee. A written copy of the evaluation shall be provided to the employee at least five days prior to the board's acting to renew or not renew the contract. 33439
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(3) Termination of an assistant superintendent, principal, assistant principal, or other administrator's contract shall be pursuant to section 3319.16 of the Revised Code. Suspension of any such employee shall be pursuant to section 3319.17 or 3319.171 of the Revised Code. 33450
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(4) Before taking action to renew or nonrenew the contract of an assistant superintendent, principal, assistant principal, or 33455
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other administrator under this section and prior to the last day 33457
of March of the year in which such employee's contract expires, 33458
the board shall notify each such employee of the date that the 33459
contract expires and that the employee may request a meeting with 33460
the board. Upon request by such an employee, the board shall grant 33461
the employee a meeting in executive session. In that meeting, the 33462
board shall discuss its reasons for considering renewal or 33463
nonrenewal of the contract. The employee shall be permitted to 33464
have a representative, chosen by the employee, present at the 33465
meeting. 33466

(5) The establishment of an evaluation procedure shall not 33467
create an expectancy of continued employment. Nothing in division 33468
(D) of this section shall prevent a board from making the final 33469
determination regarding the renewal or nonrenewal of the contract 33470
of any assistant superintendent, principal, assistant principal, 33471
or other administrator. However, if a board fails to provide 33472
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 33473
section, or if the board fails to provide at the request of the 33474
employee a meeting as prescribed in division (D)(4) of this 33475
section, the employee automatically shall be reemployed at the 33476
same salary plus any increments that may be authorized by the 33477
board for a period of one year, except that if the employee has 33478
been employed by the district or service center as an assistant 33479
superintendent, principal, assistant principal, or other 33480
administrator for three years or more, the period of reemployment 33481
shall be for two years. 33482

(E) On nomination of the superintendent of a service center a 33483
governing board may employ supervisors who shall be employed under 33484
written contracts of employment for terms not to exceed five years 33485
each. Such contracts may be terminated by a governing board 33486
pursuant to section 3319.16 of the Revised Code. Any supervisor 33487
employed pursuant to this division may terminate the contract of 33488

employment at the end of any school year after giving the board at 33489
least thirty days' written notice prior to such termination. On 33490
the recommendation of the superintendent the contract or contracts 33491
of any supervisor employed pursuant to this division may be 33492
suspended for the remainder of the term of any such contract 33493
pursuant to section 3319.17 or 3319.171 of the Revised Code. 33494

(F) A board may establish vacation leave for any individuals 33495
employed under this section. Upon such an individual's separation 33496
from employment, a board that has such leave may compensate such 33497
an individual at the individual's current rate of pay for all 33498
lawfully accrued and unused vacation leave credited at the time of 33499
separation, not to exceed the amount accrued within three years 33500
before the date of separation. In case of the death of an 33501
individual employed under this section, such unused vacation leave 33502
as the board would have paid to the individual upon separation 33503
under this section shall be paid in accordance with section 33504
2113.04 of the Revised Code, or to the estate. 33505

(G) The board of education of any school district may 33506
contract with the governing board of the educational service 33507
center from which it otherwise receives services to conduct 33508
searches and recruitment of candidates for assistant 33509
superintendent, principal, assistant principal, and other 33510
administrator positions authorized under this section. 33511

Sec. 3319.03. The board of education of each city, exempted 33512
village, and local school district may create the position of 33513
business manager. The board shall ~~elect~~ appoint such business 33514
manager who shall serve ~~for a term not to exceed four years unless~~ 33515
~~earlier removed for cause~~ pursuant to a contract in accordance 33516
with section 3319.02 of the Revised Code. A vacancy in this office 33517
~~shall be filled only for the unexpired term thereof.~~ In the 33518
discharge of all ~~his~~ official duties, the business manager may be 33519

directly responsible to the board, or to the superintendent of 33520
schools, as the board directs at the time of ~~election~~ appointment 33521
to the position. Where such business manager is responsible to the 33522
superintendent ~~he~~ the business manager shall be appointed by the 33523
superintendent and confirmed by the board. 33524

No board of education shall ~~elect~~ appoint or confirm as 33525
business manager any person who does not hold a valid business 33526
manager's license issued under section 3301.074 of the Revised 33527
Code. If the business manager fails to maintain a valid license, 33528
~~he~~ the business manager shall be removed by the board. 33529

Sec. 3319.07. (A) The board of education of each city, 33530
~~exempted village, and~~ local, and joint vocational school district 33531
shall employ the teachers of the public schools of their 33532
respective districts. 33533

The governing board of each educational service center may 33534
employ special instruction teachers, special education teachers, 33535
and teachers of academic courses in which there are too few 33536
students in each of the constituent local school districts or in 33537
city or exempted village school districts entering into agreements 33538
pursuant to section 3313.843 of the Revised Code to warrant each 33539
district's employing teachers for those courses. 33540

When any board makes appointments of teachers, the teachers 33541
in the employ of the board shall be considered before new teachers 33542
are chosen in their stead. In ~~city, exempted village, and joint~~ 33543
~~vocational~~ all school districts and in service centers no teacher 33544
shall be employed unless such person is nominated by the 33545
superintendent of such district or center. Such board, by a 33546
three-fourths vote of its full membership, may re-employ any 33547
teacher whom the superintendent refuses to appoint. ~~In local~~ 33548
~~school districts, no teacher shall be employed, except as provided~~ 33549
~~in division (B) of this section, unless nominated by the~~ 33550

~~superintendent of the service center of which such local school district is a part; by a majority vote of the full membership of such board, the board of education of any local school district may, after considering two nominations for any position made by the service center superintendent, reemploy a person not so nominated for such position.~~

(B) The board of education of ~~a local~~ any school district ~~and the board of education of the county school district of which the local district is a part~~ may enter into an agreement authorizing the superintendent of the local district, in lieu of the superintendent of the county district, to make nominations under this section for the employment of teachers in the local district. While such an agreement is in effect the board of education of the local district shall not employ any teacher unless the person is nominated by the superintendent of the district except that, by a three fourths vote of its full membership, it may re-employ any teacher whom the superintendent refuses to nominate may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for teacher positions.

Sec. 3319.19. (A) Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, upon request, the board of county commissioners shall provide and equip offices in the county for the use of the superintendent of an educational service center, and shall provide heat, light, water, and janitorial services for such offices. Such offices shall be the permanent headquarters of the superintendent and shall be used by the governing board of the service center when it is in session. Except as provided in division (B) of this section, such offices shall be located in the county seat or, upon the approval of the governing board, may be located outside of the county seat.

(B) In the case of a service center formed under section 3311.053 or 3311.059 of the Revised Code, the governing board shall designate the site of its offices. Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, the board of county commissioners of the county in which the designated site is located shall provide and equip the offices as under division (A) of this section, but the costs of such offices and equipment shall be apportioned among the boards of county commissioners of all counties having any territory in the area under the control of the governing board, according to the proportion of local school district pupils under the supervision of such board residing in the respective counties. Where there is a dispute as to the amount any board of county commissioners is required to pay, the probate judge of the county in which the greatest number of pupils under the supervision of the governing board reside shall apportion such costs among the boards of county commissioners and notify each such board of its share of the costs.

(C) ~~Not~~ As used in division (C) of this section, in the case of a building, facility, or office space that a board of county commissioners leases or rents, "actual cost per square foot" means all cost on a per square foot basis incurred by the board under the lease or rental agreement. In the case of a building, facility, or office space that the board owns in fee simple, "actual cost per square foot" means the fair rental value on a per square foot basis of the building, facility, or office space either as compared to a similarly situated building, facility, or office space in the general vicinity or as calculated under a formula that accounts for depreciation, amortization of improvements, and other reasonable factors, including, but not limited to, parking space and other amenities.

Not later than the thirty-first day of March of 2002, 2003,

2004, and 2005 a board of county commissioners required to provide 33615
or equip offices pursuant to division (A) or (B) of this section 33616
shall make a written estimate of the total cost it will incur for 33617
the ensuing fiscal year to provide and equip the offices and to 33618
provide heat, light, water, and janitorial services for such 33619
offices. The total estimate of cost shall include: 33620

(1) The total square feet of space to be utilized by the 33621
educational service center; 33622

(2) The total square feet of any common areas that should be 33623
reasonably allocated to the center and the methodology for making 33624
this allocation; 33625

(3) The actual cost per square foot for both the space 33626
utilized by and the common area allocated to the center; 33627

(4) An explanation of the methodology used to determine the 33628
actual cost per square foot ~~cost~~; 33629

(5) The estimated cost of providing heat, light, and water, 33630
including an explanation of how these costs were determined; 33631

(6) The estimated cost of providing janitorial services 33632
including an explanation of the methodology used to determine this 33633
cost; 33634

(7) Any other estimated costs that the board anticipates it 33635
will occur and a detailed explanation of the costs and the 33636
rationale used to determine such costs. 33637

A copy of the total estimate of costs under this division 33638
shall be sent to the superintendent of the educational service 33639
center not later than the fifth day of April. The superintendent 33640
shall review the total estimate and shall notify the board of 33641
county commissioners not later than twenty days after receipt of 33642
the estimate of either agreement with the estimate or any specific 33643
objections to the estimates and the reasons for the objections. If 33644

the superintendent agrees with the estimate, it shall become the 33645
final total estimate of cost. Failure of the superintendent to 33646
make objections to the estimate by the twentieth day after receipt 33647
of it shall be deemed to mean that the superintendent is in 33648
agreement with the estimate. 33649

If the superintendent provides specific objections to the 33650
board of county commissioners, the board shall review the 33651
objections and may modify the original estimate and shall send a 33652
revised total estimate to the superintendent within ten days after 33653
the receipt of the superintendent's objections. The superintendent 33654
shall respond to the revised estimate within ten days after its 33655
receipt. If the superintendent agrees with it, it shall become the 33656
final total estimated cost. If the superintendent fails to respond 33657
within the required time, the superintendent shall be deemed to 33658
have agreed with the revised estimate. If the superintendent 33659
disagrees with the revised estimate, the superintendent shall send 33660
specific objections to the county commissioners. 33661

If a superintendent has sent specific objections to the 33662
revised estimate within the required time, the probate judge of 33663
the county which has the greatest number of resident local school 33664
district pupils under the supervision of the educational service 33665
center shall determine the final estimated cost and certify this 33666
amount to the superintendent and the board of county commissioners 33667
prior to the first day of July. 33668

(D)(1) A board of county commissioners shall be responsible 33669
for the following percentages of the final total estimated cost 33670
established by division (C) of this section: 33671

- (a) Eighty per cent for fiscal year 2003; 33672
- (b) Sixty per cent for fiscal year 2004; 33673
- (c) Forty per cent for fiscal year 2005; 33674
- (d) Twenty per cent for fiscal year 2006. 33675

In fiscal years 2003, 2004, 2005, and 2006 the educational service center shall be responsible for the remainder of any costs in excess of the amounts specified in division (D)(1)(a),(b), ~~or~~ (c), or (d) of this section, as applicable, associated with the provision and equipment of offices for the educational service center and for provision of heat, light, water, and janitorial services for such offices, including any unanticipated or unexpected increases in the costs beyond the final estimated cost amount.

Beginning in fiscal year 2007, no board of county commissioners shall have any obligation to provide and equip offices for an educational service center or to provide heat, light, water, or janitorial services for such offices.

(2) Nothing in this section shall prohibit the board of county commissioners and the governing board of an educational service center from entering into a contract for providing and equipping offices for the use of an educational service center and for providing heat, light, water, and janitorial services for such offices. The term of any such contract shall not exceed a period of four years and may be renewed for additional periods not to exceed four years. Any such contract shall supersede the provisions of division (D)(1) of this section and no educational service center may be charged, at any time, any additional amount for the county's provision of an office and equipment, heat, light, water, and janitorial services beyond the amount specified in such contract.

(3) No contract entered into under division (D)(2) of this section in any year prior to fiscal year 2007 between an educational service center formed under section 3311.053 or 3311.059 of the Revised Code and the board of county commissioners required to provide and equip its office pursuant to division (B) of this section shall take effect unless the boards of county

commissioners of all other counties required to participate in the 33708
funding for such offices pursuant to division (B) of this section 33709
adopt resolutions approving the contract. 33710

Sec. 3319.22. (A)(1) The state board of education shall adopt 33711
rules establishing the standards and requirements for obtaining 33712
temporary, associate, provisional, and professional educator 33713
licenses of any categories, types, and levels the board elects to 33714
provide. However, no educator license shall be required for 33715
teaching children two years old or younger. 33716

(2) If the state board requires any examinations for educator 33717
licensure, the department of education shall provide the results 33718
of such examinations received by the department to the Ohio board 33719
of regents, in the manner and to the extent permitted by state and 33720
federal law. 33721

(B) Any rules the state board of education adopts, amends, or 33722
rescinds for educator licenses under this section, division (D) of 33723
section 3301.07 of the Revised Code, or any other law shall be 33724
adopted, amended, or rescinded under Chapter 119. of the Revised 33725
Code except as follows: 33726

(1) Notwithstanding division (D) of section 119.03 and 33727
division (A)(1) of section 119.04 of the Revised Code, the 33728
effective date of any rules, or amendment or rescission of any 33729
rules, shall not be as prescribed in division (D) of section 33730
119.03 and division (A)(1) of section 119.04 of the Revised Code. 33731
Instead, the effective date shall be the date prescribed by 33732
section 3319.23 of the Revised Code. 33733

(2) Notwithstanding the authority to adopt, amend, or rescind 33734
emergency rules in division (F) of section 119.03 of the Revised 33735
Code, this authority shall not apply to the state board of 33736
education with regard to rules for educator licenses. 33737

(C)(1) The rules adopted under this section establishing 33738
standards requiring additional coursework for the renewal of any 33739
educator license shall require a school district and a chartered 33740
nonpublic school to establish local professional development 33741
committees. In a nonpublic school, the chief administrative 33742
officer shall establish the committees in any manner acceptable to 33743
such officer. The committees established under this division shall 33744
determine whether coursework that a district or chartered 33745
nonpublic school teacher proposes to complete meets the 33746
requirement of the rules. The rules shall establish a procedure by 33747
which a teacher may appeal the decision of a local professional 33748
development committee. 33749

(2) In any school district in which there is no exclusive 33750
representative established under Chapter 4117. of the Revised 33751
Code, the professional development committees shall be established 33752
as described in division (C)(2) of this section. 33753

Not later than the effective date of the rules adopted under 33754
this section, the board of education of each school district shall 33755
establish the structure for one or more local professional 33756
development committees to be operated by such school district. The 33757
committee structure so established by a district board shall 33758
remain in effect unless within thirty days prior to an anniversary 33759
of the date upon which the current committee structure was 33760
established, the board provides notice to all affected district 33761
employees that the committee structure is to be modified. 33762
Professional development committees may have a district-level or 33763
building-level scope of operations, and may be established with 33764
regard to particular grade or age levels for which an educator 33765
license is designated. 33766

Each professional development committee shall consist of at 33767
least three classroom teachers employed by the district, one 33768
principal employed by the district, and one other employee of the 33769

district appointed by the district superintendent. For committees 33770
with a building-level scope, the teacher and principal members 33771
shall be assigned to that building, and the teacher members shall 33772
be elected by majority vote of the classroom teachers assigned to 33773
that building. For committees with a district-level scope, the 33774
teacher members shall be elected by majority vote of the classroom 33775
teachers of the district, and the principal member shall be 33776
elected by a majority vote of the principals of the district, 33777
unless there are two or fewer principals employed by the district, 33778
in which case the one or two principals employed shall serve on 33779
the committee. If a committee has a particular grade or age level 33780
scope, the teacher members shall be licensed to teach such grade 33781
or age levels, and shall be elected by majority vote of the 33782
classroom teachers holding such a license and the principal shall 33783
be elected by all principals serving in buildings where any such 33784
teachers serve. The district superintendent shall appoint a 33785
replacement to fill any vacancy that occurs on a professional 33786
development committee, except in the case of vacancies among the 33787
elected classroom teacher members, which shall be filled by vote 33788
of the remaining members of the committee so selected. 33789

Terms of office on professional development committees shall 33790
be prescribed by the district board establishing the committees. 33791
The conduct of elections for members of professional development 33792
committees shall be prescribed by the district board establishing 33793
the committees. A professional development committee may include 33794
additional members, except that the majority of members on each 33795
such committee shall be classroom teachers employed by the 33796
district. Any member appointed to fill a vacancy occurring prior 33797
to the expiration date of the term for which a predecessor was 33798
appointed shall hold office as a member for the remainder of that 33799
term. 33800

The initial meeting of any professional development 33801

committee, upon election and appointment of all committee members, 33802
shall be called by a member designated by the district 33803
superintendent. At this initial meeting, the committee shall 33804
select a chairperson and such other officers the committee deems 33805
necessary, and shall adopt rules for the conduct of its meetings. 33806
Thereafter, the committee shall meet at the call of the 33807
chairperson or upon the filing of a petition with the district 33808
superintendent signed by a majority of the committee members 33809
calling for the committee to meet. 33810

(3) In the case of a school district in which an exclusive 33811
representative has been established pursuant to Chapter 4117. of 33812
the Revised Code, professional development committees shall be 33813
established in accordance with any collective bargaining agreement 33814
in effect in the district that includes provisions for such 33815
committees. 33816

If the collective bargaining agreement does not specify a 33817
different method for the selection of teacher members of the 33818
committees, the exclusive representative of the district's 33819
teachers shall select the teacher members. 33820

If the collective bargaining agreement does not specify a 33821
different structure for the committees, the board of education of 33822
the school district shall establish the structure, including the 33823
number of committees and the number of teacher and administrative 33824
members on each committee; the specific administrative members to 33825
be part of each committee; whether the scope of the committees 33826
will be district levels, building levels, or by type of grade or 33827
age levels for which educator licenses are designated; the lengths 33828
of terms for members; the manner of filling vacancies on the 33829
committees; and the frequency and time and place of meetings. 33830
However, in all cases, except as provided in division (C)(4) of 33831
this section, there shall be a majority of teacher members of any 33832
professional development committee, there shall be at least five 33833

total members of any professional development committee, and the 33834
exclusive representative shall designate replacement members in 33835
the case of vacancies among teacher members, unless the collective 33836
bargaining agreement specifies a different method of selecting 33837
such replacements. 33838

(4) Whenever an administrator's coursework plan is being 33839
discussed or voted upon, the local professional development 33840
committee shall, at the request of one of its administrative 33841
members, cause a majority of the committee to consist of 33842
administrative members by reducing the number of teacher members 33843
voting on the plan. 33844

(D)(1) The department of education, educational service 33845
centers, county boards of mental retardation and developmental 33846
disabilities, regional professional development centers, special 33847
education regional resource centers, college and university 33848
departments of education, head start programs, the Ohio SchoolNet 33849
commission, and the Ohio education computer network may establish 33850
local professional development committees to determine whether the 33851
coursework proposed by their employees who are licensed or 33852
certificated under this section or section 3319.222 of the Revised 33853
Code meet the requirements of the rules adopted under this 33854
section. They may establish local professional development 33855
committees on their own or in collaboration with a school district 33856
or other agency having authority to establish them. 33857

Local professional development committees established by 33858
county boards of mental retardation and developmental disabilities 33859
shall be structured in a manner comparable to the structures 33860
prescribed for school districts in divisions (C)(2) and (3) of 33861
this section, as shall the committees established by any other 33862
entity specified in division (D)(1) of this section that provides 33863
educational services by employing or contracting for services of 33864
classroom teachers licensed or certificated under this section or 33865

section 3319.222 of the Revised Code. All other entities specified 33866
in division (D)(1) of this section shall structure their 33867
committees in accordance with guidelines which shall be issued by 33868
the state board. 33869

(2) Any public agency that is not specified in division 33870
(D)(1) of this section but provides educational services and 33871
employs or contracts for services of classroom teachers licensed 33872
or certificated under this section or section 3319.222 of the 33873
Revised Code may establish a local professional development 33874
committee, subject to the approval of the department of education. 33875
The committee shall be structured in accordance with guidelines 33876
issued by the state board. 33877

Sec. 3319.33. On or before the first day of August in each 33878
year, the board of education of each city ~~and~~ and exempted village, 33879
and local school district shall report to the state board of 33880
education, ~~and the board of each local school district shall~~ 33881
~~report to the superintendent of the educational service center,~~ 33882
the school statistics of its district. Such report shall be made 33883
on forms furnished by the state board of education and shall 33884
contain such information as the state board of education requires. 33885
The report shall also set forth with respect to each civil 33886
proceeding in which the board of education is a defendant and each 33887
civil proceeding in which the board of education is a party and is 33888
not a defendant and in which one of the other parties is a board 33889
of education in this state or an officer, board, or official of 33890
this state: 33891

(A) The nature of the proceeding; 33892

(B) The capacity in which the board is a party to the 33893
proceeding; 33894

(C) The total expenses incurred by the board with respect to 33895
the proceeding; 33896

(D) The total expenses incurred by the board with respect to 33897
the proceeding during the reporting period. 33898

Divisions (A) to (D) of this section do not apply to any 33899
proceeding for which no expenses have been incurred during the 33900
reporting period. 33901

The board of education of each city ~~and~~, exempted village, 33902
and local school district may prepare and publish annually a 33903
report of the condition and administration of the schools under 33904
its supervision which shall include therein an exhibit of the 33905
financial affairs of the district and the information required in 33906
divisions (A) to (D) of this section. Such annual report shall be 33907
for a full year. 33908

Sec. 3319.36. (A) No treasurer of a board of education or 33909
educational service center shall draw a check for the payment of a 33910
teacher for services until the teacher files with the treasurer 33911
both of the following: 33912

(1) Such reports as are required by the state board of 33913
education, the school district board of education, or the 33914
superintendent of schools; 33915

(2) Except for a teacher who is engaged pursuant to section 33916
3319.301 of the Revised Code ~~and except as provided under division~~ 33917
~~(B) of this section~~, a written statement from the city ~~or~~, 33918
exempted village, or local school district superintendent or the 33919
educational service center superintendent that the teacher has 33920
filed with the treasurer a legal educator license or internship 33921
certificate, or true copy of it, to teach the subjects or grades 33922
taught, with the dates of its validity. The state board of 33923
education shall prescribe the record and administration for such 33924
filing of educator licenses and internship certificates in 33925
educational service centers. 33926

~~(B) If the board of education of a local school district and the governing board of the educational service center of which the local district is a part have entered into an agreement under division (B) of section 3319.07 of the Revised Code, the agreement may also require the superintendent of the local school district, instead of the superintendent of the educational service center, to administer the filing of educator licenses and internship certificates for the local school district and to provide to the teachers of the district the written statements required in division (A)(2) of this section. While such an agreement is in effect between a local school district and an educational service center, a teacher employed by the local district shall file a legal educator license or internship certificate, or true copy of it, with the superintendent of the local district and that superintendent shall provide to the teacher the written statement required by division (A)(2) of this section.~~

~~(C)~~ Notwithstanding division (A) of this section, the treasurer may pay either of the following:

(1) Any teacher for services rendered during the first two months of the teacher's initial employment with the school district or educational service center, provided such teacher is the holder of a bachelor's degree or higher and has filed with the state board of education an application for the issuance of a provisional or professional educator license.

