

held; 15500

(b) A community corrections facility, if the child would be 15501  
covered by the definition of public safety beds for purposes of 15502  
sections 5139.41 to ~~5139.45~~ 5139.43 of the Revised Code if the 15503  
court exercised its authority to commit the child to the legal 15504  
custody of the department of youth services for 15505  
institutionalization or institutionalization in a secure facility 15506  
pursuant to this chapter. 15507

(B) If a child is adjudicated a delinquent child, in addition 15508  
to any order of disposition made under division (A) of this 15509  
section, the court, in the following situations, shall suspend the 15510  
child's temporary instruction permit, restricted license, 15511  
probationary driver's license, or nonresident operating privilege, 15512  
or suspend the child's ability to obtain such a permit: 15513

(1) The child is adjudicated a delinquent child for violating 15514  
section 2923.122 of the Revised Code, with the suspension and 15515  
denial being in accordance with division (E)(1)(a), (c), (d), or 15516  
(e) of section 2923.122 of the Revised Code. 15517

(2) The child is adjudicated a delinquent child for 15518  
committing an act that if committed by an adult would be a drug 15519  
abuse offense or for violating division (B) of section 2917.11 of 15520  
the Revised Code, with the suspension continuing until the child 15521  
attends and satisfactorily completes a drug abuse or alcohol abuse 15522  
education, intervention, or treatment program specified by the 15523  
court. During the time the child is attending the program, the 15524  
court shall retain any temporary instruction permit, probationary 15525  
driver's license, or driver's license issued to the child, and the 15526  
court shall return the permit or license when the child 15527  
satisfactorily completes the program. 15528

(C) The court may establish a victim-offender mediation 15529  
program in which victims and their offenders meet to discuss the 15530

offense and suggest possible restitution. If the court obtains the 15531  
assent of the victim of the delinquent act committed by the child, 15532  
the court may require the child to participate in the program. 15533

(D)(1) If a child is adjudicated a delinquent child for 15534  
committing an act that would be a felony if committed by an adult 15535  
and if the child caused, attempted to cause, threatened to cause, 15536  
or created a risk of physical harm to the victim of the act, the 15537  
court, prior to issuing an order of disposition under this 15538  
section, shall order the preparation of a victim impact statement 15539  
by the probation department of the county in which the victim of 15540  
the act resides, by the court's own probation department, or by a 15541  
victim assistance program that is operated by the state, a county, 15542  
a municipal corporation, or another governmental entity. The court 15543  
shall consider the victim impact statement in determining the 15544  
order of disposition to issue for the child. 15545

(2) Each victim impact statement shall identify the victim of 15546  
the act for which the child was adjudicated a delinquent child, 15547  
itemize any economic loss suffered by the victim as a result of 15548  
the act, identify any physical injury suffered by the victim as a 15549  
result of the act and the seriousness and permanence of the 15550  
injury, identify any change in the victim's personal welfare or 15551  
familial relationships as a result of the act and any 15552  
psychological impact experienced by the victim or the victim's 15553  
family as a result of the act, and contain any other information 15554  
related to the impact of the act upon the victim that the court 15555  
requires. 15556

(3) A victim impact statement shall be kept confidential and 15557  
is not a public record. However, the court may furnish copies of 15558  
the statement to the department of youth services if the 15559  
delinquent child is committed to the department or to both the 15560  
adjudicated delinquent child or the adjudicated delinquent child's 15561  
counsel and the prosecuting attorney. The copy of a victim impact 15562

statement furnished by the court to the department pursuant to 15563  
this section shall be kept confidential and is not a public 15564  
record. If an officer is preparing pursuant to section 2947.06 or 15565  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 15566  
investigation report pertaining to a person, the court shall make 15567  
available to the officer, for use in preparing the report, a copy 15568  
of any victim impact statement regarding that person. The copies 15569  
of a victim impact statement that are made available to the 15570  
adjudicated delinquent child or the adjudicated delinquent child's 15571  
counsel and the prosecuting attorney pursuant to this division 15572  
shall be returned to the court by the person to whom they were 15573  
made available immediately following the imposition of an order of 15574  
disposition for the child under this chapter. 15575

The copy of a victim impact statement that is made available 15576  
pursuant to this division to an officer preparing a criminal 15577  
presentence investigation report shall be returned to the court by 15578  
the officer immediately following its use in preparing the report. 15579

(4) The department of youth services shall work with local 15580  
probation departments and victim assistance programs to develop a 15581  
standard victim impact statement. 15582

(E) If a child is adjudicated a delinquent child for being a 15583  
chronic truant or an habitual truant who previously has been 15584  
adjudicated an unruly child for being an habitual truant and the 15585  
court determines that the parent, guardian, or other person having 15586  
care of the child has failed to cause the child's attendance at 15587  
school in violation of section 3321.38 of the Revised Code, in 15588  
addition to any order of disposition it makes under this section, 15589  
the court shall warn the parent, guardian, or other person having 15590  
care of the child that any subsequent adjudication of the child as 15591  
an unruly or delinquent child for being an habitual or chronic 15592  
truant may result in a criminal charge against the parent, 15593  
guardian, or other person having care of the child for a violation 15594

of division (C) of section 2919.21 or section 2919.24 of the Revised Code.

(F)(1) During the period of a delinquent child's community control granted under this section, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the delinquent child, the place of residence of the delinquent child, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the delinquent child has a right, title, or interest or for which the delinquent child has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court that places a delinquent child on community control under this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of community control if they have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's community control. The court also shall provide the written notice described in division (E)(2) of this section to each parent, guardian, or custodian of the delinquent child who is described in that division.

(2) The court that places a child on community control under this section shall provide the child's parent, guardian, or other custodian with a written notice that informs them that authorized probation officers may conduct searches pursuant to division (E)(1) of this section. The notice shall specifically state that a

permissible search might extend to a motor vehicle, another item 15627  
of tangible or intangible personal property, or a place of 15628  
residence or other real property in which a notified parent, 15629  
guardian, or custodian has a right, title, or interest and that 15630  
the parent, guardian, or custodian expressly or impliedly permits 15631  
the child to use, occupy, or possess. 15632

(G) If a juvenile court commits a delinquent child to the 15633  
custody of any person, organization, or entity pursuant to this 15634  
section and if the delinquent act for which the child is so 15635  
committed is a sexually oriented offense, the court in the order 15636  
of disposition shall do one of the following: 15637

(1) Require that the child be provided treatment as described 15638  
in division (A)(2) of section 5139.13 of the Revised Code; 15639

(2) Inform the person, organization, or entity that it is the 15640  
preferred course of action in this state that the child be 15641  
provided treatment as described in division (A)(2) of section 15642  
5139.13 of the Revised Code and encourage the person, 15643  
organization, or entity to provide that treatment. 15644

**Sec. 2301.58.** (A) The director of the community-based 15645  
correctional facility or district community-based correctional 15646  
facility may establish a commissary for the facility. The 15647  
commissary may be established either in-house or by another 15648  
arrangement. If a commissary is established, all persons 15649  
incarcerated in the facility shall receive commissary privileges. 15650  
A person's purchases from the commissary shall be deducted from 15651  
the person's account record in the facility's business office. The 15652  
commissary shall provide for the distribution to indigent persons 15653  
incarcerated in the facility necessary hygiene articles and 15654  
writing materials. 15655

(B) If a commissary is established, the director of the 15656  
community-based correctional facility or district community-based 15657

correctional facility shall establish a commissary fund for the 15658  
facility. The management of funds in the commissary fund shall be 15659  
strictly controlled in accordance with procedures adopted by the 15660  
auditor of state. Commissary fund revenue over and above operating 15661  
costs and reserve shall be considered profits. All profits from 15662  
the commissary fund shall be used to purchase supplies and 15663  
equipment for the benefit of persons incarcerated in the facility 15664  
and to pay salary and benefits for employees of the facility, or 15665  
for any other persons, who work in or are employed for the sole 15666  
purpose of providing service to the commissary. The director of 15667  
the community-based correctional facility or district 15668  
community-based correctional facility shall adopt rules and 15669  
regulations for the operation of any commissary fund the director 15670  
establishes. 15671

**Sec. 2305.234.** (A) As used in this section: 15672

(1) "Chiropractic claim," "medical claim," and "optometric 15673  
claim" have the same meanings as in section 2305.113 of the 15674  
Revised Code. 15675

(2) "Dental claim" has the same meaning as in section 15676  
2305.113 of the Revised Code, except that it does not include any 15677  
claim arising out of a dental operation or any derivative claim 15678  
for relief that arises out of a dental operation. 15679

(3) "Governmental health care program" has the same meaning 15680  
as in section 4731.65 of the Revised Code. 15681

(4) "Health care professional" means any of the following who 15682  
provide medical, dental, or other health-related diagnosis, care, 15683  
or treatment: 15684

(a) Physicians authorized under Chapter 4731. of the Revised 15685  
Code to practice medicine and surgery or osteopathic medicine and 15686  
surgery; 15687

(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	15688 15689
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	15690 15691
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	15692 15693
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	15694 15695
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	15696 15697
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	15698 15699
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	15700 15701
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	15702 15703
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	15704 15705
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	15706 15707 15708 15709
(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	15710 15711 15712 15713 15714 15715 15716

(6) "Indigent and uninsured person" means a person who meets 15717  
all of the following requirements: 15718

(a) The person's income is not greater than one hundred fifty 15719  
per cent of the current poverty line as defined by the United 15720  
States office of management and budget and revised in accordance 15721  
with section 673(2) of the "Omnibus Budget Reconciliation Act of 15722  
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 15723

(b) The person is not eligible to receive medical assistance 15724  
under Chapter 5111., disability ~~assistance~~ medical assistance 15725  
under Chapter 5115. of the Revised Code, or assistance under any 15726  
other governmental health care program. 15727

(c) Either of the following applies: 15728

(i) The person is not a policyholder, certificate holder, 15729  
insured, contract holder, subscriber, enrollee, member, 15730  
beneficiary, or other covered individual under a health insurance 15731  
or health care policy, contract, or plan. 15732

(ii) The person is a policyholder, certificate holder, 15733  
insured, contract holder, subscriber, enrollee, member, 15734  
beneficiary, or other covered individual under a health insurance 15735  
or health care policy, contract, or plan, but the insurer, policy, 15736  
contract, or plan denies coverage or is the subject of insolvency 15737  
or bankruptcy proceedings in any jurisdiction. 15738

(7) "Operation" means any procedure that involves cutting or 15739  
otherwise infiltrating human tissue by mechanical means, including 15740  
surgery, laser surgery, ionizing radiation, therapeutic 15741  
ultrasound, or the removal of intraocular foreign bodies. 15742  
"Operation" does not include the administration of medication by 15743  
injection, unless the injection is administered in conjunction 15744  
with a procedure infiltrating human tissue by mechanical means 15745  
other than the administration of medicine by injection. 15746

(8) "Nonprofit shelter or health care facility" means a 15747  
charitable nonprofit corporation organized and operated pursuant 15748  
to Chapter 1702. of the Revised Code, or any charitable 15749  
organization not organized and not operated for profit, that 15750  
provides shelter, health care services, or shelter and health care 15751  
services to indigent and uninsured persons, except that "shelter 15752  
or health care facility" does not include a hospital as defined in 15753  
section 3727.01 of the Revised Code, a facility licensed under 15754  
Chapter 3721. of the Revised Code, or a medical facility that is 15755  
operated for profit. 15756

(9) "Tort action" means a civil action for damages for 15757  
injury, death, or loss to person or property other than a civil 15758  
action for damages for a breach of contract or another agreement 15759  
between persons or government entities. 15760

(10) "Volunteer" means an individual who provides any 15761  
medical, dental, or other health-care related diagnosis, care, or 15762  
treatment without the expectation of receiving and without receipt 15763  
of any compensation or other form of remuneration from an indigent 15764  
and uninsured person, another person on behalf of an indigent and 15765  
uninsured person, any shelter or health care facility, or any 15766  
other person or government entity. 15767

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 15768  
health care professional who is a volunteer and complies with 15769  
division (B)(2) of this section is not liable in damages to any 15770  
person or government entity in a tort or other civil action, 15771  
including an action on a medical, dental, chiropractic, 15772  
optometric, or other health-related claim, for injury, death, or 15773  
loss to person or property that allegedly arises from an action or 15774  
omission of the volunteer in the provision at a nonprofit shelter 15775  
or health care facility to an indigent and uninsured person of 15776  
medical, dental, or other health-related diagnosis, care, or 15777  
treatment, including the provision of samples of medicine and 15778

other medical products, unless the action or omission constitutes willful or wanton misconduct. 15779  
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(2) To qualify for the immunity described in division (B)(1) of this section, a health care professional shall do all of the following prior to providing diagnosis, care, or treatment: 15781  
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(a) Determine, in good faith, that the indigent and uninsured person is mentally capable of giving informed consent to the provision of the diagnosis, care, or treatment and is not subject to duress or under undue influence; 15784  
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(b) Inform the person of the provisions of this section; 15788

(c) Obtain the informed consent of the person and a written waiver, signed by the person or by another individual on behalf of and in the presence of the person, that states that the person is mentally competent to give informed consent and, without being subject to duress or under undue influence, gives informed consent to the provision of the diagnosis, care, or treatment subject to the provisions of this section. 15789  
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(3) A physician or podiatrist who is not covered by medical malpractice insurance, but complies with division (B)(2) of this section, is not required to comply with division (A) of section 4731.143 of the Revised Code. 15796  
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(C) Subject to divisions (E) and (F)(3) of this section, health care workers who are volunteers are not liable in damages to any person or government entity in a tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care worker in the provision at a nonprofit shelter or health care facility to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, unless the action or omission constitutes 15800  
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willful or wanton misconduct. 15810

(D) Subject to divisions (E) and (F)(3) of this section and 15811  
section 3701.071 of the Revised Code, a nonprofit shelter or 15812  
health care facility associated with a health care professional 15813  
described in division (B)(1) of this section or a health care 15814  
worker described in division (C) of this section is not liable in 15815  
damages to any person or government entity in a tort or other 15816  
civil action, including an action on a medical, dental, 15817  
chiropractic, optometric, or other health-related claim, for 15818  
injury, death, or loss to person or property that allegedly arises 15819  
from an action or omission of the health care professional or 15820  
worker in providing for the shelter or facility medical, dental, 15821  
or other health-related diagnosis, care, or treatment to an 15822  
indigent and uninsured person, unless the action or omission 15823  
constitutes willful or wanton misconduct. 15824

(E)(1) Except as provided in division (E)(2) of this section, 15825  
the immunities provided by divisions (B), (C), and (D) of this 15826  
section are not available to an individual or to a nonprofit 15827  
shelter or health care facility if, at the time of an alleged 15828  
injury, death, or loss to person or property, the individuals 15829  
involved are providing one of the following: 15830

(a) Any medical, dental, or other health-related diagnosis, 15831  
care, or treatment pursuant to a community service work order 15832  
entered by a court under division (F) of section 2951.02 of the 15833  
Revised Code as a condition of probation or other suspension of a 15834  
term of imprisonment or imposed by a court as a community control 15835  
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 15836  
Code. 15837

(b) Performance of an operation. 15838

(c) Delivery of a baby. 15839

(2) Division (E)(1) of this section does not apply to an 15840

individual who provides, or a nonprofit shelter or health care 15841  
facility at which the individual provides, diagnosis, care, or 15842  
treatment that is necessary to preserve the life of a person in a 15843  
medical emergency. 15844

(F)(1) This section does not create a new cause of action or 15845  
substantive legal right against a health care professional, health 15846  
care worker, or nonprofit shelter or health care facility. 15847

(2) This section does not affect any immunities from civil 15848  
liability or defenses established by another section of the 15849  
Revised Code or available at common law to which an individual or 15850  
a nonprofit shelter or health care facility may be entitled in 15851  
connection with the provision of emergency or other diagnosis, 15852  
care, or treatment. 15853

(3) This section does not grant an immunity from tort or 15854  
other civil liability to an individual or a nonprofit shelter or 15855  
health care facility for actions that are outside the scope of 15856  
authority of health care professionals or health care workers. 15857

(4) This section does not affect any legal responsibility of 15858  
a health care professional or health care worker to comply with 15859  
any applicable law of this state or rule of an agency of this 15860  
state. 15861

(5) This section does not affect any legal responsibility of 15862  
a nonprofit shelter or health care facility to comply with any 15863  
applicable law of this state, rule of an agency of this state, or 15864  
local code, ordinance, or regulation that pertains to or regulates 15865  
building, housing, air pollution, water pollution, sanitation, 15866  
health, fire, zoning, or safety. 15867

**Sec. 2329.07.** If neither execution on a judgment rendered in 15868  
a court of record or certified to the clerk of the court of common 15869  
pleas in the county in which the judgment was rendered is issued, 15870

nor a certificate of judgment for obtaining a lien upon lands and 15871  
tenements is issued and filed, as provided in sections 2329.02 and 15872  
2329.04 of the Revised Code, within five years from the date of 15873  
the judgment or within five years from the date of the issuance of 15874  
the last execution thereon or the issuance and filing of the last 15875  
such certificate, whichever is later, then, unless the judgment is 15876  
in favor of the state, the judgment shall be dormant and shall not 15877  
operate as a lien upon the estate of the judgment debtor. 15878

If the judgment is in favor of the state, the judgment shall 15879  
not become dormant and shall not cease to operate as a lien 15880  
against the estate of the judgment debtor ~~unless neither such~~ 15881  
provided that either execution on the judgment is issued ~~nor such~~ 15882  
or a certificate of judgment is issued and filed, as provided in 15883  
sections 2329.02 and 2329.04 of the Revised Code, within ten years 15884  
from the date of the judgment ~~or within ten years from the date of~~ 15885  
~~the issuance of the last execution thereon or the issuance and~~ 15886  
~~filing of the last such certificate, whichever is later.~~ 15887

If, in any county other than that in which a judgment was 15888  
rendered, the judgment has become a lien by reason of the filing, 15889  
in the office of the clerk of the court of common pleas of that 15890  
county, of a certificate of the judgment as provided in sections 15891  
2329.02 and 2329.04 of the Revised Code, and if no execution is 15892  
issued for the enforcement of the judgment within that county, or 15893  
no further certificate of the judgment is filed in that county, 15894  
within five years ~~or, if the judgment is in favor of the state,~~ 15895  
~~within ten years~~ from the date of issuance of the last execution 15896  
for the enforcement of the judgment within that county or the date 15897  
of filing of the last certificate in that county, whichever is the 15898  
later, then the judgment shall cease to operate as a lien upon 15899  
lands and tenements of the judgment debtor within that county, 15900  
unless the judgment is in favor of the state, in which case the 15901  
judgment shall not become dormant. 15902

~~This section applies to judgments in favor of the state.~~ 15903

**Sec. 2329.66.** (A) Every person who is domiciled in this state 15904  
may hold property exempt from execution, garnishment, attachment, 15905  
or sale to satisfy a judgment or order, as follows: 15906

(1)(a) In the case of a judgment or order regarding money 15907  
owed for health care services rendered or health care supplies 15908  
provided to the person or a dependent of the person, one parcel or 15909  
item of real or personal property that the person or a dependent 15910  
of the person uses as a residence. Division (A)(1)(a) of this 15911  
section does not preclude, affect, or invalidate the creation 15912  
under this chapter of a judgment lien upon the exempted property 15913  
but only delays the enforcement of the lien until the property is 15914  
sold or otherwise transferred by the owner or in accordance with 15915  
other applicable laws to a person or entity other than the 15916  
surviving spouse or surviving minor children of the judgment 15917  
debtor. Every person who is domiciled in this state may hold 15918  
exempt from a judgment lien created pursuant to division (A)(1)(a) 15919  
of this section the person's interest, not to exceed five thousand 15920  
dollars, in the exempted property. 15921

(b) In the case of all other judgments and orders, the 15922  
person's interest, not to exceed five thousand dollars, in one 15923  
parcel or item of real or personal property that the person or a 15924  
dependent of the person uses as a residence. 15925

(2) The person's interest, not to exceed one thousand 15926  
dollars, in one motor vehicle; 15927

(3) The person's interest, not to exceed two hundred dollars 15928  
in any particular item, in wearing apparel, beds, and bedding, and 15929  
the person's interest, not to exceed three hundred dollars in each 15930  
item, in one cooking unit and one refrigerator or other food 15931  
preservation unit; 15932

(4)(a) The person's interest, not to exceed four hundred 15933  
dollars, in cash on hand, money due and payable, money to become 15934  
due within ninety days, tax refunds, and money on deposit with a 15935  
bank, savings and loan association, credit union, public utility, 15936  
landlord, or other person. Division (A)(4)(a) of this section 15937  
applies only in bankruptcy proceedings. This exemption may include 15938  
the portion of personal earnings that is not exempt under division 15939  
(A)(13) of this section. 15940

(b) Subject to division (A)(4)(d) of this section, the 15941  
person's interest, not to exceed two hundred dollars in any 15942  
particular item, in household furnishings, household goods, 15943  
appliances, books, animals, crops, musical instruments, firearms, 15944  
and hunting and fishing equipment, that are held primarily for the 15945  
personal, family, or household use of the person; 15946

(c) Subject to division (A)(4)(d) of this section, the 15947  
person's interest in one or more items of jewelry, not to exceed 15948  
four hundred dollars in one item of jewelry and not to exceed two 15949  
hundred dollars in every other item of jewelry; 15950

(d) Divisions (A)(4)(b) and (c) of this section do not 15951  
include items of personal property listed in division (A)(3) of 15952  
this section. 15953

If the person does not claim an exemption under division 15954  
(A)(1) of this section, the total exemption claimed under division 15955  
(A)(4)(b) of this section shall be added to the total exemption 15956  
claimed under division (A)(4)(c) of this section, and the total 15957  
shall not exceed two thousand dollars. If the person claims an 15958  
exemption under division (A)(1) of this section, the total 15959  
exemption claimed under division (A)(4)(b) of this section shall 15960  
be added to the total exemption claimed under division (A)(4)(c) 15961  
of this section, and the total shall not exceed one thousand five 15962  
hundred dollars. 15963

(5) The person's interest, not to exceed an aggregate of	15964
seven hundred fifty dollars, in all implements, professional	15965
books, or tools of the person's profession, trade, or business,	15966
including agriculture;	15967
(6)(a) The person's interest in a beneficiary fund set apart,	15968
appropriated, or paid by a benevolent association or society, as	15969
exempted by section 2329.63 of the Revised Code;	15970
(b) The person's interest in contracts of life or endowment	15971
insurance or annuities, as exempted by section 3911.10 of the	15972
Revised Code;	15973
(c) The person's interest in a policy of group insurance or	15974
the proceeds of a policy of group insurance, as exempted by	15975
section 3917.05 of the Revised Code;	15976
(d) The person's interest in money, benefits, charity,	15977
relief, or aid to be paid, provided, or rendered by a fraternal	15978
benefit society, as exempted by section 3921.18 of the Revised	15979
Code;	15980
(e) The person's interest in the portion of benefits under	15981
policies of sickness and accident insurance and in lump sum	15982
payments for dismemberment and other losses insured under those	15983
policies, as exempted by section 3923.19 of the Revised Code.	15984
(7) The person's professionally prescribed or medically	15985
necessary health aids;	15986
(8) The person's interest in a burial lot, including, but not	15987
limited to, exemptions under section 517.09 or 1721.07 of the	15988
Revised Code;	15989
(9) The person's interest in the following:	15990
(a) Moneys paid or payable for living maintenance or rights,	15991
as exempted by section 3304.19 of the Revised Code;	15992
(b) Workers' compensation, as exempted by section 4123.67 of	15993

the Revised Code;	15994
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	15995 15996
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	15997 15998
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	15999 16000 16001
(f) Disability <u>financial</u> assistance payments, as exempted by section <del>5115.07</del> <u>5115.06</u> of the Revised Code.	16002 16003
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund;	16004 16005 16006 16007 16008 16009 16010 16011 16012 16013 16014 16015 16016 16017 16018 16019 16020
(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or	16021 16022 16023 16024

profit-sharing plan or a payment included in division (A)(6)(b) or 16025  
(10)(a) of this section, on account of illness, disability, death, 16026  
age, or length of service, to the extent reasonably necessary for 16027  
the support of the person and any of the person's dependents, 16028  
except if all the following apply: 16029

(i) The plan or contract was established by or under the 16030  
auspices of an insider that employed the person at the time the 16031  
person's rights under the plan or contract arose. 16032

(ii) The payment is on account of age or length of service. 16033

(iii) The plan or contract is not qualified under the 16034  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 16035  
amended. 16036

(c) Except for any portion of the assets that were deposited 16037  
for the purpose of evading the payment of any debt and except as 16038  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 16039  
3123.06 of the Revised Code, the person's right in the assets held 16040  
in, or to receive any payment under, any individual retirement 16041  
account, individual retirement annuity, "Roth IRA," or education 16042  
individual retirement account that provides benefits by reason of 16043  
illness, disability, death, or age, to the extent that the assets, 16044  
payments, or benefits described in division (A)(10)(c) of this 16045  
section are attributable to any of the following: 16046

(i) Contributions of the person that were less than or equal 16047  
to the applicable limits on deductible contributions to an 16048  
individual retirement account or individual retirement annuity in 16049  
the year that the contributions were made, whether or not the 16050  
person was eligible to deduct the contributions on the person's 16051  
federal tax return for the year in which the contributions were 16052  
made; 16053

(ii) Contributions of the person that were less than or equal 16054  
to the applicable limits on contributions to a Roth IRA or 16055

education individual retirement account in the year that the 16056  
contributions were made; 16057

(iii) Contributions of the person that are within the 16058  
applicable limits on rollover contributions under subsections 219, 16059  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 16060  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 16061  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 16062

(d) Except for any portion of the assets that were deposited 16063  
for the purpose of evading the payment of any debt and except as 16064  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 16065  
3123.06 of the Revised Code, the person's right in the assets held 16066  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 16067  
that provides benefits by reason of illness, disability, death, or 16068  
age, to the extent reasonably necessary for the support of the 16069  
person and any of the person's dependents. 16070

(11) The person's right to receive spousal support, child 16071  
support, an allowance, or other maintenance to the extent 16072  
reasonably necessary for the support of the person and any of the 16073  
person's dependents; 16074

(12) The person's right to receive, or moneys received during 16075  
the preceding twelve calendar months from, any of the following: 16076

(a) An award of reparations under sections 2743.51 to 2743.72 16077  
of the Revised Code, to the extent exempted by division (D) of 16078  
section 2743.66 of the Revised Code; 16079

(b) A payment on account of the wrongful death of an 16080  
individual of whom the person was a dependent on the date of the 16081  
individual's death, to the extent reasonably necessary for the 16082  
support of the person and any of the person's dependents; 16083

(c) Except in cases in which the person who receives the 16084  
payment is an inmate, as defined in section 2969.21 of the Revised 16085  
Code, and in which the payment resulted from a civil action or 16086

appeal against a government entity or employee, as defined in 16087  
section 2969.21 of the Revised Code, a payment, not to exceed five 16088  
thousand dollars, on account of personal bodily injury, not 16089  
including pain and suffering or compensation for actual pecuniary 16090  
loss, of the person or an individual for whom the person is a 16091  
dependent; 16092

(d) A payment in compensation for loss of future earnings of 16093  
the person or an individual of whom the person is or was a 16094  
dependent, to the extent reasonably necessary for the support of 16095  
the debtor and any of the debtor's dependents. 16096

(13) Except as provided in sections 3119.80, 3119.81, 16097  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 16098  
earnings of the person owed to the person for services in an 16099  
amount equal to the greater of the following amounts: 16100

(a) If paid weekly, thirty times the current federal minimum 16101  
hourly wage; if paid biweekly, sixty times the current federal 16102  
minimum hourly wage; if paid semimonthly, sixty-five times the 16103  
current federal minimum hourly wage; or if paid monthly, one 16104  
hundred thirty times the current federal minimum hourly wage that 16105  
is in effect at the time the earnings are payable, as prescribed 16106  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 16107  
U.S.C. 206(a)(1), as amended; 16108

(b) Seventy-five per cent of the disposable earnings owed to 16109  
the person. 16110

(14) The person's right in specific partnership property, as 16111  
exempted by division (B)(3) of section 1775.24 of the Revised 16112  
Code; 16113

(15) A seal and official register of a notary public, as 16114  
exempted by section 147.04 of the Revised Code; 16115

(16) The person's interest in a tuition credit or a payment 16116  
under section 3334.09 of the Revised Code pursuant to a tuition 16117

credit contract, as exempted by section 3334.15 of the Revised Code; 16118  
16119

(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended; 16120  
16121  
16122  
16123

(18) The person's interest, not to exceed four hundred dollars, in any property, except that division (A)(18) of this section applies only in bankruptcy proceedings. 16124  
16125  
16126

(B) As used in this section: 16127

(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code. 16128  
16129  
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(2) "Insider" means: 16132

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control; 16133  
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(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation; 16138  
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(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a 16144  
16145  
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general partner of, or a person in control of the partnership; 16148

(d) An entity or person to which or whom any of the following 16149  
applies: 16150

(i) The entity directly or indirectly owns, controls, or 16151  
holds with power to vote, twenty per cent or more of the 16152  
outstanding voting securities of the person who claims an 16153  
exemption, unless the entity holds the securities in a fiduciary 16154  
or agency capacity without sole discretionary power to vote the 16155  
securities or holds the securities solely to secure to debt and 16156  
the entity has not in fact exercised the power to vote. 16157

(ii) The entity is a corporation, twenty per cent or more of 16158  
whose outstanding voting securities are directly or indirectly 16159  
owned, controlled, or held with power to vote, by the person who 16160  
claims an exemption or by an entity to which division (B)(2)(d)(i) 16161  
of this section applies. 16162

(iii) A person whose business is operated under a lease or 16163  
operating agreement by the person who claims an exemption, or a 16164  
person substantially all of whose business is operated under an 16165  
operating agreement with the person who claims an exemption. 16166

(iv) The entity operates the business or all or substantially 16167  
all of the property of the person who claims an exemption under a 16168  
lease or operating agreement. 16169

(e) An insider, as otherwise defined in this section, of a 16170  
person or entity to which division (B)(2)(d)(i), (ii), (iii), or 16171  
(iv) of this section applies, as if the person or entity were a 16172  
person who claims an exemption; 16173

(f) A managing agent of the person who claims an exemption. 16174

(3) "Participant account" has the same meaning as in section 16175  
148.01 of the Revised Code. 16176

(4) "Government unit" has the same meaning as in section 16177

148.06 of the Revised Code. 16178

(C) For purposes of this section, "interest" shall be 16179  
determined as follows: 16180

(1) In bankruptcy proceedings, as of the date a petition is 16181  
filed with the bankruptcy court commencing a case under Title 11 16182  
of the United States Code; 16183

(2) In all cases other than bankruptcy proceedings, as of the 16184  
date of an appraisal, if necessary under section 2329.68 of the 16185  
Revised Code, or the issuance of a writ of execution. 16186

An interest, as determined under division (C)(1) or (2) of 16187  
this section, shall not include the amount of any lien otherwise 16188  
valid pursuant to section 2329.661 of the Revised Code. 16189

**Sec. 2505.13.** If a supersedeas bond has been executed and 16190  
filed and the surety is one other than a surety company, the clerk 16191  
of the court with which the bond has been filed, upon request, 16192  
shall issue a certificate that sets forth the fact that the bond 16193  
has been filed and that states the style and number of the appeal, 16194  
the amount of the bond, and the sureties on it. Such a certificate 16195  
may be filed in the office of the county recorder of any county in 16196  
which the sureties may own land, and, when filed, the bond shall 16197  
be a lien upon the land of the sureties in such county. The lien 16198  
shall be extinguished upon the satisfaction, reversal, or vacation 16199  
of the final order, judgment, or decree involved, or by an order 16200  
of the court that entered the final order, judgment, or decree, 16201  
that releases the lien or releases certain land from the operation 16202  
of the lien. 16203

The clerk, upon request, shall issue a notice of discharge of 16204  
such a lien, which may be filed in the office of any recorder in 16205  
whose office the certificate of lien was filed. Such notice shall 16206  
state that the final order, judgment, or decree involved is 16207

satisfied, reversed, or vacated, or that an order has been entered 16208  
that releases the lien or certain land from the operation of the 16209  
lien. Such recorder shall properly keep and file such certificates 16210  
and notices as are filed with ~~him~~ the recorder and shall index 16211  
them in the book or record provided for in section 2937.27 of the 16212  
Revised Code. 16213

The fee for issuing such a certificate or notice shall be as 16214  
provided by law, and shall be taxed as part of the costs of the 16215  
appeal. A county recorder shall receive a base fee of fifty cents 16216  
for filing and indexing such a certificate, which fee shall cover 16217  
the filing and the entering on the index of ~~such a~~ the notice and 16218  
a housing trust fund fee of fifty cents pursuant to section 317.36 16219  
of the Revised Code. 16220

**Sec. 2715.041.** (A) Upon the filing of a motion for an order 16221  
of attachment pursuant to section 2715.03 of the Revised Code, the 16222  
plaintiff shall file with the clerk of the court a praecipe 16223  
instructing the clerk to issue to the defendant against whom the 16224  
motion was filed a notice of the proceeding. Upon receipt of the 16225  
praecipe, the clerk shall issue the notice which shall be in 16226  
substantially the following form: 16227

"(Name and Address of Court) 16228

Case No..... 16229

(Case Caption) 16230

NOTICE 16231

You are hereby notified that (name and address of plaintiff), 16232  
the plaintiff in this proceeding, has applied to this court for 16233  
the attachment of property in your possession. The basis for this 16234  
application is indicated in the documents that are enclosed with 16235  
this notice. 16236

The law of Ohio and the United States provides that certain 16237  
benefit payments cannot be taken from you to pay a debt. Typical 16238

among the benefits that cannot be attached or executed on by a	16239
creditor are:	16240
(1) Workers' compensation benefits;	16241
(2) Unemployment compensation payments;	16242
(3) Cash assistance payments under the Ohio works first	16243
program;	16244
(4) Benefits and services under the prevention, retention,	16245
and contingency program;	16246
(5) Disability <u>financial</u> assistance administered by the Ohio	16247
department of job and family services;	16248
(6) Social security benefits;	16249
(7) Supplemental security income (S.S.I.);	16250
(8) Veteran's benefits;	16251
(9) Black lung benefits;	16252
(10) Certain pensions.	16253
Additionally, your wages never can be taken to pay a debt	16254
until a judgment has been obtained against you. There may be other	16255
benefits not included in this list that apply in your case.	16256
If you dispute the plaintiff's claim and believe that you are	16257
entitled to retain possession of the property because it is exempt	16258
or for any other reason, you may request a hearing before this	16259
court by disputing the claim in the request for hearing form	16260
appearing below, or in a substantially similar form, and	16261
delivering the request for the hearing to this court, at the	16262
office of the clerk of this court, not later than the end of the	16263
fifth business day after you receive this notice. You may state	16264
your reasons for disputing the claim in the space provided on the	16265
form, but you are not required to do so. If you do state your	16266
reasons for disputing the claim in the space provided on the form,	16267

you are not prohibited from stating any other reasons at the 16268  
hearing, and if you do not state your reasons, it will not be held 16269  
against you by the court and you can state your reasons at the 16270  
hearing. 16271

If you request a hearing, it will be conducted in 16272  
..... courtroom ....., (address of court), at 16273  
.....m. on ....., ..... 16274

You may avoid having a hearing but retain possession of the 16275  
property until the entry of final judgment in the action by filing 16276  
with the court, at the office of the clerk of this court, not 16277  
later than the end of the fifth business day after you receive 16278  
this notice, a bond executed by an acceptable surety in the amount 16279  
of \$..... 16280

If you do not request a hearing or file a bond on or before 16281  
the end of the fifth business day after you receive this notice, 16282  
the court, without further notice to you, may order a law 16283  
enforcement officer or bailiff to take possession of the property. 16284  
Notice of the dates, times, places, and purposes of any subsequent 16285  
hearings and of the date, time, and place of the trial of the 16286  
action will be sent to you. 16287

..... 16288

Clerk of Court 16289

Date:....." 16290

(B) Along with the notice required by division (A) of this 16291  
section, the clerk of the court also shall deliver to the 16292  
defendant, in accordance with division (C) of this section, a 16293  
request for hearing form together with a postage-paid, 16294  
self-addressed envelope or a request for hearing form on a 16295  
postage-paid, self-addressed postcard. The request for hearing 16296  
shall be in substantially the following form: 16297

"(Name and Address of Court) 16298

Case Number ..... Date ..... 16299

REQUEST FOR HEARING

16300

I dispute the claim for the attachment of property in the  
above case and request that a hearing in this matter be held at  
the time and place set forth in the notice that I previously  
received.

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16302  
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16304

I dispute the claim for the following reasons:

16305

.....

16306

(Optional)

16307

.....

16308

.....

16309

.....

16310

(Name of Defendant)

16311

.....

16312

(Signature)

16313

.....

16314

(Date)

16315

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,  
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE  
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING."