(2) Any substitute teacher for services rendered while conditionally employed under section 3319.101 of the Revised Code.

~~(D)~~(C) Upon notice to the treasurer given by the state board of education or any superintendent having jurisdiction that reports required of a teacher have not been made, the treasurer shall withhold the salary of the teacher until the required reports are completed and furnished.

Sec. 3319.55. (A) A grant program is hereby established to 33958
recognize and reward public school teachers who hold valid 33959
teaching certificates or licenses issued by the national board for 33960
professional teaching standards. The superintendent of public 33961
instruction shall administer this program in accordance with this 33962
section and rules which the state board of education shall adopt 33963
in accordance with Chapter 119. of the Revised Code. 33964

In each fiscal year that the general assembly appropriates 33965
funds for purposes of this section, the superintendent of public 33966
instruction shall award a grant to each person who, by the first 33967
day of August of that year and in accordance with the rules 33968
adopted under this section, submits to the superintendent evidence 33969
indicating ~~both~~ all of the following: 33970

(1) The person holds a valid certificate or license issued by 33971
the national board for professional teaching standards; 33972

(2) The person was employed full-time as a teacher by the 33973
board of education of a school district in this state during the 33974
school year that immediately preceded the fiscal year; 33975

(3) The date the person was accepted into the national board 33976
certification or licensure program. 33977

An individual may receive a grant under this section in each 33978
fiscal year the person is eligible for a grant and submits 33979
evidence of that eligibility in accordance with this section. 33980

(B) The amount of the grant awarded to each eligible person 33981
under division (A) of this section in any fiscal year shall equal 33982
~~two~~ the following: 33983

(1) Two thousand five hundred dollars ~~except that for any~~ 33984
teacher accepted as a candidate for certification or licensure by 33985
the national board on or before May 31, 2003, and issued a 33986
certificate or license by the national board on or before December 33987

<u>31, 2004;</u>	33988
<u>(2) One thousand dollars for any other teacher issued a certificate or license by the national board.</u>	33989 33990
<u>However</u> , if the funds appropriated for purposes of this section in any fiscal year are not sufficient to award the full grant amount to each person who is eligible in that fiscal year, the <u>superintendent shall prorate the amount of the grant awarded</u> in that fiscal year to each eligible person shall equal the amount obtained by dividing the total amount of funds appropriated for purposes of this section in the fiscal year by the total number of persons eligible for a grant under this section for the fiscal year.	33991 33992 33993 33994 33995 33996 33997 33998 33999
Sec. 3323.16. No unit for deaf children shall be disapproved for funding under division (B) or (D)(1) of section 3317.05 of the Revised Code on the basis of the methods of instruction used in educational programs in the school district or institution to teach deaf children to communicate, and no preference in approving units for funding shall be given by the state board for teaching deaf children by the oral, manual, total communication, or other method of instruction.	34000 34001 34002 34003 34004 34005 34006 34007
Sec. 3327.01. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.	34008 34009 34010 34011 34012
In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are	34013 34014 34015 34016 34017

assigned by the board of education of the district of residence or 34018
to and from the nonpublic or community school which they attend 34019
the board of education shall provide transportation for such 34020
pupils to and from such school except as provided in section 34021
3327.02 of the Revised Code. 34022

In all city, local, and exempted village school districts the 34023
board may provide transportation for resident school pupils in 34024
grades nine through twelve to and from the high school to which 34025
they are assigned by the board of education of the district of 34026
residence or to and from the nonpublic or community high school 34027
which they attend for which the state board of education 34028
prescribes minimum standards pursuant to division (D) of section 34029
3301.07 of the Revised Code. 34030

A board of education shall not be required to transport 34031
elementary or high school pupils to and from a nonpublic or 34032
community school where such transportation would require more than 34033
thirty minutes of direct travel time as measured by school bus 34034
from the collection point as designated by ~~the coordinator of~~ 34035
~~school transportation, appointed under section 3327.011 of the~~ 34036
~~Revised Code, for the attendance area of~~ the district of 34037
residence. 34038

Where it is impractical to transport a pupil by school 34039
conveyance, a board of education may offer payment, in lieu of 34040
providing such transportation in accordance with section 3327.02 34041
of the Revised Code. 34042

In all city, local, and exempted village school districts the 34043
board shall provide transportation for all children who are so 34044
crippled that they are unable to walk to and from the school for 34045
which the state board of education prescribes minimum standards 34046
pursuant to division (D) of section 3301.07 of the Revised Code 34047
and which they attend. In case of dispute whether the child is 34048
able to walk to and from the school, the health commissioner shall 34049

be the judge of such ability. In all city, exempted village, and 34050
local school districts the board shall provide transportation to 34051
and from school or special education classes for educable mentally 34052
retarded children in accordance with standards adopted by the 34053
state board of education. 34054

When transportation of pupils is provided the conveyance 34055
shall be run on a time schedule that shall be adopted and put in 34056
force by the board not later than ten days after the beginning of 34057
the school term. 34058

The cost of any transportation service authorized by this 34059
section shall be paid first out of federal funds, if any, 34060
available for the purpose of pupil transportation, and secondly 34061
out of state appropriations, in accordance with regulations 34062
adopted by the state board of education. 34063

No transportation of any pupils shall be provided by any 34064
board of education to or from any school which in the selection of 34065
pupils, faculty members, or employees, practices discrimination 34066
against any person on the grounds of race, color, religion, or 34067
national origin. 34068

~~Sec. 3327.011. Coordinators of school transportation shall be 34069
appointed according to provisions of section 3301.13 of the 34070
Revised Code to assure that each pupil, as provided in section 34071
3327.01 of the Revised Code, is transported to and from the school 34072
which he attends in a safe, expedient, and economical manner using 34073
public school collection points, routes, and schedules. 34074~~

In determining how best to provide such transportation, where 34075
persons or firms on or after April 1, 1965, were providing 34076
transportation to and from schools pursuant to contracts with 34077
persons or agencies responsible for the operation of such schools, 34078
a coordinator or the board of education responsible for 34079
transportation in accordance with section 3327.01 of the Revised 34080

Code shall give preference if economically feasible during the 34081
term of any such contract to the firm or person providing such 34082
transportation. The boards of education within the county or group 34083
of counties shall ~~recommend to the coordinator of~~ establish 34084
transportation routes, schedules, and utilization of 34085
transportation equipment. ~~The coordinator, upon receipt of such~~ 34086
~~recommendations, shall establish transportation routes, schedules,~~ 34087
~~and utilization of transportation equipment, following such~~ 34088
~~recommendations to whatever extent is feasible.~~ The appeals from 34089
the determination of the ~~coordinator~~ board of education 34090
responsible for transportation shall be taken to the state board 34091
of education. 34092

Sec. 3329.06. The board of education of each city, exempted 34093
village, and local school district shall furnish, free of charge, 34094
the necessary textbooks to the pupils attending the public 34095
schools. In lieu of textbooks, district boards may furnish 34096
electronic textbooks to pupils attending the public schools, 34097
provided the electronic textbooks are furnished free of charge. A 34098
district board that chooses to furnish electronic textbooks to 34099
pupils attending school in the district shall provide reasonable 34100
access to the electronic textbooks and other necessary computer 34101
equipment to pupils in the district who are required to complete 34102
homework assignments, and teachers providing homework assignments, 34103
utilizing electronic textbooks furnished by the district board. 34104
Pupils wholly or in part supplied with necessary textbooks or 34105
electronic textbooks shall be supplied only as other or new 34106
textbooks or electronic textbooks are needed. ~~A board may limit~~ 34107
~~its purchase and ownership of textbooks or electronic textbooks~~ 34108
~~needed for its schools to six subjects per year, the cost of which~~ 34109
~~shall not exceed twenty five per cent of the entire cost of~~ 34110
~~adoption.~~ All textbooks or electronic textbooks furnished as 34111
provided in this section shall be the property of the district, 34112

and loaned to the pupils on such terms as each such board 34113
prescribes. In order to carry out sections 3329.01 to 3329.10 of 34114
the Revised Code, each board, in the preparation of its annual 34115
budget, shall include as a separate item the amount which the 34116
board finds necessary to administer such sections and such amount 34117
shall not be subject to transfer to any other fund. 34118

Sec. 3329.08. At any regular meeting, the board of education 34119
of each local school district, from lists adopted by the 34120
educational service center governing board, and the board of 34121
education of each city and exempted village school district shall 34122
determine by a majority vote of all members elected or appointed 34123
under division (B) or (F) of section 3311.71 of the Revised Code 34124
which of such textbooks or electronic textbooks so filed shall be 34125
used in the schools under its control. ~~Except for periodic and~~ 34126
~~normal updating of electronic textbooks, no textbooks or~~ 34127
~~electronic textbooks shall be changed, nor any part thereof~~ 34128
~~altered or revised, nor any other textbook or electronic textbook~~ 34129
~~substituted therefor, within four years after the date of~~ 34130
~~selection and adoption thereof, as shown by the official records~~ 34131
~~of such boards, except by the consent, at a regular meeting, of~~ 34132
~~four fifths of all members elected thereto. Textbooks or~~ 34133
~~electronic textbooks so substituted shall be adopted for the full~~ 34134
~~term of four years.~~ 34135

Sec. 3332.04. The state board of career colleges and schools 34136
may appoint an executive director and such other staff as may be 34137
required for the performance of the board's duties and provide 34138
necessary facilities. In selecting an executive director, the 34139
board shall appoint an individual with a background or experience 34140
in the regulation of commerce, business, or education. The board 34141
may also arrange for services and facilities to be provided by the 34142
state board of education and the Ohio board of regents. All 34143

receipts of the board shall be deposited in the state treasury to 34144
the credit of the ~~general revenue~~ occupational licensing and 34145
regulatory fund. 34146

Sec. 3333.12. (A) As used in this section: 34147

(1) "Eligible student" means an undergraduate student who is: 34148

(a) An Ohio resident; 34149

(b) Enrolled in either of the following: 34150

(i) An accredited institution of higher education in this 34151
state that meets the requirements of Title VI of the Civil Rights 34152
Act of 1964 and is state-assisted, is nonprofit and has a 34153
certificate of authorization from the Ohio board of regents 34154
pursuant to Chapter 1713. of the Revised Code, has a certificate 34155
of registration from the state board of career colleges and 34156
schools and program authorization to award an associate or 34157
bachelor's degree, or is a private institution exempt from 34158
regulation under Chapter 3332. of the Revised Code as prescribed 34159
in section 3333.046 of the Revised Code. Students who attend an 34160
institution that holds a certificate of registration shall be 34161
enrolled in a program leading to an associate or bachelor's degree 34162
for which associate or bachelor's degree program the institution 34163
has program authorization issued under section 3332.05 of the 34164
Revised Code. 34165

(ii) A technical education program of at least two years 34166
duration sponsored by a private institution of higher education in 34167
this state that meets the requirements of Title VI of the Civil 34168
Rights Act of 1964. 34169

(c) Enrolled as a full-time student or enrolled as a less 34170
than full-time student for the term expected to be the student's 34171
final term of enrollment and is enrolled for the number of credit 34172
hours necessary to complete the requirements of the program in 34173

which the student is enrolled. 34174

(2) "Gross income" includes all taxable and nontaxable income 34175
of the parents, the student, and the student's spouse, except 34176
income derived from an Ohio academic scholarship, income earned by 34177
the student between the last day of the spring term and the first 34178
day of the fall term, and other income exclusions designated by 34179
the board. Gross income may be verified to the board by the 34180
institution in which the student is enrolled using the federal 34181
financial aid eligibility verification process or by other means 34182
satisfactory to the board. 34183

(3) "Resident," "full-time student," "dependent," 34184
"financially independent," and "accredited" shall be defined by 34185
rules adopted by the board. 34186

(B) The Ohio board of regents shall establish and administer 34187
an instructional grant program and may adopt rules to carry out 34188
this section. The general assembly shall support the instructional 34189
grant program by such sums and in such manner as it may provide, 34190
but the board may also receive funds from other sources to support 34191
the program. If the amounts available for support of the program 34192
are inadequate to provide grants to all eligible students, 34193
preference in the payment of grants shall be given in terms of 34194
income, beginning with the lowest income category of gross income 34195
and proceeding upward by category to the highest gross income 34196
category. 34197

An instructional grant shall be paid to an eligible student 34198
through the institution in which the student is enrolled, except 34199
that no instructional grant shall be paid to any person serving a 34200
term of imprisonment. Applications for such grants shall be made 34201
as prescribed by the board, and such applications may be made in 34202
conjunction with and upon the basis of information provided in 34203
conjunction with student assistance programs funded by agencies of 34204
the United States government or from financial resources of the 34205

institution of higher education. The institution shall certify 34206
that the student applicant meets the requirements set forth in 34207
divisions (A)(1)(b) and (c) of this section. Instructional grants 34208
shall be provided to an eligible student only as long as the 34209
student is making appropriate progress toward a nursing diploma or 34210
an associate or bachelor's degree. No student shall be eligible to 34211
receive a grant for more than ten semesters, fifteen quarters, or 34212
the equivalent of five academic years. A grant made to an eligible 34213
student on the basis of less than full-time enrollment shall be 34214
based on the number of credit hours for which the student is 34215
enrolled and shall be computed in accordance with a formula 34216
adopted by the board. No student shall receive more than one grant 34217
on the basis of less than full-time enrollment. 34218

An instructional grant shall not exceed the total 34219
instructional and general charges of the institution. 34220

(C) The tables in this division prescribe the maximum grant 34221
amounts covering two semesters, three quarters, or a comparable 34222
portion of one academic year. Grant amounts for additional terms 34223
in the same academic year shall be determined under division (D) 34224
of this section. 34225

For a full-time student who is a dependent and enrolled in a 34226
nonprofit educational institution that is not a state-assisted 34227
institution and that has a certificate of authorization issued 34228
pursuant to Chapter 1713. of the Revised Code, the amount of the 34229
instructional grant for two semesters, three quarters, or a 34230
comparable portion of the academic year shall be determined in 34231
accordance with the following table: 34232

		34233
	Private Institution	34234
	Table of Grants	34235
	Maximum Grant \$5,466	34236
Gross Income	Number of Dependents	34237

	1	2	3	4	5 or more	34238
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	34239
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	34240
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	34241
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	34242
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	34243
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	34244
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	34245
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	34246
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	34247
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	34248
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	34249
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	34250
\$34,001 - \$35,000	444	888	984	1,080	1,344	34251
\$35,001 - \$36,000	--	444	888	984	1,080	34252
\$36,001 - \$37,000	--	--	444	888	984	34253
\$37,001 - \$38,000	--	--	--	444	888	34254
\$38,001 - \$39,000	--	--	--	--	444	34255

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

Private Institution						34256
Table of Grants						34257
Maximum Grant \$5,466						34258
Gross Income	Number of Dependents					34259
	0	1	2	3	4	5 or more
						34260
						34261
						34262
						34263
						34264
						34265
						34266
						34267
						34268

\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	34269
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	5,466	34270
\$5,301 - \$5,800	4,362	4,920	5,466	5,466	5,466	5,466	5,466	34271
		<u>5,196</u>						34272
\$5,801 - \$6,300	3,828	4,362	4,920	5,466	5,466	5,466	5,466	34273
		<u>4,914</u>	<u>5,196</u>					34274
\$6,301 - \$6,800	3,288	3,828	4,362	4,920	5,466	5,466	5,466	34275
		<u>4,650</u>	<u>4,914</u>	<u>5,196</u>				34276
\$6,801 - \$7,300	2,736	3,288	3,828	4,362	4,920	5,466	5,466	34277
		<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	<u>5,196</u>			34278
\$7,301 - \$8,300	2,178	2,736	3,288	3,828	4,362	4,920	5,466	34279
		<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	<u>5,196</u>		34280
\$8,301 - \$9,300	1,626	2,178	2,736	3,288	3,828	4,362	5,466	34281
		<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	<u>4,914</u>		34282
\$9,301 - \$10,300	1,344	1,626	2,178	2,736	3,288	3,828	5,466	34283
		<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	<u>4,650</u>		34284
\$10,301 - \$11,800	1,080	1,344	1,626	2,178	2,736	3,288	5,466	34285
		<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	<u>4,380</u>		34286
\$11,801 - \$13,300	984	1,080	1,344	1,626	2,178	2,736	5,466	34287
		<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	<u>4,104</u>		34288
\$13,301 - \$14,800	888	984	1,080	1,344	1,626	2,178	5,466	34289
		<u>3,228</u>	<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	<u>3,822</u>		34290
\$14,801 - \$16,300	444	888	984	1,080	1,344	1,626	5,466	34291
		<u>2,904</u>	<u>3,228</u>	<u>3,276</u>	<u>3,408</u>	<u>3,546</u>		34292
\$16,301 - \$19,300	--	444	888	984	1,080	1,344	5,466	34293
		<u>2,136</u>	<u>2,628</u>	<u>2,952</u>	<u>3,276</u>	<u>3,408</u>		34294
\$19,301 - \$22,300	--	—	444	888	984	1,080	5,466	34295
		<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	<u>2,676</u>	<u>3,000</u>		34296
\$22,301 - \$25,300	--	—	—	444	888	984	5,466	34297
		<u>1,092</u>	<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	<u>2,676</u>		34298
\$25,301 - \$30,300	--	—	—	—	444	888	5,466	34299
		<u>816</u>	<u>1,092</u>	<u>1,368</u>	<u>1,866</u>	<u>2,358</u>		34300
\$30,301 - \$35,300	--	—	—	—	—	444	5,466	34301

492 540 672 816 1,314 34302

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 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:

Career Institution 34311

Table of Grants 34312

Maximum Grant \$4,632 34313

Gross Income Number of Dependents 34314

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	34315
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	34316
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	34317
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	34318
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	34319
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	34320
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	34321
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	34322
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	34323
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	34324
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	34325
\$33,001 - \$34,000	750	852	906	1,134	1,416	34326
\$34,001 - \$35,000	372	750	852	906	1,134	34327
\$35,001 - \$36,000	--	372	750	852	906	34328
\$36,001 - \$37,000	--	--	372	750	852	34329
\$37,001 - \$38,000	--	--	--	372	750	34330
\$38,001 - \$39,000	--	--	--	--	372	34331
						34332

For a full-time student who is financially independent and 34333
enrolled in an educational institution that holds a certificate of 34334
registration from the state board of career colleges and schools 34335
or a private institution exempt from regulation under Chapter 34336
3332. of the Revised Code as prescribed in section 3333.046 of the 34337
Revised Code, the amount of the instructional grant for two 34338
semesters, three quarters, or a comparable portion of the academic 34339
year shall be determined in accordance with the following table: 34340

Career Institution 34341

Table of Grants 34342

Maximum Grant \$4,632 34343

Gross Income Number of Dependents 34344

	Number of Dependents						34345
	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	34346
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	34347
\$5,301 - \$5,800	3,684	4,182 <u>4,410</u>	4,632	4,632	4,632	4,632	34348 34349
\$5,801 - \$6,300	3,222	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	4,632	4,632	34350 34351
\$6,301 - \$6,800	2,790	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	4,632	34352 34353
\$6,801 - \$7,300	2,292	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	34354 34355
\$7,301 - \$8,300	1,854	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	34356 34357
\$8,301 - \$9,300	1,416	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	34358 34359
\$9,301 - \$10,300	1,134	1,416 <u>3,024</u>	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	34360 34361
\$10,301 - \$11,800	906	1,134 <u>2,886</u>	1,416 <u>3,024</u>	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	34362 34363
\$11,801 - \$13,300	852	906	1,134	1,416	1,854	2,292	34364

			<u>2,772</u>	<u>2,886</u>	<u>3,024</u>	<u>3,246</u>	<u>3,462</u>	34365
\$13,301 - \$14,800	750	852	906	1,134	1,416	1,854		34366
		<u>2,742</u>	<u>2,772</u>	<u>2,886</u>	<u>3,024</u>	<u>3,246</u>		34367
\$14,801 - \$16,300	372	750	852	906	1,134	1,416		34368
		<u>2,466</u>	<u>2,742</u>	<u>2,772</u>	<u>2,886</u>	<u>3,024</u>		34369
\$16,301 - \$19,300	--	372	750	852	906	1,134		34370
		<u>1,800</u>	<u>2,220</u>	<u>2,520</u>	<u>2,772</u>	<u>2,886</u>		34371
\$19,301 - \$22,300	--	—	372	750	852	906		34372
		<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	<u>2,544</u>		34373
\$22,301 - \$25,300	--	—	—	372	750	852		34374
		<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>		34375
\$25,301 - \$30,300	--	—	—	—	372	750		34376
		<u>708</u>	<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>		34377
\$30,301 - \$35,300	--	—	—	—	—	372		34378
		<u>426</u>	<u>456</u>	<u>570</u>	<u>708</u>	<u>1,116</u>		34379

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					
		Table of Grants					
		Maximum Grant \$2,190					
Gross Income	Number of Dependents						
	1	2	3	4	5 or more		
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	34389	
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	34390	
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	34391	
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	34392	
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	34393	
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	34394	
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	34395	

\$25,001 - \$28,000	648	864	1,080	1,320	1,542	34397
\$28,001 - \$31,000	522	648	864	1,080	1,320	34398
\$31,001 - \$32,000	420	522	648	864	1,080	34399
\$32,001 - \$33,000	384	420	522	648	864	34400
\$33,001 - \$34,000	354	384	420	522	648	34401
\$34,001 - \$35,000	174	354	384	420	522	34402
\$35,001 - \$36,000	--	174	354	384	420	34403
\$36,001 - \$37,000	--	--	174	354	384	34404
\$37,001 - \$38,000	--	--	--	174	354	34405
\$38,001 - \$39,000	--	--	--	--	174	34406

For a full-time student who is financially independent and 34407
enrolled in a state-assisted educational institution, the amount 34408
of the instructional grant for two semesters, three quarters, or a 34409
comparable portion of the academic year shall be determined in 34410
accordance with the following table: 34411

Public Institution 34412

Table of Grants 34413

Maximum Grant \$2,190 34414

Gross Income Number of Dependents 34415

	Number of Dependents						34416
	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	34417
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	34418
\$5,301 - \$5,800	1,740	1,974	2,190	2,190	2,190	2,190	34419
		<u>2,082</u>					34420
\$5,801 - \$6,300	1,542	1,740	1,974	2,190	2,190	2,190	34421
		<u>1,968</u>	<u>2,082</u>				34422
\$6,301 - \$6,800	1,320	1,542	1,740	1,974	2,190	2,190	34423
		<u>1,866</u>	<u>1,968</u>	<u>2,082</u>			34424
\$6,801 - \$7,300	1,080	1,320	1,542	1,740	1,974	2,190	34425
		<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>		34426
\$7,301 - \$8,300	864	1,080	1,320	1,542	1,740	1,974	34427
		<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>	34428

\$8,301 - \$9,300	648	864	1,080	1,320	1,542	1,740	34429
		<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	34430
\$9,301 - \$10,300	522	648	864	1,080	1,320	1,542	34431
		<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	34432
\$10,301 - \$11,800	420	522	648	864	1,080	1,320	34433
		<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	34434
\$11,801 - \$13,300	384	420	522	648	864	1,080	34435
		<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	34436
\$13,301 - \$14,800	354	384	420	522	648	864	34437
		<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	34438
\$14,801 - \$16,300	174	354	384	420	522	648	34439
		<u>1,164</u>	<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	34440
\$16,301 - \$19,300	--	174	354	384	420	522	34441
		<u>858</u>	<u>1,050</u>	<u>1,182</u>	<u>1,308</u>	<u>1,356</u>	34442
\$19,301 - \$22,300	--	—	174	354	384	420	34443
		<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	<u>1,200</u>	34444
\$22,301 - \$25,300	--	—	—	174	354	384	34445
		<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	34446
\$25,301 - \$30,300	--	—	—	—	174	354	34447
		<u>324</u>	<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	34448
\$30,301 - \$35,300	--	—	—	—	—	174	34449
		<u>192</u>	<u>210</u>	<u>264</u>	<u>324</u>	<u>522</u>	34450

(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 34461
religious profession unless such course of study leads to an 34462
accredited bachelor of arts, bachelor of science, associate of 34463
arts, or associate of science degree. 34464

(F)(1) Except as provided in division (F)(2) of this section, 34465
no grant shall be made to any student for enrollment during a 34466
fiscal year in an institution with a cohort default rate 34467
determined by the United States secretary of education pursuant to 34468
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 34469
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 34470
preceding the fiscal year, equal to or greater than thirty per 34471
cent for each of the preceding two fiscal years. 34472

(2) Division (F)(1) of this section does not apply to the 34473
following: 34474

(a) Any student enrolled in an institution that under the 34475
federal law appeals its loss of eligibility for federal financial 34476
aid and the United States secretary of education determines its 34477
cohort default rate after recalculation is lower than the rate 34478
specified in division (F)(1) of this section or the secretary 34479
determines due to mitigating circumstances the institution may 34480
continue to participate in federal financial aid programs. The 34481
board shall adopt rules requiring institutions to provide 34482
information regarding an appeal to the board. 34483

(b) Any student who has previously received a grant under 34484
this section who meets all other requirements of this section. 34485

(3) The board shall adopt rules for the notification of all 34486
institutions whose students will be ineligible to participate in 34487
the grant program pursuant to division (F)(1) of this section. 34488

(4) A student's attendance at an institution whose students 34489
lose eligibility for grants under division (F)(1) of this section 34490
shall not affect that student's eligibility to receive a grant 34491

when enrolled in another institution. 34492

(G) Institutions of higher education that enroll students 34493
receiving instructional grants under this section shall report to 34494
the board all students who have received instructional grants but 34495
are no longer eligible for all or part of such grants and shall 34496
refund any moneys due the state within thirty days after the 34497
beginning of the quarter or term immediately following the quarter 34498
or term in which the student was no longer eligible to receive all 34499
or part of the student's grant. There shall be an interest charge 34500
of one per cent per month on all moneys due and payable after such 34501
thirty-day period. The board shall immediately notify the office 34502
of budget and management and the legislative service commission of 34503
all refunds so received. 34504

Sec. 3333.121. There is hereby established in the state 34505
treasury the instructional grant reconciliation fund, which shall 34506
consist of refunds of instructional grant payments made pursuant 34507
to section 3333.12 of the Revised Code. Revenues credited to the 34508
fund shall be used by the Ohio board of regents to pay to higher 34509
education institutions any outstanding obligations from the prior 34510
year owed for the Ohio instructional grant program that are 34511
identified through the annual reconciliation and financial audit. 34512
Any amount in the fund that is in excess of the amount certified 34513
to the director of budget and management by the board of regents 34514
as necessary to reconcile prior year payments under the program 34515
shall be transferred to the general revenue fund. 34516

Sec. 3333.16. As used in this section "state institution of 34517
higher education" means an institution of higher education as 34518
defined in section 3345.12 of the Revised Code. 34519

(A) By April 15, 2005, the Ohio board of regents shall do all 34520
of the following: 34521

(1) Establish policies and procedures applicable to all state institutions of higher education that ensure that students can begin higher education at any state institution of higher education and transfer coursework and degrees to any other state institution of higher education without unnecessary duplication or institutional barriers. The purpose of this requirement is to allow students to attain their highest educational aspirations in the most efficient and effective manner for the students and the state. These policies and procedures shall require state institutions of higher education to make changes or modifications, as needed, to strengthen course content so as to ensure equivalency for that course at any state institution of higher education. 34522
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(2) Develop and implement a universal course equivalency classification system for state institutions of higher education so that the transfer of students and the transfer and articulation of equivalent courses or specified learning modules or units completed by students are not inhibited by inconsistent judgment about the application of transfer credits. Coursework completed within such a system at one state institution of higher education and transferred to another institution shall be applied to the student's degree objective in the same manner as equivalent coursework completed at the receiving institution. 34535
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(3) Develop a system of transfer policies that ensure that graduates with associate degrees which include completion of approved transfer modules shall be admitted to a state institution of higher education, shall be able to compete for admission to specific programs on the same basis as students native to the institution, and shall have priority over out-of-state associate degree graduates and transfer students. To assist a student in advising and transferring, all state institutions of higher education shall fully implement the course applicability system. 34545
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(4) Examine the feasibility of developing a transfer marketing agenda that includes materials and interactive technology to inform the citizens of Ohio about the availability of transfer options at state institutions of higher education and to encourage adults to return to colleges and universities for additional education; 34554
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(5) Study, in consultation with the state board of career colleges and schools, and in light of existing criteria and any other criteria developed by the articulation and transfer advisory council, the feasibility of credit recognition and transferability to state institutions of higher education for graduates who have received associate degrees from a career college or school with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code. 34560
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(B) By April 15, 2004, the board shall report to the general assembly on its progress in attaining completion of the actions prescribed in division (A) of this section. 34568
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(C) All provisions of the existing articulation and transfer policy developed by the board shall remain in effect except where amended by this act. 34571
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Sec. 3333.38. (A) As used in this section: 34574

(1) "Institution of higher education" includes all of the following: 34575
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(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 34577
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(b) A nonprofit institution issued a certificate of authorization by the Ohio board of regents under Chapter 1713. of the Revised Code; 34579
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(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 34582
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<u>3333.046 of the Revised Code;</u>	34584
<u>(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.</u>	34585
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<u>(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.</u>	34588
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<u>(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:</u>	34594
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<u>(1) A violation of section 2917.02 or 2917.03 of the Revised Code;</u>	34600
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<u>(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code;</u>	34602
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<u>(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.</u>	34606
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<u>(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2907.02 or 2907.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher</u>	34611
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education, the institution in which the individual is enrolled 34615
shall immediately dismiss the individual. No state-supported 34616
institution of higher education shall admit an individual of that 34617
nature for one academic year after the individual applies for 34618
admission to a state-supported institution of higher education. 34619
This division does not limit or affect the ability of a 34620
state-supported institution of higher education to suspend or 34621
otherwise discipline its students. 34622

Sec. 3353.11. There is hereby created in the state treasury 34623
the governmental television/telecommunications operating fund. The 34624
fund shall consist of money received from contract productions of 34625
the Ohio government telecommunications studio and shall be used 34626
for operations or equipment breakdowns related to the studio. Only 34627
Ohio government telecommunications may authorize the spending of 34628
money in the fund. All investment earnings of the fund shall be 34629
credited to the fund. Once the fund has a balance of zero, the 34630
fund shall cease to exist. 34631

Sec. 3361.01. (A) There is hereby created a state university 34632
to be known as the "university of Cincinnati." The government of 34633
the university of Cincinnati is vested in a board of eleven 34634
trustees who shall be appointed by the governor with the advice 34635
and consent of the senate. Two of the trustees shall be students 34636
at the university of Cincinnati, and their selection and terms 34637
shall be in accordance with division (B) of this section. The 34638
terms of the first nine members of the board of trustees shall 34639
commence upon the effective date of the transfer of assets of the 34640
state-affiliated university of Cincinnati to the university of 34641
Cincinnati hereby created. One of such trustees shall be appointed 34642
for a term ending on the first day of January occurring at least 34643
twelve months after such date of transfer, and each of the other 34644
trustees shall be appointed for respective terms ending on each 34645

succeeding first day of January, so that one term will expire on 34646
each first day of January after expiration of the shortest term. 34647
Except for the two student trustees, each successor trustee shall 34648
be appointed for a term ending on the first day of January, nine 34649
years from the expiration date of the term ~~he~~ the trustee 34650
succeeds, except that any person appointed to fill a vacancy shall 34651
be appointed to serve only for the unexpired term. 34652

Any trustee shall continue in office subsequent to the 34653
expiration date of ~~his~~ the trustee's term until ~~his~~ the trustee's 34654
successor takes office, or until a period of sixty days has 34655
elapsed, whichever occurs first. 34656

No person who has served a full nine-year term or longer or 34657
more than six years of such a term shall be eligible to 34658
reappointment. ~~No person is eligible for appointment to the board~~ 34659
~~of trustees for a full nine year term who is not at the time of~~ 34660
~~appointment a resident of the city of Cincinnati, unless at the~~ 34661
~~time of such appointment there are at least five members of the~~ 34662
~~board who are not students and who are residents of the city of~~ 34663
~~Cincinnati.~~ 34664

The trustees shall receive no compensation for their services 34665
but shall be paid their reasonable necessary expenses while 34666
engaged in the discharge of their official duties. A majority of 34667
the board constitutes a quorum. 34668

(B) The student members of the board of trustees of the 34669
university of Cincinnati have no voting power on the board. 34670
Student members shall not be considered as members of the board in 34671
determining whether a quorum is present. Student members shall not 34672
be entitled to attend executive sessions of the board. The student 34673
members of the board shall be appointed by the governor, with the 34674
advice and consent of the senate, from a group of five candidates 34675
selected pursuant to a procedure adopted by the university's 34676
student governments and approved by the university's board of 34677

trustees. The initial term of office of one of the student members 34678
shall commence on May 14, 1988 and shall expire on May 13, 1989, 34679
and the initial term of office of the other student member shall 34680
commence on May 14, 1988 and expire on May 13, 1990. Thereafter, 34681
terms of office of student members shall be for two years, each 34682
term ending on the same day of the same month of the year as the 34683
term it succeeds. In the event that a student cannot fulfill ~~his~~ a 34684
two-year term, a replacement shall be selected to fill the 34685
unexpired term in the same manner used to make the original 34686
selection. 34687

Sec. 3375.41. When a board of library trustees appointed 34688
pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 34689
and 3375.30 of the Revised Code determines to construct, demolish, 34690
alter, repair, or reconstruct a library or make any improvements 34691
or repairs, the cost of which will exceed ~~fifteen~~ twenty-five 34692
thousand dollars, except in cases of urgent necessity or for the 34693
security and protection of library property, it shall proceed as 34694
follows: 34695

(A) The board shall advertise for a period of four weeks for 34696
bids in some newspaper of general circulation in the district, and 34697
if there are two such papers, the board shall advertise in both of 34698
them. If no newspaper has a general circulation in the district, 34699
the board shall advertise by posting ~~such~~ the advertisement in 34700
three public places ~~therein~~ in the district. ~~Such~~ The 34701
advertisement shall be entered in full by the clerk on the record 34702
of proceedings of the board. 34703

(B) The sealed bids shall be filed with the clerk by twelve 34704
noon of the last day stated in the advertisement. 34705

(C) The bids shall be opened at the next meeting of the 34706
board, shall be publicly read by the clerk, and shall be entered 34707
in full on the records of the board; provided, that the board ~~may~~, 34708

by resolution, may provide for the public opening and reading of 34709
~~such the~~ bids by the clerk, immediately after the time for filing 34710
~~such the~~ bids has expired, at the usual place of meeting of the 34711
board, and for the tabulation of ~~such the~~ bids and a report of 34712
~~such the~~ tabulation to the board at its next meeting. 34713

(D) Each bid shall contain the name of every person 34714
interested ~~therein, in it~~ and shall meet the requirements of 34715
section 153.54 of the Revised Code. 34716

(E) When both labor and materials are embraced in the work 34717
bid for, the board may require that each be separately stated in 34718
the bid, with the price ~~thereof of each~~, or may require that bids 34719
be submitted without ~~such that~~ separation. 34720

(F) None but the lowest responsible bid shall be accepted. 34721
The board may reject all the bids or accept any bid for both labor 34722
and material for ~~such the~~ improvement or repair which is the 34723
lowest in the aggregate. 34724

(G) The contract shall be between the board and the bidders. 34725
The board shall pay the contract price for the work in cash at the 34726
times and in the amounts as provided by sections 153.12, 153.13, 34727
and 153.14 of the Revised Code. 34728

(H) When two or more bids are equal, in whole or in part, and 34729
are lower than any others, either may be accepted, but in no case 34730
shall the work be divided between such bidders. 34731

(I) When there is reason to believe there is collusion or 34732
combination among the bidders, the bids of those concerned in ~~such~~ 34733
the collusion or combination shall be rejected. 34734

Sec. 3377.01. As used in Chapter 3377. of the Revised Code: 34735

(A) "Educational institution" or "institution" means an 34736
educational institution organized not for profit and holding an 34737
effective certificate of authorization issued under section 34738

1713.02 of the Revised Code. It does not include any institution 34739
created by or in accordance with Title XXXIII of the Revised Code 34740
nor any institution whose principal educational activity is 34741
preparing students for or granting degrees, diplomas, and other 34742
marks of deficiency which have value only in religious and 34743
ecclesiastical fields. 34744

(B) "Educational facility" or "facility" means any building, 34745
structure, facility, equipment, machinery, utility, or 34746
improvement, site, or other interest in real estate therefor or 34747
pertinent thereto, and equipment and furnishings to be used 34748
therein or in connection therewith, together with any 34749
appurtenances necessary or convenient to the uses thereof, to be 34750
used for or in connection with the conduct or operation of an 34751
educational institution, including but not limited to, classrooms 34752
and other instructional facilities, laboratories, research 34753
facilities, libraries, study facilities, administrative and office 34754
facilities, museums, gymnasiums, campus walks, drives and site 34755
improvements, dormitories and other suitable living quarters or 34756
accommodations, dining halls and other food service and 34757
preparation facilities, student services or activity facilities, 34758
physical education, athletic and recreational facilities, 34759
theatres, auditoriums, assembly and exhibition halls, greenhouses, 34760
agricultural buildings and facilities, parking, storage and 34761
maintenance facilities, infirmary, hospital, medical, and health 34762
facilities, continuing education facilities, communications, fire 34763
prevention, and fire fighting facilities, and any one, or any 34764
combination of the foregoing, whether or not comprising part of 34765
one building, structure, or facility. It does not include any 34766
facility used ~~for sectarian instruction or study or exclusively~~ as 34767
a place for devotional activities ~~or religious worship~~. 34768

(C) "Bond proceedings" means the resolution or resolutions, 34769
the trust agreement, the indenture of mortgage, or combination 34770

thereof authorizing or providing for the terms and conditions 34771
applicable to bonds issued under authority of Chapter 3377. of the 34772
Revised Code. 34773

(D) "Pledged facilities" means the project or other property 34774
that is mortgaged or the rentals, revenues, and other income, 34775
charges, and moneys from which are pledged, or both, for the 34776
payment of or the security for the payment of the principal of and 34777
interest on the bonds issued under the authority of section 34778
3377.05 or 3377.06 of the Revised Code. 34779

(E) "Project" means real or personal property, or both, 34780
acquired by gift or purchase, constructed, reconstructed, 34781
enlarged, remodeled, renovated, improved, furnished, or equipped, 34782
or any combination thereof, by or financed by the Ohio higher 34783
educational facility commission, or by funds that are refinanced 34784
or reimbursed by the commission for use by an educational 34785
institution as an educational facility located within the state. 34786

(F) "Project costs" means the costs of acquiring, 34787
constructing, equipping, furnishing, reconstructing, remodeling, 34788
renovating, enlarging, and improving educational facilities 34789
comprising one or more project, including costs connected with or 34790
incidental thereto, provision of capitalized interest prior to and 34791
during construction and for a period after the completion of the 34792
construction, appropriate reserves, architectural, engineering, 34793
financial, and legal services, and all other costs of financing, 34794
and the repayment or restoration of moneys borrowed or advanced 34795
for such purposes or temporarily used therefor from other sources, 34796
and means the costs of refinancing obligations issued or loans 34797
incurred by, or reimbursement of money advanced, invested or 34798
expended by, educational institutions or others the proceeds of 34799
which obligations or loans or the amounts advanced, invested or 34800
expended were used at any time for the payment of project costs, 34801
if the Ohio higher educational facility commission determines that 34802

the refinancing or reimbursement advances the purposes of this 34803
chapter, whether or not the refinancing or reimbursement is in 34804
conjunction with the acquisition or construction of additional 34805
educational facilities. 34806

Sec. 3377.06. In anticipation of the issuance of bonds 34807
authorized by section 3377.05 of the Revised Code, the Ohio higher 34808
educational facility commission may issue bond anticipation notes 34809
of the state and may renew the same from time to time by the 34810
issuance of new notes, but the maximum maturity of such notes, 34811
including renewals thereof, shall not exceed five years from the 34812
date of the issuance of the original notes. Such notes are payable 34813
solely from the revenues and receipts that may be pledged to the 34814
payment of such bonds or from the proceeds of such bonds, or both, 34815
as the commission provides in its resolution authorizing such 34816
notes, and may be additionally secured by covenants of the 34817
commission to the effect that the commission will do such or all 34818
things necessary for the issuance of such bonds, or of renewal 34819
notes under this section in appropriate amount, and either 34820
exchange such bonds or renewal notes therefor or apply the 34821
proceeds thereof to the extent necessary to make full payment on 34822
such notes at the time or times contemplated, as provided in such 34823
resolution. Subject to the provisions of this section, all 34824
provisions for and references to bonds in Chapter 3377. of the 34825
Revised Code are applicable to notes authorized under this section 34826
and any references therein to bondholders shall include holders or 34827
owners of such notes. 34828

Prior to the sale of bonds or notes authorized under section 34829
3377.05 or 3377.06 of the Revised Code, the commission shall 34830
determine that the project to be financed thereby will contribute 34831
to the objectives stated in section 3377.02 of the Revised Code 34832
and that the educational institution to which such project is to 34833
be leased, sold, exchanged, or otherwise disposed of, admits 34834

students without discrimination by reason of race, creed, color, 34835
or national origin. Nothing in this section prohibits an 34836
educational institution from requesting that its applicants for 34837
admission demonstrate beliefs or principles consistent with the 34838
mission of the institution. 34839

Sec. 3379.11. There is hereby created in the state treasury 34840
the gifts and donations fund. The fund shall consist of gifts and 34841
donations made to the Ohio arts council and fees paid for 34842
conferences the council sponsors. The fund shall be used to pay 34843
for the council's operating expenses, including, but not limited 34844
to, payroll, personal services, maintenance, equipment, and 34845
subsidy payments. All moneys deposited into the fund shall be 34846
received and expended pursuant to the council's duty to foster and 34847
encourage the development of the arts in this state and the 34848
preservation of the state's cultural heritage. 34849

Sec. 3383.01. As used in this chapter: 34850

(A) "Arts" means any of the following: 34851

(1) Visual, musical, dramatic, graphic, design, and other 34852
arts, including, but not limited to, architecture, dance, 34853
literature, motion pictures, music, painting, photography, 34854
sculpture, and theater, and the provision of training or education 34855
in these arts; 34856

(2) The presentation or making available, in museums or other 34857
indoor or outdoor facilities, of principles of science and their 34858
development, use, or application in business, industry, or 34859
commerce or of the history, heritage, development, presentation, 34860
and uses of the arts described in division (A)(1) of this section 34861
and of transportation; 34862

(3) The preservation, presentation, or making available of 34863
features of archaeological, architectural, environmental, or 34864

historical interest or significance in a state historical facility	34865
or a local historical facility.	34866
(B) "Arts organization" means either of the following:	34867
(1) A governmental agency or Ohio nonprofit corporation that	34868
provides programs or activities in areas directly concerned with	34869
the arts;	34870
(2) A regional arts and cultural district as defined in	34871
section 3381.01 of the Revised Code.	34872
(C) "Arts project" means all or any portion of an Ohio arts	34873
facility for which the general assembly has specifically	34874
authorized the spending of money, or made an appropriation,	34875
pursuant to division (D)(3) or (E) of section 3383.07 of the	34876
Revised Code.	34877
(D) "Cooperative contract" means a contract between the Ohio	34878
arts and sports facilities commission and an arts organization	34879
providing the terms and conditions of the cooperative use of an	34880
Ohio arts facility.	34881
(E) "Costs of operation" means amounts required to manage an	34882
Ohio arts facility that are incurred following the completion of	34883
construction of its arts project, provided that both of the	34884
following apply:	34885
(1) Those amounts either:	34886
(a) Have been committed to a fund dedicated to that purpose;	34887
(b) Equal the principal of any endowment fund, the income	34888
from which is dedicated to that purpose.	34889
(2) The commission and the arts organization have executed an	34890
agreement with respect to either of those funds.	34891
(F) "General building services" means general building	34892
services for an Ohio arts facility or an Ohio sports facility,	34893
including, but not limited to, general custodial care, security,	34894

maintenance, repair, painting, decoration, cleaning, utilities, 34895
fire safety, grounds and site maintenance and upkeep, and 34896
plumbing. 34897