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(C) The notice required by division (A) of this section shall  
be served on the defendant in duplicate not less than seven  
business days prior to the date on which the hearing is scheduled,  
together with a copy of the complaint and summons, if not  
previously served, and a copy of the motion for the attachment of  
property and the affidavit attached to the motion, in the same  
manner as provided in the Rules of Civil Procedure for the service  
of process. Service may be effected by publication as provided in  
the Rules of Civil Procedure except that the number of weeks for

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publication may be reduced by the court to the extent appropriate. 16330

**Sec. 2715.045.** (A) Upon the filing of a motion for 16331  
attachment, a court may issue an order of attachment without 16332  
issuing notice to the defendant against whom the motion was filed 16333  
and without conducting a hearing if the court finds that there is 16334  
probable cause to support the motion and that the plaintiff that 16335  
filed the motion for attachment will suffer irreparable injury if 16336  
the order is delayed until the defendant against whom the motion 16337  
has been filed has been given the opportunity for a hearing. The 16338  
court's findings shall be based upon the motion and affidavit 16339  
filed pursuant to section 2715.03 of the Revised Code and any 16340  
other relevant evidence that it may wish to consider. 16341

(B) A finding by the court that the plaintiff will suffer 16342  
irreparable injury may be made only if the court finds the 16343  
existence of either of the following circumstances: 16344

(1) There is present danger that the property will be 16345  
immediately disposed of, concealed, or placed beyond the 16346  
jurisdiction of the court. 16347

(2) The value of the property will be impaired substantially 16348  
if the issuance of an order of attachment is delayed. 16349

(C)(1) Upon the issuance by a court of an order of attachment 16350  
without notice and hearing pursuant to this section, the plaintiff 16351  
shall file the order with the clerk of the court, together with a 16352  
praecipe instructing the clerk to issue to the defendant against 16353  
whom the order was issued a copy of the motion, affidavit, and 16354  
order of attachment, and a notice that an order of attachment was 16355  
issued and that the defendant has a right to a hearing on the 16356  
matter. The clerk then immediately shall serve upon the defendant, 16357  
in the manner provided by the Rules of Civil Procedure for service 16358  
of process, a copy of the complaint and summons, if not previously 16359  
served, a copy of the motion, affidavit, and order of attachment, 16360



benefits not included in this list that apply in your case. 16390

If you dispute the plaintiff's claim and believe that you are 16391  
entitled to possession of the property because it is exempt or for 16392  
any other reason, you may request a hearing before this court by 16393  
disputing the claim in the request for hearing form, appearing 16394  
below, or in a substantially similar form, and delivering the 16395  
request for hearing to this court at the above address, at the 16396  
office of the clerk of this court, no later than the end of the 16397  
fifth business day after you receive this notice. You may state 16398  
your reasons for disputing the claim in the space provided on the 16399  
form; however, you are not required to do so. If you do state your 16400  
reasons for disputing the claim, you are not prohibited from 16401  
stating any other reasons at the hearing, and if you do not state 16402  
your reasons, it will not be held against you by the court and you 16403  
can state your reasons at the hearing. If you request a hearing, 16404  
it will be held within three business days after delivery of your 16405  
request for hearing and notice of the date, time, and place of the 16406  
hearing will be sent to you. 16407

You may avoid a hearing but recover and retain possession of 16408  
the property until the entry of final judgment in the action by 16409  
filing with the court, at the office of the clerk of this court, 16410  
not later than the end of the fifth business day after you receive 16411  
this notice, a bond executed by an acceptable surety in the amount 16412  
of \$..... 16413

If you do not request a hearing or file a bond before the end 16414  
of the fifth business day after you receive this notice, 16415  
possession of the property will be withheld from you during the 16416  
pendency of the action. Notice of the dates, times, places, and 16417  
purposes of any subsequent hearings and of the date, time, and 16418  
place of the trial of the action will be sent to you. 16419

..... 16420

Clerk of the Court 16421



(D) The defendant may receive a hearing in accordance with 16452  
section 2715.043 of the Revised Code by delivering a written 16453  
request for hearing to the court within five business days after 16454  
receipt of the notice provided pursuant to division (C) of this 16455  
section. The request may set forth the defendant's reasons for 16456  
disputing the plaintiff's claim for possession of property. 16457  
However, neither the defendant's inclusion of nor failure to 16458  
include such reasons upon the request constitutes a waiver of any 16459  
defense of the defendant or affects the defendant's right to 16460  
produce evidence at any hearing or at the trial of the action. If 16461  
the request is made by the defendant, the court shall schedule a 16462  
hearing within three business days after the request is made, send 16463  
notice to the parties of the date, time, and place of the hearing, 16464  
and hold the hearing accordingly. 16465

(E) If, after hearing, the court finds that there is not 16466  
probable cause to support the motion, it shall order that the 16467  
property be redelivered to the defendant without the condition of 16468  
bond. 16469

**Sec. 2716.13.** (A) Upon the filing of a proceeding in 16470  
garnishment of property, other than personal earnings, under 16471  
section 2716.11 of the Revised Code, the court shall cause the 16472  
matter to be set for hearing within twelve days after that filing. 16473

(B) Upon the scheduling of a hearing relative to a proceeding 16474  
in garnishment of property, other than personal earnings, under 16475  
division (A) of this section, the clerk of the court immediately 16476  
shall issue to the garnishee three copies of the order of 16477  
garnishment of property, other than personal earnings, and of a 16478  
written notice that the garnishee answer as provided in section 16479  
2716.21 of the Revised Code and the garnishee's fee required by 16480  
section 2716.12 of the Revised Code. The copies of the order and 16481  
of the notice shall be served upon the garnishee in the same 16482

manner as a summons is served. The copies of the order and of the 16483  
notice shall not be served later than seven days prior to the date 16484  
on which the hearing is scheduled. The order shall bind the 16485  
property, other than personal earnings, of the judgment debtor in 16486  
the possession of the garnishee at the time of service. 16487

The order of garnishment of property, other than personal 16488  
earnings, and notice to answer shall be in substantially the 16489  
following form: 16490

"ORDER AND NOTICE OF GARNISHMENT 16491  
OF PROPERTY OTHER THAN PERSONAL EARNINGS 16492  
AND ANSWER OF GARNISHEE 16493

Docket No. .... 16494  
Case No. .... 16495  
In the ..... Court 16496  
....., Ohio 16497

The State of Ohio 16498

County of ....., ss 16499

....., Judgment Creditor 16500

vs. 16501

....., Judgment Debtor 16502

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 16503

To: ....., Garnishee 16504

The judgment creditor in the above case has filed an 16505  
affidavit, satisfactory to the undersigned, in this Court stating 16506  
that you have money, property, or credits, other than personal 16507  
earnings, in your hands or under your control that belong to the 16508  
judgment debtor, and that some of the money, property, or credits 16509  
may not be exempt from garnishment under the laws of the State of 16510  
Ohio or the laws of the United States. 16511

You are therefore ordered to complete the "ANSWER OF 16512



2. That property is described as: 16544

3. If the answer to line 1 is "yes" and the amount is less 16545  
than the probable amount now due on the judgment, as indicated in 16546  
section (A) of this form, sign and return this form and pay the 16547  
amount of line 1 to the clerk of this court. 16548

4. If the answer to line 1 is "yes" and the amount is greater 16549  
than that probable amount now due on the judgment, as indicated in 16550  
section (A) of this form, sign and return this form and pay that 16551  
probable amount now due to the clerk of this court. 16552

5. If the answer to line 1 is "yes" but the money, property, 16553  
or credits are of such a nature that they cannot be delivered to 16554  
the clerk of the court, indicate that by placing an "X" in this 16555  
space: ..... Do not dispose of that money, property, or credits 16556  
or give them to anyone else until further order of the court. 16557

6. If the answer to line 1 is "no," sign and return this form 16558  
to the clerk of this court. 16559

I certify that the statements above are true. 16560  
..... 16561  
(Print Name of Garnishee) 16562  
..... 16563  
(Print Name and Title of 16564  
Person Who Completed Form) 16565

Signed..... 16566  
(Signature of Person Completing Form) 16567

Dated this ..... day of ....., ....." 16568

Section A of the form described in this division shall be 16569  
completed before service. Section B of the form shall be completed 16570  
by the garnishee, and the garnishee shall file one completed and 16571  
signed copy of the form with the clerk of the court as the 16572  
garnishee's answer. The garnishee may keep one completed and 16573

signed copy of the form and shall deliver the other completed and 16574  
signed copy of the form to the judgment debtor. 16575

If several affidavits seeking orders of garnishment of 16576  
property, other than personal earnings, are filed against the same 16577  
judgment debtor in accordance with section 2716.11 of the Revised 16578  
Code, the court involved shall issue the requested orders in the 16579  
same order in which the clerk received the associated affidavits. 16580

(C)(1) At the time of the filing of a proceeding in 16581  
garnishment of property, other than personal earnings, under 16582  
section 2716.11 of the Revised Code, the judgment creditor also 16583  
shall file with the clerk of the court a praecipe instructing the 16584  
clerk to issue to the judgment debtor a notice to the judgment 16585  
debtor form and a request for hearing form. Upon receipt of the 16586  
praecipe and the scheduling of a hearing relative to an action in 16587  
garnishment of property, other than personal earnings, under 16588  
division (A) of this section, the clerk of the court immediately 16589  
shall serve upon the judgment debtor, in accordance with division 16590  
(D) of this section, two copies of the notice to the judgment 16591  
debtor form and of the request for hearing form. The copies of the 16592  
notice to the judgment debtor form and of the request for hearing 16593  
form shall not be served later than seven days prior to the date 16594  
on which the hearing is scheduled. 16595

(a) The notice to the judgment debtor that must be served 16596  
upon the judgment debtor shall be in substantially the following 16597  
form: 16598

"(Name and Address of the Court) 16599

(Case Caption) ..... Case No. .... 16600

NOTICE TO THE JUDGMENT DEBTOR 16601

You are hereby notified that this court has issued an order 16602  
in the above case in favor of (name and address of judgment 16603  
creditor), the judgment creditor in this proceeding, directing 16604

that some of your money, property, or credits, other than personal 16605  
earnings, now in the possession of (name and address of 16606  
garnishee), the garnishee in this proceeding, be used to satisfy 16607  
your debt to the judgment creditor. This order was issued on the 16608  
basis of the judgment creditor's judgment against you that was 16609  
obtained in (name of court) in (case number) on (date). Upon your 16610  
receipt of this notice, you are prohibited from removing or 16611  
attempting to remove the money, property, or credits until 16612  
expressly permitted by the court. Any violation of this 16613  
prohibition subjects you to punishment for contempt of court. 16614

The law of Ohio and the United States provides that certain 16615  
benefit payments cannot be taken from you to pay a debt. Typical 16616  
among the benefits that cannot be attached or executed upon by a 16617  
creditor are the following: 16618

(1) Workers' compensation benefits; 16619

(2) Unemployment compensation payments; 16620

(3) Cash assistance payments under the Ohio works first 16621  
program; 16622

(4) Benefits and services under the prevention, retention, 16623  
and contingency program; 16624

(5) Disability financial assistance administered by the Ohio 16625  
department of job and family services; 16626

(6) Social security benefits; 16627

(7) Supplemental security income (S.S.I.); 16628

(8) Veteran's benefits; 16629

(9) Black lung benefits; 16630

(10) Certain pensions. 16631

There may be other benefits not included in the above list 16632  
that apply in your case. 16633

If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your property in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing. If you do not state your reasons, it will not be held against you by the court, and you can state your reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted in ..... courtroom ....., (address of court), at ..... m. on ....., ..... You may request the court to conduct the hearing before this date by indicating your request in the space provided on the form; the court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a

hearing by delivering your request for a hearing no later than the 16666  
end of the fifth business day after you receive this notice, some 16667  
of your money, property, or credits, other than personal earnings, 16668  
will be paid to the judgment creditor. 16669

If you have any questions concerning this matter, you may 16670  
contact the office of the clerk of this court. If you want legal 16671  
representation, you should contact your lawyer immediately. If you 16672  
need the name of a lawyer, contact the local bar association. 16673

..... 16674  
Clerk of the Court 16675  
..... 16676  
Date" 16677

(b) The request for hearing form that must be served upon the 16678  
judgment debtor shall have attached to it a postage-paid, 16679  
self-addressed envelope or shall be on a postage-paid 16680  
self-addressed postcard, and shall be in substantially the 16681  
following form: 16682

"(Name and Address of Court) 16683

Case Number ..... Date ..... 16684

REQUEST FOR HEARING 16685

I dispute the judgment creditor's right to garnish my money, 16686  
property, or credits, other than personal earnings, in the above 16687  
case and request that a hearing in this matter be held 16688

..... 16689  
(Insert "on" or "earlier than") 16690

the date and time set forth in the document entitled "NOTICE TO 16691  
THE JUDGMENT DEBTOR" that I received with this request form. 16692

I dispute the judgment creditor's right to garnish my 16693  
property for the following reasons: 16694

..... 16695

(Optional) 16696

..... 16697

..... 16698

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 16699  
BE HEARD OR CONSIDERED AT THE HEARING. 16700

..... 16701

(Name of Judgment Debtor) 16702

..... 16703

(Signature) 16704

..... 16705

(Date) 16706

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 16707  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 16708  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 16709  
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, 16710  
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE 16711  
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT 16712  
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT 16713  
CREDITOR'S NAME)." 16714

(2) The judgment debtor may receive a hearing in accordance 16715  
with this division by delivering a written request for hearing to 16716  
the court within five business days after receipt of the notice 16717  
provided pursuant to division (C)(1) of this section. The request 16718  
may set forth the judgment debtor's reasons for disputing the 16719  
judgment creditor's right to garnish the money, property, or 16720  
credits, other than personal earnings; however, neither the 16721  
judgment debtor's inclusion of nor failure to include those 16722  
reasons upon the request constitutes a waiver of any defense of 16723  
the judgment debtor or affects the judgment debtor's right to 16724  
produce evidence at the hearing. If the request is made by the 16725  
judgment debtor within the prescribed time, the hearing shall be 16726

limited to a consideration of the amount of money, property, or 16727  
credits, other than personal earnings, of the judgment debtor in 16728  
the hands of the garnishee, if any, that can be used to satisfy 16729  
all or part of the debt owed by the judgment debtor to the 16730  
judgment creditor. If a request for a hearing is not received by 16731  
the court within the prescribed time, the hearing scheduled 16732  
pursuant to division (A) of this section shall be canceled unless 16733  
the court grants the judgment debtor a continuance in accordance 16734  
with division (C)(3) of this section. 16735

(3) If the judgment debtor does not request a hearing in the 16736  
action within the prescribed time pursuant to division (C)(2) of 16737  
this section, the court nevertheless may grant a continuance of 16738  
the scheduled hearing if the judgment debtor, prior to the time at 16739  
which the hearing was scheduled, as indicated on the notice to the 16740  
judgment debtor required by division (C)(1) of this section, 16741  
establishes a reasonable justification for failure to request the 16742  
hearing within the prescribed time. If the court grants a 16743  
continuance of the hearing, it shall cause the matter to be set 16744  
for hearing as soon as practicable thereafter. The continued 16745  
hearing shall be conducted in accordance with division (C)(2) of 16746  
this section. 16747

(4) The court may conduct the hearing on the matter prior to 16748  
the time at which the hearing was scheduled, as indicated on the 16749  
notice to the judgment debtor required by division (C)(1) of this 16750  
section, upon the request of the judgment debtor. The parties 16751  
shall be sent notice, by the clerk of the court, by regular mail, 16752  
of any change in the date, time, or place of the hearing. 16753

(5) If the scheduled hearing is canceled and no continuance 16754  
is granted, the court shall issue an order to the garnishee to pay 16755  
all or some of the money, property, or credits, other than 16756  
personal earnings, of the judgment debtor in the possession of the 16757  
garnishee at the time of service of the notice and order into 16758

court if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to this section. If the scheduled hearing is conducted or if it is continued and conducted, the court shall determine at the hearing the amount of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor form and the request for hearing form described in division (C) of this section shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the forms shall be served in accordance with the Rules of Civil Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.

**Sec. 2743.02.** (A)(1) The state hereby waives its immunity from liability, except as provided for the office of the state fire marshal in division (G)(1) of section 9.60 and division (B) of section 3737.221 of the Revised Code and subject to division (H) of this section, and consents to be sued, and have its liability determined, in the court of claims created in this

chapter in accordance with the same rules of law applicable to 16791  
suits between private parties, except that the determination of 16792  
liability is subject to the limitations set forth in this chapter 16793  
and, in the case of state universities or colleges, in section 16794  
3345.40 of the Revised Code, and except as provided in division 16795  
(A)(2) of this section. To the extent that the state has 16796  
previously consented to be sued, this chapter has no 16797  
applicability. 16798

Except in the case of a civil action filed by the state, 16799  
filing a civil action in the court of claims results in a complete 16800  
waiver of any cause of action, based on the same act or omission, 16801  
which the filing party has against any officer or employee, as 16802  
defined in section 109.36 of the Revised Code. The waiver shall be 16803  
void if the court determines that the act or omission was 16804  
manifestly outside the scope of the officer's or employee's office 16805  
or employment or that the officer or employee acted with malicious 16806  
purpose, in bad faith, or in a wanton or reckless manner. 16807

(2) If a claimant proves in the court of claims that an 16808  
officer or employee, as defined in section 109.36 of the Revised 16809  
Code, would have personal liability for the officer's or 16810  
employee's acts or omissions but for the fact that the officer or 16811  
employee has personal immunity under section 9.86 of the Revised 16812  
Code, the state shall be held liable in the court of claims in any 16813  
action that is timely filed pursuant to section 2743.16 of the 16814  
Revised Code and that is based upon the acts or omissions. 16815

(B) The state hereby waives the immunity from liability of 16816  
all hospitals owned or operated by one or more political 16817  
subdivisions and consents for them to be sued, and to have their 16818  
liability determined, in the court of common pleas, in accordance 16819  
with the same rules of law applicable to suits between private 16820  
parties, subject to the limitations set forth in this chapter. 16821  
This division is also applicable to hospitals owned or operated by 16822

political subdivisions which have been determined by the supreme 16823  
court to be subject to suit prior to July 28, 1975. 16824

(C) Any hospital, as defined in section 2305.113 of the 16825  
Revised Code, may purchase liability insurance covering its 16826  
operations and activities and its agents, employees, nurses, 16827  
interns, residents, staff, and members of the governing board and 16828  
committees, and, whether or not such insurance is purchased, may, 16829  
to such extent as its governing board considers appropriate, 16830  
indemnify or agree to indemnify and hold harmless any such person 16831  
against expense, including attorney's fees, damage, loss, or other 16832  
liability arising out of, or claimed to have arisen out of, the 16833  
death, disease, or injury of any person as a result of the 16834  
negligence, malpractice, or other action or inaction of the 16835  
indemnified person while acting within the scope of the 16836  
indemnified person's duties or engaged in activities at the 16837  
request or direction, or for the benefit, of the hospital. Any 16838  
hospital electing to indemnify such persons, or to agree to so 16839  
indemnify, shall reserve such funds as are necessary, in the 16840  
exercise of sound and prudent actuarial judgment, to cover the 16841  
potential expense, fees, damage, loss, or other liability. The 16842  
superintendent of insurance may recommend, or, if such hospital 16843  
requests the superintendent to do so, the superintendent shall 16844  
recommend, a specific amount for any period that, in the 16845  
superintendent's opinion, represents such a judgment. This 16846  
authority is in addition to any authorization otherwise provided 16847  
or permitted by law. 16848

(D) Recoveries against the state shall be reduced by the 16849  
aggregate of insurance proceeds, disability award, or other 16850  
collateral recovery received by the claimant. This division does 16851  
not apply to civil actions in the court of claims against a state 16852  
university or college under the circumstances described in section 16853  
3345.40 of the Revised Code. The collateral benefits provisions of 16854

division (B)(2) of that section apply under those circumstances. 16855

(E) The only defendant in original actions in the court of 16856  
claims is the state. The state may file a third-party complaint or 16857  
counterclaim in any civil action, except a civil action for two 16858  
thousand five hundred dollars or less, that is filed in the court 16859  
of claims. 16860

(F) A civil action against an officer or employee, as defined 16861  
in section 109.36 of the Revised Code, that alleges that the 16862  
officer's or employee's conduct was manifestly outside the scope 16863  
of the officer's or employee's employment or official 16864  
responsibilities, or that the officer or employee acted with 16865  
malicious purpose, in bad faith, or in a wanton or reckless manner 16866  
shall first be filed against the state in the court of claims, 16867  
which has exclusive, original jurisdiction to determine, 16868  
initially, whether the officer or employee is entitled to personal 16869  
immunity under section 9.86 of the Revised Code and whether the 16870  
courts of common pleas have jurisdiction over the civil action. 16871

The filing of a claim against an officer or employee under 16872  
this division tolls the running of the applicable statute of 16873  
limitations until the court of claims determines whether the 16874  
officer or employee is entitled to personal immunity under section 16875  
9.86 of the Revised Code. 16876

(G) Whenever a claim lies against an officer or employee who 16877  
is a member of the Ohio national guard, and the officer or 16878  
employee was, at the time of the act or omission complained of, 16879  
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 16880  
U.S.C. 2671, et seq., then the Federal Tort Claims Act is the 16881  
exclusive remedy of the claimant and the state has no liability 16882  
under this section. 16883

(H) If an inmate of a state correctional institution has a 16884  
claim against the state for the loss of or damage to property and 16885

the amount claimed does not exceed three hundred dollars, before 16886  
commencing an action against the state in the court of claims, the 16887  
inmate shall file a claim for the loss or damage under the rules 16888  
adopted by the director of rehabilitation and correction pursuant 16889  
to this division. The inmate shall file the claim within the time 16890  
allowed for commencement of a civil action under section 2743.16 16891  
of the Revised Code. If the state admits or compromises the claim, 16892  
the director shall make payment from a fund designated by the 16893  
director for that purpose. If the state denies the claim or does 16894  
not compromise the claim at least sixty days prior to expiration 16895  
of the time allowed for commencement of a civil action based upon 16896  
the loss or damage under section 2743.16 of the Revised Code, the 16897  
inmate may commence an action in the court of claims under this 16898  
chapter to recover damages for the loss or damage. 16899

The director of rehabilitation and correction shall adopt 16900  
rules pursuant to Chapter 119. of the Revised Code to implement 16901  
this division. 16902

**Sec. 2743.60.** (A) The attorney general, a court of claims 16903  
panel of commissioners, or a judge of the court of claims shall 16904  
not make or order an award of reparations to any claimant who, if 16905  
the victim of the criminally injurious conduct was an adult, did 16906  
not file an application for an award of reparations within two 16907  
years after the date of the occurrence of the criminally injurious 16908  
conduct that caused the injury or death for which the victim is 16909  
seeking an award of reparations or who, if the victim of that 16910  
criminally injurious conduct was a minor, did not file an 16911  
application for an award of reparations within the period provided 16912  
by division (C)(1) of section 2743.56 of the Revised Code. An 16913  
award of reparations shall not be made to a claimant if the 16914  
criminally injurious conduct upon which the claimant bases a claim 16915  
was not reported to a law enforcement officer or agency within 16916  
seventy-two hours after the occurrence of the conduct, unless it 16917

is determined that good cause existed for the failure to report 16918  
the conduct within the seventy-two-hour period. 16919

(B)(1) The attorney general, a panel of commissioners, or a 16920  
judge of the court of claims shall not make or order an award of 16921  
reparations to a claimant if any of the following apply: 16922

(a) The claimant is the offender or an accomplice of the 16923  
offender who committed the criminally injurious conduct, or the 16924  
award would unjustly benefit the offender or accomplice. 16925

(b) Except as provided in division (B)(2) of this section, 16926  
both of the following apply: 16927

(i) The victim was a passenger in a motor vehicle and knew or 16928  
reasonably should have known that the driver was under the 16929  
influence of alcohol, a drug of abuse, or both. 16930

(ii) The claimant is seeking compensation for injuries 16931  
proximately caused by the driver described in division 16932  
(B)(1)(b)(i) of this section being under the influence of alcohol, 16933  
a drug of abuse, or both. 16934

(c) Both of the following apply: 16935

(i) The victim was under the influence of alcohol, a drug of 16936  
abuse, or both and was a passenger in a motor vehicle and, if 16937  
sober, should have reasonably known that the driver was under the 16938  
influence of alcohol, a drug of abuse, or both. 16939

(ii) The claimant is seeking compensation for injuries 16940  
proximately caused by the driver described in division 16941  
(B)(1)(b)(i) of this section being under the influence of alcohol, 16942  
a drug of abuse, or both. 16943

(2) Division (B)(1)(b) of this section does not apply if on 16944  
the date of the occurrence of the criminally injurious conduct, 16945  
the victim was under sixteen years of age or was at least sixteen 16946  
years of age but less than eighteen years of age and was riding 16947

with a parent, guardian, or care-provider. 16948

(C) The attorney general, a panel of commissioners, or a 16949  
judge of the court of claims, upon a finding that the claimant or 16950  
victim has not fully cooperated with appropriate law enforcement 16951  
agencies, may deny a claim or reconsider and reduce an award of 16952  
reparations. 16953

(D) The attorney general, a panel of commissioners, or a 16954  
judge of the court of claims shall reduce an award of reparations 16955  
or deny a claim for an award of reparations that is otherwise 16956  
payable to a claimant to the extent that the economic loss upon 16957  
which the claim is based is recouped from other persons, including 16958  
collateral sources. If an award is reduced or a claim is denied 16959  
because of the expected recoupment of all or part of the economic 16960  
loss of the claimant from a collateral source, the amount of the 16961  
award or the denial of the claim shall be conditioned upon the 16962  
claimant's economic loss being recouped by the collateral source. 16963  
If the award or denial is conditioned upon the recoupment of the 16964  
claimant's economic loss from a collateral source and it is 16965  
determined that the claimant did not unreasonably fail to present 16966  
a timely claim to the collateral source and will not receive all 16967  
or part of the expected recoupment, the claim may be reopened and 16968  
an award may be made in an amount equal to the amount of expected 16969  
recoupment that it is determined the claimant will not receive 16970  
from the collateral source. 16971

If the claimant recoups all or part of the economic loss upon 16972  
which the claim is based from any other person or entity, 16973  
including a collateral source, the attorney general may recover 16974  
pursuant to section 2743.72 of the Revised Code the part of the 16975  
award that represents the economic loss for which the claimant 16976  
received the recoupment from the other person or entity. 16977

(E) The(1) Except as otherwise provided in division (E)(2) of 16978  
this section, the attorney general, a panel of commissioners, or a 16979

judge of the court of claims shall not make an award to a claimant 16980  
if any of the following applies: 16981

~~(1)~~(a) The victim was convicted of a felony within ten years 16982  
prior to the criminally injurious conduct that gave rise to the 16983  
claim or is convicted of a felony during the pendency of the 16984  
claim. 16985

~~(2)~~(b) The claimant was convicted of a felony within ten 16986  
years prior to the criminally injurious conduct that gave rise to 16987  
the claim or is convicted of a felony during the pendency of the 16988  
claim. 16989

~~(3)~~(c) It is proved by a preponderance of the evidence that 16990  
the victim or the claimant engaged, within ten years prior to the 16991  
criminally injurious conduct that gave rise to the claim or during 16992  
the pendency of the claim, in an offense of violence, a violation 16993  
of section 2925.03 of the Revised Code, or any substantially 16994  
similar offense that also would constitute a felony under the laws 16995  
of this state, another state, or the United States. 16996

~~(4)~~(d) The claimant was convicted of a violation of section 16997  
2919.22 or 2919.25 of the Revised Code, or of any state law or 16998  
municipal ordinance substantially similar to either section, 16999  
within ten years prior to the criminally injurious conduct that 17000  
gave rise to the claim or during the pendency of the claim. 17001

(2) The attorney general, a panel of commissioners, or a 17002  
judge of the court of claims may make an award to a minor 17003  
dependent of a deceased victim for dependent's economic loss if 17004  
the minor dependent is not ineligible under division (E)(1) of 17005  
this section due to the minor dependent's criminal history and if 17006  
the victim was not killed while engaging in violent felonious 17007  
conduct that contributed to the criminally injurious conduct that 17008  
gave rise to the claim. 17009

(F) In determining whether to make an award of reparations 17010

pursuant to this section, the attorney general or panel of 17011  
commissioners shall consider whether there was contributory 17012  
misconduct by the victim or the claimant. The attorney general, a 17013  
panel of commissioners, or a judge of the court of claims shall 17014  
reduce an award of reparations or deny a claim for an award of 17015  
reparations to the extent it is determined to be reasonable 17016  
because of the contributory misconduct of the claimant or the 17017  
victim. 17018

When the attorney general decides whether a claim should be 17019  
denied because of an allegation of contributory misconduct, the 17020  
burden of proof on the issue of that alleged contributory 17021  
misconduct shall be upon the claimant, if either of the following 17022  
apply: 17023

(1) The victim was convicted of a felony more than ten years 17024  
prior to the criminally injurious conduct that is the subject of 17025  
the claim or has a record of felony arrests under the laws of this 17026  
state, another state, or the United States. 17027

(2) There is good cause to believe that the victim engaged in 17028  
an ongoing course of criminal conduct within five years or less of 17029  
the criminally injurious conduct that is the subject of the claim. 17030

For purposes of this section, if it is proven by a 17031  
preponderance of the evidence that the victim engaged in conduct 17032  
at the time of the criminally injurious conduct that was a felony 17033  
violation of section 2925.11 of the Revised Code, the conduct 17034  
shall be presumed to have contributed to the criminally injurious 17035  
conduct and shall result in a complete denial of the claim. 17036

(G) The attorney general, a panel of commissioners, or a 17037  
judge of the court of claims shall not make an award of 17038  
reparations to a claimant if the criminally injurious conduct that 17039  
caused the injury or death that is the subject of the claim 17040  
occurred to a victim who was an adult and while the victim, after 17041

being convicted of or pleading guilty to an offense, was serving a 17042  
sentence of imprisonment in any detention facility, as defined in 17043  
section 2921.01 of the Revised Code. 17044

(H) If a claimant unreasonably fails to present a claim 17045  
timely to a source of benefits or advantages that would have been 17046  
a collateral source and that would have reimbursed the claimant 17047  
for all or a portion of a particular expense, the attorney 17048  
general, a panel of commissioners, or a judge of the court of 17049  
claims may reduce an award of reparations or deny a claim for an 17050  
award of reparations to the extent that it is reasonable to do so. 17051

(I) Reparations payable to a victim and to all other 17052  
claimants sustaining economic loss because of injury to or the 17053  
death of that victim shall not exceed fifty thousand dollars in 17054  
the aggregate. 17055

**Sec. 2915.01.** As used in this chapter: 17056

(A) "Bookmaking" means the business of receiving or paying 17057  
off bets. 17058

(B) "Bet" means the hazarding of anything of value upon the 17059  
result of an event, undertaking, or contingency, but does not 17060  
include a bona fide business risk. 17061

(C) "Scheme of chance" means a slot machine, lottery, numbers 17062  
game, pool, or other scheme in which a participant gives a 17063  
valuable consideration for a chance to win a prize, but does not 17064  
include bingo. 17065

(D) "Game of chance" means poker, craps, roulette, or other 17066  
game in which a player gives anything of value in the hope of 17067  
gain, the outcome of which is determined largely by chance, but 17068  
does not include bingo. 17069

(E) "Game of chance conducted for profit" means any game of 17070  
chance designed to produce income for the person who conducts or 17071

operates the game of chance, but does not include bingo.	17072
(F) "Gambling device" means any of the following:	17073
(1) A book, totalizer, or other equipment for recording bets;	17074
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	17075 17076
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	17077 17078 17079
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	17080 17081
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	17082 17083
(G) "Gambling offense" means any of the following:	17084
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	17085 17086 17087
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	17088 17089 17090 17091 17092
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	17093 17094 17095
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	17096 17097 17098
(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational,	17099 17100

veteran's, fraternal, service, nonprofit medical, volunteer rescue 17101  
service, volunteer firefighter's, senior citizen's, historic 17102  
railroad educational, youth athletic, amateur athletic, or youth 17103  
athletic park organization. An organization is tax exempt if the 17104  
organization is, and has received from the internal revenue 17105  
service a determination letter that currently is in effect stating 17106  
that the organization is, exempt from federal income taxation 17107  
under subsection 501(a) and described in subsection 501(c)(3), 17108  
501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal 17109  
Revenue Code. To qualify as a charitable organization, an 17110  
organization, except a volunteer rescue service or volunteer fire 17111  
fighter's organization, shall have been in continuous existence as 17112  
such in this state for a period of two years immediately preceding 17113  
either the making of an application for a bingo license under 17114  
section 2915.08 of the Revised Code or the conducting of any 17115  
scheme of chance or game of chance as provided in division (C) of 17116  
section 2915.02 of the Revised Code. A charitable organization 17117  
that is exempt from federal income taxation under subsection 17118  
501(a) and described in subsection 501(c)(3) of the Internal 17119  
Revenue Code and that is created by a veteran's organization or a 17120  
fraternal organization does not have to have been in continuous 17121  
existence as such in this state for a period of two years 17122  
immediately preceding either the making of an application for a 17123  
bingo license under section 2915.08 of the Revised Code or the 17124  
conducting of any scheme of chance or game of chance as provided 17125  
in division (D) of section 2915.02 of the Revised Code. 17126

(I) "Religious organization" means any church, body of 17127  
communicants, or group that is not organized or operated for 17128  
profit and that gathers in common membership for regular worship 17129  
and religious observances. 17130

(J) "Educational organization" means any organization within 17131  
this state that is not organized for profit, the ~~exclusive~~ primary 17132

purpose of which is to educate and develop the capabilities of 17133  
individuals through instruction, ~~and that operates or contributes~~ 17134  
~~to~~ by means of operating or contributing to the support of a 17135  
school, academy, college, or university. 17136

(K) "Veteran's organization" means any individual post or 17137  
state headquarters of a national veteran's association or an 17138  
auxiliary unit of any individual post of a national veteran's 17139  
association, which post, state headquarters, or auxiliary unit has 17140  
been in continuous existence in this state for at least two years 17141  
and incorporated as a nonprofit corporation ~~for at least two years~~ 17142  
and either has received a letter from the state headquarters of 17143  
the national veteran's association indicating that the individual 17144  
post or auxiliary unit is in good standing with the national 17145  
veteran's association or has received a letter from the national 17146  
veteran's association indicating that the state headquarters is in 17147  
good standing with the national veteran's association. As used in 17148  
this division, "national veteran's association" means any 17149  
veteran's association that has been in continuous existence as 17150  
such for a period of at least five years and either is 17151  
incorporated by an act of the United States congress or has a 17152  
national dues-paying membership of at least five thousand persons. 17153

(L) "Volunteer firefighter's organization" means any 17154  
organization of volunteer firefighters, as defined in section 17155  
146.01 of the Revised Code, that is organized and operated 17156  
exclusively to provide financial support for a volunteer fire 17157  
department or a volunteer fire company and that is recognized or 17158  
ratified by a county, municipal corporation, or township. 17159

(M) "Fraternal organization" means any society, order, state 17160  
headquarters, or association within this state, except a college 17161  
or high school fraternity, that is not organized for profit, that 17162  
is a branch, lodge, or chapter of a national or state 17163  
organization, that exists exclusively for the common business or 17164

sodality of its members, and that has been in continuous existence 17165  
in this state for a period of five years. 17166

(N) "Volunteer rescue service organization" means any 17167  
organization of volunteers organized to function as an emergency 17168  
medical service organization, as defined in section 4765.01 of the 17169  
Revised Code. 17170

(O) "Service organization" means any organization, not 17171  
organized for profit, that is organized and operated exclusively 17172  
to provide, or to contribute to the support of organizations or 17173  
institutions organized and operated exclusively to provide, 17174  
medical and therapeutic services for persons who are crippled, 17175  
born with birth defects, or have any other mental or physical 17176  
defect or those organized and operated exclusively to protect, or 17177  
to contribute to the support of organizations or institutions 17178  
organized and operated exclusively to protect, animals from 17179  
inhumane treatment. 17180

(P) "Nonprofit medical organization" means any organization 17181  
that has been incorporated as a nonprofit corporation for at least 17182  
five years and that has continuously operated and will be operated 17183  
exclusively to provide, or to contribute to the support of 17184  
organizations or institutions organized and operated exclusively 17185  
to provide, hospital, medical, research, or therapeutic services 17186  
for the public. 17187

(Q) "Senior citizen's organization" means any private 17188  
organization, not organized for profit, that is organized and 17189  
operated exclusively to provide recreational or social services 17190  
for persons who are fifty-five years of age or older and that is 17191  
described and qualified under subsection 501(c)(3) of the Internal 17192  
Revenue Code. 17193

(R) "Charitable bingo game" means any bingo game described in 17194  
division (S)(1) or (2) of this section that is conducted by a 17195

charitable organization that has obtained a license pursuant to 17196  
section 2915.08 of the Revised Code and the proceeds of which are 17197  
used for a charitable purpose. 17198

(S) "Bingo" means either of the following: 17199

(1) A game with all of the following characteristics: 17200

(a) The participants use bingo cards or sheets, including 17201  
paper formats and electronic representation or image formats, that 17202  
are divided into twenty-five spaces arranged in five horizontal 17203  
and five vertical rows of spaces, with each space, except the 17204  
central space, being designated by a combination of a letter and a 17205  
number and with the central space being designated as a free 17206  
space. 17207

(b) The participants cover the spaces on the bingo cards or 17208  
sheets that correspond to combinations of letters and numbers that 17209  
are announced by a bingo game operator. 17210

(c) A bingo game operator announces combinations of letters 17211  
and numbers that appear on objects that a bingo game operator 17212  
selects by chance, either manually or mechanically, from a 17213  
receptacle that contains seventy-five objects at the beginning of 17214  
each game, each object marked by a different combination of a 17215  
letter and a number that corresponds to one of the seventy-five 17216  
possible combinations of a letter and a number that can appear on 17217  
the bingo cards or sheets. 17218

(d) The winner of the bingo game includes any participant who 17219  
properly announces during the interval between the announcements 17220  
of letters and numbers as described in division (S)(1)(c) of this 17221  
section, that a predetermined and preannounced pattern of spaces 17222  
has been covered on a bingo card or sheet being used by the 17223  
participant. 17224

(2) Instant bingo, punch boards, and raffles. 17225

(T) "Conduct" means to back, promote, organize, manage, carry 17226  
on, sponsor, or prepare for the operation of bingo or a game of 17227  
chance. 17228

(U) "Bingo game operator" means any person, except security 17229  
personnel, who performs work or labor at the site of bingo, 17230  
including, but not limited to, collecting money from participants, 17231  
handing out bingo cards or sheets or objects to cover spaces on 17232  
bingo cards or sheets, selecting from a receptacle the objects 17233  
that contain the combination of letters and numbers that appear on 17234  
bingo cards or sheets, calling out the combinations of letters and 17235  
numbers, distributing prizes, selling or redeeming instant bingo 17236  
tickets or cards, supervising the operation of a punch board, 17237  
selling raffle tickets, selecting raffle tickets from a receptacle 17238  
and announcing the winning numbers in a raffle, and preparing, 17239  
selling, and serving food or beverages. 17240

(V) "Participant" means any person who plays bingo. 17241

(W) "Bingo session" means a period that includes both of the 17242  
following: 17243

(1) Not to exceed five continuous hours for the conduct of 17244  
one or more games described in division (S)(1) of this section, 17245  
instant bingo, and seal cards; 17246

(2) A period for the conduct of instant bingo and seal cards 17247  
for not more than two hours before and not more than two hours 17248  
after the period described in division (W)(1) of this section. 17249

(X) "Gross receipts" means all money or assets, including 17250  
admission fees, that a person receives from bingo without the 17251  
deduction of any amounts for prizes paid out or for the expenses 17252  
of conducting bingo. "Gross receipts" does not include any money 17253  
directly taken in from the sale of food or beverages by a 17254  
charitable organization conducting bingo, or by a bona fide 17255  
auxiliary unit or society of a charitable organization conducting 17256

bingo, provided all of the following apply: 17257

(1) The auxiliary unit or society has been in existence as a 17258  
bona fide auxiliary unit or society of the charitable organization 17259  
for at least two years prior to conducting bingo. 17260

(2) The person who purchases the food or beverage receives 17261  
nothing of value except the food or beverage and items customarily 17262  
received with the purchase of that food or beverage. 17263

(3) The food and beverages are sold at customary and 17264  
reasonable prices. 17265

(Y) "Security personnel" includes any person who either is a 17266  
sheriff, deputy sheriff, marshal, deputy marshal, township 17267  
constable, or member of an organized police department of a 17268  
municipal corporation or has successfully completed a peace 17269  
officer's training course pursuant to sections 109.71 to 109.79 of 17270  
the Revised Code and who is hired to provide security for the 17271  
premises on which bingo is conducted. 17272

(Z) "Charitable purpose" means that the net profit of bingo, 17273  
other than instant bingo, is used by, or is given, donated, or 17274  
otherwise transferred to, any of the following: 17275

(1) Any organization that is described in subsection 17276  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 17277  
and is either a governmental unit or an organization that is tax 17278  
exempt under subsection 501(a) and described in subsection 17279  
501(c)(3) of the Internal Revenue Code; 17280

(2) A veteran's organization that is a post, chapter, or 17281  
organization of veterans, or an auxiliary unit or society of, or a 17282  
trust or foundation for, any such post, chapter, or organization 17283  
organized in the United States or any of its possessions, at least 17284  
seventy-five per cent of the members of which are veterans and 17285  
substantially all of the other members of which are individuals 17286  
who are spouses, widows, or widowers of veterans, or such 17287

individuals, provided that no part of the net earnings of such 17288  
post, chapter, or organization inures to the benefit of any 17289  
private shareholder or individual, and further provided that the 17290  
net profit is used by the post, chapter, or organization for the 17291  
charitable purposes set forth in division (B)(12) of section 17292  
5739.02 of the Revised Code, is used for awarding scholarships to 17293  
or for attendance at an institution mentioned in division (B)(12) 17294  
of section 5739.02 of the Revised Code, is donated to a 17295  
governmental agency, or is used for nonprofit youth activities, 17296  
the purchase of United States or Ohio flags that are donated to 17297  
schools, youth groups, or other bona fide nonprofit organizations, 17298  
promotion of patriotism, or disaster relief; 17299

(3) A fraternal organization that has been in continuous 17300  
existence in this state for fifteen years and that uses the net 17301  
profit exclusively for religious, charitable, scientific, 17302  
literary, or educational purposes, or for the prevention of 17303  
cruelty to children or animals, if contributions for such use 17304  
would qualify as a deductible charitable contribution under 17305  
subsection 170 of the Internal Revenue Code; 17306

(4) A volunteer firefighter's organization that uses the net 17307  
profit for the purposes set forth in division (L) of this section. 17308

(AA) "Internal Revenue Code" means the "Internal Revenue Code 17309  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 17310  
amended. 17311

(BB) "Youth athletic organization" means any organization, 17312  
not organized for profit, that is organized and operated 17313  
exclusively to provide financial support to, or to operate, 17314  
athletic activities for persons who are twenty-one years of age or 17315  
younger by means of sponsoring, organizing, operating, or 17316  
contributing to the support of an athletic team, club, league, or 17317  
association. 17318

(CC) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used at least one hundred days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (CC)(1) of this section.

(DD) "Amateur athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are training for amateur athletic competition that is sanctioned by a national governing body as defined in the "Amateur Sports Act of 1978," 90 Stat. 3045, 36 U.S.C.A. 373.

(EE) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided,

and used, in accordance with this chapter. For purposes of this 17350  
chapter, "bingo supplies" are not to be considered equipment used 17351  
to conduct a bingo game. 17352

(FF) "Instant bingo" means a form of bingo that uses folded 17353  
or banded tickets or paper cards with perforated break-open tabs, 17354  
a face of which is covered or otherwise hidden from view to 17355  
conceal a number, letter, or symbol, or set of numbers, letters, 17356  
or symbols, some of which have been designated in advance as prize 17357  
winners. "Instant bingo" includes seal cards. "Instant bingo" does 17358  
not include any device that is activated by the insertion of a 17359  
coin, currency, token, or an equivalent, and that contains as one 17360  
of its components a video display monitor that is capable of 17361  
displaying numbers, letters, symbols, or characters in winning or 17362  
losing combinations. 17363

(GG) "Seal card" means a form of instant bingo that uses 17364  
instant bingo tickets in conjunction with a board or placard that 17365  
contains one or more seals that, when removed or opened, reveal 17366  
predesignated winning numbers, letters, or symbols. 17367

(HH) "Raffle" means a form of bingo in which the one or more 17368  
prizes are won by one or more persons who have purchased a raffle 17369  
ticket. The one or more winners of the raffle are determined by 17370  
drawing a ticket stub or other detachable section from a 17371  
receptacle containing ticket stubs or detachable sections 17372  
corresponding to all tickets sold for the raffle. 17373

(II) "Punch board" means a board containing a number of holes 17374  
or receptacles of uniform size in which are placed, mechanically 17375  
and randomly, serially numbered slips of paper that may be punched 17376  
or drawn from the hole or receptacle when used in conjunction with 17377  
instant bingo. A player may punch or draw the numbered slips of 17378  
paper from the holes or receptacles and obtain the prize 17379  
established for the game if the number drawn corresponds to a 17380  
winning number or, if the punch board includes the use of a seal 17381

card, a potential winning number.	17382
(JJ) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.	17383 17384
(KK) "Net profit" means gross profit minus expenses.	17385
(LL) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:	17386 17387
(1) The purchase or lease of bingo supplies;	17388
(2) The annual license fee required under section 2915.08 of the Revised Code;	17389 17390
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	17391 17392
(4) Audits and accounting services;	17393
(5) Safes;	17394
(6) Cash registers;	17395
(7) Hiring security personnel;	17396
(8) Advertising bingo;	17397
(9) Renting premises in which to conduct bingo;	17398
(10) Tables and chairs;	17399
(11) <u>Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;</u>	17400 17401 17402 17403
(12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	17404 17405 17406 17407
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity,	17408 17409

however organized. 17410

(NN) "Revoke" means to void permanently all rights and 17411  
privileges of the holder of a license issued under section 17412  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 17413  
gaming license issued by another jurisdiction. 17414

(OO) "Suspend" means to interrupt temporarily all rights and 17415  
privileges of the holder of a license issued under section 17416  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 17417  
gaming license issued by another jurisdiction. 17418

(PP) "Distributor" means any person who purchases or obtains 17419  
bingo supplies and who sells, offers for sale, or otherwise 17420  
provides or offers to provide the bingo supplies to another person 17421  
for use in this state. 17422

(QQ) "Manufacturer" means any person who assembles completed 17423  
bingo supplies from raw materials, other items, or subparts or who 17424  
modifies, converts, adds to, or removes parts from bingo supplies 17425  
to further their promotion or sale. 17426

(RR) "Gross annual revenues" means the annual gross receipts 17427  
derived from the conduct of bingo described in division (S)(1) of 17428  
this section plus the annual net profit derived from the conduct 17429  
of bingo described in division (S)(2) of this section. 17430

(SS) "Instant bingo ticket dispenser" means a mechanical 17431  
device that dispenses an instant bingo ticket or card as the sole 17432  
item of value dispensed and that has the following 17433  
characteristics: 17434

(1) It is activated upon the insertion of United States 17435  
currency. 17436

(2) It performs no gaming functions. 17437

(3) It does not contain a video display monitor or generate 17438  
noise. 17439

- (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations. 17440  
17441
- (5) It does not simulate or display rolling or spinning reels. 17442  
17443
- (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator. 17444  
17445  
17446  
17447
- (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses. 17448  
17449
- (8) It is not part of an electronic network and is not interactive. 17450  
17451
- (TT)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following: 17452  
17453  
17454  
17455
- (a) It provides a means for a participant to input numbers and letters announced by a bingo caller. 17456  
17457
- (b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device. 17458  
17459  
17460
- (c) It identifies a winning bingo pattern. 17461
- (2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play. 17462  
17463  
17464
- (UU) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number. 17465  
17466
- (VV) "Slot\_ machine means either of the following: 17467
- (1) Any mechanical, electronic, video, or digital device that 17468

is capable of accepting anything of value, directly or indirectly, 17469  
from or on behalf of a player who gives the thing of value in the 17470  
hope of gain, the outcome of which is determined largely or wholly 17471  
by chance; 17472

(2) Any mechanical, electronic, video, or digital device that 17473  
is capable of accepting anything of value, directly or indirectly, 17474  
from or on behalf of a player to conduct or dispense bingo or a 17475  
scheme or game of chance. 17476

(WW) "Net profit from the proceeds of the sale of instant 17477  
bingo" means gross profit minus the ordinary, necessary, and 17478  
reasonable expense expended for the purchase of instant bingo 17479  
supplies. 17480

(XX) "Charitable instant bingo organization" means an 17481  
organization that is exempt from federal income taxation under 17482  
subsection 501(a) and described in subsection 501(c)(3) of the 17483  
Internal Revenue Code and is a charitable organization as defined 17484  
in this section. A "charitable instant bingo organization" does 17485  
not include a charitable organization that is exempt from federal 17486  
income taxation under subsection 501(a) and described in 17487  
subsection 501(c)(3) of the Internal Revenue Code and that is 17488  
created by a veteran's organization or a fraternal organization in 17489  
regards to bingo conducted or assisted by a veteran's organization 17490  
or a fraternal organization pursuant to section 2915.13 of the 17491  
Revised Code. 17492

(YY) "Game flare" means the board or placard that accompanies 17493  
each deal of instant bingo tickets and that has printed on or 17494  
affixed to it the following information for the game: 17495

(1) The name of the game; 17496

(2) The manufacturer's name or distinctive logo; 17497

(3) The form number; 17498

<u>(4) The ticket count;</u>	17499
<u>(5) The prize structure, including the number of winning</u>	17500
<u>instant bingo tickets by denomination and the respective winning</u>	17501
<u>symbol or number combinations for the winning instant bingo</u>	17502
<u>tickets;</u>	17503
<u>(6) The cost per play;</u>	17504
<u>(7) The serial number of the game.</u>	17505
<u>(ZZ) "Historic railroad educational organization" means an</u>	17506
<u>organization that is exempt from federal income taxation under</u>	17507
<u>subsection 501(a) and described in subsection 501(c)(3) of the</u>	17508
<u>Internal Revenue Code, that owns in fee simple the tracks and the</u>	17509
<u>right of way of a historic railroad that the organization restores</u>	17510
<u>or maintains and on which the organization provides excursions as</u>	17511
<u>part of a program to promote tourism and educate visitors</u>	17512
<u>regarding the role of railroad transportation in Ohio history, and</u>	17513
<u>that received as donations from a charitable organization that</u>	17514
<u>holds a license to conduct bingo under this chapter an amount</u>	17515
<u>equal to at least fifty per cent of that licensed charitable</u>	17516
<u>organization's net proceeds from the conduct of bingo during each</u>	17517
<u>of the five years preceding June 30, 2003. "Historic railroad"</u>	17518
<u>means all or a portion of the tracks and right of way of a</u>	17519
<u>railroad that was owned and operated by a for profit common</u>	17520
<u>carrier in this state at any time prior to January 1, 1950.</u>	17521
<b>Sec. 2915.02.</b> (A) No person shall do any of the following:	17522
(1) Engage in bookmaking, or knowingly engage in conduct that	17523
facilitates bookmaking;	17524
(2) Establish, promote, or operate or knowingly engage in	17525
conduct that facilitates any game of chance conducted for profit	17526
<del>or</del> , any scheme of chance <u>other than a pool, or any pool conducted</u>	17527
<u>for profit;</u>	17528

(3) Knowingly procure, transmit, exchange, or engage in	17529
conduct that facilitates the procurement, transmission, or	17530
exchange of information for use in establishing odds or	17531
determining winners in connection with bookmaking or with any game	17532
of chance conducted for profit or any scheme of chance;	17533
(4) Engage in betting or in playing any scheme or game of	17534
chance as a substantial source of income or livelihood;	17535
(5) With purpose to violate division (A)(1), (2), (3), or (4)	17536
of this section, acquire, possess, control, or operate any	17537
gambling device.	17538
(B) For purposes of division (A)(1) of this section, a person	17539
facilitates bookmaking if the person in any way knowingly aids an	17540
illegal bookmaking operation, including, without limitation,	17541
placing a bet with a person engaged in or facilitating illegal	17542
bookmaking. For purposes of division (A)(2) of this section, a	17543
person facilitates a game of chance conducted for profit or a	17544
scheme of chance if the person in any way knowingly aids in the	17545
conduct or operation of any such game or scheme, including,	17546
without limitation, playing any such game or scheme.	17547
(C) This section does not prohibit conduct in connection with	17548
gambling expressly permitted by law.	17549
(D) This section does not apply to any of the following:	17550
(1) Games of chance, if all of the following apply:	17551
(a) The games of chance are not craps for money or roulette	17552
for money.	17553
(b) The games of chance are conducted by a charitable	17554
organization that is, and has received from the internal revenue	17555
service a determination letter that is currently in effect,	17556
stating that the organization is, exempt from federal income	17557
taxation under subsection 501(a) and described in subsection	17558

501(c)(3) of the Internal Revenue Code. 17559

(c) The games of chance are conducted at festivals of the 17560  
charitable organization that are conducted either for a period of 17561  
four consecutive days or less and not more than twice a year or 17562  
for a period of five consecutive days not more than once a year, 17563  
and are conducted on premises owned by the charitable organization 17564  
for a period of no less than one year immediately preceding the 17565  
conducting of the games of chance, on premises leased from a 17566  
governmental unit, or on premises that are leased from a veteran's 17567  
or fraternal organization and that have been owned by the lessor 17568  
veteran's or fraternal organization for a period of no less than 17569  
one year immediately preceding the conducting of the games of 17570  
chance. 17571

A charitable organization shall not lease premises from a 17572  
veteran's or fraternal organization to conduct a festival 17573  
described in division (D)(1)(c) of this section if the veteran's 17574  
or fraternal organization already has leased the premises four 17575  
times during the preceding year to charitable organizations for 17576  
that purpose. If a charitable organization leases premises from a 17577  
veteran's or fraternal organization to conduct a festival 17578  
described in division (D)(1)(c) of this section, the charitable 17579  
organization shall not pay a rental rate for the premises per day 17580  
of the festival that exceeds the rental rate per bingo session 17581  
that a charitable organization may pay under division (B)(1) of 17582  
section 2915.09 of the Revised Code when it leases premises from 17583  
another charitable organization to conduct bingo games. 17584

(d) All of the money or assets received from the games of 17585  
chance after deduction only of prizes paid out during the conduct 17586  
of the games of chance are used by, or given, donated, or 17587  
otherwise transferred to, any organization that is described in 17588  
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 17589  
Revenue Code and is either a governmental unit or an organization 17590

that is tax exempt under subsection 501(a) and described in 17591  
subsection 501(c)(3) of the Internal Revenue Code; 17592

(e) The games of chance are not conducted during, or within 17593  
ten hours of, a bingo game conducted for amusement purposes only 17594  
pursuant to section 2915.12 of the Revised Code. 17595

No person shall receive any commission, wage, salary, reward, 17596  
tip, donation, gratuity, or other form of compensation, directly 17597  
or indirectly, for operating or assisting in the operation of any 17598  
game of chance. 17599

(2) Any tag fishing tournament operated under a permit issued 17600  
under section 1533.92 of the Revised Code, as "tag fishing 17601  
tournament" is defined in section 1531.01 of the Revised Code; 17602

(3) Bingo conducted by a charitable organization that holds a 17603  
license issued under section 2915.08 of the Revised Code. 17604

(E) Division (D) of this section shall not be construed to 17605  
authorize the sale, lease, or other temporary or permanent 17606  
transfer of the right to conduct games of chance, as granted by 17607  
that division, by any charitable organization that is granted that 17608  
right. 17609

(F) Whoever violates this section is guilty of gambling, a 17610  
misdemeanor of the first degree. If the offender previously has 17611  
been convicted of any gambling offense, gambling is a felony of 17612  
the fifth degree. 17613

**Sec. 2915.08.** (A)(1) Annually before the first day of 17614  
January, a charitable organization that desires to conduct bingo, 17615  
instant bingo at a bingo session, or instant bingo other than at a 17616  
bingo session shall make out, upon a form to be furnished by the 17617  
attorney general for that purpose, an application for a license to 17618  
conduct bingo, instant bingo at a bingo session, or instant bingo 17619  
other than at a bingo session and deliver that application to the 17620

attorney general together with a license fee as follows: 17621

(a) Except as otherwise provided in this division, for a 17622  
license for the conduct of bingo, two hundred dollars; 17623

(b) For a license for the conduct of instant bingo at a bingo 17624  
session or instant bingo other than at a bingo session for a 17625  
~~charitable~~ charitable organization that previously has not been 17626  
licensed under this chapter to conduct instant bingo at a bingo 17627  
session or instant bingo other than at a bingo session, a license 17628  
fee of five hundred dollars, and for any other charitable 17629  
organization, a license fee that is based upon the ~~total of all~~ 17630  
~~money or assets~~ gross profits received by ~~any person or~~ the 17631  
charitable organization from the operation of instant bingo at a 17632  
bingo session or instant bingo other than at a bingo session, 17633  
during the one-year period ending on the thirty-first day of 17634  
October of the year immediately preceding the year for which the 17635  
license is sought, and that is one of the following: 17636

(i) Five hundred dollars, if the total is fifty thousand 17637  
dollars or less; 17638

(ii) One thousand two hundred fifty dollars, if the total is 17639  
more than fifty thousand dollars but less than three hundred 17640  
thousand one dollars; 17641

(iii) Two thousand two hundred fifty dollars, if the total is 17642  
more than three hundred thousand dollars but less than six hundred 17643  
thousand one dollars; 17644

(iv) Three thousand five hundred dollars, if the total is 17645  
more than six hundred thousand dollars but less than one million 17646  
one dollars; 17647

(v) Five thousand dollars, if the total is one million one 17648  
dollars or more; 17649

(c) A reduced license fee established by the attorney general 17650

pursuant to division (G) of this section. 17651

(d) For a license to conduct bingo for a charitable 17652  
organization that prior to ~~the effective date of this amendment~~ 17653  
the effective date of this amendment has not been licensed under 17654  
this chapter to conduct bingo, instant bingo at a bingo session, 17655  
or instant bingo other than at a bingo session, a license fee 17656  
established by rule by the attorney general in accordance with 17657  
division (H) of this section. 17658

(2) The application shall be in the form prescribed by the 17659  
attorney general, shall be signed and sworn to by the applicant, 17660  
and shall contain all of the following: 17661

(a) The name and post-office address of the applicant; 17662

(b) A statement that the applicant is a charitable 17663  
organization and that it has been in continuous existence as a 17664  
charitable organization in this state for two years immediately 17665  
preceding the making of the application or for five years in the 17666  
case of a fraternal organization or a nonprofit medical 17667  
organization; 17668

(c) The location at which the organization will conduct 17669  
bingo, which location shall be within the county in which the 17670  
principal place of business of the applicant is located, the days 17671  
of the week and the times on each of those days when bingo will be 17672  
conducted, whether the organization owns, leases, or subleases the 17673  
premises, and a copy of the rental agreement if it leases or 17674  
subleases the premises; 17675

(d) A statement of the applicant's previous history, record, 17676  
and association that is sufficient to establish that the applicant 17677  
is a charitable organization, and a copy of a determination letter 17678  
that is issued by the Internal Revenue Service and states that the 17679  
organization is tax exempt under subsection 501(a) and described 17680  
in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 17681

501(c)(19) of the Internal Revenue Code; 17682

(e) A statement as to whether the applicant has ever had any 17683  
previous application refused, whether it previously has had a 17684  
license revoked or suspended, and the reason stated by the 17685  
attorney general for the refusal, revocation, or suspension; 17686

(f) A statement of the charitable purposes for which the net 17687  
profit derived from bingo, other than instant bingo, will be used, 17688  
and a statement of how the net profit derived from instant bingo 17689  
will be distributed in accordance with section 2915.101 of the 17690  
Revised Code; 17691

(g) Other necessary and reasonable information that the 17692  
attorney general may require by rule adopted pursuant to section 17693  
111.15 of the Revised Code; 17694

(h) If the applicant is a charitable trust as defined in 17695  
section 109.23 of the Revised Code, a statement as to whether it 17696  
has registered with the attorney general pursuant to section 17697  
109.26 of the Revised Code or filed annual reports pursuant to 17698  
section 109.31 of the Revised Code, and, if it is not required to 17699  
do either, the exemption in section 109.26 or 109.31 of the 17700  
Revised Code that applies to it; 17701

(i) If the applicant is a charitable organization as defined 17702  
in section 1716.01 of the Revised Code, a statement as to whether 17703  
it has filed with the attorney general a registration statement 17704  
pursuant to section 1716.02 of the Revised Code and a financial 17705  
report pursuant to section 1716.04 of the Revised Code, and, if it 17706  
is not required to do both, the exemption in section 1716.03 of 17707  
the Revised Code that applies to it; 17708

(j) In the case of an applicant seeking to qualify as a youth 17709  
athletic park organization, a statement issued by a board or body 17710  
vested with authority under Chapter 755. of the Revised Code for 17711  
the supervision and maintenance of recreation facilities in the 17712

territory in which the organization is located, certifying that 17713  
the playing fields owned by the organization were used for at 17714  
least one hundred days during the year in which the statement is 17715  
issued, and were open for use to all residents of that territory, 17716  
regardless of race, color, creed, religion, sex, or national 17717  
origin, for athletic activities by youth athletic organizations 17718  
that do not discriminate on the basis of race, color, creed, 17719  
religion, sex, or national origin, and that the fields were not 17720  
used for any profit-making activity at any time during the year. 17721  
That type of board or body is authorized to issue the statement 17722  
upon request and shall issue the statement if it finds that the 17723  
applicant's playing fields were so used. 17724

(3) The attorney general, within thirty days after receiving 17725  
a timely filed application from a charitable organization that has 17726  
been issued a license under this section that has not expired and 17727  
has not been revoked or suspended, shall send a temporary permit 17728  
to the applicant specifying the date on which the application was 17729  
filed with the attorney general and stating that, pursuant to 17730  
section 119.06 of the Revised Code, the applicant may continue to 17731  
conduct bingo until a new license is granted or, if the 17732  
application is rejected, until fifteen days after notice of the 17733  
rejection is mailed to the applicant. The temporary permit does 17734  
not affect the validity of the applicant's application and does 17735  
not grant any rights to the applicant except those rights 17736  
specifically granted in section 119.06 of the Revised Code. The 17737  
issuance of a temporary permit by the attorney general pursuant to 17738  
this division does not prohibit the attorney general from 17739  
rejecting the applicant's application because of acts that the 17740  
applicant committed, or actions that the applicant failed to take, 17741  
before or after the issuance of the temporary permit. 17742

(4) Within thirty days after receiving an initial license 17743  
application from a charitable organization to conduct bingo, 17744

instant bingo at a bingo session, or instant bingo other than at a 17745  
bingo session, the attorney general shall conduct a preliminary 17746  
review of the application and notify the applicant regarding any 17747  
deficiencies. Once an application is deemed complete, or beginning 17748  
on the thirtieth day after the application is filed, if the 17749  
attorney general failed to notify the applicant of any 17750  
deficiencies, the attorney general shall have an additional sixty 17751  
days to conduct an investigation and either grant or deny the 17752  
application based on findings established and communicated in 17753  
accordance with divisions (B) and (E) of this section. As an 17754  
option to granting or denying an initial license application, the 17755  
attorney general may grant a temporary license and request 17756  
additional time to conduct the investigation if the attorney 17757  
general has cause to believe that additional time is necessary to 17758  
complete the investigation and has notified the applicant in 17759  
writing about the specific concerns raised during the 17760  
investigation. 17761

(B)(1) The attorney general shall adopt rules to enforce 17762  
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 17763  
Code to ensure that bingo or instant bingo is conducted in 17764  
accordance with those sections and to maintain proper control over 17765  
the conduct of bingo or instant bingo. The rules, except rules 17766  
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 17767  
shall be adopted pursuant to Chapter 119. of the Revised Code. The 17768  
attorney general shall license charitable organizations to conduct 17769  
bingo, instant bingo at a bingo session, or instant bingo other 17770  
than at a bingo session in conformance with this chapter and with 17771  
the licensing provisions of Chapter 119. of the Revised Code. 17772

(2) The attorney general may refuse to grant a license to any 17773  
organization, or revoke or suspend the license of any 17774  
organization, that does any of the following or to which any of 17775  
the following applies: 17776

(a) Fails or has failed at any time to meet any requirement 17777  
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 17778  
2915.11 of the Revised Code, or violates or has violated any 17779  
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 17780  
Code or any rule adopted by the attorney general pursuant to this 17781  
section; 17782

(b) Makes or has made an incorrect or false statement that is 17783  
material to the granting of the license in an application filed 17784  
pursuant to division (A) of this section; 17785

(c) Submits or has submitted any incorrect or false 17786  
information relating to an application if the information is 17787  
material to the granting of the license; 17788

(d) Maintains or has maintained any incorrect or false 17789  
information that is material to the granting of the license in the 17790  
records required to be kept pursuant to divisions (A) and (C) of 17791  
section 2915.10 of the Revised Code, if applicable; 17792

(e) The attorney general has good cause to believe that the 17793  
organization will not conduct bingo, instant bingo at a bingo 17794  
session, or instant bingo other than at a bingo session in 17795  
accordance with sections 2915.07 to 2915.13 of the Revised Code or 17796  
with any rule adopted by the attorney general pursuant to this 17797  
section. 17798

(3) For the purposes of division (B) of this section, any 17799  
action of an officer, trustee, agent, representative, or bingo 17800  
game operator of an organization is an action of the organization. 17801

(C) The attorney general may grant licenses to charitable 17802  
organizations that are branches, lodges, or chapters of national 17803  
charitable organizations. 17804

(D) The attorney general shall send notice in writing to the 17805  
prosecuting attorney and sheriff of the county in which the 17806

organization will conduct bingo, instant bingo at a bingo session, 17807  
or instant bingo other than at a bingo session, as stated in its 17808  
application for a license or amended license, and to any other law 17809  
enforcement agency in that county that so requests, of all of the 17810  
following: 17811

(1) The issuance of the license; 17812

(2) The issuance of the amended license; 17813

(3) The rejection of an application for and refusal to grant 17814  
a license; 17815

(4) The revocation of any license previously issued; 17816

(5) The suspension of any license previously issued. 17817

(E) A license issued by the attorney general shall set forth 17818  
the information contained on the application of the charitable 17819  
organization that the attorney general determines is relevant, 17820  
including, but not limited to, the location at which the 17821  
organization will conduct bingo, instant bingo at a bingo session, 17822  
or instant bingo other than at a bingo session and the days of the 17823  
week and the times on each of those days when bingo will be 17824  
conducted. If the attorney general refuses to grant or revokes or 17825  
suspends a license, the attorney general shall notify the 17826  
applicant in writing and specifically identify the reason for the 17827  
refusal, revocation, or suspension in narrative form and, if 17828  
applicable, by identifying the section of the Revised Code 17829  
violated. The failure of the attorney general to give the written 17830  
notice of the reasons for the refusal, revocation, or suspension 17831  
or a mistake in the written notice does not affect the validity of 17832  
the attorney general's refusal to grant, or the revocation or 17833  
suspension of, a license. If the attorney general fails to give 17834  
the written notice or if there is a mistake in the written notice, 17835  
the applicant may bring an action to compel the attorney general 17836  
to comply with this division or to correct the mistake, but the 17837

attorney general's order refusing to grant, or revoking or 17838  
suspending, a license shall not be enjoined during the pendency of 17839  
the action. 17840

(F) A charitable organization that has been issued a license 17841  
pursuant to division (B) of this section but that cannot conduct 17842  
bingo or instant bingo at the location, or on the day of the week 17843  
or at the time, specified on the license due to circumstances that 17844  
make it impractical to do so may apply in writing, together with 17845  
an application fee of two hundred fifty dollars, to the attorney 17846  
general, at least thirty days prior to a change in location, day 17847  
of the week, or time, and request an amended license. The 17848  
application shall describe the causes making it impractical for 17849  
the organization to conduct bingo or instant bingo in conformity 17850  
with its license and shall indicate the location, days of the 17851  
week, and times on each of those days when it desires to conduct 17852  
bingo or instant bingo. Except as otherwise provided in this 17853  
division, the attorney general shall issue the amended license in 17854  
accordance with division (E) of this section, and the organization 17855  
shall surrender its original license to the attorney general. The 17856  
attorney general may refuse to grant an amended license according 17857  
to the terms of division (B) of this section. 17858

(G) The attorney general, by rule adopted pursuant to section 17859  
111.15 of the Revised Code, shall establish a schedule of reduced 17860  
license fees for charitable organizations that desire to conduct 17861  
bingo or instant bingo during fewer than twenty-six weeks in any 17862  
calendar year. 17863

(H) The attorney general, by rule adopted pursuant to section 17864  
111.15 of the Revised Code, shall establish license fees for the 17865  
conduct of bingo, instant bingo at a bingo session, or instant 17866  
bingo other than at a bingo session for charitable organizations 17867  
that prior to ~~the effective date of this amendment~~ the effective 17868  
date of this amendment have not been licensed to conduct bingo, 17869

instant bingo at a bingo session, or instant bingo other than at a 17870  
bingo session under this chapter. 17871

(I) The attorney general may enter into a written contract 17872  
with any other state agency to delegate to that state agency the 17873  
powers prescribed to the attorney general under Chapter 2915. of 17874  
the Revised Code. 17875

(J) The attorney general, by rule adopted pursuant to section 17876  
111.15 of the Revised Code, may adopt rules to determine the 17877  
requirements for a charitable organization that is exempt from 17878  
federal income taxation under subsection 501(a) and described in 17879  
subsection 501(c)(3) of the Internal Revenue Code to be in good 17880  
standing in the state. 17881

**Sec. 2915.09.** (A) No charitable organization that conducts 17882  
bingo shall fail to do any of the following: 17883

(1) Own all of the equipment used to conduct bingo or lease 17884  
that equipment from a charitable organization that is licensed to 17885  
conduct bingo for a rental rate that is not more than is customary 17886  
and reasonable for that equipment; 17887

(2) ~~Use~~ Except as otherwise provided in division (A)(3) of 17888  
this section, use all of the gross receipts from bingo for paying 17889  
prizes, for renting premises in which to conduct bingo, for 17890  
purchasing or leasing bingo supplies used in conducting bingo, for 17891  
hiring security personnel, for advertising bingo, or for other 17892  
expenses listed in division (LL) of section 2915.01 of the Revised 17893  
Code, provided that the amount of the receipts so spent is not 17894  
more than is customary and reasonable for a similar purchase, 17895  
lease, hiring, advertising, or expense. If the building in which 17896  
bingo is conducted is owned by the charitable organization 17897  
conducting bingo and the bingo conducted includes a form of bingo 17898  
described in division (S)(1) of section 2915.01 of the Revised 17899  
Code, the charitable organization may deduct from the total amount 17900

of the gross receipts from each session a sum equal to the lesser 17901  
of six hundred dollars or forty-five per cent of the gross 17902  
receipts from the bingo described in that division as 17903  
consideration for the use of the premises. 17904

(3) Use, or give, donate, or otherwise transfer, all of the 17905  
net profit derived from bingo, other than instant bingo, for a 17906  
charitable purpose listed in its license application and described 17907  
in division (Z) of section 2915.01 of the Revised Code, or 17908  
distribute all of the net profit ~~derived from instant bingo~~ from 17909  
the proceeds of the sale of instant bingo as stated in its license 17910  
application and in accordance with section 2915.101 of the Revised 17911  
Code. 17912

(B) No charitable organization that conducts a bingo game 17913  
described in division (S)(1) of section 2915.01 of the Revised 17914  
Code shall fail to do any of the following: 17915

(1) Conduct the bingo game on premises that are owned by the 17916  
charitable organization, on premises that are owned by another 17917  
charitable organization and leased from that charitable 17918  
organization for a rental rate not in excess of the lesser of six 17919  
hundred dollars per bingo session or forty-five per cent of the 17920  
gross receipts of the bingo session, on premises that are leased 17921  
from a person other than a charitable organization for a rental 17922  
rate that is not more than is customary and reasonable for 17923  
premises that are similar in location, size, and quality but not 17924  
in excess of four hundred fifty dollars per bingo session, or on 17925  
premises that are owned by a person other than a charitable 17926  
organization, that are leased from that person by another 17927  
charitable organization, and that are subleased from that other 17928  
charitable organization by the charitable organization for a 17929  
rental rate not in excess of four hundred fifty dollars per bingo 17930  
session. If the charitable organization leases from a person other 17931  
than a charitable organization the premises on which it conducts 17932

bingo sessions, the lessor of the premises shall provide only the 17933  
premises to the organization and shall not provide the 17934  
organization with bingo game operators, security personnel, 17935  
concessions or concession operators, bingo supplies, or any other 17936  
type of service or equipment. A charitable organization shall not 17937  
lease or sublease premises that it owns or leases to more than one 17938  
other charitable organization per calendar week for the purpose of 17939  
conducting bingo sessions on the premises. A person that is not a 17940  
charitable organization shall not lease premises that it owns, 17941  
leases, or otherwise is empowered to lease to more than one 17942  
charitable organization per calendar week for conducting bingo 17943  
sessions on the premises. In no case shall more than two bingo 17944  
sessions be conducted on any premises in any calendar week. 17945

(2) Display its license conspicuously at the premises where 17946  
the bingo session is conducted; 17947

(3) Conduct the bingo session in accordance with the 17948  
definition of bingo set forth in division (S)(1) of section 17949  
2915.01 of the Revised Code. 17950

(C) No charitable organization that conducts a bingo game 17951  
described in division (S)(1) of section 2915.01 of the Revised 17952  
Code shall do any of the following: 17953

(1) Pay any compensation to a bingo game operator for 17954  
operating a bingo session that is conducted by the charitable 17955  
organization or for preparing, selling, or serving food or 17956  
beverages at the site of the bingo session, permit any auxiliary 17957  
unit or society of the charitable organization to pay compensation 17958  
to any bingo game operator who prepares, sells, or serves food or 17959  
beverages at a bingo session conducted by the charitable 17960  
organization, or permit any auxiliary unit or society of the 17961  
charitable organization to prepare, sell, or serve food or 17962  
beverages at a bingo session conducted by the charitable 17963  
organization, if the auxiliary unit or society pays any 17964

compensation to the bingo game operators who prepare, sell, or 17965  
serve the food or beverages; 17966

(2) Pay consulting fees to any person for any services 17967  
performed in relation to the bingo session; 17968

(3) Pay concession fees to any person who provides 17969  
refreshments to the participants in the bingo session; 17970

(4) Except as otherwise provided in division (C)(4) of this 17971  
section, conduct more than two bingo sessions in any seven-day 17972  
period. A volunteer firefighter's organization or a volunteer 17973  
rescue service organization that conducts not more than five bingo 17974  
sessions in a calendar year may conduct more than two bingo 17975  
sessions in a seven-day period after notifying the attorney 17976  
general when it will conduct the sessions. 17977

(5) Pay out more than three thousand five hundred dollars in 17978  
prizes during any bingo session that is conducted by the 17979  
charitable organization~~+~~. "Prizes" does not include awards from 17980  
the conduct of instant bingo. 17981

(6) Conduct a bingo session at any time during the ten-hour 17982  
period between midnight and ten a.m., at any time during, or 17983  
within ten hours of, a bingo game conducted for amusement only 17984  
pursuant to section 2915.12 of the Revised Code, at any premises 17985  
not specified on its license, or on any day of the week or during 17986  
any time period not specified on its license. If circumstances 17987  
make it impractical for the charitable organization to conduct a 17988  
bingo session at the premises, or on the day of the week or at the 17989  
time, specified on its license or if a charitable organization 17990  
wants to conduct bingo sessions on a day of the week or at a time 17991  
other than the day or time specified on its license, the 17992  
charitable organization may apply in writing to the attorney 17993  
general for an amended license pursuant to division (F) of section 17994  
2915.08 of the Revised Code. A charitable organization may apply 17995

twice in each calendar year for an amended license to conduct 17996  
bingo sessions on a day of the week or at a time other than the 17997  
day or time specified on its license. If the amended license is 17998  
granted, the organization may conduct bingo sessions at the 17999  
premises, on the day of the week, and at the time specified on its 18000  
amended license. 18001

(7) Permit any person whom the charitable organization knows, 18002  
or should have known, is under the age of eighteen to work as a 18003  
bingo game operator; 18004

(8) Permit any person whom the charitable organization knows, 18005  
or should have known, has been convicted of a felony or gambling 18006  
offense in any jurisdiction to be a bingo game operator; 18007

(9) Permit the lessor of the premises on which the bingo 18008  
session is conducted, if the lessor is not a charitable 18009  
organization, to provide the charitable organization with bingo 18010  
game operators, security personnel, concessions, bingo supplies, 18011  
or any other type of service or equipment; 18012

(10) Purchase or lease bingo supplies from any person except 18013  
a distributor issued a license under section 2915.081 of the 18014  
Revised Code; 18015

(11)(a) Use or permit the use of electronic bingo aids except 18016  
under the following circumstances: 18017

(i) For any single participant, not more than ninety bingo 18018  
faces can be played using an electronic bingo aid or aids. 18019

(ii) The charitable organization shall provide a participant 18020  
using an electronic bingo aid with corresponding paper bingo cards 18021  
or sheets. 18022

(iii) The total price of bingo faces played with an 18023  
electronic bingo aid shall be equal to the total price of the same 18024  
number of bingo faces played with a paper bingo card or sheet sold 18025

at the same bingo session but without an electronic bingo aid. 18026

(iv) An electronic bingo aid cannot be part of an electronic 18027  
network other than a network that includes only bingo aids and 18028  
devices that are located on the premises at which the bingo is 18029  
being conducted or be interactive with any device not located on 18030  
the premises at which the bingo is being conducted. 18031

(v) An electronic bingo aid cannot be used to participate in 18032  
bingo that is conducted at a location other than the location at 18033  
which the bingo session is conducted and at which the electronic 18034  
bingo aid is used. 18035

(vi) An electronic bingo aid cannot be used to provide for 18036  
the input of numbers and letters announced by a bingo caller other 18037  
than the bingo caller who physically calls the numbers and letters 18038  
at the location at which the bingo session is conducted and at 18039  
which the electronic bingo aid is used. 18040

(b) The attorney general may adopt rules in accordance with 18041  
Chapter 119. of the Revised Code that govern the use of electronic 18042  
bingo aids. The rules may include a requirement that an electronic 18043  
bingo aid be capable of being audited by the attorney general to 18044  
verify the number of bingo cards or sheets played during each 18045  
bingo session. 18046

(12) Permit any person the charitable organization knows, or 18047  
should have known, to be under eighteen years of age to play bingo 18048  
described in division (S)(1) of section 2915.01 of the Revised 18049  
Code. 18050

(D)(1) Except as otherwise provided in ~~this~~ division (D)(3) 18051  
of this section, no charitable organization shall provide to a 18052  
bingo game operator, and no bingo game operator shall receive or 18053  
accept, any commission, wage, salary, reward, tip, donation, 18054  
gratuity, or other form of compensation, directly or indirectly, 18055  
regardless of the source, for conducting bingo or providing other 18056

work or labor at the site of bingo during a bingo session. ~~This~~ 18057

(2) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo other than at a bingo session at the site of instant bingo other than at a bingo session. 18058  
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(3) Nothing in division ~~does not prohibit~~ (D) of this section prohibits an employee of a fraternal organization or veteran's organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo. 18065  
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(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the attorney general in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the attorney general prior to December 6, 1977, and that each 18070  
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organization that will conduct the sessions was issued a license 18089  
to conduct bingo games by the attorney general prior to December 18090  
6, 1977. 18091

(F) Whoever violates division (A)(2) of this section is 18092  
guilty of illegally conducting a bingo game, a felony of the 18093  
fourth degree. Except as otherwise provided in this division, 18094  
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 18095  
(C)(1) to (12), or (D) of this section is guilty of a minor 18096  
misdemeanor. If the offender previously has been convicted of a 18097  
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 18098  
to (11), or, (D) of this section, a violation of division (A)(1) 18099  
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 18100  
misdemeanor of the first degree. Whoever violates division (C)(12) 18101  
of this section is guilty of a misdemeanor of the first degree, if 18102  
the offender previously has been convicted of a violation of 18103  
division (C)(12) of this section, a felony of the fourth degree. 18104

**Sec. 2915.091.** (A) No charitable organization that conducts 18105  
instant bingo shall do any of the following: 18106

(1) Fail to comply with the requirements of divisions (A)(1), 18107  
(2), and (3) of section 2915.09 of the Revised Code; 18108

(2) Conduct instant bingo unless either of the following 18109  
apply: 18110

(a) That organization is, and has received from the internal 18111  
revenue service a determination letter that is currently in effect 18112  
stating that the organization is, exempt from federal income 18113  
taxation under subsection 501(a), is described in subsection 18114  
501(c)(3) of the Internal Revenue Code, is a charitable 18115  
organization as defined in section 2915.01 of the Revised Code, is 18116  
in good standing in the state pursuant to section 2915.08 of the 18117  
Revised Code, and is in compliance with Chapter 1716. of the 18118  
Revised Code; 18119

(b) That organization is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under section 2915.13 of the Revised Code.