(G) "Governmental agency" means a state agency, a 34898
state-supported or state-assisted institution of higher education, 34899
a municipal corporation, county, township, or school district, a 34900
port authority created under Chapter 4582. of the Revised Code, 34901
any other political subdivision or special district in this state 34902
established by or pursuant to law, or any combination of these 34903
entities; except where otherwise indicated, the United States or 34904
any department, division, or agency of the United States, or any 34905
agency, commission, or authority established pursuant to an 34906
interstate compact or agreement. 34907

(H) "Local contributions" means the value of an asset 34908
provided by or on behalf of an arts organization from sources 34909
other than the state, the value and nature of which shall be 34910
approved by the Ohio arts and sports facilities commission, in its 34911
sole discretion. "Local contributions" may include the value of 34912
the site where an arts project is to be constructed. All "local 34913
contributions," except a contribution attributable to such a site, 34914
shall be for the costs of construction of an arts project or the 34915
costs of operation of an arts facility. 34916

(I) "Local historical facility" means a site or facility, 34917
other than a state historical facility, of archaeological, 34918
architectural, environmental, or historical interest or 34919
significance, or a facility, including a storage facility, 34920
appurtenant to the operations of such a site or facility, that is 34921
owned by an arts organization, provided the facility meets the 34922
requirements of division (K)(2)(b) of this section, is managed by 34923
or pursuant to a contract with the Ohio arts and sports facilities 34924
commission, and is used for or in connection with the activities 34925
of the commission, including the presentation or making available 34926

of arts to the public. 34927

(J) "Manage," "operate," or "management" means the provision 34928
of, or the exercise of control over the provision of, activities: 34929

(1) Relating to the arts for an Ohio arts facility, including 34930
as applicable, but not limited to, providing for displays, 34931
exhibitions, specimens, and models; booking of artists, 34932
performances, or presentations; scheduling; and hiring or 34933
contracting for directors, curators, technical and scientific 34934
staff, ushers, stage managers, and others directly related to the 34935
arts activities in the facility; but not including general 34936
building services; 34937

(2) Relating to sports and athletic events for an Ohio sports 34938
facility, including as applicable, but not limited to, providing 34939
for booking of athletes, teams, and events; scheduling; and hiring 34940
or contracting for staff, ushers, managers, and others directly 34941
related to the sports and athletic events in the facility; but not 34942
including general building services. 34943

(K) "Ohio arts facility" means any of the following: 34944

(1) The three theaters located in the state office tower at 34945
77 South High street in Columbus; 34946

(2) Any capital facility in this state to which both of the 34947
following apply: 34948

(a) The construction of an arts project related to the 34949
facility was authorized or funded by the general assembly pursuant 34950
to division (D)(3) of section 3383.07 of the Revised Code and 34951
proceeds of state bonds are used for costs of the arts project. 34952

(b) The facility is managed directly by, or is subject to a 34953
cooperative or management contract with, the Ohio arts and sports 34954
facilities commission, and is used for or in connection with the 34955
activities of the commission, including the presentation or making 34956

available of arts to the public and the provision of training or 34957
education in the arts. ~~A cooperative or management contract shall~~ 34958
~~be for a term not less than the time remaining to the date of~~ 34959
~~payment or provision for payment of any state bonds issued to pay~~ 34960
~~the costs of the arts project, as determined by the director of~~ 34961
~~budget and management and certified by the director to the Ohio~~ 34962
~~arts and sports facilities commission and to the Ohio building~~ 34963
~~authority.~~ 34964

(3) A state historical facility or a local historical 34965
facility. 34966

(L) "State agency" means the state or any of its branches, 34967
officers, boards, commissions, authorities, departments, 34968
divisions, or other units or agencies. 34969

(M) "Construction" includes acquisition, including 34970
acquisition by lease-purchase, demolition, reconstruction, 34971
alteration, renovation, remodeling, enlargement, improvement, site 34972
improvements, and related equipping and furnishing. 34973

(N) "State historical facility" means a site or facility of 34974
archaeological, architectural, environmental, or historical 34975
interest or significance, or a facility, including a storage 34976
facility, appurtenant to the operations of such a site or 34977
facility, that is owned by or is located on real property owned by 34978
the state or by an arts organization, so long as the real property 34979
of the arts organization is contiguous to state-owned real 34980
property that is in the care, custody, and control of an arts 34981
organization, and that is managed directly by or is subject to a 34982
cooperative or management contract with the Ohio arts and sports 34983
facilities commission and is used for or in connection with the 34984
activities of the commission, including the presentation or making 34985
available of arts to the public. 34986

(O) "Ohio sports facility" means all or a portion of a 34987

stadium, arena, or other capital facility in this state, a primary 34988
purpose of which is to provide a site or venue for the 34989
presentation to the public of events of one or more major or minor 34990
league professional athletic or sports teams that are associated 34991
with the state or with a city or region of the state, which 34992
facility is owned by or is located on real property owned by the 34993
state or a governmental agency, and including all parking 34994
facilities, walkways, and other auxiliary facilities, equipment, 34995
furnishings, and real and personal property and interests and 34996
rights therein, that may be appropriate for or used for or in 34997
connection with the facility or its operation, for capital costs 34998
of which state funds are spent pursuant to this chapter. A 34999
facility constructed as an Ohio sports facility may be both an 35000
Ohio arts facility and an Ohio sports facility. 35001

Sec. 3383.07. (A) The department of administrative services 35002
shall provide for the construction of an arts project in 35003
conformity with Chapter 153. of the Revised Code, except as 35004
follows: 35005

(1) For an arts project that has an estimated construction 35006
cost, excluding the cost of acquisition, of twenty-five million 35007
dollars or more, and that is financed by the Ohio building 35008
authority, construction services may be provided by the authority 35009
if the authority determines it should provide those services. 35010

(2) For an arts project other than a state historical 35011
facility, construction services may be provided on behalf of the 35012
state by the Ohio arts and sports facilities commission, or by a 35013
governmental agency or an arts organization that occupies, will 35014
occupy, or is responsible for the Ohio arts facility, as 35015
determined by the commission. Construction services to be provided 35016
by a governmental agency or an arts organization shall be 35017
specified in an agreement between the commission and the 35018

governmental agency or arts organization. The agreement, or any 35019
actions taken under it, are not subject to Chapter 123. or 153. of 35020
the Revised Code, except for sections 123.151 and 153.011 of the 35021
Revised Code, and shall be subject to Chapter 4115. of the Revised 35022
Code. 35023

(3) For an arts project that is a state historical facility, 35024
construction services may be provided by the Ohio arts and sports 35025
facilities commission or by an arts organization that occupies, 35026
will occupy, or is responsible for the facility, as determined by 35027
the commission. The construction services to be provided by the 35028
arts organization shall be specified in an agreement between the 35029
commission and the arts organization. That agreement, and any 35030
actions taken under it, are not subject to Chapter 123., 153., or 35031
4115. of the Revised Code. 35032

(B) For an Ohio sports facility that is financed in part by 35033
the Ohio building authority, construction services shall be 35034
provided on behalf of the state by or at the direction of the 35035
governmental agency or nonprofit corporation that will own or be 35036
responsible for the management of the facility, all as determined 35037
by the Ohio arts and sports facilities commission. Any 35038
construction services to be provided by a governmental agency or 35039
nonprofit corporation shall be specified in an agreement between 35040
the commission and the governmental agency or nonprofit 35041
corporation. That agreement, and any actions taken under it, are 35042
not subject to Chapter 123. or 153. of the Revised Code, except 35043
for sections 123.151 and 153.011 of the Revised Code, and shall be 35044
subject to Chapter 4115. of the Revised Code. 35045

(C) General building services for an Ohio arts facility shall 35046
be provided by the Ohio arts and sports facilities commission or 35047
by an arts organization that occupies, will occupy, or is 35048
responsible for the facility, as determined by the commission, 35049
except that the Ohio building authority may elect to provide those 35050

services for Ohio arts facilities financed with proceeds of state 35051
bonds issued by the authority. The costs of management and general 35052
building services shall be paid by the arts organization that 35053
occupies, will occupy, or is responsible for the facility as 35054
provided in an agreement between the commission and the arts 35055
organization, except that the state may pay for general building 35056
services for state-owned arts facilities constructed on 35057
state-owned land. 35058

General building services for an Ohio sports facility shall 35059
be provided by or at the direction of the governmental agency or 35060
nonprofit corporation that will be responsible for the management 35061
of the facility, all as determined by the commission. Any general 35062
building services to be provided by a governmental agency or 35063
nonprofit corporation for an Ohio sports facility shall be 35064
specified in an agreement between the commission and the 35065
governmental agency or nonprofit corporation. That agreement, and 35066
any actions taken under it, are not subject to Chapter 123. or 35067
153. of the Revised Code, except for sections 123.151 and 153.011 35068
of the Revised Code, and shall be subject to Chapter 4115. of the 35069
Revised Code. 35070

(D) This division does not apply to a state historical 35071
facility. No state funds, including any state bond proceeds, shall 35072
be spent on the construction of any arts project under this 35073
chapter unless, with respect to the arts project and to the Ohio 35074
arts facility related to the project, all of the following apply: 35075

(1) The Ohio arts and sports facilities commission has 35076
determined that there is a need for the arts project and the Ohio 35077
arts facility related to the project in the region of the state in 35078
which the Ohio arts facility is located or for which the facility 35079
is proposed. 35080

(2) The commission has determined that, as an indication of 35081
substantial regional support for the arts project, the arts 35082

organization has made provision satisfactory to the commission, in 35083
its sole discretion, for local contributions amounting to not less 35084
than fifty per cent of the total state funding for the arts 35085
project. 35086

(3) The general assembly has specifically authorized the 35087
spending of money on, or made an appropriation for, the 35088
construction of the arts project, or for rental payments relating 35089
to the financing of the construction of the arts project. 35090
Authorization to spend money, or an appropriation, for planning 35091
the arts project does not constitute authorization to spend money 35092
on, or an appropriation for, construction of the arts project. 35093

(E) No state funds, including any state bond proceeds, shall 35094
be spent on the construction of any state historical facility 35095
under this chapter unless the general assembly has specifically 35096
authorized the spending of money on, or made an appropriation for, 35097
the construction of the arts project related to the facility, or 35098
for rental payments relating to the financing of the construction 35099
of the arts project. Authorization to spend money, or an 35100
appropriation, for planning the arts project does not constitute 35101
authorization to spend money on, or an appropriation for, the 35102
construction of the arts project. 35103

(F) State funds shall not be used to pay or reimburse more 35104
than fifteen per cent of the initial estimated construction cost 35105
of an Ohio sports facility, excluding any site acquisition cost, 35106
and no state funds, including any state bond proceeds, shall be 35107
spent on any Ohio sports facility under this chapter unless, with 35108
respect to that facility, all of the following apply: 35109

(1) The Ohio arts and sports facilities commission has 35110
determined that there is a need for the facility in the region of 35111
the state for which the facility is proposed to provide the 35112
function of an Ohio sports facility as provided for in this 35113
chapter. 35114

(2) As an indication of substantial local support for the 35115
facility, the commission has received a financial and development 35116
plan satisfactory to it, and provision has been made, by agreement 35117
or otherwise, satisfactory to the commission, for a contribution 35118
amounting to not less than eighty-five per cent of the total 35119
estimated construction cost of the facility, excluding any site 35120
acquisition cost, from sources other than the state. 35121

(3) The general assembly has specifically authorized the 35122
spending of money on, or made an appropriation for, the 35123
construction of the facility, or for rental payments relating to 35124
state financing of all or a portion of the costs of constructing 35125
the facility. Authorization to spend money, or an appropriation, 35126
for planning or determining the feasibility of or need for the 35127
facility does not constitute authorization to spend money on, or 35128
an appropriation for, costs of constructing the facility. 35129

(4) If state bond proceeds are being used for the Ohio sports 35130
facility, the state or a governmental agency owns or has 35131
sufficient property interests in the facility or in the site of 35132
the facility or in the portion or portions of the facility 35133
financed from proceeds of state bonds, which may include, but is 35134
not limited to, the right to use or to require the use of the 35135
facility for the presentation of sport and athletic events to the 35136
public at the facility, ~~extending for a period of not less than~~ 35137
~~the greater of the useful life of the portion of the facility~~ 35138
~~financed from proceeds of those bonds as determined using the~~ 35139
~~guidelines for maximum maturities as provided under divisions (B),~~ 35140
~~(C), and (D) of section 133.20 of the Revised Code, or the period~~ 35141
~~of time remaining to the date of payment or provision for payment~~ 35142
~~of outstanding state bonds allocable to costs of the facility, all~~ 35143
~~as determined by the director of budget and management and~~ 35144
~~certified by the director to the Ohio arts and sports facilities~~ 35145
~~commission and to the Ohio building authority.~~ 35146

Sec. 3501.011. (A) Except as otherwise provided in divisions 35147
(B) and (C) of this section, and except as otherwise provided in 35148
any section of Title XXXV of the Revised Code to the contrary, as 35149
used in the sections of the Revised Code relating to elections and 35150
political communications, whenever a person is required to sign or 35151
affix a signature to a declaration of candidacy, nominating 35152
petition, declaration of intent to be a write-in candidate, 35153
initiative petition, referendum petition, recall petition, or any 35154
other kind of petition, or to sign or affix a signature on any 35155
other document that is filed with or transmitted to a board of 35156
elections or the office of the secretary of state, "sign" or 35157
"signature" means that person's written, cursive-style legal mark 35158
written in that person's own hand. 35159

(B) For persons who do not use a cursive-style legal mark 35160
during the course of their regular business and legal affairs, 35161
"sign" or "signature" means that person's other legal mark that 35162
the person uses during the course of that person's regular 35163
business and legal affairs that is written in the person's own 35164
hand. 35165

(C) Any voter registration record requiring a person's 35166
signature shall be signed using the person's legal mark used in 35167
the person's regular business and legal affairs. For any purpose 35168
described in division (A) of this section, the legal mark of a 35169
registered elector shall be considered to be the mark of that 35170
elector as it appears on the elector's voter registration record. 35171

Sec. 3501.18. (A) The board of elections may divide a 35172
political subdivision, within its jurisdiction, into precincts 35173
and, establish, define, divide, rearrange, and combine the several 35174
election precincts within its jurisdiction, and change the 35175
location of the polling place for each precinct when it is 35176

necessary to maintain the requirements as to the number of voters 35177
in a precinct and to provide for the convenience of the voters and 35178
the proper conduct of elections, ~~provided that no.~~ No change in 35179
the number of precincts or in precinct boundaries shall be made 35180
during the twenty-five days immediately preceding a primary or 35181
general election ~~nor~~ or between the first day of January and the 35182
day on which the members of county central committees are elected 35183
in the years in which those committees are elected. Except as 35184
otherwise provided in division (C) of this section, each precinct 35185
shall contain a number of electors, not to exceed one thousand 35186
four hundred, that the board of elections determines to be a 35187
reasonable number after taking into consideration the type and 35188
amount of available equipment, prior voter turnout, the size and 35189
location of each selected polling place, available parking, 35190
availability of an adequate number of poll workers, and handicap 35191
accessibility and other accessibility to the polling place. 35192

If the board changes the boundaries of a precinct after the 35193
filing of a local option election petition pursuant to sections 35194
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 35195
calls for a local option election to be held in that precinct, the 35196
local option election shall be held in the area that constituted 35197
the precinct at the time the local option petition was filed, 35198
regardless of the change in the boundaries. 35199

If the board changes the boundaries of a precinct in order to 35200
meet the requirements of division (B)(1) of this section in a 35201
manner that causes a member of a county central committee to no 35202
longer qualify as a representative of an election precinct in the 35203
county, of a ward of a city in the county, or of a township in the 35204
county, the member shall continue to represent the precinct, ward, 35205
or township for the remainder of the member's term, regardless of 35206
the change in boundaries. 35207

In an emergency, the board may provide more than one polling 35208

place in a precinct. In order to provide for the convenience of 35209
the voters, the board may locate polling places for voting or 35210
registration outside the boundaries of precincts, provided that 35211
the nearest public school or public building shall be used if the 35212
board determines it to be available and suitable for use as a 35213
polling place. Except in an emergency, no change in the number or 35214
location of the polling places in a precinct shall be made during 35215
the twenty-five days immediately preceding a primary or general 35216
election. 35217

Electors who have failed to respond within thirty days to any 35218
confirmation notice shall not be counted in determining the size 35219
of any precinct under this section. 35220

(B)(1) Except as otherwise provided in division (B)(2) ~~or (3)~~ 35221
of this section, ~~not later than August 1, 2000, the~~ a board of 35222
elections shall determine all precinct boundaries using 35223
geographical units used by the United States department of 35224
commerce, bureau of the census, in reporting the decennial census 35225
of Ohio. 35226

~~(2) When any part of the boundary of a precinct also forms a 35227
part of the boundary of a legislative district and the precinct 35228
boundary cannot be determined by August 1, 2000, using the 35229
geographical units described in division (B)(1) of this section 35230
without making that part of the precinct boundary that also forms 35231
part of the legislative district boundary different from that 35232
legislative district boundary, the board of elections may 35233
determine the boundary of that precinct using the geographical 35234
units described in division (B)(1) of this section not later than 35235
April 1, 2002. As used in this division, legislative district 35236
means a district determined under Article XI of the Ohio 35237
Constitution. 35238~~

~~(3) The board of elections may apply to the secretary of 35239
state for a waiver from the requirement of division (B)(1) of this 35240~~

section when it is not feasible to comply with that requirement 35241
because of unusual physical boundaries or residential development 35242
practices that would cause unusual hardship for voters. The board 35243
shall identify the affected precincts and census units, explain 35244
the reason for the waiver request, and include a map illustrating 35245
where the census units will be split because of the requested 35246
waiver. If the secretary of state approves the waiver and so 35247
notifies the board of elections in writing, the board may change a 35248
precinct boundary as necessary under this section, notwithstanding 35249
the requirement in division (B)(1) of this section. 35250

(C) The board of elections may apply to the secretary of 35251
state for a waiver from the requirement of division (A) of this 35252
section regarding the number of electors in a precinct when the 35253
use of geographical units used by the United States department of 35254
commerce, bureau of the census, will cause a precinct to contain 35255
more than one thousand four hundred electors. The board shall 35256
identify the affected precincts and census units, explain the 35257
reason for the waiver request, and include a map illustrating 35258
where census units will be split because of the requested waiver. 35259
If the secretary of state approves the waiver and so notifies the 35260
board of elections in writing, the board may change a precinct 35261
boundary as necessary to meet the requirements of division (B)(1) 35262
of this section. 35263

Sec. 3501.30. (A) The board of elections shall provide for 35264
each polling place the necessary ballot boxes, official ballots, 35265
cards of instructions, registration forms, pollbooks, or poll 35266
lists, tally sheets, forms on which to make summary statements, 35267
writing implements, paper, and all other supplies necessary for 35268
casting and counting the ballots and recording the results of the 35269
voting at ~~such~~ the polling place. ~~Such~~ The pollbooks or poll lists 35270
shall have certificates appropriately printed ~~thereon~~ on them for 35271
the signatures of all the precinct officials, by which they shall 35272

certify that, to the best of their knowledge and belief, ~~said the~~ 35273
pollbooks or poll lists correctly show the names of all electors 35274
who voted in ~~such the~~ polling place at the election indicated 35275
~~therein in the pollbook or poll list.~~ 35276

A All of the following shall be included among the supplies 35277
provided to each polling place: 35278

(1) A large map of each appropriate precinct ~~shall be~~ 35279
~~included among the supplies to each polling place,~~ which shall be 35280
displayed prominently to assist persons who desire to register or 35281
vote on election day. Each map shall show all streets within the 35282
precinct and contain identifying symbols of the precinct in bold 35283
print. 35284

~~Such supplies shall also include a~~ (2) Any materials, 35285
postings, or instructions required to comply with state or federal 35286
laws; 35287

(3) A flag of the United States approximately two and 35288
one-half feet in length along the top, which shall be displayed 35289
outside the entrance to the polling place during the time it is 35290
open for voting. ~~Two;~~ 35291

(4) Two or more small flags of the United States 35292
approximately fifteen inches in length along the top ~~shall be~~ 35293
~~provided and, which~~ shall be placed at a distance of one hundred 35294
feet from the polling place on the thoroughfares or walkways 35295
leading to the polling place, to mark the distance within which 35296
persons other than election officials, witnesses, challengers, 35297
police officers, and electors waiting to mark, marking, or casting 35298
their ballots shall not loiter, congregate, or engage in any kind 35299
of election campaigning. Where small flags cannot reasonably be 35300
placed one hundred feet from the polling place, the presiding 35301
election judge shall place the flags as near to one hundred feet 35302
from the entrance to the polling place as is physically possible. 35303

Police officers and all election officials shall see that this 35304
prohibition against loitering and congregating is enforced. ~~When~~ 35305

When the period of time during which the polling place is 35306
open for voting expires, all of ~~said~~ the flags described in this 35307
division shall be taken into the polling place, and shall be 35308
returned to the board together with all other election ~~materials~~ 35309
~~and~~ supplies required to be delivered to ~~such~~ the board. 35310

(B) The board of elections shall follow the instructions and 35311
advisories of the secretary of state in the production and use of 35312
polling place supplies. 35313

Sec. 3503.10. (A) Each designated agency shall designate one 35314
person within that agency to serve as coordinator for the voter 35315
registration program within the agency and its departments, 35316
divisions, and programs. The designated person shall be trained 35317
under a program designed by the secretary of state and shall be 35318
responsible for administering all aspects of the voter 35319
registration program for that agency as prescribed by the 35320
secretary of state. The designated person shall receive no 35321
additional compensation for performing such duties. 35322

(B) Every designated agency, public high school and 35323
vocational school, public library, and office of a county 35324
treasurer shall provide in each of its offices or locations voter 35325
registration applications and assistance in the registration of 35326
persons qualified to register to vote, in accordance with this 35327
chapter. 35328

(C) Every designated agency shall distribute to its 35329
applicants, prior to or in conjunction with distributing a voter 35330
registration application, a form prescribed by the secretary of 35331
state that includes all of the following: 35332

(1) The question, "Do you want to register to vote or update 35333

your current voter registration?"--followed by boxes for the 35334
applicant to indicate whether the applicant would like to register 35335
or decline to register to vote, and the statement, highlighted in 35336
bold print, "If you do not check either box, you will be 35337
considered to have decided not to register to vote at this time."; 35338

(2) If the agency provides public assistance, the statement, 35339
"Applying to register or declining to register to vote will not 35340
affect the amount of assistance that you will be provided by this 35341
agency."; 35342

(3) The statement, "If you would like help in filling out the 35343
voter registration application form, we will help you. The 35344
decision whether to seek or accept help is yours. You may fill out 35345
the application form in private."; 35346

(4) The statement, "If you believe that someone has 35347
interfered with your right to register or to decline to register 35348
to vote, your right to privacy in deciding whether to register or 35349
in applying to register to vote, or your right to choose your own 35350
political party or other political preference, you may file a 35351
complaint with the prosecuting attorney of your county or with the 35352
secretary of state," with the address and telephone number for 35353
each such official's office. 35354

(D) Each designated agency shall distribute a voter 35355
registration form prescribed by the secretary of state to each 35356
applicant with each application for service or assistance, and 35357
with each written application or form for recertification, 35358
renewal, or change of address. 35359

(E) Each designated agency shall do all of the following: 35360

(1) Have employees trained to administer the voter 35361
registration program in order to provide to each applicant who 35362
wishes to register to vote and who accepts assistance, the same 35363
degree of assistance with regard to completion of the voter 35364

registration application as is provided by the agency with regard 35365
to the completion of its own form; 35366

(2) Accept completed voter registration applications, voter 35367
registration change of residence forms, and voter registration 35368
change of name forms, regardless of whether the application or 35369
form was distributed by the designated agency, for transmittal to 35370
the office of the board of elections in the county in which the 35371
agency is located. Each designated agency and the appropriate 35372
board of elections shall establish a method by which the voter 35373
registration applications and other voter registration forms are 35374
transmitted to that board of elections within five days after 35375
being accepted by the agency. 35376

(3) If the designated agency is one that is primarily engaged 35377
in providing services to persons with disabilities under a 35378
state-funded program, and that agency provides services to a 35379
person with disabilities at a person's home, provide the services 35380
described in divisions (E)(1) and (2) of this section at the 35381
person's home; 35382

(4) Keep as confidential, except as required by the secretary 35383
of state for record-keeping purposes, the identity of an agency 35384
through which a person registered to vote or updated the person's 35385
voter registration records, and information relating to a 35386
declination to register to vote made in connection with a voter 35387
registration application issued by a designated agency. 35388

(F) The secretary of state shall prepare and transmit written 35389
instructions on the implementation of the voter registration 35390
program within each designated agency, public high school and 35391
vocational school, public library, and office of a county 35392
treasurer. The instructions shall include directions as follows: 35393

(1) That each person designated to assist with voter 35394
registration maintain strict neutrality with respect to a person's 35395

political philosophies, a person's right to register or decline to register, and any other matter that may influence a person's decision to register or not register to vote;

(2) That each person designated to assist with voter registration not seek to influence a person's decision to register or not register to vote, not display or demonstrate any political preference or party allegiance, and not make any statement to a person or take any action the purpose or effect of which is to lead a person to believe that a decision to register or not register has any bearing on the availability of services or benefits offered, on the grade in a particular class in school, or on credit for a particular class in school;

(3) Regarding when and how to assist a person in completing the voter registration application, what to do with the completed voter registration application or voter registration update form, and when the application must be transmitted to the appropriate board of elections;

(4) Regarding what records must be kept by the agency and where and when those records should be transmitted to satisfy reporting requirements imposed on the secretary of state under the National Voter Registration Act of 1993;

(5) Regarding whom to contact to obtain answers to questions about voter registration forms and procedures.