(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to section 2915.08 of the Revised Code;

(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;

(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under section 2915.081 of the Revised Code;

(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;

(7) Sell an instant bingo ticket or card to a person under eighteen years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three years;

(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator

who prepares, sells, or serves food or beverages at an instant 18150  
bingo game conducted by the organization, or permit any auxiliary 18151  
unit or society of the organization to prepare, sell, or serve 18152  
food or beverages at an instant bingo game conducted by the 18153  
organization, if the auxiliary unit or society pays any 18154  
compensation to the bingo game operators who prepare, sell, or 18155  
serve the food or beverages; 18156

(10) Pay fees to any person for any services performed in 18157  
relation to an instant bingo game; 18158

(11) Pay fees to any person who provides refreshments to the 18159  
participants in an instant bingo game; 18160

(12) Allow instant bingo tickets or cards to be sold to bingo 18161  
game operators ~~who are performing work or labor~~ at a premises at 18162  
which the organization sells instant bingo tickets or cards or to 18163  
be sold to employees of a D permit holder who are working at a 18164  
premises at which instant bingo tickets or cards are sold ~~on~~ 18165  
~~behalf of the organization as described in division (B) of section~~ 18166  
~~4301.03 of the Revised Code;~~ 18167

(13) Fail to display its bingo license, and the serial 18168  
numbers of the deal of instant bingo tickets or cards to be sold, 18169  
conspicuously at each premises at which it sells instant bingo 18170  
tickets or cards; 18171

(14) Possess a deal of instant bingo tickets or cards that 18172  
was not purchased from a distributor licensed under section 18173  
2915.081 of the Revised Code as reflected on an invoice issued by 18174  
the distributor that contains all of the information required by 18175  
division (E) of section 2915.10 of the Revised Code; 18176

(15) Fail, once it opens a deal of instant bingo tickets or 18177  
cards, to continue to sell the tickets or cards in that deal until 18178  
the tickets or cards with the top two highest tiers of prizes in 18179  
that deal are sold; 18180

(16) Purchase, lease, or use instant bingo ticket dispensers 18181  
to sell instant bingo tickets or cards; 18182

(17) Possess bingo supplies that were not obtained in 18183  
accordance with sections 2915.01 to 2915.13 of the Revised Code. 18184

(B) A charitable organization may conduct instant bingo other 18185  
than at a bingo session at not more than five separate locations. 18186  
A charitable organization that is exempt from federal taxation 18187  
under subsection 501(a) and described in subsection 501(c)(3) of 18188  
the Internal Revenue Code and that is created by a veteran's 18189  
organization or a fraternal organization is not limited in the 18190  
number of separate locations the charitable organization may 18191  
conduct instant bingo other than at a bingo session. 18192

(C) The attorney general may adopt rules in accordance with 18193  
Chapter 119. of the Revised Code that govern the conduct of 18194  
instant bingo by charitable organizations. Before those rules are 18195  
adopted, the attorney general shall reference the recommended 18196  
standards for opacity, randomization, minimum information, winner 18197  
protection, color, and cutting for instant bingo tickets or cards, 18198  
seal cards, and punch boards established by the North American 18199  
gaming regulators association. 18200

(D) Whoever violates division (A) of this section or a rule 18201  
adopted under division (B) of this section is guilty of illegal 18202  
instant bingo conduct. Except as otherwise provided in this 18203  
division, illegal instant bingo conduct is a misdemeanor of the 18204  
first degree. If the offender previously has been convicted of a 18205  
violation of division (A) of this section or of such a rule, 18206  
illegal instant bingo conduct is a felony of the fifth degree. 18207

**Sec. 2915.092.** (A) A charitable organization may conduct a 18208  
raffle to raise money for the charitable organization and does not 18209  
need a license to conduct bingo in order to conduct a raffle 18210

drawing. 18211

(B)(1) No charitable organization shall conduct a raffle 18212  
unless ~~the~~ either of the following applies: 18213

(a) The organization is, and has received from the internal 18214  
revenue service a determination letter that is currently in effect 18215  
stating that the organization is, exempt from federal income 18216  
taxation under subsection 501(a) and is described in subsection 18217  
501(c)(3) or 501(c)(4) of the Internal Revenue Code. 18218

(b) The organization is a veteran's organization or a 18219  
fraternal organization that is exempt from federal income taxation 18220  
under subsection 501(a) and is described in subsection 501(c)(8), 18221  
501(c)(10), or 501(c)(19) of the Internal Revenue Code. 18222

(2) ~~No~~ Except as otherwise provided in divisions (E) and (F) 18223  
of this section, no charitable organization shall conduct more 18224  
than thirty-six raffles during a calendar year. 18225

(3) No person shall be compensated directly or indirectly for 18226  
assisting in the conduct or operation of a raffle. 18227

(C) No raffle drawing shall be conducted on premises other 18228  
than premises that a charitable organization uses for its 18229  
charitable programs. 18230

(D) No person shall fail to use, or give, donate, or 18231  
otherwise transfer, the net profit from a raffle for a charitable 18232  
purpose described in division (Z) of section 2915.01 of the 18233  
Revised Code. 18234

(E) A statewide charitable organization that is exempt from 18235  
federal income taxation under subsection 501(a) and is described 18236  
in subsection 501(c)(3) of the Internal Revenue Code and that has 18237  
local or regional offices may conduct no more than thirty-six 18238  
raffles in each county during a calendar year. 18239

(F) A charitable organization that is licensed to conduct 18240

bingo, instant bingo at a bingo session, or instant bingo other 18241  
than at a bingo session may conduct a raffle that is not for 18242  
profit, provided that the organization does not receive any 18243  
proceeds from the raffle and provided that the organization 18244  
conducts the raffle at the same location and on the same days of 18245  
the week and times as is provided in the organization's license to 18246  
conduct bingo, instant bingo at a bingo session, or instant bingo 18247  
other than at a bingo session. 18248

(G) Whoever violates division (B), (C), ~~or (D)~~, (E), or (F) 18249  
of this section is guilty of illegal conduct of a raffle. Except 18250  
as otherwise provided in this division, illegal conduct of a 18251  
raffle is a misdemeanor of the first degree. If the offender 18252  
previously has been convicted of a violation of division (B), (C), 18253  
~~or (D)~~, (E), or (F) of this section, illegal conduct of a raffle 18254  
is a felony of the fifth degree. 18255

**Sec. 2915.093.** (A) As used in this section, "retail income 18256  
from all commercial activity" includes the sale of instant bingo 18257  
tickets. 18258

(B) A charitable instant bingo organization may conduct 18259  
instant bingo other than at a bingo session at not more than five 18260  
separate locations. 18261

(C)(1) If a charitable instant bingo organization conducts 18262  
instant bingo other than at a bingo session, the charitable 18263  
instant bingo organization shall enter into a written contract 18264  
with the owner or lessor of the location at which the instant 18265  
bingo is conducted to allow the owner or lessor to assist in the 18266  
conduct of instant bingo other than at a bingo session, identify 18267  
each location where the instant bingo other than at a bingo 18268  
session is being conducted, and identify the owner or lessor of 18269  
each location. 18270

(2) A charitable instant bingo organization that conducts 18271

instant bingo other than at a bingo session is not required to 18272  
enter into a written contract with the owner or lessor of the 18273  
location at which the instant bingo is conducted provided that the 18274  
owner or lessor is not assisting in the conduct of the instant 18275  
bingo other than at a bingo session and provided that the conduct 18276  
of the instant bingo other than at a bingo session at that 18277  
location is not more than five days per calendar year and not more 18278  
than ten hours per day. 18279

(D) ~~No~~ Except as provided in division (G) of this section, no 18280  
charitable instant bingo organization shall conduct instant bingo 18281  
other than at a bingo session at a location where the primary 18282  
source of retail income from all commercial activity at that 18283  
location is the sale of instant bingo tickets. 18284

(E) The owner or lessor of a location that enters into a 18285  
contract pursuant to division (C) of this section shall pay up 18286  
front for the cost of the deal of instant bingo tickets and the 18287  
gross profits that would be earned by the owner or lessor if all 18288  
of the instant bingo tickets are sold. The owner or lessor may 18289  
retain the money that the owner or lessor receives for selling the 18290  
instant bingo tickets up to the amount that it paid to the 18291  
charitable instant bingo organization. If the owner or lessor of 18292  
the location earns any more money than the owner or lessor paid 18293  
out in prizes or paid up front, the owner or lessor of the 18294  
location shall pay that money to the charitable instant bingo 18295  
organization. 18296

(F) A charitable instant bingo organization shall provide the 18297  
attorney general with all of the following information: 18298

(1) That the charitable instant bingo organization has 18299  
terminated a contract entered into pursuant to division (C) of 18300  
this section with an owner or lessor of a location; 18301

(2) That the charitable instant bingo organization has 18302

entered into a written contract pursuant to division (C) of this 18303  
section with a new owner or lessor of a location; 18304

(3) That the charitable instant bingo organization is aware 18305  
of conduct by the owner or lessor of a location at which instant 18306  
bingo is conducted that is in violation of Chapter 2915. of the 18307  
Revised Code. 18308

(G) Division (D) of this section does not apply to a 18309  
volunteer firefighter's organization that is exempt from federal 18310  
income taxation under subsection 501(a) and described in 18311  
subsection 501(c)(3) of the Internal Revenue Code, that conducts 18312  
instant bingo other than at a bingo session on the premises where 18313  
the organization conducts firefighter training, that has conducted 18314  
instant bingo continuously for at least five years prior to the 18315  
effective date of this amendment, and that, during each of those 18316  
five years, had gross receipts of at least one million five 18317  
hundred thousand dollars. 18318

**Sec. 2915.10.** (A) No charitable organization that conducts 18319  
bingo or a game of chance pursuant to division (D) of section 18320  
2915.02 of the Revised Code shall fail to maintain the following 18321  
records for at least three years from the date on which the bingo 18322  
or game of chance is conducted: 18323

(1) An itemized list of the gross receipts of each bingo 18324  
session, ~~each game of instant bingo by serial number,~~ each raffle, 18325  
each punch board game, and each game of chance, and an itemized 18326  
list of the gross profits of each game of instant bingo by serial 18327  
number; 18328

(2) An itemized list of all expenses, other than prizes, that 18329  
are incurred in conducting bingo ~~or instant bingo~~ as described in 18330  
division (S)(1) of section 2915.01 of the Revised Code, the name 18331  
of each person to whom the expenses are paid, and a receipt for 18332  
all of the expenses; 18333

(3) A list of all prizes awarded during each bingo session, 18334  
each raffle, each punch board game, and each game of chance 18335  
conducted by the charitable organization, the total prizes awarded 18336  
from each game of instant bingo by serial number, and the name, 18337  
address, and social security number of all persons who are winners 18338  
of prizes of six hundred dollars or more in value; 18339

(4) An itemized list of the recipients of the net profit of 18340  
the bingo or game of chance, including the name and address of 18341  
each recipient to whom the money is distributed, and if the 18342  
organization uses the net profit of bingo, or the money or assets 18343  
received from a game of chance, for any charitable or other 18344  
purpose set forth in division (Z) of section 2915.01, division (D) 18345  
of section 2915.02, or section 2915.101 of the Revised Code, a 18346  
list of each purpose and an itemized list of each expenditure for 18347  
each purpose; 18348

(5) The number of persons who participate in any bingo 18349  
session or game of chance that is conducted by the charitable 18350  
organization; 18351

(6) A list of receipts from the sale of food and beverages by 18352  
the charitable organization or one of its auxiliary units or 18353  
societies, if the receipts were excluded from gross receipts under 18354  
division (X) of section 2915.01 of the Revised Code; 18355

(7) An itemized list of all expenses incurred at each bingo 18356  
session, each raffle, each punch board game, or each game of 18357  
instant bingo conducted by the charitable organization in the sale 18358  
of food and beverages by the charitable organization or by an 18359  
auxiliary unit or society of the charitable organization, the name 18360  
of each person to whom the expenses are paid, and a receipt for 18361  
all of the expenses. 18362

(B) A charitable organization shall keep the records that it 18363  
is required to maintain pursuant to division (A) of this section 18364

at its principal place of business in this state or at its 18365  
headquarters in this state and shall notify the attorney general 18366  
of the location at which those records are kept. 18367

(C) The gross profit from each bingo session or game 18368  
described in division (S)(1) or (2) of section 2915.01 of the 18369  
Revised Code shall be deposited into a checking account devoted 18370  
exclusively to the bingo session or game. Payments for allowable 18371  
expenses incurred in conducting the bingo session or game and 18372  
payments to recipients of some or all of the net profit of the 18373  
bingo session or game shall be made only by checks drawn on the 18374  
bingo session or game account. 18375

(D) Each charitable organization shall conduct and record an 18376  
inventory of all of its bingo supplies as of the first day of 18377  
November of each year. 18378

(E) The attorney general may adopt rules in accordance with 18379  
Chapter 119. of the Revised Code that establish standards of 18380  
accounting, record keeping, and reporting to ensure that gross 18381  
receipts from bingo or games of chance are properly accounted for. 18382

(F) A distributor shall maintain, for a period of three years 18383  
after the date of its sale or other provision, a record of each 18384  
instance of its selling or otherwise providing to another person 18385  
bingo supplies for use in this state. The record shall include all 18386  
of the following for each instance: 18387

(1) The name of the manufacturer from which the distributor 18388  
purchased the bingo supplies and the date of the purchase; 18389

(2) The name and address of the charitable organization or 18390  
other distributor to which the bingo supplies were sold or 18391  
otherwise provided; 18392

(3) A description that clearly identifies the bingo supplies; 18393

(4) Invoices that include the nonrepeating serial numbers of 18394

all paper bingo cards and sheets and all instant bingo deals sold 18395  
or otherwise provided to each charitable organization. 18396

(G) A manufacturer shall maintain, for a period of three 18397  
years after the date of its sale or other provision, a record of 18398  
each instance of its selling or otherwise providing bingo supplies 18399  
for use in this state. The record shall include all of the 18400  
following for each instance: 18401

(1) The name and address of the distributor to whom the bingo 18402  
supplies were sold or otherwise provided; 18403

(2) A description that clearly identifies the bingo supplies, 18404  
including serial numbers; 18405

(3) Invoices that include the nonrepeating serial numbers of 18406  
all paper bingo cards and sheets and all instant bingo deals sold 18407  
or otherwise provided to each distributor. 18408

(H) The attorney general or any law enforcement agency may do 18409  
all of the following: 18410

(1) Investigate any charitable organization or any officer, 18411  
agent, trustee, member, or employee of the organization; 18412

(2) Examine the accounts and records of the organization; 18413

(3) Conduct inspections, audits, and observations of bingo or 18414  
games of chance; 18415

(4) Conduct inspections of the premises where bingo or games 18416  
of chance are conducted; 18417

(5) Take any other necessary and reasonable action to 18418  
determine if a violation of any provision of sections 2915.01 to 18419  
2915.13 of the Revised Code has occurred and to determine whether 18420  
section 2915.11 of the Revised Code has been complied with. 18421

If any law enforcement agency has reasonable grounds to 18422  
believe that a charitable organization or an officer, agent, 18423  
trustee, member, or employee of the organization has violated any 18424

provision of this chapter, the law enforcement agency may proceed 18425  
by action in the proper court to enforce this chapter, provided 18426  
that the law enforcement agency shall give written notice to the 18427  
attorney general when commencing an action as described in this 18428  
division. 18429

(I) No person shall destroy, alter, conceal, withhold, or 18430  
deny access to any accounts or records of a charitable 18431  
organization that have been requested for examination, or 18432  
obstruct, impede, or interfere with any inspection, audit, or 18433  
observation of bingo or a game of chance or premises where bingo 18434  
or a game of chance is conducted, or refuse to comply with any 18435  
reasonable request of, or obstruct, impede, or interfere with any 18436  
other reasonable action undertaken by, the attorney general or a 18437  
law enforcement agency pursuant to division (H) of this section. 18438

(J) Whoever violates division (A) or (I) of this section is 18439  
guilty of a misdemeanor of the first degree. 18440

**Sec. 2915.101.** Except as otherwise provided by law, a 18441  
charitable organization that conducts instant bingo other than at 18442  
a bingo session shall distribute the net profit from the proceeds 18443  
of the sale of instant bingo as follows: 18444

(A)(1) If a veteran's organization or a fraternal 18445  
organization conducted the instant bingo, the organization shall 18446  
distribute the net profit from the proceeds of the sale of instant 18447  
bingo, as follows: 18448

(a) A minimum of fifty per cent shall be distributed to an 18449  
organization described in division (Z)(1) of section 2915.01 of 18450  
the Revised Code or to a department or agency of the federal 18451  
government, the state, or any political subdivision; 18452

(b) Fifteen per cent may be distributed for the 18453  
organization's own charitable purposes. 18454

(c) Thirty-five per cent may be deducted and retained by the organization for the organization's expenses in conducting the instant bingo game.

(2) If a veteran's organization or a fraternal organization does not distribute the full percentages specified in divisions (A)(1)(b) and (c) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo not distributed or retained for those purposes to an organization described in division (Z)(1) of section 2915.01 of the Revised Code.

(3) A veteran's organization or a fraternal organization is not required to itemize the organization's expenses. A veteran's organization or a fraternal organization shall pay the expenses that are directly for the conduct of instant bingo by check from the checking account devoted exclusively to the bingo session or game and may deduct and retain the remainder of the thirty-five per cent of the net profit from the proceeds of the sale of instant bingo that is for the organization's expenses in conducting the instant bingo game and may transfer that remainder into the organization's general account.

(B)(1) If a charitable organization other than a veteran's organization or a fraternal organization conducted the instant bingo, the organization shall distribute one hundred per cent of the net profit ~~as follows:~~

~~(a) A minimum of seventy per cent shall be distributed from the proceeds of the sale of instant bingo~~ to an organization described in division (Z)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

~~(b) Thirty per cent may be deducted and retained by the~~

~~organization for the organization's expenses in conducting the  
instant bingo game.~~ 18486  
18487

~~(2) If a charitable organization does not retain the full  
percentage specified in division (B)(1)(b) of this section for the  
purposes specified in that division, the organization shall  
distribute the balance of the net profit not retained for that  
purpose to an organization described in division (Z)(1) of section  
2915.01 of the Revised Code.~~ 18488  
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~~(3) A charitable organization other than a veteran's  
organization or fraternal organization is not required to itemize  
the charitable organization's expenses.~~ 18494  
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**Sec. 2915.13.** (A) A veteran's organization or a fraternal 18497  
organization authorized to conduct a bingo session pursuant to 18498  
sections 2915.01 to 2915.12 of the Revised Code may conduct 18499  
instant bingo other than at a bingo session if all of the 18500  
following apply: 18501

(1) The veteran's organization or fraternal organization 18502  
limits the sale of instant bingo to ten consecutive hours per day 18503  
for up to six days per week. 18504

(2) The veteran's organization or fraternal organization 18505  
limits the sale of instant bingo to its own premises and to its 18506  
own members and invited guests. 18507

(3) The veteran's organization or fraternal organization is 18508  
raising money for ~~a charitable~~ an organization that is described 18509  
in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 18510  
Revenue Code and is either a governmental unit or a state 18511  
organization that is exempt from federal income taxation under 18512  
subsection 501(a) and described in subsection 501(c)(3) of the 18513  
Internal Revenue Code that is in good standing in this state and 18514  
executes a written contract with ~~the charitable~~ that organization 18515

as required in division (B) of this section. 18516

(B) If a veteran's organization or fraternal organization 18517  
authorized to conduct instant bingo pursuant to division (A) of 18518  
this section is raising money for another ~~charitable~~ organization 18519  
that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) 18520  
of the Internal Revenue Code and is either a governmental unit or 18521  
a state organization that is exempt from federal income taxation 18522  
under subsection 501(a) and described in subsection 501(c)(3) of 18523  
the Internal Revenue Code that is in good standing in this state, 18524  
the veteran's organization or fraternal organization shall execute 18525  
a written contract with a ~~charitable~~ the organization that is 18526  
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the 18527  
Internal Revenue Code and is either a governmental unit or a state 18528  
organization that is exempt from federal income taxation under 18529  
subsection 501(a) and described in subsection 501(c)(3) of the 18530  
Internal Revenue Code that is in good standing in this state in 18531  
order to conduct instant bingo. That contract shall include a 18532  
statement of the percentage of the net proceeds that the veteran's 18533  
or fraternal organization will be distributing to the ~~charitable~~ 18534  
organization that is described in subsection 509(a)(1), 509(a)(2), 18535  
or 509(a)(3) of the Internal Revenue Code and is either a 18536  
governmental unit or a state organization that is exempt from 18537  
federal income taxation under subsection 501(a) and described in 18538  
subsection 501(c)(3) of the Internal Revenue Code that is in good 18539  
standing in this state. 18540

(C)(1) If a veteran's organization or fraternal organization 18541  
authorized to conduct instant bingo pursuant to division (A) of 18542  
this section has been issued a liquor permit under Chapter 4303. 18543  
of the Revised Code, that permit may be subject to suspension, 18544  
revocation, or cancellation if the veteran's organization or 18545  
fraternal organization violates a provision of sections 2915.01 to 18546  
2915.13 of the Revised Code. 18547

(2) No veteran's organization or fraternal organization that enters into a written contract pursuant to division (B) of this section shall violate any provision of Chapter 2915. of the Revised Code, or permit, aid, or abet any other person in violating any provision of Chapter 2915. of the Revised Code.

(D) A veteran's organization or fraternal organization shall give all required proceeds earned from the conduct of instant bingo to the ~~charitable~~ organization with which the veteran's organization or fraternal organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo conduct is a felony of the fifth degree.

**Sec. 2917.41.** (A) No person shall evade the payment of the known fares of a public transportation system.

(B) No person shall alter any transfer, pass, ticket, or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system.

(C) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:

(1) Play sound equipment without the proper use of a private earphone;

(2) Smoke, eat, or drink in any area where the activity is clearly marked as being prohibited;

(3) Expectorate upon a person, facility, or vehicle.

(D) No person shall write, deface, draw, or otherwise mark on

any facility or vehicle of a public transportation system. 18577

(E) No person shall fail to comply with a lawful order of a 18578  
public transportation system police officer, and no person shall 18579  
resist, obstruct, or abuse a public transportation police officer 18580  
in the performance of the officer's duties. 18581

(F) Whoever violates this section is guilty of misconduct 18582  
involving a public transportation system. 18583

(1) Violation of division (A), ~~(B)~~, or (E) of this section is 18584  
a misdemeanor of the fourth degree. 18585

(2) Violation of division ~~(B)~~ of this section is a 18586  
~~misdemeanor of the fourth degree.~~ 18587

~~(3)~~ Violation of division (C) or ~~(E)~~ of this section is a 18588  
minor misdemeanor on a first offense. If a person previously has 18589  
been convicted of or pleaded guilty to a violation of any division 18590  
of this section or of a municipal ordinance that is substantially 18591  
similar to any division of this section, violation of division (C) 18592  
of this section is a misdemeanor of the fourth degree. 18593

~~(4)~~(3) Violation of division (D) of this section is a 18594  
misdemeanor of the third degree. 18595

(G) Notwithstanding any other provision of law, seventy-five 18596  
per cent of each fine paid to satisfy a sentence imposed for a 18597  
violation of this section shall be deposited into the treasury of 18598  
the county in which the violation occurred and twenty-five per 18599  
cent shall be deposited with the county transit board, regional 18600  
transit authority, or regional transit commission that operates 18601  
the public transportation system involved in the violation, unless 18602  
the board of county commissioners operates the public 18603  
transportation system, in which case one hundred per cent of each 18604  
fine shall be deposited into the treasury of the county. 18605

(H) As used in this section, "public transportation system" 18606

means a county transit system operated in accordance with sections 18607  
306.01 to 306.13 of the Revised Code, a regional transit authority 18608  
operated in accordance with sections 306.30 to 306.71 of the 18609  
Revised Code, or a regional transit commission operated in 18610  
accordance with sections 306.80 to 306.90 of the Revised Code. 18611

**Sec. 2921.13.** (A) No person shall knowingly make a false 18612  
statement, or knowingly swear or affirm the truth of a false 18613  
statement previously made, when any of the following applies: 18614

(1) The statement is made in any official proceeding. 18615

(2) The statement is made with purpose to incriminate 18616  
another. 18617

(3) The statement is made with purpose to mislead a public 18618  
official in performing the public official's official function. 18619

(4) The statement is made with purpose to secure the payment 18620  
of unemployment compensation; Ohio works first; prevention, 18621  
retention, and contingency benefits and services; disability 18622  
financial assistance; retirement benefits; economic development 18623  
assistance, as defined in section 9.66 of the Revised Code; or 18624  
other benefits administered by a governmental agency or paid out 18625  
of a public treasury. 18626

(5) The statement is made with purpose to secure the issuance 18627  
by a governmental agency of a license, permit, authorization, 18628  
certificate, registration, release, or provider agreement. 18629

(6) The statement is sworn or affirmed before a notary public 18630  
or another person empowered to administer oaths. 18631

(7) The statement is in writing on or in connection with a 18632  
report or return that is required or authorized by law. 18633

(8) The statement is in writing and is made with purpose to 18634  
induce another to extend credit to or employ the offender, to 18635  
confer any degree, diploma, certificate of attainment, award of 18636

excellence, or honor on the offender, or to extend to or bestow 18637  
upon the offender any other valuable benefit or distinction, when 18638  
the person to whom the statement is directed relies upon it to 18639  
that person's detriment. 18640

(9) The statement is made with purpose to commit or 18641  
facilitate the commission of a theft offense. 18642

(10) The statement is knowingly made to a probate court in 18643  
connection with any action, proceeding, or other matter within its 18644  
jurisdiction, either orally or in a written document, including, 18645  
but not limited to, an application, petition, complaint, or other 18646  
pleading, or an inventory, account, or report. 18647

(11) The statement is made on an account, form, record, 18648  
stamp, label, or other writing that is required by law. 18649

(12) The statement is made in connection with the purchase of 18650  
a firearm, as defined in section 2923.11 of the Revised Code, and 18651  
in conjunction with the furnishing to the seller of the firearm of 18652  
a fictitious or altered driver's or commercial driver's license or 18653  
permit, a fictitious or altered identification card, or any other 18654  
document that contains false information about the purchaser's 18655  
identity. 18656

(13) The statement is made in a document or instrument of 18657  
writing that purports to be a judgment, lien, or claim of 18658  
indebtedness and is filed or recorded with the secretary of state, 18659  
a county recorder, or the clerk of a court of record. 18660

(B) No person, in connection with the purchase of a firearm, 18661  
as defined in section 2923.11 of the Revised Code, shall knowingly 18662  
furnish to the seller of the firearm a fictitious or altered 18663  
driver's or commercial driver's license or permit, a fictitious or 18664  
altered identification card, or any other document that contains 18665  
false information about the purchaser's identity. 18666

(C) It is no defense to a charge under division (A)(4) of 18667

this section that the oath or affirmation was administered or 18668  
taken in an irregular manner. 18669

(D) If contradictory statements relating to the same fact are 18670  
made by the offender within the period of the statute of 18671  
limitations for falsification, it is not necessary for the 18672  
prosecution to prove which statement was false but only that one 18673  
or the other was false. 18674

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 18675  
(6), (7), (8), (10), (11), or (13) of this section is guilty of 18676  
falsification, a misdemeanor of the first degree. 18677

(2) Whoever violates division (A)(9) of this section is 18678  
guilty of falsification in a theft offense. Except as otherwise 18679  
provided in this division, falsification in a theft offense is a 18680  
misdemeanor of the first degree. If the value of the property or 18681  
services stolen is five hundred dollars or more and is less than 18682  
five thousand dollars, falsification in a theft offense is a 18683  
felony of the fifth degree. If the value of the property or 18684  
services stolen is five thousand dollars or more and is less than 18685  
one hundred thousand dollars, falsification in a theft offense is 18686  
a felony of the fourth degree. If the value of the property or 18687  
services stolen is one hundred thousand dollars or more, 18688  
falsification in a theft offense is a felony of the third degree. 18689

(3) Whoever violates division (A)(12) or (B) of this section 18690  
is guilty of falsification to purchase a firearm, a felony of the 18691  
fifth degree. 18692

(F) A person who violates this section is liable in a civil 18693  
action to any person harmed by the violation for injury, death, or 18694  
loss to person or property incurred as a result of the commission 18695  
of the offense and for reasonable attorney's fees, court costs, 18696  
and other expenses incurred as a result of prosecuting the civil 18697  
action commenced under this division. A civil action under this 18698

division is not the exclusive remedy of a person who incurs 18699  
injury, death, or loss to person or property as a result of a 18700  
violation of this section. 18701

**Sec. 2923.35.** (A)(1) With respect to property ordered 18702  
forfeited under section 2923.32 of the Revised Code, with respect 18703  
to any fine or civil penalty imposed in any criminal or civil 18704  
proceeding under section 2923.32 or 2923.34 of the Revised Code, 18705  
and with respect to any fine imposed for a violation of section 18706  
2923.01 of the Revised Code for conspiracy to violate section 18707  
2923.32 of the Revised Code, the court, upon petition of the 18708  
prosecuting attorney, may do any of the following: 18709

(a) Authorize the prosecuting attorney to settle claims; 18710

(b) Award compensation to persons who provide information 18711  
that results in a forfeiture, fine, or civil penalty under section 18712  
2923.32 or 2923.34 of the Revised Code; 18713

(c) Grant petitions for mitigation or remission of 18714  
forfeiture, fines, or civil penalties, or restore forfeited 18715  
property, imposed fines, or imposed civil penalties to persons 18716  
injured by the violation; 18717

(d) Take any other action to protect the rights of innocent 18718  
persons that is in the interest of justice and that is consistent 18719  
with the purposes of sections 2923.31 to 2923.36 of the Revised 18720  
Code. 18721

(2) The court shall maintain an accurate record of the 18722  
actions it takes under division (A)(1) of this section with 18723  
respect to the property ordered forfeited or the fine or civil 18724  
penalty. The record is a public record open for inspection under 18725  
section 149.43 of the Revised Code. 18726

(B)(1) After the application of division (A) of this section, 18727  
any person who prevails in a civil action pursuant to section 18728

2923.34 of the Revised Code has a right to any property, or the 18729  
proceeds of any property, criminally forfeited to the state 18730  
pursuant to section 2923.32 of the Revised Code or against which 18731  
any fine under that section or civil penalty under division (I) of 18732  
section 2923.34 of the Revised Code may be imposed. 18733

The right of any person who prevails in a civil action 18734  
pursuant to section 2923.34 of the Revised Code, other than a 18735  
prosecuting attorney performing official duties under that 18736  
section, to forfeited property, property against which fines and 18737  
civil penalties may be imposed, and the proceeds of that property 18738  
is superior to any right of the state, a municipal corporation, or 18739  
a county to the property or the proceeds of the property, if the 18740  
civil action is brought within one hundred eighty days after the 18741  
entry of a sentence of forfeiture or a fine pursuant to section 18742  
2923.32 of the Revised Code or the entry of a civil penalty 18743  
pursuant to division (I) of section 2923.34 of the Revised Code. 18744

The right is limited to the total value of the treble 18745  
damages, civil penalties, attorney's fees, and costs awarded to 18746  
the prevailing party in an action pursuant to section 2923.34 of 18747  
the Revised Code, less any restitution received by the person. 18748

(2) If the aggregate amount of claims of persons who have 18749  
prevailed in a civil action pursuant to section 2923.34 of the 18750  
Revised Code against any one defendant is greater than the total 18751  
value of the treble fines, civil penalties, and forfeited property 18752  
paid by the person against whom the actions were brought, all of 18753  
the persons who brought their actions within one hundred eighty 18754  
days after the entry of a sentence or disposition of forfeiture or 18755  
a fine pursuant to section 2923.32 of the Revised Code or the 18756  
entry of a civil penalty pursuant to division (I) of section 18757  
2923.34 of the Revised Code, first shall receive a pro rata share 18758  
of the total amount of the fines, civil penalties, and forfeited 18759  
property. After the persons who brought their actions within the 18760

specified one-hundred-eighty-day period have satisfied their 18761  
claims out of the fines, civil penalties, and forfeited property, 18762  
all other persons who prevailed in civil actions pursuant to 18763  
section 2923.34 of the Revised Code shall receive a pro rata share 18764  
of the total amount of the fines, civil penalties, and forfeited 18765  
property that remains in the custody of the law enforcement agency 18766  
or in the corrupt activity investigation and prosecution fund. 18767

(C)(1) Subject to divisions (A) and (B) of this section and 18768  
notwithstanding any contrary provision of section 2933.41 of the 18769  
Revised Code, the prosecuting attorney shall order the disposal of 18770  
property ordered forfeited in any proceeding under sections 18771  
2923.32 and 2923.34 of the Revised Code as soon as feasible, 18772  
making due provisions for the rights of innocent persons, by any 18773  
of the following methods: 18774

(a) Transfer to any person who prevails in a civil action 18775  
pursuant to section 2923.34 of the Revised Code, subject to the 18776  
limit set forth in division (B)(1) of this section; 18777

(b) Public sale; 18778

(c) Transfer to a state governmental agency for official use; 18779

(d) Sale or transfer to an innocent person; 18780

(e) If the property is contraband and is not needed for 18781  
evidence in any pending criminal or civil proceeding, pursuant to 18782  
section 2933.41 or any other applicable section of the Revised 18783  
Code. 18784

(2) Any interest in personal or real property not disposed of 18785  
pursuant to this division and not exercisable by, or transferable 18786  
for value to, the state shall expire and shall not revert to the 18787  
person found guilty of or adjudicated a delinquent child for a 18788  
violation of section 2923.32 of the Revised Code. No person found 18789  
guilty of or adjudicated a delinquent child for a violation of 18790  
that section and no person acting in concert with a person found 18791

guilty of or adjudicated a delinquent child for a violation of 18792  
that section is eligible to purchase forfeited property from the 18793  
state. 18794

(3) Upon application of a person, other than the defendant, 18795  
the adjudicated delinquent child, or a person acting in concert 18796  
with or on behalf of either the defendant or the adjudicated 18797  
delinquent child, the court may restrain or stay the disposal of 18798  
the property pursuant to this division pending the conclusion of 18799  
any appeal of the criminal case or delinquency case giving rise to 18800  
the forfeiture or pending the determination of the validity of a 18801  
claim to or interest in the property pursuant to division (E) of 18802  
section 2923.32 of the Revised Code, if the applicant demonstrates 18803  
that proceeding with the disposal of the property will result in 18804  
irreparable injury, harm, or loss to the applicant. 18805

(4) The prosecuting attorney shall maintain an accurate 18806  
record of each item of property disposed of pursuant to this 18807  
division, which record shall include the date on which each item 18808  
came into the prosecuting attorney's custody, the manner and date 18809  
of disposition, and, if applicable, the name of the person who 18810  
received the item. The record shall not identify or enable the 18811  
identification of the individual officer who seized the property, 18812  
and the record is a public record open for inspection under 18813  
section 149.43 of the Revised Code. 18814

Each prosecuting attorney who disposes in any calendar year 18815  
of any item of property pursuant to this division shall prepare a 18816  
report covering the calendar year that cumulates all of the 18817  
information contained in all of the records kept by the 18818  
prosecuting attorney pursuant to this division for that calendar 18819  
year and shall send the cumulative report, no later than the first 18820  
day of March in the calendar year following the calendar year 18821  
covered by the report, to the attorney general. Each report 18822  
received by the attorney general is a public record open for 18823

inspection under section 149.43 of the Revised Code. Not later 18824  
than the fifteenth day of April in the calendar year following the 18825  
calendar year covered by the reports, the attorney general shall 18826  
send to the president of the senate and the speaker of the house 18827  
of representatives a written notification that does all of the 18828  
following: 18829

(a) Indicates that the attorney general has received from 18830  
prosecuting attorneys reports of the type described in this 18831  
division that cover the previous calendar year and indicates that 18832  
the reports were received under this division; 18833

(b) Indicates that the reports are open for inspection under 18834  
section 149.43 of the Revised Code; 18835

(c) Indicates that the attorney general will provide a copy 18836  
of any or all of the reports to the president of the senate or the 18837  
speaker of the house of representatives upon request. 18838

(D)(1)(a) Ten per cent of the proceeds of all property 18839  
ordered forfeited by a juvenile court pursuant to section 2923.32 18840  
of the Revised Code shall be applied to one or more alcohol and 18841  
drug addiction treatment programs that are certified by the 18842  
department of alcohol and drug addiction services under section 18843  
3793.06 of the Revised Code and that are specified in the order of 18844  
forfeiture. A juvenile court shall not specify an alcohol or drug 18845  
addiction treatment program in the order of forfeiture unless the 18846  
program is a certified alcohol and drug addiction treatment 18847  
program and, except as provided in division (D)(1)(a) of this 18848  
section, unless the program is located in the county in which the 18849  
court that orders the forfeiture is located or in a contiguous 18850  
county. If no certified alcohol and drug addiction treatment 18851  
program is located in any of those counties, the juvenile court 18852  
may specify in the order a certified alcohol and drug addiction 18853  
treatment program located anywhere within this state. The 18854  
remaining ninety per cent of the proceeds shall be disposed of as 18855

provided in divisions (D)(1)(b) and (D)(2) of this section. 18856

All of the proceeds of all property ordered forfeited by a 18857  
court other than a juvenile court pursuant to section 2923.32 of 18858  
the Revised Code shall be disposed of as provided in divisions 18859  
(D)(1)(b) and (D)(2) of this section. 18860

(b) The remaining proceeds of all property ordered forfeited 18861  
pursuant to section 2923.32 of the Revised Code, after compliance 18862  
with division (D)(1)(a) of this section when that division is 18863  
applicable, and all fines and civil penalties imposed pursuant to 18864  
sections 2923.32 and 2923.34 of the Revised Code shall be 18865  
deposited into the state treasury and credited to the corrupt 18866  
activity investigation and prosecution fund, which is hereby 18867  
created. 18868

(2) The proceeds, fines, and penalties credited to the 18869  
corrupt activity investigation and prosecution fund pursuant to 18870  
division (D)(1) of this section shall be disposed of in the 18871  
following order: 18872

(a) To a civil plaintiff in an action brought within the 18873  
one-hundred-eighty-day time period specified in division (B)(1) of 18874  
this section, subject to the limit set forth in that division; 18875

(b) To the payment of the fees and costs of the forfeiture 18876  
and sale, including expenses of seizure, maintenance, and custody 18877  
of the property pending its disposition, advertising, and court 18878  
costs; 18879

(c) Except as otherwise provided in division (D)(2)(c) of 18880  
this section, the remainder shall be paid to the law enforcement 18881  
trust fund of the prosecuting attorney that is established 18882  
pursuant to division (D)(1)(c) of section 2933.43 of the Revised 18883  
Code and to the law enforcement trust fund of the county sheriff 18884  
that is established pursuant to that division if the county 18885  
sheriff substantially conducted the investigation, to the law 18886

enforcement trust fund of a municipal corporation that is 18887  
established pursuant to that division if its police department 18888  
substantially conducted the investigation, to the law enforcement 18889  
trust fund of a township that is established pursuant to that 18890  
division if the investigation was substantially conducted by a 18891  
township police department, township police district police force, 18892  
or office of a township constable, or to the law enforcement trust 18893  
fund of a park district created pursuant to section 511.18 or 18894  
1545.01 of the Revised Code that is established pursuant to that 18895  
division if the investigation was substantially conducted by its 18896  
park district police force or law enforcement department. The 18897  
prosecuting attorney may decline to accept any of the remaining 18898  
proceeds, fines, and penalties, and, if the prosecuting attorney 18899  
so declines, they shall be applied to the fund described in 18900  
division (D)(2)(c) of this section that relates to the appropriate 18901  
law enforcement agency that substantially conducted the 18902  
investigation. 18903

If the state highway patrol substantially conducted the 18904  
investigation, the director of budget and management shall 18905  
transfer the remaining proceeds, fines, and penalties to the state 18906  
highway patrol for deposit into the state highway patrol 18907  
contraband, forfeiture, and other fund that is created by division 18908  
(D)(1)(c) of section 2933.43 of the Revised Code. If the 18909  
department of taxation substantially conducted the investigation, 18910  
the director shall transfer the remaining proceeds, fines, and 18911  
penalties to the department for deposit into the department of 18912  
taxation enforcement fund. If the state board of pharmacy 18913  
substantially conducted the investigation, the director shall 18914  
transfer the remaining proceeds, fines, and penalties to the board 18915  
for deposit into the board of pharmacy drug law enforcement fund 18916  
that is created by division (B)(1) of section 4729.65 of the 18917  
Revised Code. If a state law enforcement agency, other than the 18918  
state highway patrol, the department of taxation, or the state 18919

board of pharmacy, substantially conducted the investigation, the 18920  
director shall transfer the remaining proceeds, fines, and 18921  
penalties to the treasurer of state for deposit into the peace 18922  
officer training commission fund that is created by division 18923  
(D)(1)(c) of section 2933.43 of the Revised Code. 18924

The remaining proceeds, fines, and penalties that are paid to 18925  
a law enforcement trust fund or that are deposited into the state 18926  
highway patrol contraband, forfeiture, and other fund, the 18927  
department of taxation enforcement fund, the board of pharmacy 18928  
drug law enforcement fund, or the peace officer training 18929  
commission fund pursuant to division (D)(2)(c) of this section 18930  
shall be allocated, used, and expended only in accordance with 18931  
division (D)(1)(c) of section 2933.43 of the Revised Code, only in 18932  
accordance with a written internal control policy adopted under 18933  
division (D)(3) of that section, and, if applicable, only in 18934  
accordance with division (B) of section 4729.65 of the Revised 18935  
Code. The annual reports that pertain to the funds and that are 18936  
required by divisions (D)(1)(c) and (3)(b) of section 2933.43 of 18937  
the Revised Code also shall address the remaining proceeds, fines, 18938  
and penalties that are paid or deposited into the funds pursuant 18939  
to division (D)(2)(c) of this section. 18940

(3) If more than one law enforcement agency substantially 18941  
conducted the investigation, the court ordering the forfeiture 18942  
shall equitably divide the remaining proceeds, fines, and 18943  
penalties among the law enforcement agencies that substantially 18944  
conducted the investigation, in the manner described in division 18945  
(D)(2) of section 2933.43 of the Revised Code for the equitable 18946  
division of contraband proceeds and forfeited moneys. The 18947  
equitable shares of the proceeds, fines, and penalties so 18948  
determined by the court shall be paid or deposited into the 18949  
appropriate funds specified in division (D)(2)(c) of this section. 18950

(E) As used in this section, "law enforcement agency" 18951

includes, but is not limited to, the state board of pharmacy and 18952  
the department of taxation. 18953

**Sec. 2925.44.** (A) If property is seized pursuant to section 18954  
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 18955  
custody of the head of the law enforcement agency that seized it, 18956  
and the head of that agency may do any of the following with 18957  
respect to that property prior to its disposition in accordance 18958  
with division (A)(4) or (B) of this section: 18959

(1) Place the property under seal; 18960

(2) Remove the property to a place that the head of that 18961  
agency designates; 18962

(3) Request the issuance of a court order that requires any 18963  
other appropriate municipal corporation, county, township, park 18964  
district created pursuant to section 511.18 or 1545.01 of the 18965  
Revised Code, or state law enforcement officer or other officer to 18966  
take custody of the property and, if practicable, remove it to an 18967  
appropriate location for eventual disposition in accordance with 18968  
division (B) of this section; 18969