(G) If the voter registration activity is part of an in-class voter registration program in a public high school or vocational school, whether prescribed by the secretary of state or independent of the secretary of state, the board of education shall do all of the following:

(1) Establish a schedule of school days and hours during these days when the person designated to assist with voter registration shall provide voter registration assistance;

(2) Designate a person to assist with voter registration from	35427
the public high school's or vocational school's staff;	35428
(3) Make voter registration applications and materials	35429
available, as outlined in the voter registration program	35430
established by the secretary of state pursuant to section 3501.05	35431
of the Revised Code;	35432
(4) Distribute the statement, "applying to register or	35433
declining to register to vote will not affect or be a condition of	35434
your receiving a particular grade in or credit for a school course	35435
or class, participating in a curricular or extracurricular	35436
activity, receiving a benefit or privilege, or participating in a	35437
program or activity otherwise available to pupils enrolled in this	35438
school district's schools.";	35439
(5) Establish a method by which the voter registration	35440
application and other voter registration forms are transmitted to	35441
the board of elections within five days after being accepted by	35442
the public high school or vocational school.	35443
(H) Any person employed by the designated agency, public high	35444
school or vocational school, public library, or office of a county	35445
treasurer may be designated to assist with voter registration	35446
pursuant to this section. The designated agency, public high	35447
school or vocational school, public library, or office of a county	35448
treasurer shall provide the designated person, and make available	35449
such space as may be necessary, without charge to the county or	35450
state.	35451
(I) The secretary of state shall prepare and cause to be	35452
displayed in a prominent location in each designated agency a	35453
notice that identifies the person designated to assist with voter	35454
registration, the nature of that person's duties, and where and	35455
when that person is available for assisting in the registration of	35456
voters.	35457

A designated agency may furnish additional supplies and 35458
services to disseminate information to increase public awareness 35459
of the existence of a person designated to assist with voter 35460
registration in every designated agency. 35461

(J) This section does not limit any authority a board of 35462
education, superintendent, or principal has to allow, sponsor, or 35463
promote voluntary election registration programs within a high 35464
school or vocational school, including programs in which pupils 35465
serve as persons designated to assist with voter registration, 35466
provided that no pupil is required to participate. 35467

(K) Each public library and office of the county treasurer 35468
shall establish a method by which voter registration forms are 35469
transmitted to the board of elections within five days after being 35470
accepted by the public library or office of the county treasurer. 35471

(L) The department of job and family services and its 35472
departments, divisions, and programs shall limit administration of 35473
the aspects of the voter registration program for the department 35474
to the requirements prescribed by the secretary of state and the 35475
requirements of this section and the National Voter Registration 35476
Act of 1993. 35477

Sec. 3505.01. On the sixtieth day before the day of the next 35478
general election, the secretary of state shall certify to the 35479
board of elections of each county the forms of the official 35480
ballots to be used at ~~such~~ that general election, together with 35481
the names of the candidates to be printed ~~thereon~~ on those ballots 35482
whose candidacy is to be submitted to the electors of the entire 35483
state. In the case of the presidential ballot for a general 35484
election ~~such, that~~ certification shall be made on the ~~sixtieth~~ 35485
fifty-fifth day before the day of the general election. On the 35486
seventy-fifth day before a special election to be held on the day 35487
specified by division (E) of section 3501.01 of the Revised Code 35488

for the holding of a primary election, designated by the general 35489
assembly for the purpose of submitting to the voters of the state 35490
constitutional amendments proposed by the general assembly, the 35491
secretary of state shall certify to the board of elections of each 35492
county the forms of the official ballots to be used at ~~such~~ that 35493
election. 35494

The board of the most populous county in each district 35495
comprised of more than one county but less than all of the 35496
counties of the state, in which there are candidates whose 35497
candidacies are to be submitted to the electors of ~~such~~ that 35498
district, shall, on the sixtieth day before the day of the next 35499
general election, certify to the board of each county in ~~such~~ the 35500
district the names of ~~such~~ those candidates to be printed on such 35501
ballots. 35502

The board of a county in which the major portion of a 35503
subdivision, located in more than one county, is located shall, on 35504
the sixtieth day before the day of the next general election, 35505
certify to the board of each county in which other portions of 35506
~~such subdivisions~~ that subdivision are located the names of 35507
candidates whose candidacies are to be submitted to the electors 35508
of ~~such~~ that subdivision, to be printed on such ballots. 35509

If, subsequently to the sixtieth day before, or in the case 35510
of a presidential ballot for a general election the fifty-fifth 35511
day before, and prior to the tenth day before the day of ~~such~~ a 35512
general election, a certificate is filed with the secretary of 35513
state to fill a vacancy caused by the death of a candidate, the 35514
secretary of state shall forthwith make a supplemental 35515
certification to the board of each county amending and correcting 35516
~~his~~ the secretary of state's original certification provided for 35517
in the first paragraph of this section. If, within ~~such~~ that time, 35518
such a certificate is filed with the board of the most populous 35519
county in a district comprised of more than one county but less 35520

than all of the counties of the state, or with the board of a 35521
county in which the major portion of the population of a 35522
subdivision, located in more than one county, is located, ~~such the~~ 35523
board with which ~~such a~~ the certificate is filed shall forthwith 35524
make a supplemental certification to the board of each county in 35525
~~such the~~ district or to the board of each county in which other 35526
portions of ~~such the~~ subdivision are located, amending and 35527
correcting its original certification provided for in the second 35528
and third paragraphs of this section. If, at the time such 35529
supplemental certification is received by a board, ballots 35530
carrying the name of the deceased candidate have been printed, 35531
~~such the~~ board shall cause strips of paper bearing the name of the 35532
candidate certified to fill ~~such the~~ vacancy to be printed and 35533
pasted on ~~such those~~ ballots so as to cover the name of the 35534
deceased candidate, except that in voting places using marking 35535
devices, the board shall cause strips of paper bearing the revised 35536
list of candidates for the office, after certification of a 35537
candidate to fill ~~such the~~ vacancy, to be printed and pasted on 35538
~~such the~~ ballot ~~card~~ cards so as to cover the names of candidates 35539
shown prior to the new certification, before such ballots are 35540
delivered to electors. 35541

Sec. 3505.061. (A) The Ohio ballot board, as authorized by 35542
Section 1 of Article XVI, Ohio Constitution, shall consist of the 35543
secretary of state and four appointed members. No more than two of 35544
the appointed members shall be of the same political party. One of 35545
the members shall be appointed by the president of the senate, one 35546
shall be appointed by the minority leader of the senate, one shall 35547
be appointed by the speaker of the house of representatives, and 35548
one shall be appointed by the minority leader of the house of 35549
representatives. The appointments shall be made no later than the 35550
last Monday in January in the year in which the appointments are 35551
to be made. If any appointment is not so made, the secretary of 35552

state, acting in place of the person otherwise required to make 35553
the appointment, shall appoint as many qualified members 35554
affiliated with the appropriate political party as are necessary. 35555

(B)(1) The initial appointees to the board shall serve until 35556
the first Monday in February, 1977. Thereafter, terms of office 35557
shall be for four years, each term ending on the first Monday in 35558
February. The term of the secretary of state on the board shall 35559
coincide with the secretary of state's term of office. Except as 35560
otherwise provided in division (B)(2) of this section, division 35561
(B)(2) of section 3505.063, and division (B)(2) of section 3519.03 35562
of the Revised Code, each appointed member shall hold office from 35563
the date of appointment until the end of the term for which the 35564
member was appointed. Except as otherwise provided in those 35565
divisions, any member appointed to fill a vacancy occurring prior 35566
to the expiration of the term for which the member's predecessor 35567
was appointed shall hold office for the remainder of that term. 35568
Except as otherwise provided in those divisions, any member shall 35569
continue in office subsequent to the expiration date of the 35570
member's term until the member's successor takes office or a 35571
period of sixty days has elapsed, whichever occurs first. Any 35572
vacancy occurring on the board shall be filled in the manner 35573
provided for original appointments. A member appointed to fill a 35574
vacancy shall be of the same political party as that required of 35575
the member whom the member replaces. 35576

(2) The term of office of a member of the board who also is a 35577
member of the general assembly and who was appointed to the board 35578
by the president of the senate, the minority leader of the senate, 35579
the speaker of the house of representatives, or the minority 35580
leader of the house of representatives shall end on the earlier of 35581
the following dates: 35582

(a) The ending date of the ballot board term for which the 35583
member was appointed; 35584

(b) The ending date of the member's term as a member of the 35585
general assembly. 35586

(C) Members of the board shall serve without compensation but 35587
shall be reimbursed for expenses actually and necessarily incurred 35588
in the performance of their duties. 35589

(D) The secretary of state shall be the chairperson of the 35590
board, and the secretary of state or the secretary of state's 35591
representative shall have a vote equal to that of any other 35592
member. The vice-chairperson shall act as chairperson in the 35593
absence or disability of the chairperson, or during a vacancy in 35594
that office. The board shall meet after notice of at least seven 35595
days at a time and place determined by the chairperson. At its 35596
first meeting, the board shall elect a vice-chairperson from among 35597
its members for a term of two years, and it shall adopt rules for 35598
its procedures. After the first meeting, the board shall meet at 35599
the call of the chairperson or upon the written request of three 35600
other members. Three members constitute a quorum. No action shall 35601
be taken without the concurrence of three members. 35602

(E) The secretary of state shall provide technical, 35603
professional, and clerical employees as necessary for the board to 35604
carry out its duties. 35605

Sec. 3505.08. (A) Ballots shall be provided by the board of 35606
elections for all general and special elections. ~~Such~~ The ballots 35607
shall be printed with black ink on No. 2 white book paper fifty 35608
pounds in weight per ream assuming such ream to consist of five 35609
hundred sheets of such paper twenty-five by thirty-eight inches in 35610
size. Each ballot shall have attached at the top two stubs, each 35611
of the width of the ballot and not less than one-half inch in 35612
length, except that, if the board of elections has an alternate 35613
method to account for the ballots that the secretary of state has 35614
authorized, each ballot may have only one stub that shall be the 35615

width of the ballot and not less than one-half inch in length. In 35616
the case of ballots with two stubs, the stubs shall be separated 35617
from the ballot and from each other by perforated lines. The top 35618
stub shall be known as Stub B and shall have printed on its face 35619
"Stub B." The other stub shall be known as Stub A and shall have 35620
printed on its face "Stub A." Each stub shall also have printed on 35621
its face "Consecutive Number" ~~Each~~ 35622

Each ballot of each kind of ballot provided for use in each 35623
precinct shall be numbered consecutively beginning with number 1 35624
by printing such number upon both of the stubs attached ~~thereto to~~ 35625
the ballot. On ballots bearing the names of candidates, each 35626
candidate's name shall be printed in twelve point boldface upper 35627
case type in an enclosed rectangular space, and an enclosed blank 35628
rectangular space shall be provided at the left ~~thereof of the~~ 35629
candidate's name. The name of the political party of a candidate 35630
nominated at a primary election or certified by a party committee 35631
shall be printed in ten point lightface upper and lower case type 35632
and shall be separated by a two point blank space. The name of 35633
each candidate shall be indented one space within ~~such the~~ 35634
enclosed rectangular space, and the name of the political party 35635
shall be indented two spaces within ~~such the enclosed~~ rectangular 35636
space. ~~The~~ 35637

The title of each office on ~~such the~~ ballots shall be printed 35638
in twelve point boldface upper and lower case type in a separate 35639
enclosed rectangular space. A four point rule shall separate the 35640
name of a candidate or a group of candidates for the same office 35641
from the title of the office next appearing below on the ballot, 35642
~~and~~; a two point rule shall separate the title of the office from 35643
the names of candidates; and a one point rule shall separate names 35644
of candidates. Headings shall be printed in display Roman type. 35645
When the names of several candidates are grouped together as 35646
candidates for the same office, there shall be printed on ~~such the~~ 35647

ballots immediately below the title of ~~such~~ the office and within 35648
the separate rectangular space in which ~~such~~ the title is printed 35649
"Vote for not more than," in six point boldface upper and 35650
lower case filling the blank space with that number which will 35651
indicate the number of persons who may be lawfully elected to ~~such~~ 35652
the office. 35653

Columns on ballots shall be separated from each other by a 35654
heavy vertical border or solid line at least one-eighth of an inch 35655
wide, and a similar vertical border or line shall enclose the left 35656
and right side of ballots, ~~and ballots.~~ Ballots shall be trimmed 35657
along the sides close to such lines. 35658

The ballots provided for by this section shall be comprised 35659
of four kinds of ballots designated as follows: ~~(A)~~ office type 35660
ballot; ~~(B)~~ nonpartisan ballot; ~~(C)~~ questions and issues ballot; 35661
~~(D)~~ and presidential ballot. 35662

On the back of each office type ballot shall be printed 35663
"Official Office Type Ballot;" on the back of each nonpartisan 35664
ballot shall be printed "Official Nonpartisan Ballot;" on the back 35665
of each questions and issues ballot shall be printed "Official 35666
Questions and Issues Ballot;" and on the back of each presidential 35667
ballot shall be printed "Official Presidential Ballot." On the 35668
back of every ballot also shall be printed the date of the 35669
election at which the ballot is used and the facsimile signatures 35670
of the members of the board of the county in which the ballot is 35671
used. For the purpose of identifying the kind of ballot, the back 35672
of every ballot may be numbered in ~~such~~ the order ~~as~~ the board 35673
shall determine. ~~Such~~ The numbers shall be printed in not less 35674
than thirty-six point type above the words "Official Office Type 35675
Ballot," "Official Nonpartisan Ballot," "Official Questions and 35676
Issues Ballot," or "Official Presidential Ballot," as the case may 35677
be. Ballot boxes bearing corresponding numbers shall be furnished 35678
for each precinct in which the above-described numbered ballots 35679

are used. 35680

On the back of every ballot used, there shall be a solid 35681
black line printed opposite the blank rectangular space that is 35682
used to mark the choice of the voter. This line shall be printed 35683
wide enough so that the mark in the blank rectangular space will 35684
not be visible from the back side of the ballot. 35685

Sample ballots may be printed by the board of elections for 35686
all general elections. ~~Such~~ The ballots shall be printed on 35687
colored paper, and "Sample Ballot" shall be plainly printed in 35688
boldface type on the face of each ballot. In counties of less than 35689
one hundred thousand population, the board may print not more than 35690
five hundred sample ballots; in all other counties, it may print 35691
not more than one thousand sample ballots. ~~Such~~ The sample ballots 35692
shall not be distributed by a political party or a candidate, nor 35693
shall a political party or candidate cause their title or name to 35694
be imprinted ~~thereon~~ on sample ballots. 35695

(B) Notwithstanding division (A) of this section, in 35696
approving the form of an official ballot, the secretary of state 35697
may authorize the use of fonts, type face settings, and ballot 35698
formats other than those prescribed in that division. 35699

Sec. 3505.10. (A) On the presidential ballot below the stubs 35700
at the top of the face of the ballot shall be printed "Official 35701
Presidential Ballot" centered between the side edges of the 35702
ballot. Below "Official Presidential Ballot" shall be printed a 35703
heavy line centered between the side edges of the ballot. Below 35704
the line shall be printed "Instruction to Voters" centered between 35705
the side edges of the ballot, and below ~~such~~ those words shall be 35706
printed the following instructions: 35707

~~(A)~~ (1) To vote for the candidates for president and 35708
vice-president whose names are printed below, record your vote in 35709
the manner provided next to the names of such candidates. That 35710

recording of the vote will be counted as a vote for each of the 35711
candidates for presidential elector whose names have been 35712
certified to the secretary of state and who are members of the 35713
same political party as the nominees for president and 35714
vice-president. A recording of the vote for independent candidates 35715
for president and vice-president shall be counted as a vote for 35716
the presidential electors filed by such candidates with the 35717
secretary of state. 35718

~~(B)~~(2) To vote for candidates for president and 35719
vice-president in the blank space below, record your vote in the 35720
manner provided and write the names of your choice for president 35721
and vice-president under the respective headings provided for 35722
those offices. Such write-in will be counted as a vote for the 35723
candidates' presidential electors whose names have been properly 35724
certified to the secretary of state. 35725

~~(C)~~(3) If you tear, soil, deface, or erroneously mark this 35726
ballot, return it to the precinct election officers or, if you 35727
cannot return it, notify the precinct election officers, and 35728
obtain another ballot." 35729

(B) Below ~~such~~ those instructions to the voter shall be 35730
printed a single vertical column of enclosed rectangular spaces 35731
equal in number to the number of presidential candidates plus one 35732
additional space for write-in candidates. Each of ~~such~~ those 35733
rectangular spaces shall be enclosed by a heavy line along each of 35734
its four sides, and such spaces shall be separated from each other 35735
by one-half inch of open space. 35736

In each of ~~such~~ those enclosed rectangular spaces, except the 35737
space provided for write-in candidates, shall be printed the names 35738
of the candidates for president and vice-president certified to 35739
the secretary of state or nominated as such in one of the 35740
following manners: 35741

(1) Nominated by the national convention of a political party 35742
to which delegates and alternates were elected in this state at 35743
the next preceding primary election ~~and the names of those~~ 35744
~~independent candidates nominated.~~ A political party certifying 35745
candidates so nominated shall certify the names of those 35746
candidates to the secretary of state on or before the sixtieth day 35747
before the day of the general election. 35748

(2) Nominated by nominating petition in accordance with 35749
section 3513.257 of the Revised Code. ~~The~~ Such a petition shall be 35750
filed on or before the seventy-fifth day before the day of the 35751
general election to provide sufficient time to verify the 35752
sufficiency and accuracy of signatures on it. 35753

(3) Certified to the secretary of state for placement on the 35754
presidential ballot by authorized officials of an intermediate or 35755
minor political party that has held a state or national convention 35756
for the purpose of choosing those candidates or that may, without 35757
a convention, certify those candidates in accordance with the 35758
procedure authorized by its party rules. The officials shall 35759
certify the names of those candidates to the secretary of state on 35760
or before the sixtieth day before the day of the general election. 35761
The certification shall be accompanied by a designation of a 35762
sufficient number of presidential electors to satisfy the 35763
requirements of law. 35764

The names of candidates for electors of president and 35765
vice-president shall not be placed on the ballot, but shall be 35766
certified to the secretary of state as required by sections 35767
3513.11 and 3513.257 of the Revised Code. ~~The names of candidates~~ 35768
~~for president and vice president may be certified to the secretary~~ 35769
~~of state, for placement on the presidential ballot, by authorized~~ 35770
~~officials of an intermediate or minor political party which has~~ 35771
~~held a state or national convention for the purpose of choosing~~ 35772
~~such candidates, or which may, without convention, certify such~~ 35773

~~candidates in accordance with the procedure authorized by its~~ 35774
~~party rules. Certification to the secretary of state of such~~ 35775
~~candidates shall be made on or before the seventy fifth day before~~ 35776
~~the day of the general election and shall be accompanied by~~ 35777
~~designation of a sufficient number of presidential electors to~~ 35778
~~satisfy the requirements of law. A vote for any of such candidates~~ 35779
for president and vice-president shall be a vote for the electors 35780
of ~~such~~ those candidates whose names have been certified to the 35781
secretary of state. 35782