(4)(a) Seek forfeiture of the property pursuant to federal 18970  
law. If the head of that agency seeks its forfeiture pursuant to 18971  
federal law, the law enforcement agency shall deposit, use, and 18972  
account for proceeds from a sale of the property upon its 18973  
forfeiture, proceeds from another disposition of the property upon 18974  
its forfeiture, or forfeited moneys it receives, in accordance 18975  
with the applicable federal law and otherwise shall comply with 18976  
that law. 18977

(b) If the state highway patrol seized the property and if 18978  
the superintendent of the state highway patrol seeks its 18979  
forfeiture pursuant to federal law, the appropriate governmental 18980  
officials shall deposit into the state highway patrol contraband, 18981

forfeiture, and other fund all interest or other earnings derived 18982  
from the investment of the proceeds from a sale of the property 18983  
upon its forfeiture, the proceeds from another disposition of the 18984  
property upon its forfeiture, or the forfeited moneys. The state 18985  
highway patrol shall use and account for that interest or other 18986  
earnings in accordance with the applicable federal law. 18987

(c) If the investigative unit of the department of public 18988  
safety seized the property and if the director of public safety 18989  
seeks its forfeiture pursuant to federal law, the appropriate 18990  
governmental officials shall deposit into the department of public 18991  
safety investigative unit contraband, forfeiture, and other fund 18992  
all interest or other earnings derived from the investment of the 18993  
proceeds from a sale of the property upon its forfeiture, the 18994  
proceeds from another disposition of the property upon its 18995  
forfeiture, or the forfeited moneys. The department shall use and 18996  
account for that interest or other earnings in accordance with the 18997  
applicable federal law. 18998

(d) If the enforcement division of the department of taxation 18999  
seized the property and if the tax commissioner seeks its 19000  
forfeiture pursuant to federal law, the appropriate governmental 19001  
officials shall deposit into the department of taxation 19002  
enforcement fund all interest or other earnings derived from the 19003  
investment of the proceeds from a sale of the property upon its 19004  
forfeiture, the proceeds from another disposition of the property 19005  
upon its forfeiture, or the forfeited moneys. The department shall 19006  
use and account for that interest or other earnings in accordance 19007  
with the applicable federal law. 19008

(e) Division (B) of this section and divisions (D)(1) to (3) 19009  
of section 2933.43 of the Revised Code do not apply to proceeds or 19010  
forfeited moneys received pursuant to federal law or to the 19011  
interest or other earnings that are derived from the investment of 19012  
proceeds or forfeited moneys received pursuant to federal law and 19013

that are described in division (A)(4)(b) or (d) of this section. 19014

(B) In addition to complying with any requirements imposed by 19015  
a court pursuant to section 2925.42 or 2925.43 of the Revised 19016  
Code, and the requirements imposed by those sections, in relation 19017  
to the disposition of property forfeited to the state under either 19018  
of those sections, the prosecuting attorney who is responsible for 19019  
its disposition shall dispose of the property as follows: 19020

(1) Any vehicle, as defined in section 4501.01 of the Revised 19021  
Code, that was used in a felony drug abuse offense or in an act 19022  
that, if committed by an adult, would be a felony drug abuse 19023  
offense shall be given to the law enforcement agency of the 19024  
municipal corporation or county in which the offense occurred if 19025  
that agency desires to have the vehicle, except that, if the 19026  
offense occurred in a township or in a park district created 19027  
pursuant to section 511.18 or 1545.01 of the Revised Code and a 19028  
law enforcement officer employed by the township or the park 19029  
district was involved in the seizure of the vehicle, the vehicle 19030  
may be given to the law enforcement agency of that township or 19031  
park district if that agency desires to have the vehicle, and 19032  
except that, if the state highway patrol made the seizure of the 19033  
vehicle, the vehicle may be given to the state highway patrol if 19034  
it desires to have the vehicle. 19035

(2) Any drug paraphernalia that was used, possessed, sold, or 19036  
manufactured in a violation of section 2925.14 of the Revised Code 19037  
that would be a felony drug abuse offense or in a violation of 19038  
that section committed by a juvenile that, if committed by an 19039  
adult, would be a felony drug abuse offense, may be given to the 19040  
law enforcement agency of the municipal corporation or county in 19041  
which the offense occurred if that agency desires to have and can 19042  
use the drug paraphernalia, except that, if the offense occurred 19043  
in a township or in a park district created pursuant to section 19044  
511.18 or 1545.01 of the Revised Code and a law enforcement 19045

officer employed by the township or the park district was involved 19046  
in the seizure of the drug paraphernalia, the drug paraphernalia 19047  
may be given to the law enforcement agency of that township or 19048  
park district if that agency desires to have and can use the drug 19049  
paraphernalia. If the drug paraphernalia is not so given, it shall 19050  
be disposed of by sale pursuant to division (B)(8) of this section 19051  
or disposed of in another manner that the court that issued the 19052  
order of forfeiture considers proper under the circumstances. 19053

(3) Drugs shall be disposed of pursuant to section 3719.11 of 19054  
the Revised Code or placed in the custody of the secretary of the 19055  
treasury of the United States for disposal or use for medical or 19056  
scientific purposes under applicable federal law. 19057

(4) Firearms and dangerous ordnance suitable for police work 19058  
may be given to a law enforcement agency for that purpose. 19059  
Firearms suitable for sporting use, or as museum pieces or 19060  
collectors' items, may be disposed of by sale pursuant to division 19061  
(B)(8) of this section. Other firearms and dangerous ordnance 19062  
shall be destroyed by a law enforcement agency or shall be sent to 19063  
the bureau of criminal identification and investigation for 19064  
destruction by it. As used in this division, "firearms" and 19065  
"dangerous ordnance" have the same meanings as in section 2923.11 19066  
of the Revised Code. 19067

(5) Computers, computer networks, computer systems, and 19068  
computer software suitable for police work may be given to a law 19069  
enforcement agency for that purpose. Other computers, computer 19070  
networks, computer systems, and computer software shall be 19071  
disposed of by sale pursuant to division (B)(8) of this section or 19072  
disposed of in another manner that the court that issued the order 19073  
of forfeiture considers proper under the circumstances. As used in 19074  
this division, "computers," "computer networks," "computer 19075  
systems," and "computer software" have the same meanings as in 19076  
section 2913.01 of the Revised Code. 19077

(6) Obscene materials shall be destroyed. 19078

(7) Beer, intoxicating liquor, and alcohol shall be disposed 19079  
of in accordance with division (D)(4) of section 2933.41 of the 19080  
Revised Code. 19081

(8) In the case of property not described in divisions (B)(1) 19082  
to (7) of this section and of property described in those 19083  
divisions but not disposed of pursuant to them, the property shall 19084  
be sold in accordance with division (B)(8) of this section or, in 19085  
the case of forfeited moneys, disposed of in accordance with 19086  
division (B)(8) of this section. If the property is to be sold, 19087  
the prosecuting attorney shall cause a notice of the proposed sale 19088  
of the property to be given in accordance with law, and the 19089  
property shall be sold, without appraisal, at a public auction to 19090  
the highest bidder for cash. The proceeds of a sale and forfeited 19091  
moneys shall be applied in the following order: 19092

(a) First, to the payment of the costs incurred in connection 19093  
with the seizure of, storage of, maintenance of, and provision of 19094  
security for the property, the forfeiture proceeding or civil 19095  
action, and, if any, the sale; 19096

(b) Second, the remaining proceeds or forfeited moneys after 19097  
compliance with division (B)(8)(a) of this section, to the payment 19098  
of the value of any legal right, title, or interest in the 19099  
property that is possessed by a person who, pursuant to division 19100  
(F) of section 2925.42 of the Revised Code or division (E) of 19101  
section 2925.43 of the Revised Code, established the validity of 19102  
and consequently preserved that legal right, title, or interest, 19103  
including, but not limited to, any mortgage, perfected or other 19104  
security interest, or other lien in the property. The value of 19105  
these rights, titles, or interests shall be paid according to 19106  
their record or other order of priority. 19107

(c) Third, the remaining proceeds or forfeited moneys after 19108

compliance with divisions (B)(8)(a) and (b) of this section, as 19109  
follows: 19110

(i) If the forfeiture was ordered in a juvenile court, ten 19111  
per cent to one or more alcohol and drug addiction treatment 19112  
programs that are certified by the department of alcohol and drug 19113  
addiction services under section 3793.06 of the Revised Code and 19114  
that are specified in the order of forfeiture. A juvenile court 19115  
shall not specify an alcohol or drug addiction treatment program 19116  
in the order of forfeiture unless the program is a certified 19117  
alcohol and drug addiction treatment program and, except as 19118  
provided in division (B)(8)(c)(i) of this section, unless the 19119  
program is located in the county in which the court that orders 19120  
the forfeiture is located or in a contiguous county. If no 19121  
certified alcohol and drug addiction treatment program is located 19122  
in any of those counties, the juvenile court may specify in the 19123  
order a certified alcohol and drug addiction treatment program 19124  
located anywhere within this state. 19125

(ii) If the forfeiture was ordered in a juvenile court, 19126  
ninety per cent, and if the forfeiture was ordered in a court 19127  
other than a juvenile court, one hundred per cent to appropriate 19128  
funds in accordance with divisions (D)(1)(c) and (2) of section 19129  
2933.43 of the Revised Code. The remaining proceeds or forfeited 19130  
moneys so deposited shall be used only for the purposes authorized 19131  
by those divisions and division (D)(3)(a)(ii) of that section. 19132

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not 19133  
preclude a financial institution that possessed a valid mortgage, 19134  
security interest, or lien that is not satisfied prior to a sale 19135  
under division (B)(8) of this section or following a sale by 19136  
application of division (B)(8)(b) of this section, from commencing 19137  
a civil action in any appropriate court in this or another state 19138  
to obtain a deficiency judgment against the debtor if the 19139  
financial institution otherwise would have been entitled to do so 19140

in this or another state. 19141

(2) Any law enforcement agency that obtains any vehicle 19142  
pursuant to division (B)(1) of this section shall take the vehicle 19143  
subject to the outstanding amount of any security interest or lien 19144  
that attaches to the vehicle. 19145

(3) Nothing in this section impairs a mortgage, security 19146  
interest, lien, or other interest of a financial institution in 19147  
property that was the subject of a forfeiture order under section 19148  
2925.42 or 2925.43 of the Revised Code and that was sold or 19149  
otherwise disposed of in a manner that does not conform to the 19150  
requirements of division (B) of this section, or any right of a 19151  
financial institution of that nature to commence a civil action in 19152  
any appropriate court in this or another state to obtain a 19153  
deficiency judgment against the debtor. 19154

(4) Following the sale under division (B)(8) of this section 19155  
of any property that is required to be titled or registered under 19156  
the law of this state, the prosecuting attorney responsible for 19157  
the disposition of the property shall cause the state to issue an 19158  
appropriate certificate of title or registration to the purchaser 19159  
of the property. Additionally, if, in a disposition of property 19160  
pursuant to division (B) of this section, the state or a political 19161  
subdivision is given any property that is required to be titled or 19162  
registered under the law of this state, the prosecuting attorney 19163  
responsible for the disposition of the property shall cause the 19164  
state to issue an appropriate certificate of title or registration 19165  
to itself or to the political subdivision. 19166

(D) Property that has been forfeited to the state pursuant to 19167  
an order of criminal forfeiture under section 2925.42 of the 19168  
Revised Code or an order of civil forfeiture under section 2925.43 19169  
of the Revised Code shall not be available for use to pay any fine 19170  
imposed upon a person who is convicted of or pleads guilty to a 19171  
felony drug abuse offense or upon any juvenile who is found by a 19172

juvenile court to be a delinquent child for an act that, if 19173  
committed by an adult, would be a felony drug abuse offense. 19174

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 19175  
prohibit a law enforcement officer from seeking the forfeiture of 19176  
contraband associated with a felony drug abuse offense pursuant to 19177  
section 2933.43 of the Revised Code. 19178

**Sec. 2929.38.** (A) A board of commissioners of a county, in an 19179  
agreement with the sheriff, a legislative authority of a municipal 19180  
corporation, a corrections commission, a judicial corrections 19181  
board, or any other public or private entity that operates a local 19182  
detention facility described in division (A) of section 2929.37 of 19183  
the Revised Code, may establish a policy that requires any 19184  
prisoner who is confined in the facility as a result of pleading 19185  
guilty to or having been convicted of an offense to pay a one-time 19186  
reception fee for the costs of processing the prisoner into the 19187  
facility at the time of the prisoner's initial entry into the 19188  
facility under the confinement in question, to pay a reasonable 19189  
fee for any medical or dental treatment or service requested by 19190  
and provided to that prisoner, and to pay the fee for a random 19191  
drug test assessed under division (E) of section 341.26, and 19192  
division (E) of section 753.33 of the Revised Code. The fee for 19193  
the medical treatment or service shall not exceed the actual cost 19194  
of the treatment or service provided. No prisoner confined in the 19195  
local detention facility shall be denied any necessary medical 19196  
care because of inability to pay the fees. 19197

(B) Upon assessment of a one-time reception fee as described 19198  
in division (A) of this section, the provision of the requested 19199  
medical treatment or service, or the assessment of a fee for a 19200  
random drug test, payment of the required fee may be automatically 19201  
deducted from the prisoner's inmate account in the business office 19202  
of the local detention facility in which the prisoner is confined. 19203

If there is no money in the account, a deduction may be made at a 19204  
later date during the prisoner's confinement if the money becomes 19205  
available in the account. If, after release, the prisoner has an 19206  
unpaid balance of those fees, the sheriff, legislative authority 19207  
of the municipal corporation, corrections commission, judicial 19208  
corrections board, or other entity that operates the local 19209  
detention facility described in division (A) of section 2929.37 of 19210  
the Revised Code may bill the prisoner for the payment of the 19211  
unpaid fees. Fees received for medical or dental treatment or 19212  
services shall be paid to the commissary fund, if one exists for 19213  
the facility, or if no commissary fund exists, to the general fund 19214  
of the treasury of the political subdivision that incurred the 19215  
expenses, in the same proportion as those expenses were borne by 19216  
the political subdivision. Fees received for medical treatment or 19217  
services that are placed in the commissary fund under this 19218  
division shall be used for the same purposes as profits from the 19219  
commissary fund, except that they shall not be used to pay any 19220  
salary or benefits of any person who works in or is employed for 19221  
the sole purpose of providing service to the commissary. 19222

(C) Any fee paid by a person under this section shall be 19223  
deducted from any medical or dental costs that the person is 19224  
ordered to reimburse under section 2929.36 of the Revised Code or 19225  
to repay under a policy adopted under section 2929.37 of the 19226  
Revised Code. 19227

(D) As used in this section, "inmate account" has the same 19228  
meaning as in section 2969.21 of the Revised Code. 19229

**Sec. 2933.43.** (A)(1) Except as provided in this division or 19230  
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 19231  
2925.45 of the Revised Code, a law enforcement officer shall seize 19232  
any contraband that has been, is being, or is intended to be used 19233  
in violation of division (A) of section 2933.42 of the Revised 19234

Code. A law enforcement officer shall seize contraband that is a 19235  
watercraft, motor vehicle, or aircraft and that has been, is 19236  
being, or is intended to be used in violation of division (A) of 19237  
section 2933.42 of the Revised Code only if the watercraft, motor 19238  
vehicle, or aircraft is contraband because of its relationship to 19239  
an underlying criminal offense that is a felony. 19240

Additionally, a law enforcement officer shall seize any 19241  
watercraft, motor vehicle, aircraft, or other personal property 19242  
that is classified as contraband under division (B) of section 19243  
2933.42 of the Revised Code if the underlying offense involved in 19244  
the violation of division (A) of that section that resulted in the 19245  
watercraft, motor vehicle, aircraft, or personal property being 19246  
classified as contraband, is a felony. 19247

(2) If a law enforcement officer seizes property that is 19248  
titled or registered under law, including a motor vehicle, 19249  
pursuant to division (A)(1) of this section, the officer or the 19250  
officer's employing law enforcement agency shall notify the owner 19251  
of the seizure. The notification shall be given to the owner at 19252  
the owner's last known address within seventy-two hours after the 19253  
seizure, and may be given orally by any means, including 19254  
telephone, or by certified mail, return receipt requested. 19255

If the officer or the officer's agency is unable to provide 19256  
the notice required by this division despite reasonable, good 19257  
faith efforts to do so, the exercise of the reasonable, good faith 19258  
efforts constitutes fulfillment of the notice requirement imposed 19259  
by this division. 19260

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 19261  
this section and the contents of the vehicle may be retained for a 19262  
reasonable period of time, not to exceed seventy-two hours, for 19263  
the purpose of inspection, investigation, and the gathering of 19264  
evidence of any offense or illegal use. 19265

At any time prior to the expiration of the seventy-two-hour 19266  
period, the law enforcement agency that seized the motor vehicle 19267  
may petition the court of common pleas of the county that has 19268  
jurisdiction over the underlying criminal case or administrative 19269  
proceeding involved in the forfeiture for an extension of the 19270  
seventy-two-hour period if the motor vehicle or its contents are 19271  
needed as evidence or if additional time is needed for the 19272  
inspection, investigation, or gathering of evidence. Upon the 19273  
filing of such a petition, the court immediately shall schedule a 19274  
hearing to be held at a time as soon as possible after the filing, 19275  
but in no event at a time later than the end of the next business 19276  
day subsequent to the day on which the petition was filed, and 19277  
upon scheduling the hearing, immediately shall notify the owner of 19278  
the vehicle, at the address at which notification of the seizure 19279  
was provided under division (A) of this section, of the date, 19280  
time, and place of the hearing. If the court, at the hearing, 19281  
determines that the vehicle or its contents, or both, are needed 19282  
as evidence or that additional time is needed for the inspection, 19283  
investigation, or gathering of evidence, the court may grant the 19284  
petition and issue an order authorizing the retention of the 19285  
vehicle or its contents, or both, for an extended period as 19286  
specified by the court in its order. An order extending a period 19287  
of retention issued under this division may be renewed. 19288

If no petition for the extension of the initial 19289  
seventy-two-hour period has been filed, prior to the expiration of 19290  
that period, under this division, if the vehicle was not in the 19291  
custody and control of the owner at the time of its seizure, and 19292  
if, at the end of that seventy-two-hour period, the owner of the 19293  
vehicle has not been charged with an offense or administrative 19294  
violation that includes the use of the vehicle as an element and 19295  
has not been charged with any other offense or administrative 19296  
violation in the actual commission of which the motor vehicle was 19297

used, the vehicle and its contents shall be released to its owner 19298  
or the owner's agent, provided that the law enforcement agency 19299  
that seized the vehicle may require proof of ownership of the 19300  
vehicle, proof of ownership or legal possession of the contents, 19301  
and an affidavit of the owner that the owner neither knew of nor 19302  
expressly or impliedly consented to the use of the vehicle that 19303  
resulted in its forfeiture as conditions precedent to release. If 19304  
a petition for the extension of the initial seventy-two-hour 19305  
period has been filed, prior to the expiration of that period, 19306  
under this division but the court does not grant the petition, if 19307  
the vehicle was not in the custody and control of the owner at the 19308  
time of its seizure, and if, at the end of that seventy-two-hour 19309  
period, the owner of the vehicle has not been charged with an 19310  
offense or administrative violation that includes the use of the 19311  
vehicle as an element and has not been charged with any other 19312  
offense or administrative violation in the actual commission of 19313  
which the motor vehicle was used, the vehicle and its contents 19314  
shall be released to its owner or the owner's agent, provided that 19315  
the court may require the proof and affidavit described in the 19316  
preceding sentence as conditions precedent to release. If the 19317  
initial seventy-two-hour period has been extended under this 19318  
division, the vehicle and its contents to which the extension 19319  
applies may be retained in accordance with the extension order. 19320  
If, at the end of that extended period, the owner of the vehicle 19321  
has not been charged with an offense or administrative violation 19322  
that includes the use of the vehicle as an element and has not 19323  
been charged with any other offense or administrative violation in 19324  
the actual commission of which the motor vehicle was used, and if 19325  
the vehicle was not in the custody and control of the owner at the 19326  
time of its seizure, the vehicle and its contents shall be 19327  
released to its owner or the owner's agent, provided that the 19328  
court may require the proof and affidavit described in the third 19329  
preceding sentence as conditions precedent to release. In cases in 19330

which the court may require proof and affidavits as conditions 19331  
precedent to release, the court also may require the posting of a 19332  
bond, with sufficient sureties approved by the court, in an amount 19333  
equal to the value of the property to be released, as determined 19334  
by the court, and conditioned upon the return of the property to 19335  
the court if it is forfeited under this section, as a further 19336  
condition to release. If, at the end of the initial 19337  
seventy-two-hour period or at the end of any extended period 19338  
granted under this section, the owner has been charged with an 19339  
offense or administrative violation that includes the use of the 19340  
vehicle as an element or has been charged with another offense or 19341  
administrative violation in the actual commission of which the 19342  
motor vehicle was used, or if the vehicle was in the custody and 19343  
control of the owner at the time of its seizure, the vehicle and 19344  
its contents shall be retained pending disposition of the charge, 19345  
provided that upon the filing of a motion for release by the 19346  
owner, if the court determines that the motor vehicle or its 19347  
contents, or both, are not needed as evidence in the underlying 19348  
criminal case or administrative proceeding, the court may permit 19349  
the release of the property that is not needed as evidence to the 19350  
owner; as a condition precedent to a release of that nature, the 19351  
court may require the owner to execute a bond with the court. Any 19352  
bond so required shall be in an amount equal to the value of the 19353  
property to be released, as determined by the court, shall have 19354  
sufficient sureties approved by the court, and shall be 19355  
conditioned upon the return of the property to the court to which 19356  
it is forfeited under this section. 19357

The final disposition of a motor vehicle seized pursuant to 19358  
division (A)(1) of this section shall be determined in accordance 19359  
with division (C) of this section. 19360

(2) Pending a hearing pursuant to division (C) of this 19361  
section, and subject to divisions (B)(1) and (C) of this section, 19362

any property lawfully seized pursuant to division (A) of this 19363  
section because it was contraband of a type described in division 19364  
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 19365  
2901.01 of the Revised Code shall not be subject to replevin or 19366  
other action in any court and shall not be subject to release upon 19367  
request of the owner, and no judgment shall be enforced against 19368  
the property. Pending the hearing, and subject to divisions (B)(1) 19369  
and (C) of this section, the property shall be kept in the custody 19370  
of the law enforcement agency responsible for its seizure. 19371

Pending a hearing pursuant to division (C) of this section, 19372  
and notwithstanding any provisions of division (B)(1) or (C) of 19373  
this section to the contrary, any property lawfully seized 19374  
pursuant to division (A) of this section because it was contraband 19375  
of a type described in division (A)(13)(a) or (c) of section 19376  
2901.01 of the Revised Code shall not be subject to replevin or 19377  
other action in any court and shall not be subject to release upon 19378  
request of the owner, and no judgment shall be enforced against 19379  
the property. Pending the hearing, and notwithstanding any 19380  
provisions of division (B)(1) or (C) of this section to the 19381  
contrary, the property shall be kept in the custody of the law 19382  
enforcement agency responsible for its seizure. 19383

A law enforcement agency that seizes property under division 19384  
(A) of this section because it was contraband of any type 19385  
described in division (A)(13) of section 2901.01 or division (B) 19386  
of section 2933.42 of the Revised Code shall maintain an accurate 19387  
record of each item of property so seized, which record shall 19388  
include the date on which each item was seized, the manner and 19389  
date of its disposition, and if applicable, the name of the person 19390  
who received the item; however, the record shall not identify or 19391  
enable the identification of the individual officer who seized the 19392  
item. The record of property of that nature that no longer is 19393  
needed as evidence shall be open to public inspection during the 19394

agency's regular business hours. Each law enforcement agency that, 19395  
during any calendar year, seizes property under division (A) of 19396  
this section because it was contraband shall prepare a report 19397  
covering the calendar year that cumulates all of the information 19398  
contained in all of the records kept by the agency pursuant to 19399  
this division for that calendar year, and shall send a copy of the 19400  
cumulative report, no later than the first day of March in the 19401  
calendar year following the calendar year covered by the report, 19402  
to the attorney general. Each report received by the attorney 19403  
general is a public record open for inspection under section 19404  
149.43 of the Revised Code. Not later than the fifteenth day of 19405  
April in the calendar year in which the reports are received, the 19406  
attorney general shall send to the president of the senate and the 19407  
speaker of the house of representatives a written notification 19408  
that does all of the following: 19409

(a) Indicates that the attorney general has received from law 19410  
enforcement agencies reports of the type described in this 19411  
division that cover the previous calendar year and indicates that 19412  
the reports were received under this division; 19413

(b) Indicates that the reports are open for inspection under 19414  
section 149.43 of the Revised Code; 19415

(c) Indicates that the attorney general will provide a copy 19416  
of any or all of the reports to the president of the senate or the 19417  
speaker of the house of representatives upon request. 19418

(C) The prosecuting attorney, village solicitor, city 19419  
director of law, or similar chief legal officer who has 19420  
responsibility for the prosecution of the underlying criminal case 19421  
or administrative proceeding, or the attorney general if the 19422  
attorney general has that responsibility, shall file a petition 19423  
for the forfeiture, to the seizing law enforcement agency of the 19424  
contraband seized pursuant to division (A) of this section. The 19425  
petition shall be filed in the court that has jurisdiction over 19426

the underlying criminal case or administrative proceeding involved 19427  
in the forfeiture. If the property was seized on the basis of both 19428  
a criminal violation and an administrative regulation violation, 19429  
the petition shall be filed by the officer and in the court that 19430  
is appropriate in relation to the criminal case. 19431

The petitioner shall conduct or cause to be conducted a 19432  
search of the appropriate public records that relate to the seized 19433  
property for the purpose of determining, and shall make or cause 19434  
to be made reasonably diligent inquiries for the purpose of 19435  
determining, any person having an ownership or security interest 19436  
in the property. The petitioner then shall give notice of the 19437  
forfeiture proceedings by personal service or by certified mail, 19438  
return receipt requested, to any persons known, because of the 19439  
conduct of the search, the making of the inquiries, or otherwise, 19440  
to have an ownership or security interest in the property, and 19441  
shall publish notice of the proceedings once each week for two 19442  
consecutive weeks in a newspaper of general circulation in the 19443  
county in which the seizure occurred. The notices shall be 19444  
personally served, mailed, and first published at least four weeks 19445  
before the hearing. They shall describe the property seized; state 19446  
the date and place of seizure; name the law enforcement agency 19447  
that seized the property and, if applicable, that is holding the 19448  
property; list the time, date, and place of the hearing; and state 19449  
that any person having an ownership or security interest in the 19450  
property may contest the forfeiture. 19451

If the property seized was determined by the seizing law 19452  
enforcement officer to be contraband because of its relationship 19453  
to an underlying criminal offense or administrative violation, no 19454  
forfeiture hearing shall be held under this section unless the 19455  
person pleads guilty to or is convicted of the commission of, or 19456  
an attempt or conspiracy to commit, the offense or a different 19457  
offense arising out of the same facts and circumstances or unless 19458

the person admits or is adjudicated to have committed the 19459  
administrative violation or a different violation arising out of 19460  
the same facts and circumstances; a forfeiture hearing shall be 19461  
held in a case of that nature no later than forty-five days after 19462  
the conviction or the admission or adjudication of the violation, 19463  
unless the time for the hearing is extended by the court for good 19464  
cause shown. The owner of any property seized because of its 19465  
relationship to an underlying criminal offense or administrative 19466  
violation may request the court to release the property to the 19467  
owner. Upon receipt of a request of that nature, if the court 19468  
determines that the property is not needed as evidence in the 19469  
underlying criminal case or administrative proceeding, the court 19470  
may permit the release of the property to the owner. As a 19471  
condition precedent to a release of that nature, the court may 19472  
require the owner to execute a bond with the court. Any bond so 19473  
required shall have sufficient sureties approved by the court, 19474  
shall be in a sum equal to the value of the property, as 19475  
determined by the court, and shall be conditioned upon the return 19476  
of the property to the court if the property is forfeited under 19477  
this section. Any property seized because of its relationship to 19478  
an underlying criminal offense or administrative violation shall 19479  
be returned to its owner if charges are not filed in relation to 19480  
that underlying offense or violation within thirty days after the 19481  
seizure, if charges of that nature are filed and subsequently are 19482  
dismissed, or if charges of that nature are filed and the person 19483  
charged does not plead guilty to and is not convicted of the 19484  
offense or does not admit and is not found to have committed the 19485  
violation. 19486

If the property seized was determined by the seizing law 19487  
enforcement officer to be contraband other than because of a 19488  
relationship to an underlying criminal offense or administrative 19489  
violation, the forfeiture hearing under this section shall be held 19490  
no later than forty-five days after the seizure, unless the time 19491

for the hearing is extended by the court for good cause shown. 19492

Where possible, a court holding a forfeiture hearing under 19493  
this section shall follow the Rules of Civil Procedure. When a 19494  
hearing is conducted under this section, property shall be 19495  
forfeited upon a showing, by a preponderance of the evidence, by 19496  
the petitioner that the person from which the property was seized 19497  
was in violation of division (A) of section 2933.42 of the Revised 19498  
Code. If that showing is made, the court shall issue an order of 19499  
forfeiture. If an order of forfeiture is issued in relation to 19500  
contraband that was released to the owner or the owner's agent 19501  
pursuant to this division or division (B)(1) of this section, the 19502  
order shall require the owner to deliver the property, by a 19503  
specified date, to the law enforcement agency that employed the 19504  
law enforcement officer who made the seizure of the property, and 19505  
the court shall deliver a copy of the order to the owner or send a 19506  
copy of it by certified mail, return receipt requested, to the 19507  
owner at the address to which notice of the seizure was given 19508  
under division (A)(2) of this section. Except as otherwise 19509  
provided in this division, all rights, interest, and title to the 19510  
forfeited contraband vests in the state, effective from the date 19511  
of seizure. 19512

No property shall be forfeited pursuant to this division if 19513  
the owner of the property establishes, by a preponderance of the 19514  
evidence, that the owner neither knew, nor should have known after 19515  
a reasonable inquiry, that the property was used, or was likely to 19516  
be used, in a crime or administrative violation. No bona fide 19517  
security interest shall be forfeited pursuant to this division if 19518  
the holder of the interest establishes, by a preponderance of the 19519  
evidence, that the holder of the interest neither knew, nor should 19520  
have known after a reasonable inquiry, that the property was used, 19521  
or likely to be used, in a crime or administrative violation, that 19522  
the holder of the interest did not expressly or impliedly consent 19523

to the use of the property in a crime or administrative violation, 19524  
and that the security interest was perfected pursuant to law prior 19525  
to the seizure. If the holder of the interest satisfies the court 19526  
that these requirements are met, the interest shall be preserved 19527  
by the court. In a case of that nature, the court shall either 19528  
order that the agency to which the property is forfeited reimburse 19529  
the holder of the interest to the extent of the preserved interest 19530  
or order that the holder be paid for the interest from the 19531  
proceeds of any sale pursuant to division (D) of this section. 19532

(D)(1) Contraband ordered forfeited pursuant to this section 19533  
shall be disposed of pursuant to divisions (D)(1) to (7) of 19534  
section 2933.41 of the Revised Code or, if the contraband is not 19535  
described in those divisions, may be used, with the approval of 19536  
the court, by the law enforcement agency that has custody of the 19537  
contraband pursuant to division (D)(8) of that section. In the 19538  
case of contraband not described in any of those divisions and of 19539  
contraband not disposed of pursuant to any of those divisions, the 19540  
contraband shall be sold in accordance with this division or, in 19541  
the case of forfeited moneys, disposed of in accordance with this 19542  
division. If the contraband is to be sold, the prosecuting 19543  
attorney shall cause a notice of the proposed sale of the 19544  
contraband to be given in accordance with law, and the property 19545  
shall be sold, without appraisal, at a public auction to the 19546  
highest bidder for cash. The proceeds of a sale and forfeited 19547  
moneys shall be applied in the following order: 19548

(a) First, to the payment of the costs incurred in connection 19549  
with the seizure of, storage of, maintenance of, and provision of 19550  
security for the contraband, the forfeiture proceeding, and, if 19551  
any, the sale; 19552

(b) Second, the remaining proceeds or forfeited moneys after 19553  
compliance with division (D)(1)(a) of this section, to the payment 19554  
of the balance due on any security interest preserved pursuant to 19555

division (C) of this section; 19556

(c) Third, the remaining proceeds or forfeited moneys after 19557  
compliance with divisions (D)(1)(a) and (b) of this section, as 19558  
follows: 19559

(i) If the forfeiture was ordered in a juvenile court, ten 19560  
per cent to one or more alcohol and drug addiction treatment 19561  
programs that are certified by the department of alcohol and drug 19562  
addiction services under section 3793.06 of the Revised Code and 19563  
that are specified in the order of forfeiture. A juvenile court 19564  
shall not certify an alcohol or drug addiction treatment program 19565  
in the order of forfeiture unless the program is a certified 19566  
alcohol and drug addiction treatment program and, except as 19567  
provided in division (D)(1)(c)(i) of this section, unless the 19568  
program is located in the county in which the court that orders 19569  
the forfeiture is located or in a contiguous county. If no 19570  
certified alcohol and drug addiction treatment program is located 19571  
in any of those counties, the juvenile court may specify in the 19572  
order a certified alcohol and drug addiction treatment program 19573  
located anywhere within this state. 19574

(ii) If the forfeiture was ordered in a juvenile court, 19575  
ninety per cent, and if the forfeiture was ordered in a court 19576  
other than a juvenile court, one hundred per cent to the law 19577  
enforcement trust fund of the prosecuting attorney and to the law 19578  
enforcement trust fund of the county sheriff if the county sheriff 19579  
made the seizure, to the law enforcement trust fund of a municipal 19580  
corporation if its police department made the seizure, to the law 19581  
enforcement trust fund of a township if the seizure was made by a 19582  
township police department, township police district police force, 19583  
or office of a township constable, to the law enforcement trust 19584  
fund of a park district created pursuant to section 511.18 or 19585  
1545.01 of the Revised Code if the seizure was made by the park 19586  
district police force or law enforcement department, to the state 19587

highway patrol contraband, forfeiture, and other fund if the state 19588  
highway patrol made the seizure, to the department of public 19589  
safety investigative unit contraband, forfeiture, and other fund 19590  
if the investigative unit of the department of public safety made 19591  
the seizure, to the department of taxation enforcement fund if the 19592  
department of taxation made the seizure, to the board of pharmacy 19593  
drug law enforcement fund created by division (B)(1) of section 19594  
4729.65 of the Revised Code if the board made the seizure, or to 19595  
the treasurer of state for deposit into the peace officer training 19596  
commission fund if a state law enforcement agency, other than the 19597  
state highway patrol, the investigative unit of the department of 19598  
public safety, the enforcement division of the department of 19599  
taxation, or the state board of pharmacy, made the seizure. The 19600  
prosecuting attorney may decline to accept any of the remaining 19601  
proceeds or forfeited moneys, and, if the prosecuting attorney so 19602  
declines, the remaining proceeds or forfeited moneys shall be 19603  
applied to the fund described in this division that relates to the 19604  
law enforcement agency that made the seizure. 19605

A law enforcement trust fund shall be established by the 19606  
prosecuting attorney of each county who intends to receive any 19607  
remaining proceeds or forfeited moneys pursuant to this division, 19608  
by the sheriff of each county, by the legislative authority of 19609  
each municipal corporation, by the board of township trustees of 19610  
each township that has a township police department, township 19611  
police district police force, or office of the constable, and by 19612  
the board of park commissioners of each park district created 19613  
pursuant to section 511.18 or 1545.01 of the Revised Code that has 19614  
a park district police force or law enforcement department, for 19615  
the purposes of this division. There is hereby created in the 19616  
state treasury the state highway patrol contraband, forfeiture, 19617  
and other fund, the department of public safety investigative unit 19618  
contraband, forfeiture, and other fund, the department of taxation 19619  
enforcement fund, and the peace officer training commission fund, 19620

for the purposes described in this division. 19621

Proceeds or forfeited moneys distributed to any municipal 19622  
corporation, township, or park district law enforcement trust fund 19623  
shall be allocated from the fund by the legislative authority only 19624  
to the police department of the municipal corporation, by the 19625  
board of township trustees only to the township police department, 19626  
township police district police force, or office of the constable, 19627  
and by the board of park commissioners only to the park district 19628  
police force or law enforcement department. 19629

Additionally, no proceeds or forfeited moneys shall be 19630  
allocated to or used by the state highway patrol, the department 19631  
of public safety, the department of taxation, the state board of 19632  
pharmacy, or a county sheriff, prosecuting attorney, municipal 19633  
corporation police department, township police department, 19634  
township police district police force, office of the constable, or 19635  
park district police force or law enforcement department unless 19636  
the state highway patrol, department of public safety, department 19637  
of taxation, state board of pharmacy, sheriff, prosecuting 19638  
attorney, municipal corporation police department, township police 19639  
department, township police district police force, office of the 19640  
constable, or park district police force or law enforcement 19641  
department has adopted a written internal control policy under 19642  
division (D)(3) of this section that addresses the use of moneys 19643  
received from the state highway patrol contraband, forfeiture, and 19644  
other fund, the department of public safety investigative unit 19645  
contraband, forfeiture, and other fund, the department of taxation 19646  
enforcement fund, the board of pharmacy drug law enforcement fund, 19647  
or the appropriate law enforcement trust fund. 19648

The state highway patrol contraband, forfeiture, and other 19649  
fund, the department of public safety investigative unit 19650  
contraband, forfeiture, and other fund, the department of taxation 19651  
enforcement fund, and a law enforcement trust fund shall be 19652

expended only in accordance with the written internal control 19653  
policy so adopted by the recipient, and, subject to the 19654  
requirements specified in division (D)(3)(a)(ii) of this section, 19655  
only to pay the costs of protracted or complex investigations or 19656  
prosecutions, to provide reasonable technical training or 19657  
expertise, to provide matching funds to obtain federal grants to 19658  
aid law enforcement, in the support of DARE programs or other 19659  
programs designed to educate adults or children with respect to 19660  
the dangers associated with the use of drugs of abuse, to pay the 19661  
costs of emergency action taken under section 3745.13 of the 19662  
Revised Code relative to the operation of an illegal 19663  
methamphetamine laboratory if the forfeited property or money 19664  
involved was that of a person responsible for the operation of the 19665  
laboratory, or for other law enforcement purposes that the 19666  
superintendent of the state highway patrol, department of public 19667  
safety, department of taxation, prosecuting attorney, county 19668  
sheriff, legislative authority, board of township trustees, or 19669  
board of park commissioners determines to be appropriate. The 19670  
board of pharmacy drug law enforcement fund shall be expended only 19671  
in accordance with the written internal control policy so adopted 19672  
by the board and only in accordance with section 4729.65 of the 19673  
Revised Code, except that it also may be expended to pay the costs 19674  
of emergency action taken under section 3745.13 of the Revised 19675  
Code relative to the operation of an illegal methamphetamine 19676  
laboratory if the forfeited property or money involved was that of 19677  
a person responsible for the operation of the laboratory. The 19678  
state highway patrol contraband, forfeiture, and other fund, the 19679  
department of public safety investigative unit contraband, 19680  
forfeiture, and other fund, the department of taxation enforcement 19681  
fund, the board of pharmacy drug law enforcement fund, and a law 19682  
enforcement trust fund shall not be used to meet the operating 19683  
costs of the state highway patrol, of the investigative unit of 19684  
the department of public safety, of the department of taxation 19685

enforcement division, of the state board of pharmacy, of any 19686  
political subdivision, or of any office of a prosecuting attorney 19687  
or county sheriff that are unrelated to law enforcement. 19688

Proceeds and forfeited moneys that are paid into the state 19689  
treasury to be deposited into the peace officer training 19690  
commission fund shall be used by the commission only to pay the 19691  
costs of peace officer training. 19692

Any sheriff or prosecuting attorney who receives proceeds or 19693  
forfeited moneys pursuant to this division during any calendar 19694  
year shall file a report with the county auditor, no later than 19695  
the thirty-first day of January of the next calendar year, 19696  
verifying that the proceeds and forfeited moneys were expended 19697  
only for the purposes authorized by this division and division 19698  
(D)(3)(a)(ii) of this section and specifying the amounts expended 19699  
for each authorized purpose. Any municipal corporation police 19700  
department that is allocated proceeds or forfeited moneys from a 19701  
municipal corporation law enforcement trust fund pursuant to this 19702  
division during any calendar year shall file a report with the 19703  
legislative authority of the municipal corporation, no later than 19704  
the thirty-first day of January of the next calendar year, 19705  
verifying that the proceeds and forfeited moneys were expended 19706  
only for the purposes authorized by this division and division 19707  
(D)(3)(a)(ii) of this section and specifying the amounts expended 19708  
for each authorized purpose. Any township police department, 19709  
township police district police force, or office of the constable 19710  
that is allocated proceeds or forfeited moneys from a township law 19711  
enforcement trust fund pursuant to this division during any 19712  
calendar year shall file a report with the board of township 19713  
trustees of the township, no later than the thirty-first day of 19714  
January of the next calendar year, verifying that the proceeds and 19715  
forfeited moneys were expended only for the purposes authorized by 19716  
this division and division (D)(3)(a)(ii) of this section and 19717

specifying the amounts expended for each authorized purpose. Any 19718  
park district police force or law enforcement department that is 19719  
allocated proceeds or forfeited moneys from a park district law 19720  
enforcement trust fund pursuant to this division during any 19721  
calendar year shall file a report with the board of park 19722  
commissioners of the park district, no later than the thirty-first 19723  
day of January of the next calendar year, verifying that the 19724  
proceeds and forfeited moneys were expended only for the purposes 19725  
authorized by this division and division (D)(3)(a)(ii) of this 19726  
section and specifying the amounts expended for each authorized 19727  
purpose. The superintendent of the state highway patrol shall file 19728  
a report with the attorney general, no later than the thirty-first 19729  
day of January of each calendar year, verifying that proceeds and 19730  
forfeited moneys paid into the state highway patrol contraband, 19731  
forfeiture, and other fund pursuant to this division during the 19732  
prior calendar year were used by the state highway patrol during 19733  
the prior calendar year only for the purposes authorized by this 19734  
division and specifying the amounts expended for each authorized 19735  
purpose. The executive director of the state board of pharmacy 19736  
shall file a report with the attorney general, no later than the 19737  
thirty-first day of January of each calendar year, verifying that 19738  
proceeds and forfeited moneys paid into the board of pharmacy drug 19739  
law enforcement fund during the prior calendar year were used only 19740  
in accordance with section 4729.65 of the Revised Code and 19741  
specifying the amounts expended for each authorized purpose. The 19742  
peace officer training commission shall file a report with the 19743  
attorney general, no later than the thirty-first day of January of 19744  
each calendar year, verifying that proceeds and forfeited moneys 19745  
paid into the peace officer training commission fund pursuant to 19746  
this division during the prior calendar year were used by the 19747  
commission during the prior calendar year only to pay the costs of 19748  
peace officer training and specifying the amount used for that 19749  
purpose. 19750

The tax commissioner shall file a report with the attorney general, not later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the department of taxation enforcement fund pursuant to this division during the prior calendar year were used by the enforcement division during the prior calendar year to pay only the costs of enforcing the tax laws and specifying the amount used for that purpose.