(C) The arrangement of the printing in each of ~~such~~ the 35783
enclosed rectangular spaces shall be substantially as follows: 35784
Near the top and centered within the rectangular space shall be 35785
printed "For President" in ten-point boldface upper and lower case 35786
type. Below "For President" shall be printed the name of the 35787
candidate for president in twelve-point boldface upper case type. 35788
Below the name of the candidate for president shall be printed the 35789
name of the political party by which ~~such~~ that candidate for 35790
president was nominated in eight-point lightface upper and lower 35791
case type. Below the name of such political party shall be printed 35792
"For Vice-President" in ten-point boldface upper and lower case 35793
type. Below "For Vice-President" shall be printed the name of the 35794
candidate for vice-president in twelve-point boldface upper case 35795
type. Below the name of the candidate for vice-president shall be 35796
printed the name of the political party by which ~~such~~ that 35797
candidate for vice-president was nominated in eight-point 35798
lightface upper and lower case type. No political identification 35799
or name of any political party shall be printed below the names of 35800
presidential and vice-presidential candidates nominated by 35801
petition. 35802

The rectangular spaces on the ballot described in this 35803
section shall be rotated and printed as provided in section 35804
3505.03 of the Revised Code. 35805

Sec. 3506.20. (A) Notwithstanding anything in the Revised Code to the contrary, the secretary of state shall not do either of the following: 35806
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(1) Issue instructions by a rule, directive, or advisory to any county board of elections requiring the board to be in full compliance with the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301, by a date that is earlier than January 1, 2005; 35809
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(2) Otherwise specify a date earlier than January 1, 2005, by which a county board of elections shall be in full compliance with the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301. 35814
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(B) Notwithstanding any provision of section 3501.11 of the Revised Code to the contrary, a county board of elections shall not submit to the secretary of state, and the secretary of state shall not decide, any tie vote or disagreement of the board on whether the board will fully comply with the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301, by a date that is earlier than January 1, 2005. 35818
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(C) The secretary of state shall apply for a waiver, pursuant to the "Help America Vote Act of 2002," 116 Stat. 1666, 42 U.S.C. 15301, of any applicable deadlines for the act's implementation earlier than January 1, 2005, except that the application shall not preclude any county board of elections that chooses to fully comply with the act by a date that is earlier than January 1, 2005, from doing so. 35825
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Sec. 3517.092. (A) As used in this section: 35832

(1) "Appointing authority" has the same meaning as in section 124.01 of the Revised Code. 35833
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(2) "State elected officer" means any person appointed or elected to a state elective office.	35835 35836
(3) "State elective office" means any of the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, member of the general assembly, and justice and chief justice of the supreme court.	35837 35838 35839 35840 35841
(4) "County elected officer" means any person appointed or elected to a county elective office.	35842 35843
(5) "County elective office" means any of the offices of county auditor, county treasurer, clerk of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, and coroner.	35844 35845 35846 35847
(6) "Contribution" includes a contribution to any political party, campaign committee, political action committee, political contributing entity, or legislative campaign fund.	35848 35849 35850
(B) No state elected officer, no campaign committee of such an officer, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that officer or that officer's campaign committee from any of the following:	35851 35852 35853 35854
(1) A state employee whose appointing authority is the state elected officer;	35855 35856
(2) A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;	35857 35858
(3) A state employee who functions in or is employed in or by the same public agency, department, division, or office as the state elected officer.	35859 35860 35861
(C) No candidate for a state elective office, no campaign committee of such a candidate, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that	35862 35863 35864

candidate or that candidate's campaign committee from any of the 35865
following: 35866

(1) A state employee at the time of the solicitation, whose 35867
appointing authority will be the candidate, if elected; 35868

(2) A state employee at the time of the solicitation, whose 35869
appointing authority will be appointed by the candidate, if 35870
elected, as authorized or required by law; 35871

(3) A state employee at the time of the solicitation, who 35872
will function in or be employed in or by the same public agency, 35873
department, division, or office as the candidate, if elected. 35874

(D) No county elected officer, no campaign committee of such 35875
an officer, and no other person or entity shall knowingly solicit 35876
a contribution on behalf of that officer or that officer's 35877
campaign committee from any of the following: 35878

(1) A county employee whose appointing authority is the 35879
county elected officer; 35880

(2) A county employee whose appointing authority is 35881
authorized or required by law to be appointed by the county 35882
elected officer; 35883

(3) A county employee who functions in or is employed in or 35884
by the same public agency, department, division, or office as the 35885
county elected officer. 35886

(E) No candidate for a county elective office, no campaign 35887
committee of such a candidate, and no other person or entity shall 35888
knowingly solicit a contribution on behalf of that candidate or 35889
that candidate's campaign committee from any of the following: 35890

(1) A county employee at the time of the solicitation, whose 35891
appointing authority will be the candidate, if elected; 35892

(2) A county employee at the time of the solicitation, whose 35893
appointing authority will be appointed by the candidate, if 35894

elected, as authorized or required by law; 35895

(3) A county employee at the time of the solicitation, who 35896
will function in or be employed in or by the same public agency, 35897
department, division, or office as the candidate, if elected. 35898

(F)(1) No public employee shall solicit a contribution from 35899
any person while the public employee is performing the public 35900
employee's official duties or in those areas of a public building 35901
where official business is transacted or conducted. 35902

(2) No person shall solicit a contribution from any public 35903
employee while the public employee is performing the public 35904
employee's official duties or is in those areas of a public 35905
building where official business is transacted or conducted. 35906

(3) As used in division (F) of this section, "public 35907
employee" does not include any person holding an elective office. 35908

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) 35909
of this section are in addition to the prohibitions in sections 35910
124.57, ~~1553.09~~, 3304.22, and 4503.032 of the Revised Code. 35911

Sec. 3701.021. (A) The public health council shall adopt, in 35912
accordance with Chapter 119. of the Revised Code, such rules as 35913
are necessary to carry out sections 3701.021 to ~~3701.028~~ 3701.0210 35914
of the Revised Code, including, but not limited to, rules to 35915
establish the following: 35916

(1) Medical and financial eligibility requirements for the 35917
program for medically handicapped children; 35918

(2) Eligibility requirements for providers of services for 35919
medically handicapped children; 35920

(3) Procedures to be followed by the department of health in 35921
disqualifying providers for violating requirements adopted under 35922
division (A)(2) of this section; 35923

(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	35924 35925 35926 35927
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	35928 35929
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	35930 35931 35932 35933 35934
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	35935 35936 35937
(8) Criteria for payment of approved providers who provide services for medically handicapped children;	35938 35939
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	35940 35941 35942
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	35943 35944 35945
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	35946 35947 35948
<u>(12) Eligibility requirements for the hemophilia program, including income and hardship requirements.</u>	35949 35950
(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to	35951 35952 35953

3701.028 <u>3701.0210</u> of the Revised Code.	35954
Sec. 3701.022. As used in sections 3701.021 to 3701.028	35955
<u>3701.0210</u> of the Revised Code:	35956
(A) "Medically handicapped child" means an Ohio resident	35957
under twenty-one years of age who suffers primarily from an	35958
organic disease, defect, or a congenital or acquired physically	35959
handicapping and associated condition that may hinder the	35960
achievement of normal growth and development.	35961
(B) "Provider" means a health professional, hospital, medical	35962
equipment supplier, and any individual, group, or agency that is	35963
approved by the department of health pursuant to division (C) of	35964
section 3701.023 of the Revised Code and that provides or intends	35965
to provide goods or services to a child who is eligible for the	35966
program for medically handicapped children.	35967
(C) "Service coordination" means case management services	35968
provided to medically handicapped children that promote effective	35969
and efficient organization and utilization of public and private	35970
resources and ensure that care rendered is family-centered,	35971
community-based, and coordinated.	35972
(D)(1) "Third party" means any person or government entity	35973
other than the following:	35974
(a) A medically handicapped child participating in the	35975
program for medically handicapped children or the child's parent	35976
or guardian;	35977
(b) The department or any program administered by the	35978
department, including the "Maternal and Child Health Block Grant,"	35979
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42	35980
U.S.C.A. 701, as amended;	35981
(c) The "caring program for children" operated by the	35982
nonprofit community mutual insurance corporation.	35983

(2) "Third party" includes all of the following:	35984
(a) Any trust established to benefit a medically handicapped child participating in the program or the child's family or guardians, if the trust was established after the date the medically handicapped child applied to participate in the program;	35985 35986 35987 35988
(b) That portion of a trust designated to pay for the medical and ancillary care of a medically handicapped child, if the trust was established on or before the date the medically handicapped child applied to participate in the program;	35989 35990 35991 35992
(c) The program awarding reparations to victims of crime established under sections 2743.51 to 2743.72 of the Revised Code.	35993 35994
(E) "Third-party benefits" means any and all benefits paid by a third party to or on behalf of a medically handicapped child participating in the program or the child's parent or guardian for goods or services that are authorized by the department pursuant to division (B) or (D) of section 3701.023 of the Revised Code.	35995 35996 35997 35998 35999
<u>(F) "Hemophilia program" means the hemophilia program the department of health is required to establish and administer under section 3701.029 of the Revised Code.</u>	36000 36001 36002
Sec. 3701.024. (A)(1) Under a procedure established in rules adopted under section 3701.021 of the Revised Code, the department of health shall determine the amount each county shall provide annually for the program for medically handicapped children, based on a proportion of the county's total general property tax duplicate, not to exceed one-tenth of a mill through fiscal year 2005 and three tenths of a mill thereafter , and charge the county for any part of expenses incurred under the program for treatment services on behalf of medically handicapped children having legal settlement in the county that is not paid from federal funds or through the medical assistance program established under section	36003 36004 36005 36006 36007 36008 36009 36010 36011 36012 36013

5111.01 of the Revised Code. The department shall not charge the 36014
county for expenses exceeding the difference between the amount 36015
determined under division (A)(1) of this section and any amounts 36016
retained under divisions (A)(2) and (3) of this section. 36017

All amounts collected by the department under division (A)(1) 36018
of this section shall be deposited into the state treasury to the 36019
credit of the medically handicapped children-county assessment 36020
fund, which is hereby created. The fund shall be used by the 36021
department to comply with sections 3701.021 to 3701.028 of the 36022
Revised Code. 36023

(2) The department, in accordance with rules adopted under 36024
section 3701.021 of the Revised Code, may allow each county to 36025
retain up to ten per cent of the amount determined under division 36026
(A)(1) of this section to provide funds to city or general health 36027
districts of the county with which the districts shall provide 36028
service coordination, public health nursing, or transportation 36029
services for medically handicapped children. 36030

(3) In addition to any amount retained under division (A)(2) 36031
of this section, the department, in accordance with rules adopted 36032
under section 3701.021 of the Revised Code, may allow counties 36033
that it determines have significant numbers of potentially 36034
eligible medically handicapped children to retain an amount equal 36035
to the difference between: 36036

(a) Twenty-five per cent of the amount determined under 36037
division (A)(1) of this section; 36038

(b) Any amount retained under division (A)(2) of this 36039
section. 36040

Counties shall use amounts retained under division (A)(3) of 36041
this section to provide funds to city or general health districts 36042
of the county with which the districts shall conduct outreach 36043
activities to increase participation in the program for medically 36044

handicapped children. 36045

(4) Prior to any increase in the millage charged to a county, 36046
the public health council shall hold a public hearing on the 36047
proposed increase and shall give notice of the hearing to each 36048
board of county commissioners that would be affected by the 36049
increase at least thirty days prior to the date set for the 36050
hearing. Any county commissioner may appear and give testimony at 36051
the hearing. Any increase in the millage any county is required to 36052
provide for the program for medically handicapped children shall 36053
be determined, and notice of the amount of the increase shall be 36054
provided to each affected board of county commissioners, no later 36055
than the first day of June of the fiscal year next preceding the 36056
fiscal year in which the increase will take effect. 36057

(B) Each board of county commissioners shall establish a 36058
medically handicapped children's fund and shall appropriate 36059
thereto an amount, determined in accordance with division (A)(1) 36060
of this section, for the county's share in providing medical, 36061
surgical, and other aid to medically handicapped children residing 36062
in such county and for the purposes specified in divisions (A)(2) 36063
and (3) of this section. Each county shall use money retained 36064
under divisions (A)(2) and (3) of this section only for the 36065
purposes specified in those divisions. 36066

Sec. 3701.029. Subject to available funds, the department of 36067
health shall establish and administer a hemophilia program to 36068
provide payment of health insurance premiums for Ohio residents 36069
who meet all of the following requirements: 36070

(A) Have been diagnosed with hemophilia or a related bleeding 36071
disorder; 36072

(B) Are at least twenty-one years of age; 36073

(C) Meet the eligibility requirements established by rules 36074

adopted under division (A)(12) of section 3701.021 of the Revised Code. 36075
36076

Sec. ~~3701.145~~ 3701.0210. ~~The director of health~~ medically 36077
~~handicapped children's medical advisory council~~ shall ~~establish~~ 36078
~~appoint~~ a hemophilia advisory ~~council~~ subcommittee to advise the 36079
director ~~and the department~~ of health ~~and council~~ on all matters 36080
pertaining to the care and treatment of persons with hemophilia. 36081
~~The council~~ The duties of the subcommittee include, but are not 36082
limited to, the monitoring of care and treatment of children and 36083
adults who suffer from hemophilia or from other similar blood 36084
disorders. 36085

The subcommittee shall consist of not fewer than ~~nineteen~~ 36086
fifteen members, each of whom shall be appointed ~~by the director~~ 36087
to terms of four years. The members of the ~~council~~ subcommittee 36088
shall elect a chairperson from among the appointed membership to 36089
serve a term of two years. Members of the ~~council~~ subcommittee 36090
shall serve without compensation, except that they may be 36091
reimbursed for travel expenses to and from meetings of the ~~council~~ 36092
subcommittee. 36093

Members shall be appointed to represent all geographic areas 36094
of this state. Not fewer than five members of the ~~council~~ 36095
subcommittee shall be persons with hemophilia or family members of 36096
persons with hemophilia. Not fewer than five members shall be 36097
providers of health care services to persons with hemophilia. Not 36098
fewer than five members shall be experts in fields of importance 36099
to treatment of persons with hemophilia, including experts in 36100
infectious diseases, insurance, and law. 36101

~~The council shall submit to the director of health, the~~ 36102
~~governor, and the general assembly, a report no later than the~~ 36103
~~thirtieth day of September of each year summarizing the current~~ 36104
~~status and needs of persons in this state with hemophilia and of~~ 36105

~~family members of persons with hemophilia.~~ 36106

Notwithstanding section 101.83 of the Revised Code, that 36107
section does not apply to the medically handicapped children's 36108
medical advisory council hemophilia advisory subcommittee, and the 36109
subcommittee shall not expire under that section. 36110

Sec. 3701.141. (A) There is hereby created in the department 36111
of health the ~~office of women's health initiatives program,~~ 36112
~~consisting of the chief of the office and an administrative~~ 36113
~~assistant. To the extent of available funds, other positions~~ 36114
~~determined necessary and relevant by the director of health may be~~ 36115
~~added. The administrative assistant and all other employees~~ 36116
~~assigned to the office shall report to the chief and the chief to~~ 36117
~~the director or the deputy specified by the director.~~ 36118

(B) To the extent funds are available, the ~~office of women's~~ 36119
health ~~initiatives program~~ shall: 36120

(1) Identify, review, and assist the director in the 36121
coordination of programs and resources the department of health is 36122
committing to women's health concerns, including the department's 36123
women's and infants' program activities; 36124

(2) Advocate for women's health by requesting that the 36125
department conduct, sponsor, encourage, or fund research; 36126
establish additional programs regarding women's health concerns as 36127
needed; and monitor the research and program efforts; 36128

(3) Collect, classify, and store relevant research conducted 36129
by the department or other entities, and provide, unless otherwise 36130
prohibited by law, interested persons access to research results; 36131

(4) Generate Apply for grant activities opportunities. 36132

~~(C) Prior to the director's report to the governor on the~~ 36133
~~department's biennial budget request, the office of women's health~~ 36134
~~initiatives shall submit in writing to the director of health a~~ 36135

~~biennial report of recommended programs, projects, and research to~~ 36136
~~address critical issues in women's health.~~ 36137

Sec. 3701.61. (A) The department of health shall establish 36138
the help me grow program for the purpose of encouraging early 36139
prenatal and well-baby care. The program shall include 36140
distributing subsidies to counties to provide the following 36141
services: 36142

(1) Home-visiting services to newborn infants and their 36143
families; 36144

(2) Services to infants and toddlers under three years of age 36145
who are at risk for, or who have, a developmental delay or 36146
disability and their families. 36147

(B) The department shall not provide home-visiting services 36148
under the help me grow program unless requested in writing by a 36149
parent of the infant or toddler. 36150

(C) Pursuant to Chapter 119. of the Revised Code, the 36151
department shall adopt rules that are necessary and proper to 36152
implement this section. 36153

Sec. 3701.741. (A) Through December 31, 2004, each health 36154
care provider and medical records company shall provide copies of 36155
medical records in accordance with this section. 36156

(B) Except as provided in divisions (C) and (E) of this 36157
section, a health care provider or medical records company that 36158
receives a request for a copy of a patient's medical record may 36159
charge not more than the amounts set forth in this section. Total 36160
costs for copies and all services related to those copies shall 36161
not exceed the sum of the following: 36162

(1) An initial fee of fifteen dollars, which shall compensate 36163
for the records search; 36164

(2) With respect to data recorded on paper, the following amounts:	36165 36166
(a) One dollar per page for the first ten pages;	36167
(b) Fifty cents per page for pages eleven through fifty;	36168
(c) Twenty cents per page for pages fifty-one and higher.	36169
(3) With respect to data recorded other than on paper, the actual cost of making the copy;	36170 36171
(4) The actual cost of any related postage incurred by the health care provider or medical records company.	36172 36173
(C) A health care provider or medical records company shall provide one copy without charge to the following:	36174 36175
(1) The bureau of workers' compensation, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	36176 36177 36178
(2) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	36179 36180 36181
(3) The department of job and family services, in accordance with Chapter 5101. of the Revised Code and the rules adopted under those chapters;	36182 36183 36184
(4) <u>The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections;</u>	36185 36186 36187
(5) A patient or patient's representative if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.	36188 36189 36190 36191 36192
(D) Division (C) of this section shall not be construed to	36193

supersede any rule of the bureau of workers' compensation, the 36194
industrial commission, or the department of job and family 36195
services. 36196

(E) A health care provider or medical records company may 36197
enter into a contract with a patient, a patient's representative, 36198
or an insurer for the copying of medical records at a fee other 36199
than as provided in division (B) of this section. 36200

(F) This section does not apply to either of the following: 36201

(1) Copies of medical records provided to insurers authorized 36202
under Title XXXIX of the Revised Code to do the business of 36203
sickness and accident insurance in this state or health insuring 36204
corporations holding a certificate of authority under Chapter 36205
1751. of the Revised Code; 36206

(2) Medical records the copying of which is covered by 36207
section 173.20 of the Revised Code or by 42 C.F.R. 483.10. 36208

(G) Nothing in this section requires or precludes the 36209
distribution of medical records at any particular cost or fee to 36210
insurers authorized under Title XXXIX of the Revised Code to do 36211
the business of sickness and accident insurance in this state or 36212
health insuring corporations holding a certificate of authority 36213
under Chapter 1751. of the Revised Code. 36214

Sec. 3701.83. (A) There is hereby created in the state 36215
treasury the general operations fund. Moneys in the fund shall be 36216
used for the purposes specified in sections 3701.04, 3701.344, 36217
~~3701.88,~~ 3702.20, 3710.15, 3711.021, 3717.45, 3721.02, 3722.04, 36218
3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 36219
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 36220
Revised Code. 36221

(B) The alcohol testing program fund is hereby created in the 36222
state treasury. The director of health shall use the fund to 36223

administer and enforce the alcohol testing and permit program 36224
authorized by section 3701.143 of the Revised Code. 36225

The fund shall receive transfers from the liquor control fund 36226
created under section 4301.12 of the Revised Code. All investment 36227
earnings of the alcohol testing program fund shall be credited to 36228
the fund. 36229

Sec. 3701.881. (A) As used in this section: 36230

(1) "Applicant" means both of the following: 36231

(a) A person who is under final consideration for appointment 36232
or employment with a home health agency in a position as a person 36233
responsible for the care, custody, or control of a child; 36234

(b) A person who is under final consideration for employment 36235
with a home health agency in a full-time, part-time, or temporary 36236
position that involves providing direct care to an older adult. 36237
With regard to persons providing direct care to older adults, 36238
"applicant" does not include a person who provides direct care as 36239
a volunteer without receiving or expecting to receive any form of 36240
remuneration other than reimbursement for actual expenses. 36241

(2) "Criminal records check" and "older adult" have the same 36242
meanings as in section 109.572 of the Revised Code. 36243

(3) "Home health agency" ~~has the same meaning as in section~~ 36244
~~3701.88 of the Revised Code~~ means a person or government entity, 36245
other than a nursing home, residential care facility, or hospice 36246
care program, that has the primary function of providing any of 36247
the following services to a patient at a place of residence used 36248
as the patient's home: 36249

(a) Skilled nursing care; 36250

(b) Physical therapy; 36251

(c) Speech-language pathology; 36252

<u>(d) Occupational therapy;</u>	36253
<u>(e) Medical social services;</u>	36254
<u>(f) Home health aide services.</u>	36255
(4) <u>"Home health aide services" means any of the following</u>	36256
<u>services provided by an individual employed with or contracted for</u>	36257
<u>by a home health agency:</u>	36258
<u>(a) Hands-on bathing or assistance with a tub bath or shower;</u>	36259
<u>(b) Assistance with dressing, ambulation, and toileting;</u>	36260
<u>(c) Catheter care but not insertion;</u>	36261
<u>(d) Meal preparation and feeding.</u>	36262
(5) <u>"Hospice care program" has the same meaning as in section</u>	36263
<u>3712.01 of the Revised Code.</u>	36264
(6) <u>"Medical social services" means services provided by a</u>	36265
<u>social worker under the direction of a patient's attending</u>	36266
<u>physician.</u>	36267
(7) <u>"Minor drug possession offense" has the same meaning as</u>	36268
<u>in section 2925.01 of the Revised Code.</u>	36269
(8) <u>"Nursing home," "residential care facility," and "skilled</u>	36270
<u>nursing care" have the same meanings as in section 3721.01 of the</u>	36271
<u>Revised Code.</u>	36272
(9) <u>"Occupational therapy" has the same meaning as in section</u>	36273
<u>4755.01 of the Revised Code.</u>	36274
(10) <u>"Physical therapy" has the same meaning as in section</u>	36275
<u>4755.40 of the Revised Code.</u>	36276
(11) <u>"Social worker" means a person licensed under Chapter</u>	36277
<u>4757. of the Revised Code to practice as a social worker or</u>	36278
<u>independent social worker.</u>	36279
(12) <u>"Speech-language pathology" has the same meaning as in</u>	36280

section 4753.01 of the Revised Code. 36281

(B)(1) Except as provided in division (I) of this section, 36282
the chief administrator of a home health agency shall request the 36283
superintendent of the bureau of criminal identification and 36284
investigation to conduct a criminal records check with respect to 36285
each applicant. If the position may involve both responsibility 36286
for the care, custody, or control of a child and provision of 36287
direct care to an older adult, the chief administrator shall 36288
request that the superintendent conduct a single criminal records 36289
check for the applicant. If an applicant for whom a criminal 36290
records check request is required under this division does not 36291
present proof of having been a resident of this state for the 36292
five-year period immediately prior to the date upon which the 36293
criminal records check is requested or does not provide evidence 36294
that within that five-year period the superintendent has requested 36295
information about the applicant from the federal bureau of 36296
investigation in a criminal records check, the chief administrator 36297
shall request that the superintendent obtain information from the 36298
federal bureau of investigation as a part of the criminal records 36299
check for the applicant. Even if an applicant for whom a criminal 36300
records check request is required under this division presents 36301
proof that the applicant has been a resident of this state for 36302
that five-year period, the chief administrator may request that 36303
the superintendent include information from the federal bureau of 36304
investigation in the criminal records check. 36305

(2) Any person required by division (B)(1) of this section to 36306
request a criminal records check shall provide to each applicant 36307
for whom a criminal records check request is required under that 36308
division a copy of the form prescribed pursuant to division (C)(1) 36309
of section 109.572 of the Revised Code and a standard impression 36310
sheet prescribed pursuant to division (C)(2) of section 109.572 of 36311
the Revised Code, obtain the completed form and impression sheet 36312

from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the chief administrator requests a criminal records check pursuant to division (B)(1) of this section.

(3) An applicant who receives pursuant to division (B)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheets with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the home health agency shall not employ that applicant for any position for which a criminal records check is required by division (B)(1) of this section.

(C)(1) Except as provided in rules adopted by the department of health in accordance with division (F) of this section and subject to division (C)(3) of this section, no home health agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section

2905.04 of the Revised Code as it existed prior to July 1, 1996, a 36345
violation of section 2919.23 of the Revised Code that would have 36346
been a violation of section 2905.04 of the Revised Code as it 36347
existed prior to July 1, 1996, had the violation been committed 36348
prior to that date, a violation of section 2925.11 of the Revised 36349
Code that is not a minor drug possession offense, or felonious 36350
sexual penetration in violation of former section 2907.12 of the 36351
Revised Code; 36352

(b) A violation of an existing or former law of this state, 36353
any other state, or the United States that is substantially 36354
equivalent to any of the offenses listed in division (C)(1)(a) of 36355
this section. 36356

(2) Except as provided in rules adopted by the department of 36357
health in accordance with division (F) of this section and subject 36358
to division (C)(3) of this section, no home health agency shall 36359
employ a person in a position that involves providing direct care 36360
to an older adult if the person previously has been convicted of 36361
or pleaded guilty to any of the following: 36362

(a) A violation of section 2903.01, 2903.02, 2903.03, 36363
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 36364
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 36365
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 36366
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 36367
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 36368
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 36369
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 36370
2925.22, 2925.23, or 3716.11 of the Revised Code. 36371

(b) A violation of an existing or former law of this state, 36372
any other state, or the United States that is substantially 36373
equivalent to any of the offenses listed in division (C)(2)(a) of 36374
this section. 36375

(3)(a) A home health agency may employ conditionally an 36376
applicant for whom a criminal records check request is required 36377
under division (B) of this section as a person responsible for the 36378
care, custody, or control of a child until the criminal records 36379
check regarding the applicant required by this section is 36380
completed and the agency receives the results of the criminal 36381
records check. If the results of the criminal records check 36382
indicate that, pursuant to division (C)(1) of this section, the 36383
applicant does not qualify for employment, the agency shall 36384
release the applicant from employment unless the agency chooses to 36385
employ the applicant pursuant to division (F) of this section. 36386

(b)(i) A home health agency may employ conditionally an 36387
applicant for whom a criminal records check request is required 36388
under division (B) of this section in a position that involves 36389
providing direct care to an older adult or in a position that 36390
involves both responsibility for the care, custody, and control of 36391
a child and the provision of direct care to older adults prior to 36392
obtaining the results of a criminal records check regarding the 36393
individual, provided that the agency shall request a criminal 36394
records check regarding the individual in accordance with division 36395
(B)(1) of this section not later than five business days after the 36396
individual begins conditional employment. In the circumstances 36397
described in division (I)(2) of this section, a home health agency 36398
may employ conditionally in a position that involves providing 36399
direct care to an older adult an applicant who has been referred 36400
to the home health agency by an employment service that supplies 36401
full-time, part-time, or temporary staff for positions involving 36402
the direct care of older adults and for whom, pursuant to that 36403
division, a criminal records check is not required under division 36404
(B) of this section. In the circumstances described in division 36405
(I)(4) of this section, a home health agency may employ 36406
conditionally in a position that involves both responsibility for 36407

the care, custody, and control of a child and the provision of 36408
direct care to older adults an applicant who has been referred to 36409
the home health agency by an employment service that supplies 36410
full-time, part-time, or temporary staff for positions involving 36411
both responsibility for the care, custody, and control of a child 36412
and the provision of direct care to older adults and for whom, 36413
pursuant to that division, a criminal records check is not 36414
required under division (B) of this section. 36415

(ii) A home health agency that employs an individual 36416
conditionally under authority of division (C)(3)(b)(i) of this 36417
section shall terminate the individual's employment if the results 36418
of the criminal records check requested under division (B)(1) of 36419
this section or described in division (I)(2) or (4) of this 36420
section, other than the results of any request for information 36421
from the federal bureau of investigation, are not obtained within 36422
the period ending sixty days after the date the request is made. 36423
Regardless of when the results of the criminal records check are 36424
obtained, if the individual was employed conditionally in a 36425
position that involves the provision of direct care to older 36426
adults and the results indicate that the individual has been 36427
convicted of or pleaded guilty to any of the offenses listed or 36428
described in division (C)(2) of this section, or if the individual 36429
was employed conditionally in a position that involves both 36430
responsibility for the care, custody, and control of a child and 36431
the provision of direct care to older adults and the results 36432
indicate that the individual has been convicted of or pleaded 36433
guilty to any of the offenses listed or described in division 36434
(C)(1) or (2) of this section, the agency shall terminate the 36435
individual's employment unless the agency chooses to employ the 36436
individual pursuant to division (F) of this section. Termination 36437
of employment under this division shall be considered just cause 36438
for discharge for purposes of division (D)(2) of section 4141.29 36439
of the Revised Code if the individual makes any attempt to deceive 36440

the agency about the individual's criminal record. 36441

(D)(1) Each home health agency shall pay to the bureau of 36442
criminal identification and investigation the fee prescribed 36443
pursuant to division (C)(3) of section 109.572 of the Revised Code 36444
for each criminal records check conducted in accordance with that 36445
section upon the request pursuant to division (B)(1) of this 36446
section of the chief administrator of the home health agency. 36447

(2) A home health agency may charge an applicant a fee for 36448
the costs it incurs in obtaining a criminal records check under 36449
this section, unless the medical assistance program established 36450
under Chapter 5111. of the Revised Code reimburses the agency for 36451
the costs. A fee charged under division (D)(2) of this section 36452
shall not exceed the amount of fees the agency pays under division 36453
(D)(1) of this section. If a fee is charged under division (D)(2) 36454
of this section, the agency shall notify the applicant at the time 36455
of the applicant's initial application for employment of the 36456
amount of the fee and that, unless the fee is paid, the agency 36457
will not consider the applicant for employment. 36458

(E) The report of any criminal records check conducted by the 36459
bureau of criminal identification and investigation in accordance 36460
with section 109.572 of the Revised Code and pursuant to a request 36461
made under division (B)(1) of this section is not a public record 36462
for the purposes of section 149.43 of the Revised Code and shall 36463
not be made available to any person other than the following: 36464

(1) The individual who is the subject of the criminal records 36465
check or the individual's representative; 36466

(2) The home health agency requesting the criminal records 36467
check or its representative; 36468

(3) The administrator of any other facility, agency, or 36469
program that provides direct care to older adults that is owned or 36470
operated by the same entity that owns or operates the home health 36471

agency; 36472

(4) Any court, hearing officer, or other necessary individual 36473
involved in a case dealing with a denial of employment of the 36474
applicant or dealing with employment or unemployment benefits of 36475
the applicant; 36476

(5) Any person to whom the report is provided pursuant to, 36477
and in accordance with, division (I)(1), (2), (3), or (4) of this 36478
section. 36479

(F) The department of health shall adopt rules in accordance 36480
with Chapter 119. of the Revised Code to implement this section. 36481
The rules shall specify circumstances under which the home health 36482
agency may employ a person who has been convicted of or pleaded 36483
guilty to an offense listed or described in division (C)(1) of 36484
this section but who meets standards in regard to rehabilitation 36485
set by the department or employ a person who has been convicted of 36486
or pleaded guilty to an offense listed or described in division 36487
(C)(2) of this section but meets personal character standards set 36488
by the department. 36489

(G) Any person required by division (B)(1) of this section to 36490
request a criminal records check shall inform each person, at the 36491
time of initial application for employment that the person is 36492
required to provide a set of fingerprint impressions and that a 36493
criminal records check is required to be conducted and 36494
satisfactorily completed in accordance with section 109.572 of the 36495
Revised Code if the person comes under final consideration for 36496
appointment or employment as a precondition to employment for that 36497
position. 36498

(H) In a tort or other civil action for damages that is 36499
brought as the result of an injury, death, or loss to person or 36500
property caused by an individual who a home health agency employs 36501
in a position that involves providing direct care to older adults, 36502

all of the following shall apply: 36503

(1) If the agency employed the individual in good faith and 36504
reasonable reliance on the report of a criminal records check 36505
requested under this section, the agency shall not be found 36506
negligent solely because of its reliance on the report, even if 36507
the information in the report is determined later to have been 36508
incomplete or inaccurate; 36509

(2) If the agency employed the individual in good faith on a 36510
conditional basis pursuant to division (C)(3)(b) of this section, 36511
the agency shall not be found negligent solely because it employed 36512
the individual prior to receiving the report of a criminal records 36513
check requested under this section; 36514

(3) If the agency in good faith employed the individual 36515
according to the personal character standards established in rules 36516
adopted under division (F) of this section, the agency shall not 36517
be found negligent solely because the individual prior to being 36518
employed had been convicted of or pleaded guilty to an offense 36519
listed or described in division (C)(1) or (2) of this section. 36520

(I)(1) The chief administrator of a home health agency is not 36521
required to request that the superintendent of the bureau of 36522
criminal identification and investigation conduct a criminal 36523
records check of an applicant for a position that involves the 36524
provision of direct care to older adults if the applicant has been 36525
referred to the agency by an employment service that supplies 36526
full-time, part-time, or temporary staff for positions involving 36527
the direct care of older adults and both of the following apply: 36528

(a) The chief administrator receives from the employment 36529
service or the applicant a report of the results of a criminal 36530
records check regarding the applicant that has been conducted by 36531
the superintendent within the one-year period immediately 36532
preceding the applicant's referral; 36533

(b) The report of the criminal records check demonstrates 36534
that the person has not been convicted of or pleaded guilty to an 36535
offense listed or described in division (C)(2) of this section, or 36536
the report demonstrates that the person has been convicted of or 36537
pleaded guilty to one or more of those offenses, but the home 36538
health agency chooses to employ the individual pursuant to 36539
division (F) of this section. 36540

(2) The chief administrator of a home health agency is not 36541
required to request that the superintendent of the bureau of 36542
criminal identification and investigation conduct a criminal 36543
records check of an applicant for a position that involves 36544
providing direct care to older adults and may employ the applicant 36545
conditionally in a position of that nature as described in this 36546
division, if the applicant has been referred to the agency by an 36547
employment service that supplies full-time, part-time, or 36548
temporary staff for positions involving the direct care of older 36549
adults and if the chief administrator receives from the employment 36550
service or the applicant a letter from the employment service that 36551
is on the letterhead of the employment service, dated, and signed 36552
by a supervisor or another designated official of the employment 36553
service and that states that the employment service has requested 36554
the superintendent to conduct a criminal records check regarding 36555
the applicant, that the requested criminal records check will 36556
include a determination of whether the applicant has been 36557
convicted of or pleaded guilty to any offense listed or described 36558
in division (C)(2) of this section, that, as of the date set forth 36559
on the letter, the employment service had not received the results 36560
of the criminal records check, and that, when the employment 36561
service receives the results of the criminal records check, it 36562
promptly will send a copy of the results to the home health 36563
agency. If a home health agency employs an applicant conditionally 36564
in accordance with this division, the employment service, upon its 36565

receipt of the results of the criminal records check, promptly 36566
shall send a copy of the results to the home health agency, and 36567
division (C)(3)(b) of this section applies regarding the 36568
conditional employment. 36569

(3) The chief administrator of a home health agency is not 36570
required to request that the superintendent of the bureau of 36571
criminal identification and investigation conduct a criminal 36572
records check of an applicant for a position that involves both 36573
responsibility for the care, custody, and control of a child and 36574
the provision of direct care to older adults if the applicant has 36575
been referred to the agency by an employment service that supplies 36576
full-time, part-time, or temporary staff for positions involving 36577
both responsibility for the care, custody, and control of a child 36578
and the provision of direct care to older adults and both of the 36579
following apply: 36580

(a) The chief administrator receives from the employment 36581
service or applicant a report of a criminal records check of the 36582
type described in division (I)(1)(a) of this section; 36583

(b) The report of the criminal records check demonstrates 36584
that the person has not been convicted of or pleaded guilty to an 36585
offense listed or described in division (C)(1) or (2) of this 36586
section, or the report demonstrates that the person has been 36587
convicted of or pleaded guilty to one or more of those offenses, 36588
but the home health agency chooses to employ the individual 36589
pursuant to division (F) of this section. 36590

(4) The chief administrator of a home health agency is not 36591
required to request that the superintendent of the bureau of 36592
criminal identification and investigation conduct a criminal 36593
records check of an applicant for a position that involves both 36594
responsibility for the care, custody, and control of a child and 36595
the provision of direct care to older adults and may employ the 36596
applicant conditionally in a position of that nature as described 36597

in this division, if the applicant has been referred to the agency 36598
by an employment service that supplies full-time, part-time, or 36599
temporary staff for positions involving both responsibility for 36600
the care, custody, and control of a child and the direct care of 36601
older adults and if the chief administrator receives from the 36602
employment service or the applicant a letter from the employment 36603
service that is on the letterhead of the employment service, 36604
dated, and signed by a supervisor or another designated official 36605
of the employment service and that states that the employment 36606
service has requested the superintendent to conduct a criminal 36607
records check regarding the applicant, that the requested criminal 36608
records check will include a determination of whether the 36609
applicant has been convicted of or pleaded guilty to any offense 36610
listed or described in division (C)(1) or (2) of this section, 36611
that, as of the date set forth on the letter, the employment 36612
service had not received the results of the criminal records 36613
check, and that, when the employment service receives the results 36614
of the criminal records check, it promptly will send a copy of the 36615
results to the home health agency. If a home health agency employs 36616
an applicant conditionally in accordance with this division, the 36617
employment service, upon its receipt of the results of the 36618
criminal records check, promptly shall send a copy of the results 36619
to the home health agency, and division (C)(3)(b) of this section 36620
applies regarding the conditional employment. 36621

Sec. 3701.99. (A) Whoever violates section 3701.25 of the 36622
Revised Code is guilty of a minor misdemeanor on a first offense; 36623
on each subsequent offense, the person is guilty of a misdemeanor 36624
of the second degree. 36625

(B) Whoever violates division (I) of section 3701.262, 36626
division (D) of section 3701.263, or section 3701.352 or sections 36627
3701.46 to 3701.55 of the Revised Code is guilty of a minor 36628
misdemeanor on a first offense; on each subsequent offense, the 36629

person is guilty of a misdemeanor of the fourth degree. 36630

(C) Whoever violates section 3701.82 of the Revised Code is 36631
guilty of a misdemeanor of the first degree. 36632

(D) Whoever violates section 3701.81 of the Revised Code is 36633
guilty of a misdemeanor of the second degree. 36634

~~(E) Whoever violates division (G) of section 3701.88 of the 36635
Revised Code shall be fined not more than one hundred dollars. 36636
Each day the violation continues is a separate offense. 36637~~

Sec. 3702.31. (A) The quality monitoring and inspection fund 36638
is hereby created in the state treasury. The director of health 36639
shall use the fund to administer and enforce this section and 36640
sections 3702.11 to 3702.20, 3702.30, and 3702.32 of the Revised 36641
Code and rules adopted pursuant to those sections. The director 36642
shall deposit in the fund any moneys collected pursuant to this 36643
section or section 3702.32 of the Revised Code. All investment 36644
earnings of the fund shall be credited to the fund. 36645

(B) The director of health shall adopt rules pursuant to 36646
Chapter 119. of the Revised Code establishing fees for both of the 36647
following: 36648

(1) Initial and renewal license applications submitted under 36649
section 3702.30 of the Revised Code. The fees established under 36650
division (B)(1) of this section shall not exceed the actual and 36651
necessary costs of performing the activities described in division 36652
(A) of this section. 36653

(2) Inspections conducted under section 3702.15 or 3702.30 of 36654
the Revised Code. The fees established under division (B)(2) of 36655
this section shall not exceed the actual and necessary costs 36656
incurred during an inspection, including any indirect costs 36657
incurred by the department for staff, salary, or other 36658
administrative costs. The director of health shall provide to each 36659

health care facility or provider inspected pursuant to section 36660
3702.15 or 3702.30 of the Revised Code a written statement of the 36661
fee. The statement shall itemize and total the costs incurred. 36662
Within fifteen days after receiving a statement from the director, 36663
the facility or provider shall forward the total amount of the fee 36664
to the director. 36665

(3) The fees described in divisions (B)(1) and (2) of this 36666
section shall meet both of the following requirements: 36667

(a) For each service described in section 3702.11 of the 36668
Revised Code, the fee shall not exceed one thousand ~~two~~ seven 36669
hundred fifty dollars annually, except that the total fees charged 36670
to a health care provider under this section shall not exceed five 36671
thousand dollars annually. 36672

(b) The fee shall exclude any costs reimbursable by the 36673
United States health care financing administration as part of the 36674
certification process for the medicare program established under 36675
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 36676
U.S.C.A. 301, as amended, and the medicaid program established 36677
under Title XIX of that act. 36678

(4) The director shall not establish a fee for any service 36679
for which a licensure or inspection fee is paid by the health care 36680
provider to a state agency for the same or similar licensure or 36681
inspection. 36682

Sec. 3702.529. (A) A person granted a nonreviewability ruling 36683
prior to April 20, 1995, may implement the activity for which the 36684
ruling was issued in accordance with the information provided to 36685
the director of health in the request for the ruling, 36686
notwithstanding the amendments to sections 3702.51 to 3702.62 of 36687
the Revised Code by Amended Substitute Senate Bill No. 50 and 36688
Amended Substitute Senate Bill No. 156, both of the 121st general 36689
assembly. A person granted a certificate of need or 36690

nonreviewability ruling prior to that date is not required to file 36691
a notice of intent under section 3702.581 of the Revised Code, as 36692
that section existed prior to the effective date of this 36693
amendment, with respect to the activity for which the certificate 36694
or ruling was issued. 36695

(B) A certificate of need is not required for any person to 36696
add a cardiac catheterization laboratory to an existing cardiac 36697
catheterization service, as described in division (R)(11) of 36698
section 3702.51 of the Revised Code, if the person, prior to ~~the~~ 36699
~~effective date of this section~~ June 30, 1995, filed a notice of 36700
intent under section 3702.581 of the Revised Code, as that section 36701
existed prior to the effective date of this amendment, to do so. 36702
However, the exemption provided by this division expires six 36703
months after ~~the effective date of this section~~ June 30, 1995, 36704
unless the person has taken action to implement the addition by 36705
taking the applicable action listed in divisions (A)(1) to (6) of 36706
section 3702.525 of the Revised Code and provides the director 36707
with written documentation that action has been taken. 36708

(C) The director shall issue a reviewability ruling, in 36709
accordance with the version of section 3702.528 of the Revised 36710
Code in effect immediately prior to ~~the effective date of this~~ 36711
~~section~~ June 30, 1995, to any hospital that requested one prior to 36712
that date concerning a relocation of any of the following to 36713
another hospital in the same or a different metropolitan 36714
statistical area: 36715

- (1) Obstetric or newborn care beds registered under section 36716
3701.07 of the Revised Code as level II or III beds; 36717
- (2) Pediatric intensive care beds; 36718
- (3) A health service specified in division (R)(1) of section 36719
3702.51 of the Revised Code. 36720

A certificate of need is not required to conduct such a 36721

relocation for which the director has issued a nonreviewability 36722
ruling. However, the exemption provided by this division expires 36723
six months after ~~the effective date of this section~~ June 30, 1995, 36724
unless the hospital has taken action to implement the relocation 36725
by taking the applicable action listed in divisions (A)(1) to (6) 36726
of section 3702.525 of the Revised Code and provides the director 36727
with written documentation that action has been taken. 36728

The director shall not issue a reviewability ruling requested 36729
under the previous version of section 3702.528 of the Revised Code 36730
concerning a relocation of long-term care beds. 36731

(D) A certificate of need is not required to relocate 36732
existing health services from one hospital to another, as 36733
described in division (T) of the version of section 3702.51 of the 36734
Revised Code in effect immediately prior to ~~the effective date of~~ 36735
~~this section~~ June 30, 1995, if the hospitals filed the notice of 36736
intent required by division (T)(2) of that version prior to ~~the~~ 36737
~~effective date of this amendment~~ June 30, 1995, and comply with 36738
divisions (T)(1) and (T)(3) to (6) of that version. 36739

Sec. 3702.53. (A) No person shall carry out any reviewable 36740
activity unless a certificate of need for such activity has been 36741
granted under sections 3702.51 to 3702.62 of the Revised Code or 36742
the person is exempted by division (T) of section 3702.51 or 36743
section 3702.527, 3702.528, 3702.529, 3702.5210, or 3702.62 of the 36744
Revised Code from the requirement that a certificate of need be 36745
obtained. No person shall carry out any reviewable activity if a 36746
certificate of need authorizing that activity has been withdrawn 36747
by the director of health under section 3702.52 or 3702.526 of the 36748
Revised Code. No person shall carry out a reviewable activity if 36749
the certificate of need authorizing that activity is void pursuant 36750
to section 3702.524 of the Revised Code or has expired pursuant to 36751
section 3702.525 of the Revised Code. 36752

(B) No person shall separate portions of any proposal for any reviewable activity to evade the requirements of sections 3702.51 to 3702.62 of the Revised Code.