(2) If more than one law enforcement agency is substantially involved in the seizure of contraband that is forfeited pursuant to this section, the court ordering the forfeiture shall equitably divide the proceeds or forfeited moneys, after calculating any distribution to the law enforcement trust fund of the prosecuting attorney pursuant to division (D)(1)(c) of this section, among any county sheriff whose office is determined by the court to be substantially involved in the seizure, any legislative authority of a municipal corporation whose police department is determined by the court to be substantially involved in the seizure, any board of township trustees whose law enforcement agency is determined by the court to be substantially involved in the seizure, any board of park commissioners of a park district whose police force or law enforcement department is determined by the court to be substantially involved in the seizure, the state board of pharmacy if it is determined by the court to be substantially involved in the seizure, the investigative unit of the department of public safety if it is determined by the court to be substantially involved in the seizure, the enforcement division of the department of taxation if it is determined by the court to be substantially involved in the seizure, and the state highway patrol if it is determined by the court to be substantially involved in the seizure. The proceeds or forfeited moneys shall be deposited in the respective law enforcement trust funds of the

county sheriff, municipal corporation, township, and park 19783  
district, the board of pharmacy drug law enforcement fund, the 19784  
department of public safety investigative unit contraband, 19785  
forfeiture, and other fund, the department of taxation enforcement 19786  
fund, or the state highway patrol contraband, forfeiture, and 19787  
other fund, in accordance with division (D)(1)(c) of this section. 19788  
If a state law enforcement agency, other than the state highway 19789  
patrol, the investigative unit of the department of public safety, 19790  
the department of taxation, or the state board of pharmacy, is 19791  
determined by the court to be substantially involved in the 19792  
seizure, the state agency's equitable share of the proceeds and 19793  
forfeited moneys shall be paid to the treasurer of state for 19794  
deposit into the peace officer training commission fund. 19795

(3)(a)(i) Prior to being allocated or using any proceeds or 19796  
forfeited moneys out of the state highway patrol contraband, 19797  
forfeiture, and other fund, the department of public safety 19798  
investigative unit contraband, forfeiture, and other fund, the 19799  
department of taxation enforcement fund, the board of pharmacy 19800  
drug law enforcement fund, or a law enforcement trust fund under 19801  
division (D)(1)(c) of this section, the state highway patrol, the 19802  
department of public safety, the department of taxation, the state 19803  
board of pharmacy, and a county sheriff, prosecuting attorney, 19804  
municipal corporation police department, township police 19805  
department, township police district police force, office of the 19806  
constable, or park district police force or law enforcement 19807  
department shall adopt a written internal control policy that 19808  
addresses the state highway patrol's, department of public 19809  
safety's, department of taxation's, state board of pharmacy's, 19810  
sheriff's, prosecuting attorney's, police department's, police 19811  
force's, office of the constable's, or law enforcement 19812  
department's use and disposition of all the proceeds and forfeited 19813  
moneys received and that provides for the keeping of detailed 19814  
financial records of the receipts of the proceeds and forfeited 19815

moneys, the general types of expenditures made out of the proceeds 19816  
and forfeited moneys, the specific amount of each general type of 19817  
expenditure, and the amounts, portions, and programs described in 19818  
division (D)(3)(a)(ii) of this section. The policy shall not 19819  
provide for or permit the identification of any specific 19820  
expenditure that is made in an ongoing investigation. 19821

All financial records of the receipts of the proceeds and 19822  
forfeited moneys, the general types of expenditures made out of 19823  
the proceeds and forfeited moneys, the specific amount of each 19824  
general type of expenditure by the state highway patrol, by the 19825  
department of public safety, by the department of taxation, by the 19826  
state board of pharmacy, and by a sheriff, prosecuting attorney, 19827  
municipal corporation police department, township police 19828  
department, township police district police force, office of the 19829  
constable, or park district police force or law enforcement 19830  
department, and the amounts, portions, and programs described in 19831  
division (D)(3)(a)(ii) of this section are public records open for 19832  
inspection under section 149.43 of the Revised Code. Additionally, 19833  
a written internal control policy adopted under this division is a 19834  
public record of that nature, and the state highway patrol, the 19835  
department of public safety, the department of taxation, the state 19836  
board of pharmacy, or the sheriff, prosecuting attorney, municipal 19837  
corporation police department, township police department, 19838  
township police district police force, office of the constable, or 19839  
park district police force or law enforcement department that 19840  
adopted it shall comply with it. 19841

(ii) The written internal control policy of a county sheriff, 19842  
prosecuting attorney, municipal corporation police department, 19843  
township police department, township police district police force, 19844  
office of the constable, or park district police force or law 19845  
enforcement department shall provide that at least ten per cent of 19846  
the first one hundred thousand dollars of proceeds and forfeited 19847

moneys deposited during each calendar year in the sheriff's, 19848  
prosecuting attorney's, municipal corporation's, township's, or 19849  
park district's law enforcement trust fund pursuant to division 19850  
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 19851  
section 2925.44 of the Revised Code, and at least twenty per cent 19852  
of the proceeds and forfeited moneys exceeding one hundred 19853  
thousand dollars that are so deposited, shall be used in 19854  
connection with community preventive education programs. The 19855  
manner in which the described percentages are so used shall be 19856  
determined by the sheriff, prosecuting attorney, department, 19857  
police force, or office of the constable after the receipt and 19858  
consideration of advice on appropriate community preventive 19859  
education programs from the county's board of alcohol, drug 19860  
addiction, and mental health services, from the county's alcohol 19861  
and drug addiction services board, or through appropriate 19862  
community dialogue. The financial records described in division 19863  
(D)(3)(a)(i) of this section shall specify the amount of the 19864  
proceeds and forfeited moneys deposited during each calendar year 19865  
in the sheriff's, prosecuting attorney's, municipal corporation's, 19866  
township's, or park district's law enforcement trust fund pursuant 19867  
to division (B)(7)(c)(ii) of section 2923.46 or division 19868  
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 19869  
of that amount that was used pursuant to the requirements of this 19870  
division, and the community preventive education programs in 19871  
connection with which the portion of that amount was so used. 19872

As used in this division, "community preventive education 19873  
programs" includes, but is not limited to, DARE programs and other 19874  
programs designed to educate adults or children with respect to 19875  
the dangers associated with the use of drugs of abuse. 19876

(b) Each sheriff, prosecuting attorney, municipal corporation 19877  
police department, township police department, township police 19878  
district police force, office of the constable, or park district 19879

police force or law enforcement department that receives in any 19880  
calendar year any proceeds or forfeited moneys out of a law 19881  
enforcement trust fund under division (D)(1)(c) of this section or 19882  
uses any proceeds or forfeited moneys in its law enforcement trust 19883  
fund in any calendar year shall prepare a report covering the 19884  
calendar year that cumulates all of the information contained in 19885  
all of the public financial records kept by the sheriff, 19886  
prosecuting attorney, municipal corporation police department, 19887  
township police department, township police district police force, 19888  
office of the constable, or park district police force or law 19889  
enforcement department pursuant to division (D)(3)(a) of this 19890  
section for that calendar year, and shall send a copy of the 19891  
cumulative report, no later than the first day of March in the 19892  
calendar year following the calendar year covered by the report, 19893  
to the attorney general. 19894

The superintendent of the state highway patrol shall prepare 19895  
a report covering each calendar year in which the state highway 19896  
patrol uses any proceeds or forfeited moneys in the state highway 19897  
patrol contraband, forfeiture, and other fund under division 19898  
(D)(1)(c) of this section, that cumulates all of the information 19899  
contained in all of the public financial records kept by the state 19900  
highway patrol pursuant to division (D)(3)(a) of this section for 19901  
that calendar year, and shall send a copy of the cumulative 19902  
report, no later than the first day of March in the calendar year 19903  
following the calendar year covered by the report, to the attorney 19904  
general. 19905

The department of public safety shall prepare a report 19906  
covering each fiscal year in which the department uses any 19907  
proceeds or forfeited moneys in the department of public safety 19908  
investigative unit contraband, forfeiture, and other fund under 19909  
division (D)(1)(c) of this section that cumulates all of the 19910  
information contained in all of the public financial records kept 19911

by the department pursuant to division (D)(3)(a) of this section 19912  
for that fiscal year. The department shall send a copy of the 19913  
cumulative report to the attorney general no later than the first 19914  
day of August in the fiscal year following the fiscal year covered 19915  
by the report. The director of public safety shall include in the 19916  
report a verification that proceeds and forfeited moneys paid into 19917  
the department of public safety investigative unit contraband, 19918  
forfeiture, and other fund under division (D)(1)(c) of this 19919  
section during the preceding fiscal year were used by the 19920  
department during that fiscal year only for the purposes 19921  
authorized by that division and shall specify the amount used for 19922  
each authorized purpose. 19923

The tax commissioner shall prepare a report covering each 19924  
calendar year in which the department of taxation enforcement 19925  
division uses any proceeds or forfeited moneys in the department 19926  
of taxation enforcement fund under division (D)(1)(c) of this 19927  
section, that cumulates all of the information contained in all of 19928  
the public financial records kept by the department of taxation 19929  
enforcement division pursuant to division (D)(3)(a) of this 19930  
section for that calendar year, and shall send a copy of the 19931  
cumulative report, not later than the first day of March in the 19932  
calendar year following the calendar year covered by the report, 19933  
to the attorney general. 19934

The executive director of the state board of pharmacy shall 19935  
prepare a report covering each calendar year in which the board 19936  
uses any proceeds or forfeited moneys in the board of pharmacy 19937  
drug law enforcement fund under division (D)(1)(c) of this 19938  
section, that cumulates all of the information contained in all of 19939  
the public financial records kept by the board pursuant to 19940  
division (D)(3)(a) of this section for that calendar year, and 19941  
shall send a copy of the cumulative report, no later than the 19942  
first day of March in the calendar year following the calendar 19943

year covered by the report, to the attorney general. Each report 19944  
received by the attorney general is a public record open for 19945  
inspection under section 149.43 of the Revised Code. Not later 19946  
than the fifteenth day of April in the calendar year in which the 19947  
reports are received, the attorney general shall send to the 19948  
president of the senate and the speaker of the house of 19949  
representatives a written notification that does all of the 19950  
following: 19951

(i) Indicates that the attorney general has received from 19952  
entities or persons specified in this division reports of the type 19953  
described in this division that cover the previous calendar year 19954  
and indicates that the reports were received under this division; 19955

(ii) Indicates that the reports are open for inspection under 19956  
section 149.43 of the Revised Code; 19957

(iii) Indicates that the attorney general will provide a copy 19958  
of any or all of the reports to the president of the senate or the 19959  
speaker of the house of representatives upon request. 19960

(4)(a) A law enforcement agency that receives pursuant to 19961  
federal law proceeds from a sale of forfeited contraband, proceeds 19962  
from another disposition of forfeited contraband, or forfeited 19963  
contraband moneys shall deposit, use, and account for the proceeds 19964  
or forfeited moneys in accordance with, and otherwise comply with, 19965  
the applicable federal law. 19966

(b) If the state highway patrol receives pursuant to federal 19967  
law proceeds from a sale of forfeited contraband, proceeds from 19968  
another disposition of forfeited contraband, or forfeited 19969  
contraband moneys, the appropriate governmental officials shall 19970  
deposit into the state highway patrol contraband, forfeiture, and 19971  
other fund all interest or other earnings derived from the 19972  
investment of the proceeds or forfeited moneys. The state highway 19973  
patrol shall use and account for that interest or other earnings 19974

in accordance with the applicable federal law. 19975

(c) If the investigative unit of the department of public 19976  
safety receives pursuant to federal law proceeds from a sale of 19977  
forfeited contraband, proceeds from another disposition of 19978  
forfeited contraband, or forfeited contraband moneys, the 19979  
appropriate governmental officials shall deposit into the 19980  
department of public safety investigative unit contraband, 19981  
forfeiture, and other fund all interest or other earnings derived 19982  
from the investment of the proceeds or forfeited moneys. The 19983  
department shall use and account for that interest or other 19984  
earnings in accordance with the applicable federal law. 19985

(d) If the tax commissioner receives pursuant to federal law 19986  
proceeds from a sale of forfeited contraband, proceeds from 19987  
another disposition of forfeited contraband, or forfeited 19988  
contraband moneys, the appropriate governmental officials shall 19989  
deposit into the department of taxation enforcement fund all 19990  
interest or other earnings derived from the investment of the 19991  
proceeds or forfeited moneys. The department shall use and account 19992  
for that interest or other earnings in accordance with the 19993  
applicable federal law. 19994

(e) Divisions (D)(1) to (3) of this section do not apply to 19995  
proceeds or forfeited moneys received pursuant to federal law or 19996  
to the interest or other earnings that are derived from the 19997  
investment of proceeds or forfeited moneys received pursuant to 19998  
federal law and that are described in division (D)(4)(b) of this 19999  
section. 20000

(E) Upon the sale pursuant to this section of any property 20001  
that is required to be titled or registered under law, the state 20002  
shall issue an appropriate certificate of title or registration to 20003  
the purchaser. If the state is vested with title pursuant to 20004  
division (C) of this section and elects to retain property that is 20005  
required to be titled or registered under law, the state shall 20006

issue an appropriate certificate of title or registration. 20007

(F) Notwithstanding any provisions of this section to the 20008  
contrary, any property that is lawfully seized in relation to a 20009  
violation of section 2923.32 of the Revised Code shall be subject 20010  
to forfeiture and disposition in accordance with sections 2923.32 20011  
to 2923.36 of the Revised Code; any property that is forfeited 20012  
pursuant to section 2923.44 or 2923.45 of the Revised Code in 20013  
relation to a violation of section 2923.42 of the Revised Code or 20014  
in relation to an act of a juvenile that is a violation of section 20015  
2923.42 of the Revised Code may be subject to forfeiture and 20016  
disposition in accordance with sections 2923.44 to 2923.47 of the 20017  
Revised Code; and any property that is forfeited pursuant to 20018  
section 2925.42 or 2925.43 of the Revised Code in relation to a 20019  
felony drug abuse offense, as defined in section 2925.01 of the 20020  
Revised Code, or in relation to an act that, if committed by an 20021  
adult, would be a felony drug abuse offense of that nature, may be 20022  
subject to forfeiture and disposition in accordance with sections 20023  
2925.41 to 2925.45 of the Revised Code or this section. 20024

(G) Any failure of a law enforcement officer or agency, a 20025  
prosecuting attorney, village solicitor, city director of law, or 20026  
similar chief legal officer, a court, or the attorney general to 20027  
comply with any duty imposed by this section in relation to any 20028  
property seized or with any other provision of this section in 20029  
relation to any property seized does not affect the validity of 20030  
the seizure of the property, provided the seizure itself was made 20031  
in accordance with law, and is not and shall not be considered to 20032  
be the basis for the suppression of any evidence resulting from 20033  
the seizure of the property, provided the seizure itself was made 20034  
in accordance with law. 20035

(H) Contraband that has been forfeited pursuant to division 20036  
(C) of this section shall not be available for use to pay any fine 20037  
imposed upon a person who is convicted of or pleads guilty to an 20038

underlying criminal offense or a different offense arising out of 20039  
the same facts and circumstances. 20040

**Sec. 2935.01.** As used in this chapter: 20041

(A) "Magistrate" has the same meaning as in section 2931.01 20042  
of the Revised Code. 20043

(B) "Peace officer" includes, except as provided in section 20044  
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 20045  
deputy marshal; member of the organized police department of any 20046  
municipal corporation, including a member of the organized police 20047  
department of a municipal corporation in an adjoining state 20048  
serving in Ohio under a contract pursuant to section 737.04 of the 20049  
Revised Code; member of a police force employed by a metropolitan 20050  
housing authority under division (D) of section 3735.31 of the 20051  
Revised Code; member of a police force employed by a regional 20052  
transit authority under division (Y) of section 306.05 of the 20053  
Revised Code; state university law enforcement officer appointed 20054  
under section 3345.04 of the Revised Code; enforcement agent of 20055  
the department of public safety designated under section 5502.14 20056  
of the Revised Code; employee of the department of taxation to 20057  
whom investigation powers have been delegated under section 20058  
~~5743.45~~ 5703.58 of the Revised Code; employee of the department of 20059  
natural resources who is a natural resources law enforcement staff 20060  
officer designated pursuant to section 1501.013 of the Revised 20061  
Code, a forest officer designated pursuant to section 1503.29 of 20062  
the Revised Code, a preserve officer designated pursuant to 20063  
section 1517.10 of the Revised Code, a wildlife officer designated 20064  
pursuant to section 1531.13 of the Revised Code, a park officer 20065  
designated pursuant to section 1541.10 of the Revised Code, or a 20066  
state watercraft officer designated pursuant to section 1547.521 20067  
of the Revised Code; individual designated to perform law 20068  
enforcement duties under section 511.232, 1545.13, or 6101.75 of 20069

the Revised Code; veterans' home police officer appointed under 20070  
section 5907.02 of the Revised Code; special police officer 20071  
employed by a port authority under section 4582.04 or 4582.28 of 20072  
the Revised Code; police constable of any township; police officer 20073  
of a township or joint township police district; a special police 20074  
officer employed by a municipal corporation at a municipal 20075  
airport, or other municipal air navigation facility, that has 20076  
scheduled operations, as defined in section 119.3 of Title 14 of 20077  
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 20078  
that is required to be under a security program and is governed by 20079  
aviation security rules of the transportation security 20080  
administration of the United States department of transportation 20081  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 20082  
Federal Regulations, as amended; the house sergeant at arms if the 20083  
house sergeant at arms has arrest authority pursuant to division 20084  
(E)(1) of section 101.311 of the Revised Code; and an assistant 20085  
house sergeant at arms; officer or employee of the bureau of 20086  
criminal identification and investigation established pursuant to 20087  
section 109.51 of the Revised Code who has been awarded a 20088  
certificate by the executive director of the Ohio peace officer 20089  
training commission attesting to the officer's or employee's 20090  
satisfactory completion of an approved state, county, municipal, 20091  
or department of natural resources peace officer basic training 20092  
program and who is providing assistance upon request to a law 20093  
enforcement officer or emergency assistance to a peace officer 20094  
pursuant to section 109.54 or 109.541 of the Revised Code; and, 20095  
for the purpose of arrests within those areas, for the purposes of 20096  
Chapter 5503. of the Revised Code, and the filing of and service 20097  
of process relating to those offenses witnessed or investigated by 20098  
them, the superintendent and troopers of the state highway patrol. 20099

(C) "Prosecutor" includes the county prosecuting attorney and 20100  
any assistant prosecutor designated to assist the county 20101  
prosecuting attorney, and, in the case of courts inferior to 20102

courts of common pleas, includes the village solicitor, city 20103  
director of law, or similar chief legal officer of a municipal 20104  
corporation, any such officer's assistants, or any attorney 20105  
designated by the prosecuting attorney of the county to appear for 20106  
the prosecution of a given case. 20107

(D) "Offense," except where the context specifically 20108  
indicates otherwise, includes felonies, misdemeanors, and 20109  
violations of ordinances of municipal corporations and other 20110  
public bodies authorized by law to adopt penal regulations. 20111

**Sec. 2935.36.** (A) The prosecuting attorney may establish 20112  
pre-trial diversion programs for adults who are accused of 20113  
committing criminal offenses and whom the prosecuting attorney 20114  
believes probably will not offend again. The prosecuting attorney 20115  
may require, as a condition of an accused's participation in the 20116  
program, the accused to pay a reasonable fee for supervision 20117  
services that include, but are not limited to, monitoring and drug 20118  
testing. The programs shall be operated pursuant to written 20119  
standards approved by journal entry by the presiding judge or, in 20120  
courts with only one judge, the judge of the court of common pleas 20121  
and shall not be applicable to any of the following: 20122

(1) Repeat offenders or dangerous offenders; 20123

(2) Persons accused of an offense of violence, of a violation 20124  
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 20125  
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 20126  
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 20127  
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 20128  
Code that, had it occurred prior to July 1, 1996, would have been 20129  
a violation of section 2905.04 of the Revised Code as it existed 20130  
prior to that date, with the exception that the prosecuting 20131  
attorney may permit persons accused of any such offense to enter a 20132  
pre-trial diversion program, if the prosecuting attorney finds any 20133

of the following:	20134
(a) The accused did not cause, threaten, or intend serious physical harm to any person;	20135 20136
(b) The offense was the result of circumstances not likely to recur;	20137 20138
(c) The accused has no history of prior delinquency or criminal activity;	20139 20140
(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;	20141 20142
(e) Substantial grounds tending to excuse or justify the alleged offense.	20143 20144
(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code;	20145 20146
(4) Drug dependent persons or persons in danger of becoming drug dependent persons, as defined in section 3719.011 of the Revised Code. However, this division does not affect the eligibility of such persons for intervention in lieu of conviction pursuant to section 2951.041 of the Revised Code.	20147 20148 20149 20150 20151
(5) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance.	20152 20153 20154
(B) An accused who enters a diversion program shall do all of the following:	20155 20156
(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the accused, and arraignment, unless the hearing, indictment, or arraignment has already occurred;	20157 20158 20159 20160 20161 20162
(2) Agree, in writing, to the tolling while in the program of	20163

all periods of limitation established by statutes or rules of 20164  
court, that are applicable to the offense with which the accused 20165  
is charged and to the conditions of the diversion program 20166  
established by the prosecuting attorney; 20167

(3) Agree, in writing, to pay any reasonable fee for 20168  
supervision services established by the prosecuting attorney. 20169

(C) The trial court, upon the application of the prosecuting 20170  
attorney, shall order the release from confinement of any accused 20171  
who has agreed to enter a pre-trial diversion program and shall 20172  
discharge and release any existing bail and release any sureties 20173  
on recognizances and shall release the accused on a recognizance 20174  
bond conditioned upon the accused's compliance with the terms of 20175  
the diversion program. The prosecuting attorney shall notify every 20176  
victim of the crime and the arresting officers of the prosecuting 20177  
attorney's intent to permit the accused to enter a pre-trial 20178  
diversion program. The victim of the crime and the arresting 20179  
officers shall have the opportunity to file written objections 20180  
with the prosecuting attorney prior to the commencement of the 20181  
pre-trial diversion program. 20182

(D) If the accused satisfactorily completes the diversion 20183  
program, the prosecuting attorney shall recommend to the trial 20184  
court that the charges against the accused be dismissed, and the 20185  
court, upon the recommendation of the prosecuting attorney, shall 20186  
dismiss the charges. If the accused chooses not to enter the 20187  
prosecuting attorney's diversion program, or if the accused 20188  
violates the conditions of the agreement pursuant to which the 20189  
accused has been released, the accused may be brought to trial 20190  
upon the charges in the manner provided by law, and the waiver 20191  
executed pursuant to division (B)(1) of this section shall be void 20192  
on the date the accused is removed from the program for the 20193  
violation. 20194

(E) As used in this section: 20195

(1) "Repeat offender" means a person who has a history of persistent criminal activity and whose character and condition reveal a substantial risk that the person will commit another offense. It is prima-facie evidence that a person is a repeat offender if any of the following applies:

(a) Having been convicted of one or more offenses of violence and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense of violence;

(b) Having been convicted of one or more sexually oriented offenses as defined in section 2950.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent sexually oriented offense;

(c) Having been convicted of one or more theft offenses as defined in section 2913.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those theft offenses, the person commits a subsequent theft offense;

(d) Having been convicted of one or more felony drug abuse offenses as defined in section 2925.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those felony drug abuse offenses, the person commits a subsequent felony drug abuse offense;

(e) Having been convicted of two or more felonies and having been imprisoned pursuant to sentence for one or more felonies, the person commits a subsequent offense;

(f) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.

(2) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that the person will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences.

**Sec. 2949.091.** (A)(1) The court, in which any person is convicted of or pleads guilty to any offense other than a traffic offense that is not a moving violation, shall impose the sum of ~~eleven~~ fifteen dollars as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender. All such moneys collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state into the general revenue fund. The court shall not waive the payment of the additional ~~eleven~~ fifteen dollars court costs, unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender.

(2) The juvenile court, in which a child is found to be a delinquent child or a juvenile traffic offender for an act which, if committed by an adult, would be an offense other than a traffic offense that is not a moving violation, shall impose the sum of ~~eleven~~ fifteen dollars as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender. All such moneys collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state into the general revenue fund. The ~~eleven~~ fifteen dollars court costs shall be collected in all cases unless the court

determines the juvenile is indigent and waives the payment of all 20257  
court costs, or enters an order on its journal stating that it has 20258  
determined that the juvenile is indigent, that no other court 20259  
costs are to be taxed in the case, and that the payment of the 20260  
~~eleven~~ fifteen dollars court costs is waived. 20261

(B) Whenever a person is charged with any offense other than 20262  
a traffic offense that is not a moving violation and posts bail, 20263  
the court shall add to the amount of the bail the ~~eleven~~ fifteen 20264  
dollars required to be paid by division (A)(1) of this section. 20265  
The ~~eleven~~ fifteen dollars shall be retained by the clerk of the 20266  
court until the person is convicted, pleads guilty, forfeits bail, 20267  
is found not guilty, or has the charges dismissed. If the person 20268  
is convicted, pleads guilty, or forfeits bail, the clerk shall 20269  
transmit the ~~eleven~~ fifteen dollars on or before the twentieth day 20270  
of the month following the month in which the person was 20271  
convicted, pleaded guilty, or forfeited bail to the treasurer of 20272  
state, who shall deposit it into the general revenue fund. If the 20273  
person is found not guilty or the charges are dismissed, the clerk 20274  
shall return the ~~eleven~~ fifteen dollars to the person. 20275

(C) No person shall be placed or held in a detention facility 20276  
for failing to pay the additional ~~eleven~~ fifteen dollars court 20277  
costs or bail that are required to be paid by this section. 20278

(D) As used in this section: 20279

(1) "Moving violation" and "bail" have the same meanings as 20280  
in section 2743.70 of the Revised Code. 20281

(2) "Detention facility" has the same meaning as in section 20282  
2921.01 of the Revised Code. 20283

**Sec. 3111.04.** (A) An action to determine the existence or 20284  
nonexistence of the father and child relationship may be brought 20285  
by the child or the child's personal representative, the child's 20286

mother or her personal representative, a man alleged or alleging 20287  
himself to be the child's father, the child support enforcement 20288  
agency of the county in which the child resides if the child's 20289  
mother is a recipient of public assistance or of services under 20290  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 20291  
U.S.C.A. 651, as amended, or the alleged father's personal 20292  
representative. 20293

(B) An agreement does not bar an action under this section. 20294

(C) If an action under this section is brought before the 20295  
birth of the child and if the action is contested, all 20296  
proceedings, except service of process and the taking of 20297  
depositions to perpetuate testimony, may be stayed until after the 20298  
birth. 20299

(D) A recipient of public assistance or of services under 20300  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 20301  
U.S.C.A. 651, as amended, shall cooperate with the child support 20302  
enforcement agency of the county in which a child resides to 20303  
obtain an administrative determination pursuant to sections 20304  
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 20305  
determination pursuant to sections 3111.01 to 3111.18 of the 20306  
Revised Code, of the existence or nonexistence of a parent and 20307  
child relationship between the father and the child. If the 20308  
recipient fails to cooperate, the agency may commence an action to 20309  
determine the existence or nonexistence of a parent and child 20310  
relationship between the father and the child pursuant to sections 20311  
3111.01 to 3111.18 of the Revised Code. 20312

(E) As used in this section, "public assistance" means 20313  
medical assistance under Chapter 5111. of the Revised Code, 20314  
assistance under Chapter 5107. of the Revised Code, ~~or~~ disability 20315  
financial assistance under Chapter 5115. of the Revised Code, or 20316  
disability medical assistance under Chapter 5115. of the Revised 20317  
Code. 20318

Sec. 3119.01. (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:

(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.

(2) "Child support order" means either a court child support order or an administrative child support order.

(3) "Obligee" means the person who is entitled to receive the support payments under a support order.

(4) "Obligor" means the person who is required to pay support under a support order.

(5) "Support order" means either an administrative child support order or a court support order.

(C) As used in this chapter:

(1) "Combined gross income" means the combined gross income of both parents.

(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,

2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 20348  
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 20349  
Code, or division (B) of former section 3113.21 of the Revised 20350  
Code. 20351

(3) "Court support order" means either a court child support 20352  
order or an order for the support of a spouse or former spouse 20353  
issued pursuant to Chapter 3115. of the Revised Code, section 20354  
3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) 20355  
of former section 3113.21 of the Revised Code. 20356

(4) "Extraordinary medical expenses" means any uninsured 20357  
medical expenses incurred for a child during a calendar year that 20358  
exceed one hundred dollars. 20359

(5) "Income" means either of the following: 20360

(a) For a parent who is employed to full capacity, the gross 20361  
income of the parent; 20362

(b) For a parent who is unemployed or underemployed, the sum 20363  
of the gross income of the parent and any potential income of the 20364  
parent. 20365

(6) "Insurer" means any person authorized under Title XXXIX 20366  
of the Revised Code to engage in the business of insurance in this 20367  
state, any health insuring corporation, and any legal entity that 20368  
is self-insured and provides benefits to its employees or members. 20369

(7) "Gross income" means, except as excluded in division 20370  
(C)(7) of this section, the total of all earned and unearned 20371  
income from all sources during a calendar year, whether or not the 20372  
income is taxable, and includes income from salaries, wages, 20373  
overtime pay, and bonuses to the extent described in division (D) 20374  
of section 3119.05 of the Revised Code; commissions; royalties; 20375  
tips; rents; dividends; severance pay; pensions; interest; trust 20376  
income; annuities; social security benefits, including retirement, 20377  
disability, and survivor benefits that are not means-tested; 20378

workers' compensation benefits; unemployment insurance benefits; 20379  
disability insurance benefits; benefits that are not means-tested 20380  
and that are received by and in the possession of the veteran who 20381  
is the beneficiary for any service-connected disability under a 20382  
program or law administered by the United States department of 20383  
veterans' affairs or veterans' administration; spousal support 20384  
actually received; and all other sources of income. "Gross income" 20385  
includes income of members of any branch of the United States 20386  
armed services or national guard, including, amounts representing 20387  
base pay, basic allowance for quarters, basic allowance for 20388  
subsistence, supplemental subsistence allowance, cost of living 20389  
adjustment, specialty pay, variable housing allowance, and pay for 20390  
training or other types of required drills; self-generated income; 20391  
and potential cash flow from any source. 20392

"Gross income" does not include any of the following: 20393

(a) Benefits received from means-tested government 20394  
administered programs, including Ohio works first; prevention, 20395  
retention, and contingency; means-tested veterans' benefits; 20396  
supplemental security income; food stamps; disability financial 20397  
assistance; or other assistance for which eligibility is 20398  
determined on the basis of income or assets; 20399

(b) Benefits for any service-connected disability under a 20400  
program or law administered by the United States department of 20401  
veterans' affairs or veterans' administration that are not 20402  
means-tested, that have not been distributed to the veteran who is 20403  
the beneficiary of the benefits, and that are in the possession of 20404  
the United States department of veterans' affairs or veterans' 20405  
administration; 20406

(c) Child support received for children who were not born or 20407  
adopted during the marriage at issue; 20408

(d) Amounts paid for mandatory deductions from wages such as 20409

union dues but not taxes, social security, or retirement in lieu of social security; 20410  
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(e) Nonrecurring or unsustainable income or cash flow items; 20412

(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended. 20413  
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(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years. 20416  
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(9)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity. 20426  
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(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business. 20430  
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(10) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation. 20437  
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(11) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child support is being calculated under this section;

(ix) The parent's increased earning capacity because of experience;

(x) Any other relevant factor.

(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.

(12) "Schedule" means the basic child support schedule set

forth in section 3119.021 of the Revised Code. 20470

(13) "Self-generated income" means gross receipts received by 20471  
a parent from self-employment, proprietorship of a business, joint 20472  
ownership of a partnership or closely held corporation, and rents 20473  
minus ordinary and necessary expenses incurred by the parent in 20474  
generating the gross receipts. "Self-generated income" includes 20475  
expense reimbursements or in-kind payments received by a parent 20476  
from self-employment, the operation of a business, or rents, 20477  
including company cars, free housing, reimbursed meals, and other 20478  
benefits, if the reimbursements are significant and reduce 20479  
personal living expenses. 20480

(14) "Split parental rights and responsibilities" means a 20481  
situation in which there is more than one child who is the subject 20482  
of an allocation of parental rights and responsibilities and each 20483  
parent is the residential parent and legal custodian of at least 20484  
one of those children. 20485

(15) "Worksheet" means the applicable worksheet that is used 20486  
to calculate a parent's child support obligation as set forth in 20487  
sections 3119.022 and 3119.023 of the Revised Code. 20488

**Sec. 3121.01.** As used in this chapter: 20489

(A) "Court child support order," "court support order," and 20490  
"personal earnings" have the same meanings as in section 3119.01 20491  
of the Revised Code. 20492

(B) "Default" means any failure to pay under a support order 20493  
that is an amount greater than or equal to the amount of support 20494  
payable under the support order for one month. 20495

(C) "Financial institution" means a bank, savings and loan 20496  
association, or credit union, or a regulated investment company or 20497  
mutual fund. 20498

(D) "Income" means any form of monetary payment, including 20499

personal earnings; workers' compensation payments; unemployment 20500  
compensation benefits to the extent permitted by, and in 20501  
accordance with, sections 3121.07 and 4141.284 of the Revised 20502  
Code, and federal law governing the department of job and family 20503  
services; pensions; annuities; allowances; private or governmental 20504  
retirement benefits; disability or sick pay; insurance proceeds; 20505  
lottery prize awards; federal, state, or local government benefits 20506  
to the extent that the benefits can be withheld or deducted under 20507  
the law governing the benefits; any form of trust fund or 20508  
endowment; lump sum payments, other than a one-time pay supplement 20509  
of less than one hundred fifty dollars paid under section 124.183 20510  
of the Revised Code; and any other payment in money. 20511

(E) "Payor" means any person or entity that pays or 20512  
distributes income to an obligor, including an obligor if the 20513  
obligor is self-employed; an employer; an employer paying an 20514  
obligor's workers' compensation benefits; the public employees 20515  
retirement board; the governing entity of a municipal retirement 20516  
system; the board of trustees of the Ohio police and fire pension 20517  
fund; the state teachers retirement board; the school employees 20518  
retirement board; the state highway patrol retirement board; a 20519  
provider, as defined in section 3305.01 of the Revised Code; the 20520  
bureau of workers' compensation; or any other person or entity 20521  
other than the department of job and family services with respect 20522  
to unemployment compensation benefits paid pursuant to Chapter 20523  
4141. of the Revised Code. 20524

**Sec. 3123.952.** A child support enforcement agency may submit 20525  
the name of a delinquent obligor to the office of child support 20526  
for inclusion on a poster only if all of the following apply: 20527

(A) The obligor is subject to a support order and there has 20528  
been an attempt to enforce the order through a public notice, a 20529  
wage withholding order, a lien on property, a financial 20530

institution deduction order, or other court-ordered procedures. 20531

(B) The department of job and family services reviewed the 20532  
obligor's records and confirms the child support enforcement 20533  
agency's finding that the obligor's name and photograph may be 20534  
submitted to be displayed on a poster. 20535

(C) The agency does not know or is unable to verify the 20536  
obligor's whereabouts. 20537

(D) The obligor is not a participant in Ohio works first or 20538  
the prevention, retention, and contingency program or a recipient 20539  
of disability financial assistance, supplemental security income, 20540  
or food stamps. 20541

(E) The child support enforcement agency does not have 20542  
evidence that the obligor has filed for protection under the 20543  
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 20544

(F) The obligee gave written authorization to the agency to 20545  
display the obligor on a poster. 20546

(G) A legal representative of the agency and a child support 20547  
enforcement administrator reviewed the case. 20548

(H) The agency is able to submit to the department a 20549  
description and photograph of the obligor, a statement of the 20550  
possible locations of the obligor, and any other information 20551  
required by the department. 20552

**Sec. 3125.12.** Each child support enforcement agency shall 20553  
enter into a plan of cooperation with the board of county 20554  
commissioners under section 307.983 of the Revised Code and comply 20555  
with ~~the partnership~~ each fiscal agreement the board enters into 20556  
under section 307.98 and contracts the board enters into under 20557  
sections 307.981 and 307.982 of the Revised Code that affect the 20558  
agency. 20559

**Sec. 3301.0710.** The state board of education shall adopt 20560  
rules establishing a statewide program to test student 20561  
achievement. The state board shall ensure that all tests 20562  
administered under the testing program are aligned with the 20563  
academic standards and model curricula adopted by the state board 20564  
and are created with input from Ohio parents, Ohio classroom 20565  
teachers, Ohio school administrators, and other Ohio school 20566  
personnel pursuant to section 3301.079 of the Revised Code. 20567

The testing program shall be designed to ensure that students 20568  
who receive a high school diploma demonstrate at least high school 20569  
levels of achievement in reading, writing, mathematics, science, 20570  
and social studies. 20571

(A)(1) The state board shall prescribe all of the following: 20572

(a) A statewide achievement test designed to measure the 20573  
level of reading skill expected at the end of third grade; 20574

(b) Two statewide achievement tests, one each designed to 20575  
measure the level of writing and mathematics skill expected at the 20576  
end of fourth grade; 20577

(c) Two statewide achievement tests, one each designed to 20578  
measure the level of science and social studies skill expected at 20579  
the end of fifth grade; 20580

(d) Three statewide achievement tests, one each designed to 20581  
measure the level of reading, writing, and mathematics skill 20582  
expected at the end of seventh grade; 20583

(e) Two statewide achievement tests, one each designed to 20584  
measure the level of science and social studies skill expected at 20585  
the end of eighth grade. 20586

(2) The state board shall determine and designate at least 20587  
four ranges of scores on each of the achievement tests described 20588  
in division (A)(1) of this section. Each range of scores shall be 20589

deemed to demonstrate a level of achievement so that any student 20590  
attaining a score within such range has achieved one of the 20591  
following: 20592

(a) An advanced level of skill; 20593

(b) A proficient level of skill; 20594

(c) A basic level of skill; 20595

(d) A below basic level of skill. 20596

(B) The tests prescribed under this division shall 20597  
collectively be known as the Ohio graduation tests. The state 20598  
board shall prescribe five statewide high school achievement 20599  
tests, one each designed to measure the level of reading, writing, 20600  
mathematics, science, and social studies skill expected at the end 20601  
of tenth grade, and shall determine and designate the score on 20602  
each such test that shall be deemed to demonstrate that any 20603  
student attaining such score has achieved at least a proficient 20604  
level of skill appropriate for tenth grade. 20605

The state board may enter into a reciprocal agreement with 20606  
the appropriate body or agency of any other state that has similar 20607  
statewide achievement testing requirements for receiving high 20608  
school diplomas, under which any student who has met an 20609  
achievement testing requirement of one state is recognized as 20610  
having met the similar achievement testing requirement of the 20611  
other state for purposes of receiving a high school diploma. For 20612  
purposes of this section and sections 3301.0711 and 3313.61 of the 20613  
Revised Code, any student enrolled in any public high school in 20614  
this state who has met an achievement testing requirement 20615  
specified in a reciprocal agreement entered into under this 20616  
division shall be deemed to have attained at least the applicable 20617  
score designated under this division on each test required by this 20618  
division that is specified in the agreement. 20619

(C) The state board shall annually designate as follows the 20620

dates on which the tests prescribed under this section shall be administered: 20621  
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(1) For the test prescribed under division (A)(1)(a) of this section, as follows: 20623  
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(a) One date prior to the thirty-first day of December each school year; 20625  
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(b) At least one date of each school year that is not earlier than Monday of the week containing the eighth day of March; 20627  
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(c) One date during the summer for students receiving summer remediation services under section 3313.608 of the Revised Code. 20629  
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(2) For the tests prescribed under divisions (A)(1)(b), (c), (d), and (e) of this section, at least one date of each school year that is not earlier than Monday of the week containing the eighth day of March; 20631  
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(3) For the tests prescribed under division (B) of this section, at least one date in each school year that is not earlier than Monday of the week containing the fifteenth day of March for all tenth grade students and at least one date prior to the thirty-first day of December and at least one date subsequent to that date but prior to the thirty-first day of March of each school year for eleventh and twelfth grade students. 20635  
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(D) In prescribing test dates pursuant to division (C)(3) of this section, the board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to eleventh and twelfth grade students and in the case of tests administered to students pursuant to division (C)(2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours. 20642  
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(E) In prescribing test dates pursuant to this section, the state board of education shall designate the dates in such a way as to allow a reasonable length of time between the administration of tests prescribed under this section and any administration of the National Assessment of Education Progress Test given to students in the same grade level pursuant to section 3301.27 of the Revised Code.