(C) No person granted a certificate of need shall carry out the reviewable activity authorized by the certificate of need other than in substantial accordance with the approved application for the certificate of need.

~~(D) No person shall fail to file a notice required by section 3702.581 of the Revised Code.~~

Sec. 3702.532. When the director of health determines that a person has violated section 3702.53 of the Revised Code, the director shall send a notice to the person by certified mail, return receipt requested, specifying the activity constituting the violation and the penalties imposed under section 3702.54, 3702.541, or 3702.542, ~~or 3702.543~~ of the Revised Code.

Sec. 3702.54. Except as provided in sections 3702.541, and 3702.542, ~~and former section~~ 3702.543 of the Revised Code, divisions (A) and (B) of this section apply when the director of health determines that a person has violated section 3702.53 of the Revised Code.

(A) The director shall impose a civil penalty on the person in an amount equal to the greatest of the following:

(1) Three thousand dollars;

(2) Five per cent of the operating cost of the activity that constitutes the violation during the period of time it was conducted in violation of section 3702.53 of the Revised Code;

(3) Two per cent of the total capital cost associated with implementation of the activity.

In no event, however, shall the penalty exceed two hundred

fifty thousand dollars. 36782

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 36783
the director shall refuse to accept for review any application for 36784
a certificate of need filed by or on behalf of the person, or any 36785
successor to the person or entity related to the person, for a 36786
period of not less than one year and not more than three years 36787
after ~~he~~ the director mails the notice of ~~his~~ the director's 36788
determination under section 3702.532 of the Revised Code or, if 36789
~~his~~ the determination is appealed under section 3702.60 of the 36790
Revised Code, the issuance of the order upholding ~~his~~ the 36791
determination that is not subject to further appeal. In 36792
determining the length of time during which ~~he will not accept~~ 36793
applications will not be accepted, the director may consider any 36794
of the following: 36795

(a) The nature and magnitude of the violation; 36796

(b) The ability of the person to have averted the violation; 36797

(c) Whether the person disclosed the violation to the 36798
director before the director commenced his investigation; 36799

(d) The person's history of compliance with sections 3702.51 36800
to 3702.62 and the rules adopted under section 3702.57 of the 36801
Revised Code; 36802

(e) Any community hardship that may result from refusing to 36803
accept future applications from the person. 36804

(2) Notwithstanding the one-year minimum imposed by division 36805
(B)(1) of this section, the director may establish a period of 36806
less than one year during which ~~he~~ the director will refuse to 36807
accept certificate of need applications if, after reviewing all 36808
information available to ~~him~~ the director, ~~he~~ the director 36809
determines and expressly indicates in the notice mailed under 36810
section 3702.532 of the Revised Code that refusing to accept 36811
applications for a longer period would result in hardship to the 36812

community in which the person provides health services. The 36813
director's finding of community hardship shall not affect the 36814
granting or denial of any future certificate of need application 36815
filed by the person. 36816

Sec. 3702.544. Each person required by section 3702.54, 36817
3702.541, or 3702.542, or former section 3702.543 of the Revised 36818
Code to pay a civil penalty shall do so not later than sixty days 36819
after receiving the notice mailed under section 3702.532 of the 36820
Revised Code or, if the person appeals under section 3702.60 of 36821
the Revised Code the director of health's determination that a 36822
violation has occurred, not later than sixty days after the 36823
issuance of an order upholding ~~his~~ the director's determination 36824
that is not subject to further appeal. The civil penalties shall 36825
be paid to the director. The director shall deposit them into the 36826
certificate of need fund created by section 3702.52 of the Revised 36827
Code. 36828

Sec. 3702.55. Except as provided in section 3702.542 of the 36829
Revised Code, a person that the director of health determines has 36830
violated section 3702.53 of the Revised Code shall cease 36831
conducting the activity that constitutes the violation or 36832
utilizing the equipment or facility resulting from the violation 36833
not later than thirty days after the person receives the notice 36834
mailed under section 3702.532 of the Revised Code or, if the 36835
person appeals the director's determination under section 3702.60 36836
of the Revised Code, thirty days after the person receives an 36837
order upholding the director's determination that is not subject 36838
to further appeal. A person that applies for a certificate of need 36839
as described in section 3702.542 of the Revised Code shall cease 36840
conducting the activity or using the equipment or facility in 36841
accordance with the timetable established by the director of 36842
health under that section. 36843

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using equipment or a facility as required by this section or a timetable established under section 3702.542 of the Revised Code, or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54, 3702.541, or 3702.542~~7~~, or former section 3702.543 of the Revised Code:

(A) The director of health may refuse to include any beds involved in the activity in the bed capacity of a hospital for purposes of registration under section 3701.07 of the Revised Code;

(B) The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a maternity boardinghouse or lying-in hospital under section 3711.02 of the Revised Code; a hospice care program under section 3712.04 of the Revised Code; a nursing home, rest home, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(C) A political subdivision certified under section 3721.09 of the Revised Code may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a nursing home, rest home, or home for the aging, or any beds within any of those facilities that are involved in the activity;

(D) The director of mental health may refuse to license under section 5119.20 of the Revised Code, or may revoke a license or reduce bed capacity previously granted to, a hospital receiving mentally ill persons or beds within such a hospital that are involved in the activity;

(E) The department of job and family services may refuse to

enter into a provider agreement that includes a facility, beds, or 36875
services that result from the activity. 36876

Sec. 3702.60. (A) Any affected person may appeal a 36877
reviewability ruling issued on or after April 20, 1995, to the 36878
director of health in accordance with Chapter 119. of the Revised 36879
Code, and the director shall provide an adjudication hearing in 36880
accordance with that chapter. An affected person may appeal the 36881
director's ruling in the adjudication hearing to the tenth 36882
district court of appeals. 36883

(B) The certificate of need applicant or another affected 36884
person may appeal to the director in accordance with Chapter 119. 36885
of the Revised Code a decision issued by the director on or after 36886
April 20, 1995, to grant or deny a certificate of need application 36887
for which an adjudication hearing was not conducted under section 36888
3702.52 of the Revised Code, and the director shall provide an 36889
adjudication hearing in accordance with that chapter. The 36890
certificate of need applicant or an affected person that was a 36891
party to and participated in an adjudication hearing conducted 36892
under this division or section 3702.52 of the Revised Code may 36893
appeal to the tenth district court of appeals the decision issued 36894
by the director following the adjudication hearing. No person may 36895
appeal to the director or a court the director's granting of a 36896
certificate of need prior to ~~the effective date of this amendment~~ 36897
June 30, 1995, under the version of section 3702.52 of the Revised 36898
Code in effect immediately prior to that date due to failure to 36899
submit timely written objections, no person may appeal to the 36900
director or a court the director's granting of a certificate of 36901
need under division (C)(1) or (2) of section 3702.52 of the 36902
Revised Code. 36903

(C) The certificate of need holder may appeal to the director 36904
in accordance with Chapter 119. of the Revised Code a decision 36905

issued by the director under section 3702.52 or 3702.526 of the Revised Code on or after April 20, 1995, to withdraw a certificate of need, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(D) Any person determined by the director to have violated section 3702.53 of the Revised Code may appeal that determination, or the penalties imposed under section 3702.54, 3702.541, or 3702.542~~7~~ or former section 3702.543 of the Revised Code, to the director in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(E) Each person appealing under this section to the director shall file with the director, not later than thirty days after the decision, ruling, or determination of the director was mailed, a notice of appeal designating the decision, ruling, or determination appealed from.

(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than thirty days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court

for an order that the record be certified. 36938

(2) In hearing the appeal, the court shall consider only the 36939
evidence contained in the record certified to it by the director. 36940
The court may remand the matter to the director for the admission 36941
of additional evidence on a finding that the additional evidence 36942
is material, newly discovered, and could not with reasonable 36943
diligence have been ascertained before the hearing before the 36944
director. Except as otherwise provided by statute, the court shall 36945
give the hearing on the appeal preference over all other civil 36946
matters, irrespective of the position of the proceedings on the 36947
calendar of the court. 36948

(3) The court shall affirm the director's order if it finds, 36949
upon consideration of the entire record and any additional 36950
evidence admitted under division (F)(2) of this section, that the 36951
order is supported by reliable, probative, and substantial 36952
evidence and is in accordance with law. In the absence of such a 36953
finding, it shall reverse, vacate, or modify the order. 36954

(4) If the court determines that the director committed 36955
material procedural error, the court shall remand the matter to 36956
the director for further consideration or action. 36957

(G) The court may award reasonable attorney's fees against 36958
the appellant if it determines that the appeal was frivolous. 36959
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 36960
apply to adjudication hearings under this section or section 36961
3702.52 of the Revised Code and judicial appeals under this 36962
section. 36963

(H) No person may intervene in an appeal brought under this 36964
section. 36965

Sec. 3702.61. In addition to the sanctions imposed under 36966
sections 3702.54, 3702.541, 3702.542, ~~3702.543~~, and 3702.55 and 36967

former section 3702.543 of the Revised Code, if any person 36968
violates section 3702.53 of the Revised Code, the attorney general 36969
may commence necessary legal proceedings in the court of common 36970
pleas of Franklin county to enjoin the person from such violation 36971
until the requirements of sections 3702.51 to 3702.62 of the 36972
Revised Code have been satisfied. At the request of the director 36973
of health, the attorney general shall commence any necessary 36974
proceedings. The court has jurisdiction to grant and, on a showing 36975
of a violation, shall grant appropriate injunctive relief. 36976

Sec. 3702.63. As specified in former Section 11 of Am. Sub. 36977
S.B. 50 of the 121st general assembly, as amended by Am. Sub. H.B. 36978
405 of the 124th general assembly, all of the following apply: 36979

(A) The removal of former divisions (E) and (F) of section 36980
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 36981
50 of the 121st general assembly does not release the holders of 36982
certificates of need issued under those divisions from complying 36983
with any conditions on which the granting of the certificates of 36984
need was based, including the requirement of former division 36985
(E)(6) of that section that the holders not enter into provider 36986
agreements under Chapter 5111. of the Revised Code and Title XIX 36987
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 36988
as amended, for at least ten years following initial licensure of 36989
the long-term care facilities for which the certificates were 36990
granted. 36991

(B) The repeal of section 3702.55 of the Revised Code by 36992
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 36993
not release the holders of certificates of need issued under that 36994
section from complying with any conditions on which the granting 36995
of the certificates of need was based, other than the requirement 36996
of division (A)(6) of that section that the holders not seek 36997
certification under Title XVIII of the "Social Security Act" for 36998

beds recategorized under the certificates. That repeal also does 36999
not eliminate the requirement that the director of health revoke 37000
the licensure of the beds under Chapter 3721. of the Revised Code 37001
if a person to which their ownership is transferred fails, as 37002
required by division (A)(6) of the repealed section, to file 37003
within ten days after the transfer a sworn statement not to seek 37004
certification under Title XIX of the "Social Security Act" for 37005
beds recategorized under the certificates of need. 37006

(C) The repeal of section 3702.56 of the Revised Code by 37007
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 37008
not release the holders of certificates of need issued under that 37009
section from complying with any conditions on which the granting 37010
of the certificates of need was based. 37011

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 37012
of the Revised Code, this section applies to the review of 37013
certificate of need applications during the period beginning July 37014
1, 1993, and ending June 30, ~~2003~~ 2005. 37015

(B)(1) Except as provided in division (B)(2) of this section, 37016
the director of health shall neither grant nor deny any 37017
application for a certificate of need submitted prior to July 1, 37018
1993, if the application was for any of the following and the 37019
director had not issued a written decision concerning the 37020
application prior to that date: 37021

(a) Approval of beds in a new health care facility or an 37022
increase of beds in an existing health care facility, if the beds 37023
are proposed to be licensed as nursing home beds under Chapter 37024
3721. of the Revised Code; 37025

(b) Approval of beds in a new county home or new county 37026
nursing home as defined in section 5155.31 of the Revised Code, or 37027
an increase of beds in an existing county home or existing county 37028
nursing home, if the beds are proposed to be certified as skilled 37029

nursing facility beds under Title XVIII or nursing facility beds 37030
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 37031
42 U.S.C.A. 301, as amended; 37032

(c) Recategorization of hospital beds as described in section 37033
3702.522 of the Revised Code, an increase of hospital beds 37034
registered pursuant to section 3701.07 of the Revised Code as 37035
long-term care beds or skilled nursing facility beds, or a 37036
recategorization of hospital beds that would result in an increase 37037
of beds registered pursuant to that section as long-term care beds 37038
or skilled nursing facility beds. 37039

On July 1, 1993, the director shall return each such 37040
application to the applicant and, notwithstanding section 3702.52 37041
of the Revised Code regarding the uses of the certificate of need 37042
fund, shall refund to the applicant the application fee paid under 37043
that section. Applications returned under division (B)(1) of this 37044
section may be resubmitted in accordance with section 3702.52 of 37045
the Revised Code no sooner than July 1, ~~2003~~ 2005. 37046

(2) The director shall continue to review and shall issue a 37047
decision regarding any application submitted prior to July 1, 37048
1993, to increase beds for either of the purposes described in 37049
division (B)(1)(a) or (b) of this section if the proposed increase 37050
in beds is attributable solely to a replacement or relocation of 37051
existing beds within the same county. The director shall authorize 37052
under such an application no additional beds beyond those being 37053
replaced or relocated. 37054

(C)(1) Except as provided in division (C)(2) of this section, 37055
the director, during the period beginning July 1, 1993, and ending 37056
June 30, ~~2003~~ 2005, shall not accept for review under section 37057
3702.52 of the Revised Code any application for a certificate of 37058
need for any of the purposes described in divisions (B)(1)(a) to 37059
(c) of this section. 37060

(2) The director shall accept for review any application for 37061
either of the purposes described in division (B)(1)(a) or (b) of 37062
this section if the proposed increase in beds is attributable 37063
solely to a replacement or relocation of existing beds within the 37064
same county. The director shall authorize under such an 37065
application no additional beds beyond those being replaced or 37066
relocated. The director also shall accept for review any 37067
application that seeks certificate of need approval for existing 37068
beds located in an infirmary that is operated exclusively by a 37069
religious order, provides care exclusively to members of religious 37070
orders who take vows of celibacy and live by virtue of their vows 37071
within the orders as if related, and was providing care 37072
exclusively to members of such a religious order on January 1, 37073
1994. 37074

(D) The director shall issue a decision regarding any case 37075
remanded by a court as the result of a decision issued by the 37076
director prior to July 1, 1993, to grant, deny, or withdraw a 37077
certificate of need for any of the purposes described in divisions 37078
(B)(1)(a) to (c) of this section. 37079

(E) The director shall not project the need for beds listed 37080
in division (B)(1) of this section for the period beginning July 37081
1, 1993, and ending June 30, ~~2003~~ 2005. 37082

This section is an interim section effective until July 1, 37083
~~2003~~ 2005. 37084

Sec. 3702.74. (A) A primary care physician who has signed a 37085
letter of intent under section 3702.73 of the Revised Code, the 37086
director of health, and the Ohio board of regents may enter into a 37087
contract for the physician's participation in the physician loan 37088
repayment program. A lending institution may also be a party to 37089
the contract. 37090

(B) The contract shall include all of the following 37091
obligations: 37092

(1) The primary care physician agrees to provide primary care 37093
services in the health resource shortage area identified in the 37094
letter of intent for at least two years or one year per twenty 37095
thousand dollars of repayment agreed to under division (B)(3) of 37096
this section, whichever is greater; 37097

(2) When providing primary care services in the health 37098
resource shortage area, the primary care physician agrees to do 37099
all of the following: 37100

(a) Provide primary care services for a minimum of forty 37101
hours per week; 37102

(b) Provide primary care services without regard to a 37103
patient's ability to pay; 37104

(c) Meet the conditions prescribed by the "Social Security 37105
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 37106
department of job and family services for participation in the 37107
medical assistance program established under Chapter 5111. of the 37108
Revised Code and enter into a contract with the department to 37109
provide primary care services to recipients of the medical 37110
assistance program; 37111

(d) Meet the conditions established by the department of job 37112
and family services for participation in the disability ~~assistance~~ 37113
medical assistance program established under Chapter 5115. of the 37114
Revised Code and enter into a contract with the department to 37115
provide primary care services to recipients of disability medical 37116
assistance. 37117

(3) The Ohio board of regents agrees, as provided in section 37118
3702.75 of the Revised Code, to repay, so long as the primary care 37119
physician performs the service obligation agreed to under division 37120

(B)(1) of this section, all or part of the principal and interest 37121
of a government or other educational loan taken by the primary 37122
care physician for expenses described in section 3702.75 of the 37123
Revised Code; 37124

(4) The primary care physician agrees to pay the board the 37125
following as damages if the physician fails to complete the 37126
service obligation agreed to under division (B)(1) of this 37127
section: 37128

(a) If the failure occurs during the first two years of the 37129
service obligation, three times the total amount the board has 37130
agreed to repay under division (B)(3) of this section; 37131

(b) If the failure occurs after the first two years of the 37132
service obligation, three times the amount the board is still 37133
obligated to repay under division (B)(3) of this section. 37134

(C) The contract may include any other terms agreed upon by 37135
the parties, including an assignment to the Ohio board of regents 37136
of the physician's duty to pay the principal and interest of a 37137
government or other educational loan taken by the physician for 37138
expenses described in section 3702.75 of the Revised Code. If the 37139
board assumes the physician's duty to pay a loan, the contract 37140
shall set forth the total amount of principal and interest to be 37141
paid, an amortization schedule, and the amount of each payment to 37142
be made under the schedule. 37143

Sec. 3705.01. As used in this chapter: 37144

(A) "Live birth" means the complete expulsion or extraction 37145
from its mother of a product of human conception that after such 37146
expulsion or extraction breathes or shows any other evidence of 37147
life such as beating of the heart, pulsation of the umbilical 37148
cord, or definite movement of voluntary muscles, whether or not 37149
the umbilical cord has been cut or the placenta is attached. 37150

(B)(1) "Fetal death" means death prior to the complete	37151
expulsion or extraction from its mother of a product of human	37152
conception of at least twenty weeks of gestation, which after such	37153
expulsion or extraction does not breathe or show any other	37154
evidence of life such as beating of the heart, pulsation of the	37155
umbilical cord, or definite movement of voluntary muscles.	37156
<u>(2) "Stillborn" means that an infant suffered a fetal death.</u>	37157
(C) "Dead body" means a human body or part of a human body	37158
from the condition of which it reasonably may be concluded that	37159
death recently occurred.	37160
(D) "Physician" means a person licensed pursuant to Chapter	37161
4731. of the Revised Code to practice medicine or surgery or	37162
osteopathic medicine and surgery.	37163
(E) "Attending physician" means the physician in charge of	37164
the patient's care for the illness or condition that resulted in	37165
death.	37166
(F) "Institution" means any establishment, public or private,	37167
that provides medical, surgical, or diagnostic care or treatment,	37168
or domiciliary care, to two or more unrelated individuals, or to	37169
persons committed by law.	37170
(G) "Funeral director" has the meaning given in section	37171
4717.01 of the Revised Code.	37172
(H) "State registrar" means the head of the office of vital	37173
statistics in the department of health.	37174
(I) "Medical certification" means completion of the medical	37175
certification portion of the certificate of death or fetal death	37176
as to the cause of death or fetal death.	37177
(J) "Final disposition" means the interment, cremation,	37178
removal from the state, donation, or other authorized disposition	37179
of a dead body or a fetal death.	37180

(K) "Interment" means the final disposition of the remains of a dead body by burial or entombment. 37181
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(L) "Cremation" means the reduction to ashes of a dead body. 37183

(M) "Donation" means gift of a dead body to a research institution or medical school. 37184
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(N) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records, the collection of other reports required by this chapter, and activities related thereto. 37186
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(O) "Vital records" means certificates or reports of birth, death, fetal death, marriage, divorce, dissolution of marriage, annulment, and data related thereto and other documents maintained as required by statute. 37190
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(P) "File" means the presentation of vital records for registration by the office of vital statistics. 37194
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(Q) "Registration" means the acceptance by the office of vital statistics and the incorporation of vital records into its official records. 37196
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(R) "Birth record" means a birth certificate that has been registered with the office of vital statistics; or, if registered prior to the effective date of this section, with the division of vital statistics; or, if registered prior to the establishment of the division of vital statistics, with the department of health or a local registrar. 37199
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(S) "Certification of birth" means a document issued by the director of health or state registrar or a local registrar under division (B) of section 3705.23 of the Revised Code. 37205
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Sec. 3705.23. (A)(1) Except as otherwise provided in this section, the director of health, the state registrar, or a local 37208
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registrar, on receipt of a signed application and the fee 37210
specified in section 3705.24 of the Revised Code, shall issue a 37211
certified copy of a vital record, or of a part of a vital record, 37212
in the director's or registrar's custody to any applicant, unless 37213
the vital record has ceased to be a public record pursuant to 37214
section 3705.09, 3705.11, 3705.12, or 3705.15 of the Revised Code. 37215
The certified copy shall show the date the vital record was 37216
registered by the local registrar. 37217

(2) A certified copy of a vital record may be made by a 37218
mechanical, electronic, or other reproduction process. It shall be 37219
certified as a true copy by the director, state registrar, or 37220
local registrar who has custody of the record and shall include 37221
the date of issuance, the name of the issuing officer, the 37222
signature of the officer or an authorized facsimile of the 37223
signature, and the seal of the issuing office. 37224

(3) A certified copy of a vital record or of any part of a 37225
vital record, issued in accordance with this section, shall be 37226
considered for all purposes the same as the original and shall be 37227
prima-facie evidence of the facts stated in it in all courts and 37228
places. 37229

(4)(a) Information contained in the "information for medical 37230
and health use only" section of a birth record shall not be 37231
included as part of a certified copy of the birth record unless 37232
the information specifically is requested by the individual to 37233
whose birth the record attests, either of the individual's parents 37234
or the individual's guardian, a lineal descendant, or an official 37235
of the federal or state government or of a political subdivision 37236
of the state charged by law with detecting or prosecuting crime. 37237

(b) Except as provided in division (A)(4)(a) of this section, 37238
neither the office of vital statistics nor a local registrar shall 37239
disclose information contained in the "information for medical and 37240
health use only" section of a birth record unless a court, for 37241