(F) The state board shall prescribe a practice version of each Ohio graduation test described in division (B) of this section that is of comparable length to the actual test.

**Sec. 3301.0711.** (A) The department of education shall:

(1) Annually furnish to, grade, and score all tests required by section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any test administered pursuant to division (B)(8) of this section. In furnishing the practice versions of Ohio graduation tests prescribed by division (F) of section 3301.0710 of the Revised Code, the department shall make the tests available on its website for reproduction by districts. In awarding contracts for grading tests, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of tests and prescribing the manner in which the tests prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the test prescribed under division (A)(1)(a)

of section 3301.0710 of the Revised Code twice annually to all 20681  
students in the third grade who have not attained the score 20682  
designated for that test under division (A)(2)(b) of section 20683  
3301.0710 of the Revised Code and once each summer to students 20684  
receiving summer remediation services under section 3313.608 of 20685  
the Revised Code. 20686

(2) Administer the tests prescribed under division (A)(1)(b) 20687  
of section 3301.0710 of the Revised Code at least once annually to 20688  
all students in the fourth grade. 20689

(3) Administer the tests prescribed under division (A)(1)(c) 20690  
of section 3301.0710 of the Revised Code at least once annually to 20691  
all students in the fifth grade. 20692

(4) Administer the tests prescribed under division (A)(1)(d) 20693  
of section 3301.0710 of the Revised Code at least once annually to 20694  
all students in the seventh grade. 20695

(5) Administer the tests prescribed under division (A)(1)(e) 20696  
of section 3301.0710 of the Revised Code at least once annually to 20697  
all students in the eighth grade. 20698

(6) Except as provided in division (B)(7) of this ~~sections~~ 20699  
section, administer any test prescribed under division (B) of 20700  
section 3301.0710 of the Revised Code as follows: 20701

(a) At least once annually to all tenth grade students and at 20702  
least twice annually to all students in eleventh or twelfth grade 20703  
who have not yet attained the score on that test designated under 20704  
that division; 20705

(b) To any person who has successfully completed the 20706  
curriculum in any high school or the individualized education 20707  
program developed for the person by any high school pursuant to 20708  
section 3323.08 of the Revised Code but has not received a high 20709  
school diploma and who requests to take such test, at any time 20710  
such test is administered in the district. 20711

(7) In lieu of the board of education of any city, local, or  
exempted village school district in which the student is also  
enrolled, the board of a joint vocational school district shall  
administer any test prescribed under division (B) of section  
3301.0710 of the Revised Code at least twice annually to any  
student enrolled in the joint vocational school district who has  
not yet attained the score on that test designated under that  
division. A board of a joint vocational school district may also  
administer such a test to any student described in division  
(B)(6)(b) of this section.

(8) If the district has been declared to be under an academic  
watch or in a state of academic emergency pursuant to section  
3302.03 of the Revised Code, administer each test prescribed by  
division (F) of section 3301.0710 of the Revised Code in September  
to all ninth grade students, beginning in the school year that  
starts July 1, 2004.

(C)(1)(a) Any student receiving special education services  
under Chapter 3323. of the Revised Code may be excused from taking  
any particular test required to be administered under this section  
if the individualized education program developed for the student  
pursuant to section 3323.08 of the Revised Code excuses the  
student from taking that test and instead specifies an alternate  
assessment method approved by the department of education as  
conforming to requirements of federal law for receipt of federal  
funds for disadvantaged pupils. To the extent possible, the  
individualized education program shall not excuse the student from  
taking a test unless no reasonable accommodation can be made to  
enable the student to take the test.

(b) Any alternate assessment approved by the department for a  
student under this division shall produce measurable results  
comparable to those produced by the tests which the alternate  
assessments are replacing in order to allow for the student's

assessment results to be included in the data compiled for a 20744  
school district under section 3302.03 of the Revised Code. 20745

(c) Any student enrolled in a chartered nonpublic school who 20746  
has been identified, based on an evaluation conducted in 20747  
accordance with section 3323.03 of the Revised Code or section 504 20748  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 20749  
794, as amended, as a child with a disability shall be excused 20750  
from taking any particular test required to be administered under 20751  
this section if a plan developed for the student pursuant to rules 20752  
adopted by the state board excuses the student from taking that 20753  
test. In the case of any student so excused from taking a test, 20754  
the chartered nonpublic school shall not prohibit the student from 20755  
taking the test. 20756

(2) A district board may, for medical reasons or other good 20757  
cause, excuse a student from taking a test administered under this 20758  
section on the date scheduled, but any such test shall be 20759  
administered to such excused student not later than nine days 20760  
following the scheduled date. The board shall annually report the 20761  
number of students who have not taken one or more of the tests 20762  
required by this section to the state board of education not later 20763  
than the thirtieth day of June. 20764

(3) As used in this division, "English-limited student" means 20765  
a student whose primary language is not English, who has been 20766  
enrolled in United States schools for less than three full school 20767  
years, and who within the school year has been identified, in 20768  
accordance with criteria provided by the department of education, 20769  
as lacking adequate proficiency in English for a test under this 20770  
section to produce valid results with respect to that student's 20771  
academic progress. 20772

A school district board or governing authority of a nonpublic 20773  
school may grant a temporary, one-year exemption from any test 20774  
administered under this section to an English-limited student. Not 20775

more than three temporary one-year exemptions may be granted to 20776  
any student. During any school year in which a student is excused 20777  
from taking one or more tests administered under this section, the 20778  
school district shall assess that student's progress in learning 20779  
English, in accordance with procedures approved by the department. 20780

No district board or governing authority of a chartered 20781  
nonpublic school shall prohibit an English-limited student from 20782  
taking a test under this section. 20783

(D) This division does not apply to any student receiving 20784  
services pursuant to an individualized education program developed 20785  
for the student pursuant to section 3323.08 of the Revised Code. 20786

(1) In the school year next succeeding the school year in 20787  
which the tests prescribed by division (A)(1) of section 3301.0710 20788  
of the Revised Code or former division (A)(1), (A)(2), or (B) of 20789  
section 3301.0710 of the Revised Code as it existed prior to the 20790  
effective date of this amendment September 11, 2001, are 20791  
administered to any student, the board of education of any school 20792  
district in which the student is enrolled in that year shall 20793  
provide to the student intervention services commensurate with the 20794  
student's test performance, including any intensive intervention 20795  
required under section 3313.608 of the Revised Code, in any skill 20796  
in which the student failed to demonstrate at least a score at the 20797  
proficient level on a proficiency test or a score in the basic 20798  
range on an achievement test. ~~This division does not apply to any 20799  
student receiving services pursuant to an individualized education 20800  
program developed for the student pursuant to section 3323.08 of 20801  
the Revised Code. 20802~~

(2) Following any administration of the tests prescribed by 20803  
division (F) of section 3301.0710 of the Revised Code to ninth 20804  
grade students, each school district that has been declared to be 20805  
in a state of academic emergency pursuant to section 3302.03 of 20806  
the Revised Code shall determine for each high school in the 20807

district whether the school shall be required to provide 20808  
intervention services to any students who took the tests. In 20809  
determining which high schools shall provide intervention services 20810  
based on the resources available, the district shall consider each 20811  
school's graduation rate and scores on the practice tests. If any 20812  
achievement tests in reading and math are adopted by the state 20813  
board of education for administration in the eighth grade, the 20814  
district also shall consider the scores received by ninth grade 20815  
students on those tests in the eighth grade in determining which 20816  
high schools shall provide intervention services. 20817

Each high school selected to provide intervention services 20818  
under this division shall provide intervention services to any 20819  
student whose test results indicate that the student is failing to 20820  
make satisfactory progress toward being able to attain scores at 20821  
the proficient level on the Ohio Graduation Tests. Intervention 20822  
services shall be provided in any skill in which a student 20823  
demonstrates unsatisfactory progress and shall be commensurate 20824  
with the student's test performance. Schools shall provide the 20825  
intervention services prior to the end of the school year, during 20826  
the summer following the ninth grade, in the next succeeding 20827  
school year, or at any combination of those times. 20828

(E) Except as provided in section 3313.608 of the Revised 20829  
Code and division (M) of this section, no school district board of 20830  
education shall utilize any student's failure to attain a 20831  
specified score on any test administered under this section as a 20832  
factor in any decision to deny the student promotion to a higher 20833  
grade level. However, a district board may choose not to promote 20834  
to the next grade level any student who does not take any test 20835  
administered under this section or make up such test as provided 20836  
by division (C)(2) of this section and who is not exempted from 20837  
the requirement to take the test under division (C)(1) or (3) of 20838  
this section. 20839

(F) No person shall be charged a fee for taking any test administered under this section. 20840  
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(G) Not later than sixty days after any administration of any test prescribed by section 3301.0710 of the Revised Code, the department shall send to each school district board a list of the individual test scores of all persons taking the test. For any tests administered under this section by a joint vocational school district, the department shall also send to each city, local, or exempted village school district a list of the individual test scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district. 20842  
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(H) Individual test scores on any tests administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate test results in any manner that conflicts with rules for the ethical use of tests adopted pursuant to division (A) of this section. 20852  
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(I) Except as provided in division (G) of this section, the department shall not release any individual test scores on any test administered under this section and shall adopt rules to ensure the protection of student confidentiality at all times. 20859  
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(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division. 20863  
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(1) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to 20867  
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divisions (A) to (C) of section 3311.52 of the Revised Code may 20871  
enter into an agreement with the board of education of the 20872  
cooperative education school district for administering any test 20873  
prescribed under this section to students of the city, exempted 20874  
village, or local school district who are attending school in the 20875  
cooperative education school district. 20876

(2) In accordance with rules that the state board of 20877  
education shall adopt, the board of education of any city, 20878  
exempted village, or local school district with territory in a 20879  
cooperative education school district established pursuant to 20880  
section 3311.521 of the Revised Code shall enter into an agreement 20881  
with the cooperative district that provides for the administration 20882  
of any test prescribed under this section to both of the 20883  
following: 20884

(a) Students who are attending school in the cooperative 20885  
district and who, if the cooperative district were not 20886  
established, would be entitled to attend school in the city, 20887  
local, or exempted village school district pursuant to section 20888  
3313.64 or 3313.65 of the Revised Code; 20889

(b) Persons described in division (B)(6)(b) of this section. 20890

Any testing of students pursuant to such an agreement shall 20891  
be in lieu of any testing of such students or persons pursuant to 20892  
this section. 20893

(K)(1) Any chartered nonpublic school may participate in the 20894  
testing program by administering any of the tests prescribed by 20895  
section 3301.0710 of the Revised Code if the chief administrator 20896  
of the school specifies which tests the school wishes to 20897  
administer. Such specification shall be made in writing to the 20898  
superintendent of public instruction prior to the first day of 20899  
August of any school year in which tests are administered and 20900  
shall include a pledge that the nonpublic school will administer 20901

the specified tests in the same manner as public schools are 20902  
required to do under this section and rules adopted by the 20903  
department. 20904

(2) The department of education shall furnish the tests 20905  
prescribed by section 3301.0710 of the Revised Code to any 20906  
chartered nonpublic school electing to participate under this 20907  
division. 20908

(L)(1) The superintendent of the state school for the blind 20909  
and the superintendent of the state school for the deaf shall 20910  
administer the tests described by section 3301.0710 of the Revised 20911  
Code. Each superintendent shall administer the tests in the same 20912  
manner as district boards are required to do under this section 20913  
and rules adopted by the department of education and in conformity 20914  
with division (C)(1)(a) of this section. 20915

(2) The department of education shall furnish the tests 20916  
described by section 3301.0710 of the Revised Code to each 20917  
superintendent. 20918

(M) Notwithstanding division (E) of this section, a school 20919  
district may use a student's failure to attain a score in at least 20920  
the basic range on any of the tests described by division 20921  
(A)(1)(b), (c), (d), or (e) of section 3301.0710 of the Revised 20922  
Code as a factor in retaining that student in the current grade 20923  
level. 20924

(N)(1) All tests required by section 3301.0710 of the Revised 20925  
Code shall become public records pursuant to section 149.43 of the 20926  
Revised Code on the first day of July following the school year 20927  
that the test was administered. 20928

(2) The department may field test proposed test questions 20929  
with samples of students to determine the validity, reliability, 20930  
or appropriateness of test questions for possible inclusion in a 20931  
future year's test. 20932

Field test questions shall not be considered in computing 20933  
test scores for individual students. Field test questions may be 20934  
included as part of the administration of any test required by 20935  
section 3301.0710 of the Revised Code. 20936

(3) Any field test question administered under division 20937  
(N)(2) of this section shall not be a public record. Such field 20938  
test questions shall be redacted from any tests which are released 20939  
as a public record pursuant to division (N)(1) of this section. 20940

**Sec. 3301.0714.** (A) The state board of education shall adopt 20941  
rules for a statewide education management information system. The 20942  
rules shall require the state board to establish guidelines for 20943  
the establishment and maintenance of the system in accordance with 20944  
this section and the rules adopted under this section. The 20945  
guidelines shall include: 20946

(1) Standards identifying and defining the types of data in 20947  
the system in accordance with divisions (B) and (C) of this 20948  
section; 20949

(2) Procedures for annually collecting and reporting the data 20950  
to the state board in accordance with division (D) of this 20951  
section; 20952

(3) Procedures for annually compiling the data in accordance 20953  
with division (G) of this section; 20954

(4) Procedures for annually reporting the data to the public 20955  
in accordance with division (H) of this section. 20956

(B) The guidelines adopted under this section shall require 20957  
the data maintained in the education management information system 20958  
to include at least the following: 20959

(1) Student participation and performance data, for each 20960  
grade in each school district as a whole and for each grade in 20961  
each school building in each school district, that includes: 20962

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for handicapped students, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of handicap. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;

(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	20994 20995 20996
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	20997 20998 20999
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	21000 21001 21002 21003
(h) Expulsion rates;	21004
(i) Suspension rates;	21005
(j) The percentage of students receiving corporal punishment;	21006
(k) Dropout rates;	21007
(l) Rates of retention in grade;	21008
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	21009 21010 21011
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	21012 21013 21014 21015 21016
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	21017 21018 21019 21020 21021 21022 21023

(2) Personnel and classroom enrollment data for each school district, including: 21024  
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(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 21026  
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 21036  
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(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district. 21048  
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(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school 21053  
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district's pupils, the racial make-up of the school district's 21055  
pupils, and an appropriate measure of the number of the school 21056  
district's pupils who reside in economically disadvantaged 21057  
households. The demographic data shall be collected in a manner to 21058  
allow correlation with data collected under division (B)(1) of 21059  
this section. Categories for data collected pursuant to division 21060  
(B)(3) of this section shall conform, where appropriate, to 21061  
standard practices of agencies of the federal government. 21062

(b) With respect to each student entering kindergarten, 21063  
whether the student previously participated in a public preschool 21064  
program, a private preschool program, or a head start program, and 21065  
the number of years the student participated in each of these 21066  
programs. 21067

(C) The education management information system shall include 21068  
cost accounting data for each district as a whole and for each 21069  
school building in each school district. The guidelines adopted 21070  
under this section shall require the cost data for each school 21071  
district to be maintained in a system of mutually exclusive cost 21072  
units and shall require all of the costs of each school district 21073  
to be divided among the cost units. The guidelines shall require 21074  
the system of mutually exclusive cost units to include at least 21075  
the following: 21076

(1) Administrative costs for the school district as a whole. 21077  
The guidelines shall require the cost units under this division 21078  
(C)(1) to be designed so that each of them may be compiled and 21079  
reported in terms of average expenditure per pupil in formula ADM 21080  
in the school district, as determined pursuant to section 3317.03 21081  
of the Revised Code. 21082

(2) Administrative costs for each school building in the 21083  
school district. The guidelines shall require the cost units under 21084  
this division (C)(2) to be designed so that each of them may be 21085  
compiled and reported in terms of average expenditure per 21086

full-time equivalent pupil receiving instructional or support services in each building. 21087  
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(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components: 21089  
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(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher; 21100  
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(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category; 21103  
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(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category. 21107  
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(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil 21112  
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receiving the service in the school district as a whole and 21118  
average expenditure per pupil receiving the service in each 21119  
building in the school district and in terms of a total cost for 21120  
each category of service and, as a breakdown of the total cost, a 21121  
cost for each of the following components: 21122

(a) The cost of each support or extracurricular services 21123  
category required by guidelines adopted under division (B)(1)(b) 21124  
of this section that is provided directly to students by a 21125  
licensed employee, such as services provided by a guidance 21126  
counselor or any services provided by a licensed employee under a 21127  
supplemental contract; 21128

(b) The cost of each such services category provided directly 21129  
to students by a nonlicensed employee, such as janitorial 21130  
services, cafeteria services, or services of a sports trainer; 21131

(c) The cost of the administrative services related to each 21132  
services category in division (C)(4)(a) or (b) of this section, 21133  
such as the cost of any licensed or nonlicensed employees that 21134  
develop, supervise, coordinate, or otherwise are involved in 21135  
administering or aiding the delivery of each services category. 21136

(D)(1) The guidelines adopted under this section shall 21137  
require school districts to collect information about individual 21138  
students, staff members, or both in connection with any data 21139  
required by division (B) or (C) of this section or other reporting 21140  
requirements established in the Revised Code. The guidelines may 21141  
also require school districts to report information about 21142  
individual staff members in connection with any data required by 21143  
division (B) or (C) of this section or other reporting 21144  
requirements established in the Revised Code. The guidelines shall 21145  
not authorize school districts to request social security numbers 21146  
of individual students. The guidelines shall prohibit the 21147  
reporting under this section of a student's name, address, and 21148  
social security number to the state board of education or the 21149

department of education. The guidelines shall also prohibit the 21150  
reporting under this section of any personally identifiable 21151  
information about any student, except for the purpose of assigning 21152  
the data verification code required by division (D)(2) of this 21153  
section, to any other person unless such person is employed by the 21154  
school district or the data acquisition site operated under 21155  
section 3301.075 of the Revised Code and is authorized by the 21156  
district or acquisition site to have access to such information. 21157  
The guidelines may require school districts to provide the social 21158  
security numbers of individual staff members. 21159

(2) The guidelines shall provide for each school district or 21160  
community school to assign a data verification code that is unique 21161  
on a statewide basis over time to each student whose initial Ohio 21162  
enrollment is in that district or school and to report all 21163  
required individual student data for that student utilizing such 21164  
code. The guidelines shall also provide for assigning data 21165  
verification codes to all students enrolled in districts or 21166  
community schools on the effective date of the guidelines 21167  
established under this section. 21168

Individual student data shall be reported to the department 21169  
through the data acquisition sites utilizing the code but at no 21170  
time shall the state board or the department have access to 21171  
information that would enable any data verification code to be 21172  
matched to personally identifiable student data. 21173

Each school district shall ensure that the data verification 21174  
code is included in the student's records reported to any 21175  
subsequent school district or community school in which the 21176  
student enrolls and shall remove all references to the code in any 21177  
records retained in the district or school that pertain to any 21178  
student no longer enrolled. Any such subsequent district or school 21179  
shall utilize the same identifier in its reporting of data under 21180  
this section. 21181

(E) The guidelines adopted under this section may require 21182  
school districts to collect and report data, information, or 21183  
reports other than that described in divisions (A), (B), and (C) 21184  
of this section for the purpose of complying with other reporting 21185  
requirements established in the Revised Code. The other data, 21186  
information, or reports may be maintained in the education 21187  
management information system but are not required to be compiled 21188  
as part of the profile formats required under division (G) of this 21189  
section or the annual statewide report required under division (H) 21190  
of this section. 21191

(F) Beginning with the school year that begins July 1, 1991, 21192  
the board of education of each school district shall annually 21193  
collect and report to the state board, in accordance with the 21194  
guidelines established by the board, the data required pursuant to 21195  
this section. A school district may collect and report these data 21196  
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 21197

(G) The state board shall, in accordance with the procedures 21198  
it adopts, annually compile the data reported by each school 21199  
district pursuant to division (D) of this section. The state board 21200  
shall design formats for profiling each school district as a whole 21201  
and each school building within each district and shall compile 21202  
the data in accordance with these formats. These profile formats 21203  
shall: 21204

(1) Include all of the data gathered under this section in a 21205  
manner that facilitates comparison among school districts and 21206  
among school buildings within each school district; 21207

(2) Present the data on academic achievement levels as 21208  
assessed by the testing of student achievement maintained pursuant 21209  
to division (B)(1)(e) of this section so that the academic 21210  
achievement levels of students who are excused from taking any 21211  
such test pursuant to division (C)(1) of section 3301.0711 of the 21212

Revised Code are distinguished from the academic achievement 21213  
levels of students who are not so excused. 21214

(H)(1) The state board shall, in accordance with the 21215  
procedures it adopts, annually prepare a statewide report for all 21216  
school districts and the general public that includes the profile 21217  
of each of the school districts developed pursuant to division (G) 21218  
of this section. Copies of the report shall be sent to each school 21219  
district. 21220

(2) The state board shall, in accordance with the procedures 21221  
it adopts, annually prepare an individual report for each school 21222  
district and the general public that includes the profiles of each 21223  
of the school buildings in that school district developed pursuant 21224  
to division (G) of this section. Copies of the report shall be 21225  
sent to the superintendent of the district and to each member of 21226  
the district board of education. 21227

(3) Copies of the reports received from the state board under 21228  
divisions (H)(1) and (2) of this section shall be made available 21229  
to the general public at each school district's offices. Each 21230  
district board of education shall make copies of each report 21231  
available to any person upon request and payment of a reasonable 21232  
fee for the cost of reproducing the report. The board shall 21233  
annually publish in a newspaper of general circulation in the 21234  
school district, at least twice during the two weeks prior to the 21235  
week in which the reports will first be available, a notice 21236  
containing the address where the reports are available and the 21237  
date on which the reports will be available. 21238

(I) Any data that is collected or maintained pursuant to this 21239  
section and that identifies an individual pupil is not a public 21240  
record for the purposes of section 149.43 of the Revised Code. 21241

(J) As used in this section: 21242

(1) "School district" means any city, local, exempted 21243

village, or joint vocational school district. 21244

(2) "Cost" means any expenditure for operating expenses made 21245  
by a school district excluding any expenditures for debt 21246  
retirement except for payments made to any commercial lending 21247  
institution for any loan approved pursuant to section 3313.483 of 21248  
the Revised Code. 21249

(K) Any person who removes data from the information system 21250  
established under this section for the purpose of releasing it to 21251  
any person not entitled under law to have access to such 21252  
information is subject to section 2913.42 of the Revised Code 21253  
prohibiting tampering with data. 21254

(L) Any time the department of education determines that a 21255  
school district has taken any of the actions described under 21256  
division (L)(1), (2), or (3) of this section, it shall make a 21257  
report of the actions of the district, send a copy of the report 21258  
to the superintendent of such school district, and maintain a copy 21259  
of the report in its files: 21260

(1) The school district fails to meet any deadline 21261  
established pursuant to this section for the reporting of any data 21262  
to the education management information system; 21263

(2) The school district fails to meet any deadline 21264  
established pursuant to this section for the correction of any 21265  
data reported to the education management information system; 21266

(3) The school district reports data to the education 21267  
management information system in a condition, as determined by the 21268  
department, that indicates that the district did not make a good 21269  
faith effort in reporting the data to the system. 21270

Any report made under this division shall include 21271  
recommendations for corrective action by the school district. 21272

Upon making a report for the first time in a fiscal year, the 21273

department shall withhold ten per cent of the total amount due 21274  
during that fiscal year under Chapter 3317. of the Revised Code to 21275  
the school district to which the report applies. Upon making a 21276  
second report in a fiscal year, the department shall withhold an 21277  
additional twenty per cent of such total amount due during that 21278  
fiscal year to the school district to which the report applies. 21279  
The department shall not release such funds unless it determines 21280  
that the district has taken corrective action. However, no such 21281  
release of funds shall occur if the district fails to take 21282  
corrective action within forty-five days of the date upon which 21283  
the report was made by the department. 21284

~~(M) The department of education, after consultation with the 21285  
Ohio education computer network, may provide at no cost to school 21286  
districts uniform computer software for use in reporting data to 21287  
the education management information system, provided that no 21288  
school district shall be required to utilize such software to 21289  
report data to the education management information system if such 21290  
district is so reporting data in an accurate, complete, and timely 21291  
manner in a format compatible with that required by the education 21292  
management information system No data acquisition site or school 21293  
district shall acquire, change, or update its student 21294  
administration software package to manage and report data required 21295  
to be reported to the department unless it converts to a student 21296  
software package that is certified by the department. 21297~~

(N) The state board of education, in accordance with sections 21298  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 21299  
license as defined under division (A) of section 3319.31 of the 21300  
Revised Code that has been issued to any school district employee 21301  
found to have willfully reported erroneous, inaccurate, or 21302  
incomplete data to the education management information system. 21303

(O) No person shall release or maintain any information about 21304  
any student in violation of this section. Whoever violates this 21305

division is guilty of a misdemeanor of the fourth degree. 21306

(P) The department shall disaggregate the data collected 21307  
under division (B)(1)(o) of this section according to the race and 21308  
socioeconomic status of the students assessed. No data collected 21309  
under that division shall be included on the report cards required 21310  
by section 3302.03 of the Revised Code. 21311

(Q) If the department cannot compile any of the information 21312  
required by division (D)(5) of section 3302.03 of the Revised Code 21313  
based upon the data collected under this section, the department 21314  
shall develop a plan and a reasonable timeline for the collection 21315  
of any data necessary to comply with that division. 21316

Sec. 3301.31. As used in this section and sections 3301.32 to 21317  
3301.38 of the Revised Code: 21318

(A) "Eligible individual" means an individual eligible for 21319  
Title IV-A services. 21320

(B) "Head start agency" means any or all of the following: 21321

(1) An entity in this state that has been approved to be an 21322  
agency for purposes of the "Head Start Act," 95 Stat. 489 (1981), 21323  
42 U.S.C. 9831, as amended; 21324

(2) A Title IV-A head start agency; 21325

(3) A Title IV-A head start plus agency. 21326

(C) "Head start program" has the same meaning as in section 21327  
5104.01 of the Revised Code. 21328

(D) "Title IV-A services" means benefits and services that 21329  
are allowable under Title IV-A of the "Social Security Act," as 21330  
specified in 42 U.S.C.A 604(a), except that they shall not be 21331  
benefits and services included in the term "assistance" as defined 21332  
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 21333  
excluded from the definition of the term "assistance" under 45 21334

C.F.R. 260.31(b). 21335

(E) "Title IV-A head start agency" means an agency receiving funds to operate a head start program as prescribed in section 3301.34 of the Revised Code. 21336  
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(F) "Title IV-A head start plus agency" means an agency receiving funds to operate a head start program as prescribed in section 3301.35 of the Revised Code. 21339  
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**Sec. 3301.33.** (A) There is hereby established the Title IV-A head start program to provide head start program services to eligible individuals. 21342  
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(B) In accordance with the interagency agreement described in division (C) of this section, there is hereby established the Title IV-A head start plus program to provide year-long head start program services and child care services to eligible individuals. 21345  
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(C) The programs established under divisions (A) and (B) of this section shall be administered by the department of education in accordance with an interagency agreement entered into with the department of job and family services under section 5101.801 of the Revised Code. This interagency agreement shall establish the implementation date of the Title IV-A head start plus program, which is July 1, 2004. The programs shall provide Title IV-A services to eligible individuals who meet eligibility requirements established in rules and administrative orders adopted by the department of job and family services under Chapter 5104. of the Revised Code. The department of job and family services and the department of education jointly shall adopt policies and procedures establishing program requirements for eligibility, services, program administration, fiscal accountability, and other criteria necessary to comply with the provisions of Title IV-A of the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), as amended. 21349  
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The department of education shall be responsible for 21366  
approving all Title IV-A head start agencies and Title IV-A head 21367  
start plus agencies for provision of services under the programs 21368  
established under this section. An agency that is not approved by 21369  
the department shall not be reimbursed for the cost of providing 21370  
services under the programs. 21371

**Sec. 3301.34. In administering the Title IV-A head start** 21372  
program established under division (A) of section 3301.33 of the 21373  
Revised Code, the department of education shall enter into a 21374  
contract with each Title IV-A head start agency establishing the 21375  
terms and conditions applicable to the provision of Title IV-A 21376  
services for eligible individuals. The contracts shall specify the 21377  
respective duties of the Title IV-A head start agencies and the 21378  
department of education, reporting requirements, eligibility 21379  
requirements, reimbursement methodology, audit requirements, and 21380  
other provisions determined necessary. The department of education 21381  
shall reimburse the Title IV-A head start agencies for Title IV-A 21382  
services provided to individuals determined eligible for Title 21383  
IV-A services by the county department of job and family services 21384  
in accordance with the terms of the contract, policies and 21385  
procedures adopted by the department of education and the 21386  
department of job and family services under section 3301.33 of the 21387  
Revised Code, and the interagency agreement entered into by the 21388  
departments. 21389

The department of education shall ensure that all 21390  
reimbursements paid to a Title IV-A head start agency are only for 21391  
Title IV-A services. 21392

The department of education shall ensure that all 21393  
reimbursements paid to a Title IV-A head start agency are for only 21394  
those individuals for Title IV-A services by the appropriate 21395  
county department of job and family services, as provided for in 21396

section 3301.36 of the Revised Code. 21397

Sec. 3301.35. (A) In administering the Title IV-A head start plus program established under division (B) of section 3301.33, the department of education shall enter into a contract with each Title IV-A head start plus agency under which the department shall reimburse the agency for allowable expenses in connection to services provided to eligible individuals. 21398  
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(B) Each county department of job and family services shall assist the department of education in administering the program within its respective county in accordance with requirements established by the state department of job and family services under section 5101.801 of the Revised Code. The county department shall ensure that all reimbursements paid to a Title IV-A head start plus agency are for only Title IV-A services. 21404  
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The administration of the Title IV-A head start plus program by the county department shall include all of the following: 21411  
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(1) Determining eligibility of individuals and establishing co-payment requirements in accordance with rules adopted by the state department of job and family services; 21413  
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(2) Ensuring that any invoices from a Title IV-A head start plus agency comply with requirements of Title IV-A of the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), as amended, including eligibility of individuals, reporting requirements, allowable benefits and services, use of funds, and audit requirements, as specified in state and federal laws and regulations, United States office of management and budget circulars, and the Title IV-A state plan; 21416  
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(3) Monitoring each Title IV-A head start plus agency that receives Title IV-A funds. The county department is responsible for assuring that all Title IV-A funds are used solely for 21424  
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purposes allowable under federal regulations, section 5101.801 of 21427  
the Revised Code, and the Title IV-A state plan and shall take 21428  
prompt action to recover funds that are not expended accordingly. 21429

(C) The department of education shall enter into contracts 21430  
with only those agencies that have been approved by the department 21431  
of education as a Title IV-A head start plus agency and that have 21432  
been licensed in accordance with section 3301.37 of the Revised 21433  
Code. Each contract entered into under this division shall specify 21434  
all of the following: 21435

(1) Requirements applicable to the allowable use of and 21436  
accountability for Title IV-A funds; 21437

(2) Requirements for access, inspection, and examination of 21438  
the agency's financial and program records by the county 21439  
department, the state department of job and family services, the 21440  
department of education, the auditor of state, and any other state 21441  
or federal agency with authority to inspect and examine such 21442  
records; 21443

(3) Applicable audit requirements applicable to funds 21444  
received under the contract; 21445

(4) Reporting requirements by and for the county department, 21446  
the state department of job and family services, and the 21447  
department of education; 21448

(5) Provisions for the department of education to suspend, 21449  
modify, or terminate the contract if the department of education 21450  
suspends or removes the agency from the list of approved Title 21451  
IV-A head start plus agencies or if the state department of job 21452  
and family services denies or revokes a license for the agency. 21453

**Sec. 3301.36.** Each county department of job and family 21454  
services shall determine eligibility for Title IV-A services for 21455  
individuals seeking Title IV-A services from a Title IV-A head 21456

start agency or Title IV-A head start plus agency. 21457

**Sec. 3301.37.** (A) Each entity operating a head start program 21458  
shall be licensed or certified by the department of job and family 21459  
services in accordance with Chapter 5104. of the Revised Code. 21460

(B) Notwithstanding division (A) of this section, any current 21461  
license issued under section 3301.58 of the Revised Code by the 21462  
department of education to an entity operating a head start 21463  
program prior to the effective date of this section is hereby 21464  
deemed to be a license issued by the department of job and family 21465  
services under Chapter 5104. of the Revised Code. The expiration 21466  
date of the license shall be the earlier of the expiration date 21467  
specified in the license as issued under section 3301.58 of the 21468  
Revised Code or September 1, 2005. In order to continue operation 21469  
of its head start program after that expiration date, the entity 21470  
shall obtain a license as prescribed in division (A) of this 21471  
section. 21472

**Sec. 3301.38.** (A) The department of education shall adopt 21473  
policies and procedures for the approval, suspension, and removal 21474  
of Title IV-A head start and Title IV-A head start plus agencies 21475  
from the approved list of providers. 21476

(B) If a head start program that received state funding prior 21477  
to July 1, 2001, waives its right to state funding or has its 21478  
state funding eliminated for not meeting financial standards or 21479  
program performance standards, the grantee or delegates shall 21480  
transfer control of title to property, equipment, and remaining 21481  
supplies purchased with state funds to the department along with 21482  
any reports prescribed by the department. 21483

(C) Title IV-A head start awards shall be distributed on a 21484  
per-pupil basis, which the department may adjust so that the per 21485  
pupil amount multiplied by the number of eligible children 21486

enrolled and receiving services, as defined by the department of 21487  
education, reported on the first day of December or the first 21488  
business day following that date equals the amount allocated. 21489

(D) The department of education shall prescribe the 21490  
assessment instrument and determine target levels for critical 21491  
performance indicators for the purpose of assessing Title IV-A 21492  
head start and Title IV-A head start plus agencies. Onsite reviews 21493  
and follow-up visits shall be based on progress in meeting the 21494  
prescribed target levels. 21495

(E) The department of education shall require Title IV-A head 21496  
start and Title IV-A head start plus agencies to: 21497

(1) Address federal head start education and assessment 21498  
performance standards, as required by 45 C.F.R. 1304.20 to 1304.41 21499  
and the Ohio department of education pre-kindergarten math and 21500  
literacy content standards; 21501

(2) Comply with the department of education prescribed 21502  
assessment requirements that are aligned with the assessment 21503  
system for kindergarten through twelfth grade; 21504

(3) Comply with federal head start performance standards for 21505  
comprehensive services in health, nutrition, mental health, family 21506  
partnership, and social services as required by 45 C.F.R. 1304.20 21507  
to 1304.41; 21508

(4) Require teachers to attend a minimum of twenty hours of 21509  
professional development as prescribed by the department of 21510  
education regarding the implementation of content standards and 21511  
assessment; and 21512

(5) Document and report child progress using research-based 21513  
indicators as prescribed by the department. 21514

(F) Costs for developing and administering a Title IV-A head 21515  
start or Title IV-A head start plus program may not exceed fifteen 21516

percent of the total approved costs of the program. 21517

(G) In consultation with the department of job and family services, the department of education shall establish program requirements for Title IV-A head start and Title IV-A head start plus agencies. 21518  
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(H) The department of education may examine the financial and program records of Title IV-A head start agencies and Title IV-A head start plus agencies. The department of education shall monitor these agencies to ensure that all Title IV-A funds are used solely for purposes allowable under federal regulations, section 5101.801 of the Revised Code, and the Title IV-A state plan and shall take prompt action to recover funds that are not expended accordingly. The department of job and family services may examine the financial records of Title IV-A head start agencies and Title IV-A head start plus agencies. 21522  
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(I)(1) A Title IV-A head start agency or Title IV-A head start plus agency shall propose and implement a corrective action plan that has been approved by the department of education when the department determines either of the following: 21532  
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(a) The financial practices of the Title IV-A head start agency are not in accordance with standard accounting principles and federal requirements or do not meet financial standards required in the contract as specified under division (C) of section 3301.35 of the Revised Code; 21536  
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(b) The Title IV-A head start or Title IV-A head start plus agency fails to substantially meet the head start performance standards or exhibits below average performance as measured against the performance indicators. 21541  
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(2) The approved corrective action plan shall be signed by the appropriate official and agency governance body. 21545  
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(3) The corrective action plan shall include a schedule of 21547

monitoring by the department of education. This monitoring may 21548  
include monthly reports, inspections, a timeline for correction of 21549  
deficiencies, and technical assistance to be provided by the 21550  
department or obtained by the Title IV-A head start agency or 21551  
Title IV-A head start plus agency. The department may withhold 21552  
funding to a Title IV-A head start agency or a Title IV-A head 21553  
start plus agency. 21554

(4) If a Title IV-A head start agency or a Title IV-A head 21555  
start plus agency fails to satisfactorily complete a corrective 21556  
action, the department may suspend or terminate part or all of the 21557  
funding to the agency and may remove the agency from the approved 21558  
list. 21559

(J) The department shall provide technical assistance to 21560  
Title IV-A head start agencies in administering Title IV-A head 21561  
start programs and to Title IV-A head start plus agencies and 21562  
child care partners in administering head start plus programs. 21563

**Sec. ~~3301.33~~ 3301.40.** (A) As used in this section, "adult 21564  
education" has the meaning as established under the "adult 21565  
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 21566  
amended. 21567

(B) Beginning July 1, 1996, the department of education may 21568  
distribute state funds to organizations that qualify for federal 21569  
funds under the "Adult Education Act," 102 Stat. 302 (1988), 20 21570  
1201 to 1213d, as amended. The funds shall be used by qualifying 21571  
organizations to provide adult education services. State funds 21572  
distributed pursuant to this section shall be distributed in 21573  
accordance with the rules adopted by the state board of education 21574  
pursuant to this section. 21575

Each organization that receives funds under this section 21576  
shall file program performance reports with the department. The 21577  
reports shall be filed at times required by state board of 21578

education rule and contain assessments of individual students as 21579  
they enter, progress through, and exit the adult education 21580  
program; records regarding individual student program 21581  
participation time; reports of individual student retention rates; 21582  
and any other information required by rule. 21583

(C) The state board of education shall adopt rules for the 21584  
distribution of funds under this section. The rules shall include 21585  
the following: 21586

(1) Requirements for program performance reports. 21587

(2) Indicators of adult education program quality, including 21588  
indicators of learner achievement, program environment, program 21589  
planning, curriculum and instruction, staff development, support 21590  
services, and recruitment and retention. 21591

(3) A formula for the distribution of funds under this 21592  
section. The formula shall include as a factor an organization's 21593  
quantifiable success in meeting the indicators of program quality 21594  
established pursuant to division (C)(2) of this section. 21595

(4) Standards and procedures for reducing or discontinuing 21596  
funding to organizations that fail to meet the requirements of 21597  
this section. 21598

(5) Any other requirements or standards considered 21599  
appropriate by the board. 21600

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 21601  
Revised Code: 21602

(A) "Preschool program" means either of the following: 21603

(1) A child day-care program for preschool children that is 21604  
operated by a school district board of education, or an eligible 21605  
nonpublic school, ~~a head start grantee, or a head start delegate~~ 21606  
~~agency.~~ 21607

- (2) A child day-care program for preschool children age three or older that is operated by a county MR/DD board. 21608  
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- (B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age. 21610  
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- (C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code. 21612  
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- (D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school. 21615  
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- (E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program. 21618  
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- (F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children. 21621  
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- (G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children. 21624  
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- (H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten. 21628  
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- (I) "County MR/DD board" means a county board of mental retardation and developmental disabilities. 21633  
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- (J) "School child program" means a child day-care program for only school children that is operated by a school district board of education, county MR/DD board, or eligible nonpublic school. 21635  
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(K) "School child" and "child day-care" have the same 21638  
meanings as in section 5104.01 of the Revised Code. 21639

(L) "School child program staff member" means an employee 21640  
whose primary responsibility is the care, teaching, or supervision 21641  
of children in a school child program. 21642

~~(M) "Head start" means a program operated in accordance with 21643  
subchapter II of the "Community Economic Development Act," 95 21644  
Stat. 489 (1981), 42 U.S.C. 9831, and amendments thereto. 21645~~

**Sec. 3301.53.** (A) Not later than July 1, 1988, the state 21646  
board of education, in consultation with the director of job and 21647  
family services, shall formulate and prescribe by rule adopted 21648  
under Chapter 119. of the Revised Code minimum standards to be 21649  
applied to preschool programs operated by school district boards 21650  
of education, county MR/DD boards, or eligible nonpublic schools, 21651  
~~head start grantees, and head start delegate agencies.~~ The rules 21652  
shall include the following: 21653

(1) Standards ensuring that the preschool program is located 21654  
in a safe and convenient facility that accommodates the enrollment 21655  
of the program, is of the quality to support the growth and 21656  
development of the children according to the program objectives, 21657  
and meets the requirements of section 3301.55 of the Revised Code; 21658

(2) Standards ensuring that supervision, discipline, and 21659  
programs will be administered according to established objectives 21660  
and procedures; 21661

(3) Standards ensuring that preschool staff members and 21662  
nonteaching employees are recruited, employed, assigned, 21663  
evaluated, and provided inservice education without discrimination 21664  
on the basis of age, color, national origin, race, or sex; and 21665  
that preschool staff members and nonteaching employees are 21666  
assigned responsibilities in accordance with written position 21667

descriptions commensurate with their training and experience; 21668

(4) A requirement that boards of education intending to 21669  
establish a preschool program on or after March 17, 1989, 21670  
demonstrate a need for a preschool program that is not being met 21671  
by any existing program providing child day-care, prior to 21672  
establishing the program; 21673

(5) Requirements that children participating in preschool 21674  
programs have been immunized to the extent considered appropriate 21675  
by the state board to prevent the spread of communicable disease; 21676

(6) Requirements that the parents of preschool children 21677  
complete the emergency medical authorization form specified in 21678  
section 3313.712 of the Revised Code. 21679

(B) The state board of education in consultation with the 21680  
director of job and family services shall ensure that the rules 21681  
adopted by the state board under sections 3301.52 to 3301.58 of 21682  
the Revised Code are consistent with and meet or exceed the 21683  
requirements of Chapter 5104. of the Revised Code with regard to 21684  
child day-care centers. The state board and the director of job 21685  
and family services shall review all such rules at least once 21686  
every five years. 21687

(C) On or before January 1, 1992, the state board of 21688  
education, in consultation with the director of job and family 21689  
services, shall adopt rules for school child programs that are 21690  
consistent with and meet or exceed the requirements of the rules 21691  
adopted for school child day-care centers under Chapter 5104. of 21692  
the Revised Code. 21693

**Sec. 3301.54.** (A)(1) Each preschool program shall be directed 21694  
and supervised by a director, a head teacher, an elementary 21695  
principal, or a site administrator who is on site and responsible 21696  
for supervision of the program. Except as otherwise provided in 21697

division (A)(2), (3), or (4) of this section, this person shall 21698  
hold a valid educator license designated as appropriate for 21699  
teaching or being an administrator in a preschool setting issued 21700  
pursuant to section 3319.22 of the Revised Code and have completed 21701  
at least four courses in child development or early childhood 21702  
education from an accredited college, university, or technical 21703  
college. 21704

(2) If the person was employed prior to July 1, 1988, by a 21705  
school district board of education or an eligible nonpublic school 21706  
to direct a preschool program, the person shall be considered to 21707  
meet the requirements of this section if the person holds a valid 21708  
kindergarten-primary certificate described under former division 21709  
(A) of section 3319.22 of the Revised Code as it existed on 21710  
January 1, 1996. 21711

(3) If the person is employed to direct a preschool program 21712  
operated by an eligible, nontax-supported, nonpublic school, the 21713  
person shall be considered to meet the requirements of this 21714  
section if the person holds a valid teaching certificate issued in 21715  
accordance with section 3301.071 of the Revised Code. 21716

~~(4) If the person is a site administrator for a head start 21717  
grantee or head start delegate agency, the person shall be 21718  
considered to meet the requirements of this section if the person 21719  
provides evidence that the person has attained at least a high 21720  
school diploma or certification of high school equivalency issued 21721  
by the state board of education or a comparable agency of another 21722  
state, and that the person meets at least one of the following 21723  
requirements:~~ 21724

~~(a) Two years of experience working as a child care staff 21725  
member in a child day care center or preschool program and at 21726  
least four courses in child development or early childhood 21727  
education from an accredited college, university, or technical 21728  
college, except that a person who has two years of experience 21729~~

~~working as a child care staff member in a particular day care center or preschool program and who has been promoted to or designated director shall have one year from the time the person was promoted or designated to complete the required four courses;~~

~~(b) Two years of training in an accredited college, university, or technical college that includes at least four courses in child development or early childhood education;~~

~~(c) A child development associate credential issued by the national child development associate credentialing commission;~~

~~(d) An associate or higher degree in child development or early childhood education from an accredited college, university, or technical college.~~

(B) Each preschool staff member shall be at least eighteen years of age and have a high school diploma or a certification of high school equivalency issued by the state board of education or a comparable agency of another state, except that a staff member may be less than eighteen years of age if the staff member is a graduate of a two-year vocational child-care training program approved by the state board of education, or is a student enrolled in the second year of such a program that leads to high school graduation, provided that the student performs duties in the preschool program under the continuous supervision of an experienced preschool staff member and receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school.

A preschool staff member shall annually complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, and first aid, and in the prevention, recognition, and management of communicable diseases, until a total of forty-five hours has been completed, unless the staff member holds an associate or higher

degree in child development or early childhood education from an 21761  
accredited college, university, or technical college, or any type 21762  
of educator license designated as appropriate for teaching in an 21763  
associate teaching position in a preschool setting issued by the 21764  
state board of education pursuant to section 3319.22 of the 21765  
Revised Code. 21766

**Sec. 3301.55.** (A) A school district, county MR/DD board, or 21767  
eligible nonpublic school, ~~head start grantee, or head start~~ 21768  
~~delegate agency~~ operating a preschool program shall house the 21769  
program in buildings that meet the following requirements: 21770

(1) The building is operated by the district, county MR/DD 21771  
board, or eligible nonpublic school, ~~head start grantee, or head~~ 21772  
~~start delegate agency~~ and has been approved by the division of 21773  
industrial compliance in the department of commerce or a certified 21774  
municipal, township, or county building department for the purpose 21775  
of operating a program for preschool children. Any such structure 21776  
shall be constructed, equipped, repaired, altered, and maintained 21777  
in accordance with applicable provisions of Chapters 3781. and 21778  
3791. and with rules adopted by the board of building standards 21779  
under Chapter 3781. of the Revised Code for the safety and 21780  
sanitation of structures erected for this purpose. 21781

(2) The building is in compliance with fire and safety laws 21782  
and regulations as evidenced by reports of annual school fire and 21783  
safety inspections as conducted by appropriate local authorities. 21784

(3) The school is in compliance with rules established by the 21785  
state board of education regarding school food services. 21786

(4) The facility includes not less than thirty-five square 21787  
feet of indoor space for each child in the program. Safe play 21788  
space, including both indoor and outdoor play space, totaling not 21789  
less than sixty square feet for each child using the space at any 21790  
one time, shall be regularly available and scheduled for use. 21791

(5) First aid facilities and space for temporary placement or 21792  
isolation of injured or ill children are provided. 21793

(B) Each school district, county MR/DD board, or eligible 21794  
nonpublic school, ~~head start grantee, or head start delegate~~ 21795  
~~agency~~ that operates, or proposes to operate, a preschool program 21796  
shall submit a building plan including all information specified 21797  
by the state board of education to the board not later than the 21798  
first day of September of the school year in which the program is 21799  
to be initiated. The board shall determine whether the buildings 21800  
meet the requirements of this section and section 3301.53 of the 21801  
Revised Code, and notify the superintendent of its determination. 21802  
If the board determines, on the basis of the building plan or any 21803  
other information, that the buildings do not meet those 21804  
requirements, it shall cause the buildings to be inspected by the 21805  
department of education. The department shall make a report to the 21806  
superintendent specifying any aspects of the building that are not 21807  
in compliance with the requirements of this section and section 21808  
3301.53 of the Revised Code and the time period that will be 21809  
allowed the district, county MR/DD board, or school, ~~grantee, or~~ 21810  
~~agency~~ to meet the requirements. 21811

**Sec. 3301.57.** (A) For the purpose of improving programs, 21812  
facilities, and implementation of the standards promulgated by the 21813  
state board of education under section 3301.53 of the Revised 21814  
Code, the state department of education shall provide consultation 21815  
and technical assistance to school districts, county MR/DD boards, 21816  
and eligible nonpublic schools, ~~head start grantees, and head~~ 21817  
~~start delegate agencies~~ operating preschool programs or school 21818  
child programs, and inservice training to preschool staff members, 21819  
school child program staff members, and nonteaching employees. 21820

(B) The department and the school district board of 21821  
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 21822

~~start grantee, or head start delegate agency shall jointly monitor~~ 21823  
each preschool program and each school child program. 21824

If the program receives any grant or other funding from the 21825  
state or federal government, the department annually shall monitor 21826  
all reports on attendance, financial support, and expenditures 21827  
according to provisions for use of the funds. 21828

~~(C) The department of job and family services and the 21829  
department of education shall enter into a contract pursuant to 21830  
which the department of education inspects preschool programs and 21831  
school child programs in accordance with sections 3301.52 to 21832  
3301.59 of the Revised Code, the rules adopted under those 21833  
sections, and any applicable procedures in Chapter 5104. of the 21834  
Revised Code and investigates any complaints filed pursuant to 21835  
those sections or rules. The contract shall require the department 21836  
of job and family services to pay the department of education for 21837  
conducting the inspections and investigations an amount equal to 21838  
the amount that the department of job and family services would 21839  
expend conducting the same number of inspections and 21840  
investigations with its employees under Chapter 5104. of the 21841  
Revised Code. 21842~~

~~(D) The department of education, at least twice during every 21843  
twelve-month period of operation of a preschool program or a 21844  
licensed school child program, shall inspect the program and 21845  
provide a written inspection report to the superintendent of the 21846  
school district, county MR/DD board, or eligible nonpublic school, 21847  
~~head start grantee, or head start delegate agency.~~ At least one 21848  
inspection shall be unannounced, and all inspections may be 21849  
unannounced. No person shall interfere with any inspection 21850  
conducted pursuant to this division or to the rules adopted 21851  
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 21852~~

Upon receipt of any complaint that a preschool program or a 21853  
licensed school child program is out of compliance with the 21854

requirements in sections 3301.52 to 3301.59 of the Revised Code or 21855  
the rules adopted under those sections, the department shall 21856  
investigate and may inspect the program. 21857

~~(E)~~(D) If a preschool program or a licensed school child 21858  
program is determined to be out of compliance with the 21859  
requirements of sections 3301.52 to 3301.59 of the Revised Code or 21860  
the rules adopted under those sections, the department of 21861  
education shall notify the appropriate superintendent, county 21862  
MR/DD board, or eligible nonpublic school, ~~head start grantee, or~~ 21863  
~~head start delegate agency~~ in writing regarding the nature of the 21864  
violation, what must be done to correct the violation, and by what 21865  
date the correction must be made. If the correction is not made by 21866  
the date established by the department, it may commence action 21867  
under Chapter 119. of the Revised Code to close the program or to 21868  
revoke the license of the program. If a program does not comply 21869  
with an order to cease operation issued in accordance with Chapter 21870  
119. of the Revised Code, the department shall notify the attorney 21871  
general, the prosecuting attorney of the county in which the 21872  
program is located, or the city attorney, village solicitor, or 21873  
other chief legal officer of the municipal corporation in which 21874  
the program is located that the program is operating in violation 21875  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 21876  
adopted under those sections and in violation of an order to cease 21877  
operation issued in accordance with Chapter 119. of the Revised 21878  
Code. Upon receipt of the notification, the attorney general, 21879  
prosecuting attorney, city attorney, village solicitor, or other 21880  
chief legal officer shall file a complaint in the court of common 21881  
pleas of the county in which the program is located requesting the 21882  
court to issue an order enjoining the program from operating. The 21883  
court shall grant the requested injunctive relief upon a showing 21884  
that the program named in the complaint is operating in violation 21885  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 21886  
adopted under those sections and in violation of an order to cease 21887

operation issued in accordance with Chapter 119. of the Revised Code. 21888  
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~~(F)~~(E) The department of education shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999. 21890  
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**Sec. 3301.58.** (A) The department of education is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head start delegate agency~~ shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this section. A school district board of education, county MR/DD board, or eligible nonpublic school may obtain a license under this section for a school child program. The school district board of education, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head start delegate agency~~ shall post the current license for each preschool program and licensed school child program it operates, establishes, manages, conducts, or maintains in a conspicuous place in the preschool program or licensed school child program that is accessible to parents, custodians, or guardians and employees and staff members of the program at all times when the program is in operation. 21898  
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(B) Any school district board of education, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head~~ 21917  
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~~start delegate agency~~ that desires to operate, establish, manage, 21919  
conduct, or maintain a preschool program shall apply to the 21920  
department of education for a license on a form that the 21921  
department shall prescribe by rule. Any school district board of 21922  
education, county MR/DD board, or eligible nonpublic school that 21923  
desires to obtain a license for a school child program shall apply 21924  
to the department for a license on a form that the department 21925  
shall prescribe by rule. The department shall provide at no charge 21926  
to each applicant for a license under this section a copy of the 21927  
requirements under sections 3301.52 to 3301.59 of the Revised Code 21928  
and any rules adopted under those sections. The department shall 21929  
mail application forms for the renewal of a license at least one 21930  
hundred twenty days prior to the date of the expiration of the 21931  
license, and the application for renewal of a license shall be 21932  
filed with the department at least sixty days before the date of 21933  
the expiration of the existing license. The department may 21934  
establish application fees by rule adopted under Chapter 119. of 21935  
the Revised Code, and all applicants for a license shall pay any 21936  
fee established by the department at the time of making an 21937  
application for a license. All fees collected pursuant to this 21938  
section shall be paid into the state treasury to the credit of the 21939  
general revenue fund. 21940

(C) Upon the filing of an application for a license, the 21941  
department of education shall investigate and inspect the 21942  
preschool program or school child program to determine the license 21943  
capacity for each age category of children of the program and to 21944  
determine whether the program complies with sections 3301.52 to 21945  
3301.59 of the Revised Code and any rules adopted under those 21946  
sections. When, after investigation and inspection, the department 21947  
of education is satisfied that sections 3301.52 to 3301.59 of the 21948  
Revised Code and any rules adopted under those sections are 21949  
complied with by the applicant, the department of education shall 21950  
issue the program a provisional license as soon as practicable in 21951

the form and manner prescribed by the rules of the department. The 21952  
provisional license shall be valid for six months from the date of 21953  
issuance unless revoked. 21954

(D) The department of education shall investigate and inspect 21955  
a preschool program or school child program that has been issued a 21956  
provisional license at least once during operation under the 21957  
provisional license. If, after the investigation and inspection, 21958  
the department of education determines that the requirements of 21959  
sections 3301.52 to 3301.59 of the Revised Code and any rules 21960  
adopted under those sections are met by the provisional licensee, 21961  
the department of education shall issue a license that is 21962  
effective for two years from the date of the issuance of the 21963  
provisional license. 21964

(E) Upon the filing of an application for the renewal of a 21965  
license by a preschool program or school child program, the 21966  
department of education shall investigate and inspect the 21967  
preschool program or school child program. If the department of 21968  
education determines that the requirements of sections 3301.52 to 21969  
3301.59 of the Revised Code and any rules adopted under those 21970  
sections are met by the applicant, the department of education 21971  
shall renew the license for two years from the date of the 21972  
expiration date of the previous license. 21973

(F) The license or provisional license shall state the name 21974  
of the school district board of education, county MR/DD board, or 21975  
eligible nonpublic school, ~~head start grantee, or head start~~ 21976  
~~delegate agency~~ that operates the preschool program or school 21977  
child program and the license capacity of the program. The license 21978  
shall include any other information required by section 5104.03 of 21979  
the Revised Code for the license of a child day-care center. 21980

(G) The department of education may revoke the license of any 21981  
preschool program or school child program that is not in 21982  
compliance with the requirements of sections 3301.52 to 3301.59 of 21983

the Revised Code and any rules adopted under those sections. 21984

(H) If the department of education revokes a license or 21985  
refuses to renew a license to a program, the department shall not 21986  
issue a license to the program within two years from the date of 21987  
the revocation or refusal. All actions of the department with 21988  
respect to licensing preschool programs and school child programs 21989  
shall be in accordance with Chapter 119. of the Revised Code. 21990

**Sec. 3301.68.** There is hereby created the legislative 21991  
committee on education oversight as a subcommittee of the 21992  
legislative service commission. The committee shall consist of 21993  
five members of the house of representatives appointed by the 21994  
speaker of the house of representatives and five members of the 21995  
senate appointed by the president of the senate. Not more than 21996  
three of the members appointed from each house shall be members of 21997  
the same political party. Members shall serve during the term of 21998  
office to which they were elected. 21999

The committee, subject to the oversight and direction of the 22000  
legislative service commission, shall direct the work of the 22001  
legislative office of education oversight, which is hereby 22002  
established. The committee may employ a staff director and such 22003  
other staff as are necessary for the operation of the office, who 22004  
shall be in the unclassified service of the state, and may 22005  
contract for the services of whatever technical advisors are 22006  
necessary for the committee and the office to carry out their 22007  
duties. 22008

The chairperson and vice-chairperson of the legislative 22009  
service commission shall fix the compensation of the director. The 22010  
director, with the approval of the director of the legislative 22011  
service commission, shall fix the compensation of other staff of 22012  
the office in accordance with a salary schedule established by the 22013  
director of the legislative service commission. Contracts for the 22014

services of necessary technical advisors shall be approved by the 22015  
director of the legislative service commission. 22016

All expenses incurred by the committee or office shall be 22017  
paid upon vouchers approved by the chairperson of the committee. 22018  
The committee shall adopt rules for the conduct of its business 22019  
and the election of officers, except that the office of 22020  
chairperson of the committee shall alternate each general assembly 22021  
between a member of the house of representatives selected by the 22022  
speaker and a member of the senate selected by the president. 22023

The committee shall select, for the office to review and 22024  
evaluate, education and school-related programs that receive state 22025  
financial assistance in any form. The reviews and evaluations may 22026  
include any of the following: 22027

(A) Assessment of the uses school districts and institutions 22028  
of higher education make of state money they receive and 22029  
determination of the extent to which such money improves school 22030  
district or institutional performance in the areas for which the 22031  
money was intended to be used; 22032

(B) Determination of whether an education program meets its 22033  
intended goals, has adequate operating or administrative 22034  
procedures and fiscal controls, encompasses only authorized 22035  
activities, has any undesirable or unintended effects, and is 22036  
efficiently managed; 22037

(C) Examination of various pilot programs developed and 22038  
initiated in school districts and at state-assisted colleges and 22039  
universities to determine whether such programs suggest 22040  
innovative, effective ways to deal with problems that may exist in 22041  
other school districts or state-assisted colleges or universities, 22042  
and to assess the fiscal costs and likely impact of adopting such 22043  
programs throughout the state or in other state-assisted colleges 22044  
and universities. 22045

The committee shall report the results of each program review 22046  
the office conducts to the general assembly. 22047

If the general assembly directs the legislative office of 22048  
education oversight to submit a study to the general assembly by a 22049  
particular date, the committee has the authority to modify the 22050  
scope and due date of the study to accommodate the availability of 22051  
data and resources. 22052

**Sec. 3301.80.** (A) There is hereby created the Ohio SchoolNet 22053  
commission as an independent agency. The commission shall 22054  
administer programs to provide financial and other assistance to 22055  
school districts and other educational institutions for the 22056  
acquisition and utilization of educational technology. 22057

The commission is a body corporate and politic, an agency of 22058  
the state performing essential governmental functions of the 22059  
state. 22060

(B)(1) The commission shall consist of ~~eleven~~ thirteen 22061  
members, ~~seven~~ nine of whom are voting members. Of the voting 22062  
members, one shall be appointed by the speaker of the house of 22063  
representatives ~~and~~, one shall be appointed by the president of 22064  
the senate, and two shall be appointed by the governor. The 22065  
members appointed by the speaker of the house and the president of 22066  
the senate shall not be members of the general assembly. The state 22067  
superintendent of public instruction or a designee of the 22068  
superintendent, the director of budget and management or a 22069  
designee of the director, the director of administrative services 22070  
or a designee of the director, the chairperson of the public 22071  
utilities commission or a designee of the chairperson, and the 22072  
director of the Ohio educational telecommunications network 22073  
commission or a designee of the director shall serve on the 22074  
commission as ex officio voting members. Of the nonvoting members, 22075  
two shall be members of the house of representatives appointed by 22076

the speaker of the house and two shall be members of the senate 22077  
appointed by the president of the senate. The members appointed 22078  
from each house shall not be members of the same political party. 22079  
The commission shall appoint officers from among its members. 22080

(2) The members shall serve without compensation. The voting 22081  
members appointed by the speaker of the house of representatives 22082  
~~and~~, the president of the senate, and the governor shall be 22083  
reimbursed, pursuant to office of budget and management 22084  
guidelines, for necessary expenses incurred in the performance of 22085  
official duties. 22086

(3) The terms of office for the members appointed by the 22087  
speaker of the house ~~and~~, the president of the senate, and the 22088  
governor shall be for two years, with each term ending on the same 22089  
day of the same month as did the term that it succeeds, except 22090  
that the voting members so appointed may be removed at ~~anytime~~ any 22091  
time by their respective appointing authority. The members 22092  
appointed by the speaker of the house ~~and~~, the president of the 22093  
senate, and the governor may be reappointed. Any member appointed 22094  
from the house of representatives or senate who ceases to be a 22095  
member of the legislative house from which the member was 22096  
appointed shall cease to be a member of the commission. Vacancies 22097  
among appointed members shall be filled in the manner provided for 22098  
original appointments. Any member appointed to fill a vacancy 22099  
occurring prior to the expiration date of the term for which a 22100  
predecessor was appointed shall hold office as a member for the 22101  
remainder of that term. The members appointed by the speaker of 22102  
the house ~~and~~, the president of the senate, and the governor shall 22103  
continue in office subsequent to the expiration date of that 22104  
member's term until a successor takes office or until a period of 22105  
sixty days has elapsed, whichever occurs first. 22106

(C)(1) The commission shall be under the supervision of an 22107  
executive director who shall be appointed by the commission. The 22108

executive director shall serve at the pleasure of the commission 22109  
and shall direct commission employees in the administration of all 22110  
programs for the provision of financial and other assistance to 22111  
school districts and other educational institutions for the 22112  
acquisition and utilization of educational technology. 22113

(2) The employees of the Ohio SchoolNet commission shall be 22114  
placed in the unclassified service. The commission shall fix the 22115  
compensation of the executive director. The executive director 22116  
shall employ and fix the compensation for such employees as 22117  
necessary to facilitate the activities and purposes of the 22118  
commission. The employees shall serve at the pleasure of the 22119  
executive director. 22120

(3) The employees of the Ohio SchoolNet commission shall be 22121  
exempt from Chapter 4117. of the Revised Code and shall not be 22122  
public employees as defined in section 4117.01 of the Revised 22123  
Code. 22124

(D) The Ohio SchoolNet commission shall do all of the 22125  
following: 22126

(1) Make grants to institutions and other organizations as 22127  
prescribed by the general assembly for the provision of technical 22128  
assistance, professional development, and other support services 22129  
to enable school districts, community schools established under 22130  
Chapter 3314. of the Revised Code, and other educational 22131  
institutions to utilize educational technology; 22132

(2) Contract with the department of education, state 22133  
institutions of higher education, private nonprofit institutions 22134  
of higher education holding certificates of authorization under 22135  
section 1713.02 of the Revised Code, and such other public or 22136  
private entities as the executive director deems necessary for the 22137  
administration and implementation of the programs under the 22138  
commission's jurisdiction; 22139

(3) Establish a reporting system to which school districts, 22140  
community schools established under Chapter 3314. of the Revised 22141  
Code, and other educational institutions receiving financial 22142  
assistance pursuant to this section for the acquisition of 22143  
educational technology report information as to the manner in 22144  
which such assistance was expended, the manner in which the 22145  
equipment or services purchased with the assistance is being 22146  
utilized, the results or outcome of this utilization, and other 22147  
information as may be required by the commission; 22148

(4) Establish necessary guidelines governing purchasing and 22149  
procurement by participants in programs administered by the 22150  
commission that facilitate the timely and effective implementation 22151  
of such programs; 22152

(5) Take into consideration the efficiency and cost savings 22153  
of statewide procurement prior to allocating and releasing funds 22154  
for any programs under its administration. 22155

(E)(1) The executive director shall implement policies and 22156  
directives issued by the Ohio SchoolNet commission. 22157

(2) The Ohio SchoolNet commission may establish a systems 22158  
support network to facilitate the timely implementation of the 22159  
programs, projects, or activities for which it provides 22160  
assistance. 22161

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 22162  
9.332, and 9.333 of the Revised Code do not apply to contracts, 22163  
programs, projects, or activities of the Ohio SchoolNet 22164  
commission. 22165

**Sec. 3302.03.** (A) Annually the department of education shall 22166  
report for each school district the extent to which it meets each 22167  
of the performance indicators created by the state board of 22168  
education under section 3302.02 of the Revised Code and shall 22169

specify for each such district the number of performance 22170  
indicators that have been achieved and whether the district is an 22171  
excellent school district, an effective school district, needs 22172  
continuous improvement, is under an academic watch, or is in a 22173  
state of academic emergency. 22174

When possible, the department shall also determine for each 22175  
school building in a district the extent to which it meets any of 22176  
the performance indicators applicable to the grade levels of the 22177  
students in that school building and whether the school building 22178  
is an excellent school, an effective school, needs continuous 22179  
improvement, is under an academic watch, or is in a state of 22180  
academic emergency. 22181

(B) If the state board establishes seventeen performance 22182  
indicators applicable to a school district or building under 22183  
section 3302.02 of the Revised Code: 22184

(1) A school district or building shall be declared excellent 22185  
if it meets at least sixteen of the applicable state performance 22186  
indicators. 22187

(2) A school district or building shall be declared effective 22188  
if it meets thirteen through fifteen of the applicable state 22189  
performance indicators. 22190

(3) A school district or building shall be declared to be in 22191  
need of continuous improvement if it meets more than eight but 22192  
less than thirteen of the applicable state performance indicators. 22193

(4) A school district or building shall be declared to be 22194  
under an academic watch if it meets more than five but not more 22195  
than eight of the applicable state performance indicators. 22196

(5) A school district or building shall be declared to be in 22197  
a state of academic emergency if it does not meet more than five 22198  
of the applicable state performance indicators. 22199

(C) If the state board establishes more than seventeen performance indicators under section 3302.02 of the Revised Code, or if less than seventeen performance indicators are applicable to a school building, the state board shall establish the number of indicators that must be met in order for a district or building to be designated as excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency. The number established for each such category under this division shall bear a similar relationship to the total number of indicators as the number of indicators required for the respective categories stated in division (B) of this section bears to seventeen.

(D)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code.

(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator.

(3) When reporting data on student performance, the department shall disaggregate that data according to the following categories:

(a) Performance of students by age group;

(b) Performance of students by race and ethnic group;

(c) Performance of students by gender;

(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(e) Performance of students grouped by those who have been

enrolled in a district or school for more than one year and less	22230
than three years;	22231
(f) Performance of students grouped by those who have been	22232
enrolled in a district or school for one year or less;	22233
(g) <del>Performance of students grouped by those who are</del>	22234
<del>classified as vocational education students pursuant to guidelines</del>	22235
<del>adopted by the department for purposes of this division;</del>	22236
<h>(h)</h> Performance of students grouped by those who are	22237
economically disadvantaged, to the extent that such data is	22238
available from the education management information system	22239
established under section 3301.0714 of the Revised Code;	22240
<h>(i)(h)</h> Performance of students grouped by those who are	22241
enrolled in a conversion community school established under	22242
Chapter 3314. of the Revised Code.	22243
The department may disaggregate data on student performance	22244
according to other categories that the department determines are	22245
appropriate.	22246
In reporting data pursuant to division (D)(3) of this	22247
section, the department shall not include in the report cards any	22248
data statistical in nature that is statistically unreliable or	22249
that could result in the identification of individual students.	22250
(4) The department may include with the report cards any	22251
additional education and fiscal performance data it deems	22252
valuable.	22253
(5) The department shall include on each report card a list	22254
of additional information collected by the department that is	22255
available regarding the district or building for which the report	22256
card is issued. When available, such additional information shall	22257
include student mobility data disaggregated by race and	22258
socioeconomic status, college enrollment data, and the reports	22259

prepared under section 3302.031 of the Revised Code. 22260

The department shall maintain a site on the world wide web. 22261  
The report card shall include the address of the site and shall 22262  
specify that such additional information is available to the 22263  
public at that site. The department shall also provide a copy of 22264  
each item on the list to the superintendent of each school 22265  
district. The district superintendent shall provide a copy of any 22266  
item on the list to anyone who requests it. 22267

(6) For any district that sponsors a conversion community 22268  
school under Chapter 3314. of the Revised Code, the department 22269  
shall combine data regarding the academic performance of students 22270  
enrolled in the community school with comparable data from the 22271  
schools of the district for the purpose of calculating the 22272  
performance of the district as a whole on the report card issued 22273  
for the district. 22274

(E) In calculating reading, writing, mathematics, social 22275  
studies, or science proficiency or achievement test passage rates 22276  
used to determine school district performance under this section, 22277  
the department shall include all students taking a test with 22278  
accommodation or to whom an alternate assessment is administered 22279  
pursuant to division (C)(1) of section 3301.0711 of the Revised 22280  
Code, but shall not include any student excused from taking a test 22281  
pursuant to division (C)(3) of that section, whether or not the 22282  
student chose to take the test voluntarily in spite of the 22283  
exemption granted in that division. 22284

**Sec. 3311.05.** (A) The territory within the territorial limits 22285  
of a county, or the territory included in a district formed under 22286  
either section 3311.053 or 3311.059 of the Revised Code, exclusive 22287  
of the territory embraced in any city school district or exempted 22288  
village school district, and excluding the territory detached 22289  
therefrom for school purposes and including the territory attached 22290

thereto for school purposes constitutes an educational service center. 22291  
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(B) A county school financing district created under section 3311.50 of the Revised Code is not the school district described in division (A) of this section or any other school district but is a taxing district. 22293  
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Sec. 3311.059. The procedure prescribed in this section may be used in lieu of a transfer prescribed under section 3311.231 of the Revised Code. 22297  
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(A) Subject to divisions (B) and (C) of this section, a board of education of a local school district may by a resolution approved by a majority of all its members propose to sever that local school district from the territory of the educational service center in which the local school district is currently included and to instead annex the local school district to the territory of another educational service center, the current territory of which is adjacent to the territory of the educational service center in which the local school district is currently included. The resolution shall promptly be filed with the governing board of each educational service center affected by the resolution and with the superintendent of public instruction. 22300  
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(B) The resolution adopted under division (A) of this section shall not be effective unless it is approved by both the governing board of the educational service center to which the board of education proposes to annex the local school district and the state board of education. The severance of the local school district from one educational service center and its annexation to another educational service center under this section shall not be effective until one year after the first day of July following the later of the date that the governing board of the educational service center to which the local school district is proposed to 22312  
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be annexed approves the resolution or the date the board of 22322  
elections certifies the results of the referendum election as 22323  
provided in division (C) of this section. 22324

(C) Within sixty days following the date of the adoption of 22325  
the resolution under division (A) of this section, the electors of 22326  
the local school district may petition for a referendum vote on 22327  
the resolution. The question whether to approve or disapprove the 22328  
resolution shall be submitted to the electors of such school 22329  
district if a number of qualified electors equal to twenty per 22330  
cent of the number of electors in the school district who voted 22331  
for the office of governor at the most recent general election for 22332  
that office sign a petition asking that the question of whether 22333  
the resolution shall be disapproved be submitted to the electors. 22334  
The petition shall be filed with the board of elections of the 22335  
county in which the school district is located. If the school 22336  
district is located in more than one county, the petition shall be 22337  
filed with the board of elections of the county in which the 22338  
majority of the territory of the school district is located. The 22339  
board shall certify the validity and sufficiency of the signatures 22340  
on the petition. 22341

The board of elections shall immediately notify the board of 22342  
education of the local school district and the governing board of 22343  
each educational service center affected by the resolution that 22344  
the petition has been filed. 22345

The effect of the resolution shall be stayed until the board 22346  
of elections certifies the validity and sufficiency of the 22347  
signatures on the petition. If the board of elections determines 22348  
that the petition does not contain a sufficient number of valid 22349  
signatures and sixty days have passed since the adoption of the 22350  
resolution, the resolution shall become effective as provided in 22351  
division (B) of this section. 22352

If the board of elections certifies that the petition 22353

contains a sufficient number of valid signatures, the board shall 22354  
submit the question to the qualified electors of the school 22355  
district on the day of the next general or primary election held 22356  
at least seventy-five days after the board of elections certifies 22357  
the validity and sufficiency of signatures on the petition. The 22358  
election shall be conducted and canvassed and the results shall be 22359  
certified in the same manner as in regular elections for the 22360  
election of members of a board of education. 22361

If a majority of the electors voting on the question 22362  
disapprove the resolution, the resolution shall not become 22363  
effective. If a majority of the electors voting on the question 22364  
approve the resolution, the resolution shall become effective as 22365  
provided in division (B) of this section. 22366

(D) Upon the effective date of the severance of the local 22367  
school district from one educational service center and its 22368  
annexation to another educational service center as provided in 22369  
division (B) of this section, the governing board of each 22370  
educational service center shall take such steps for the election 22371  
of members of the governing board and for organization of the 22372  
governing board as prescribed in Chapter 3313. of the Revised 22373  
Code. 22374

**Sec. 3311.24.** (A) Except as provided in division (B) of this 22375  
section, if the board of education of a city, exempted village, or 22376  
local school district deems it advisable to transfer territory 22377  
from such district to an adjoining city, exempted village, or 22378  
local school district, or if a petition, signed by seventy-five 22379  
per cent of the qualified electors residing within that portion of 22380  
a city, exempted village, or local school district proposed to be 22381  
transferred voting at the last general election, requests such a 22382  
transfer, the board of education of the district in which such 22383  
proposal originates shall file such proposal, together with a map 22384

showing the boundaries of the territory proposed to be 22385  
transferred, with the state board of education prior to the first 22386  
day of April in any even-numbered year. The state board of 22387  
education may, if it is advisable, provide for a hearing in any 22388  
suitable place in any of the school districts affected by such 22389  
proposed transfer of territory. The state board of education or 22390  
its representatives shall preside at any such hearing. 22391

A board of education of a city, exempted village, or local 22392  
school district that receives a petition of transfer under this 22393  
division shall cause the board of elections to check the 22394  
sufficiency of signatures on the petition. 22395

Not later than the first day of September the state board of 22396  
education shall either approve or disapprove a proposed transfer 22397  
of territory filed with it as provided by this section and shall 22398  
notify, in writing, the boards of education of the districts 22399  
affected by such proposed transfer of territory of its decision. 22400

If the decision of the state board of education is an 22401  
approval of the proposed transfer of territory then the board of 22402  
education of the district in which the territory is located shall, 22403  
within thirty days after receiving the state board of education's 22404  
decision, adopt a resolution transferring the territory and shall 22405  
forthwith submit a copy of such resolution to the treasurer of the 22406  
board of education of the city, exempted village, or local school 22407  
district to which the territory is transferred. Such transfer 22408  
shall not be complete however, until: 22409

(1) A resolution accepting the transfer has been passed by a 22410  
majority vote of the full membership of the board of education of 22411  
the city, exempted village, or local school district to which the 22412  
territory is transferred; 22413

(2) An equitable division of the funds and indebtedness 22414  
between the districts involved has been made by the board of 22415

education making the transfer; 22416

(3) A map showing the boundaries of the territory transferred 22417  
has been filed, by the board of education accepting the transfer, 22418  
with the county auditor of each county affected by the transfer. 22419

When such transfer is complete the legal title of the school 22420  
property in the territory transferred shall be vested in the board 22421  
of education or governing board of the school district to which 22422  
the territory is transferred. 22423

(B) Whenever the transfer of territory pursuant to this 22424  
section is initiated by a board of education, the board shall, 22425  
before filing a proposal for transfer with the state board of 22426  
education under this section, make a good faith effort to 22427  
negotiate the terms of transfer with any other school district 22428  
whose territory would be affected by the transfer. Before the 22429  
state board may hold a hearing on the transfer, or approve or 22430  
disapprove any such transfer, it must receive the following: 22431

(1) A resolution requesting approval of the transfer, passed 22432  
by the school district submitting the proposal; 22433

(2) Evidence determined to be sufficient by the state board 22434  
to show that good faith negotiations have taken place or that the 22435  
district requesting the transfer has made a good faith effort to 22436  
hold such negotiations; 22437

(3) If any negotiations took place, a statement signed by all 22438  
boards that participated in the negotiations, listing the terms 22439  
agreed on and the points on which no agreement could be reached. 22440

Negotiations held pursuant to this section shall be governed 22441  
by the rules adopted by the state board under division (D) of 22442  
section 3311.06 of the Revised Code. Districts involved in a 22443  
transfer under division (B) of this section may agree to share 22444  
revenues from the property included in the territory to be 22445  
transferred, establish cooperative programs between the 22446

participating districts, and establish mechanisms for the 22447  
settlement of any future boundary disputes. 22448

~~Sec. 3311.26. A governing board of an educational service~~ 22449  
~~center~~ The state board of education may, by resolution adopted by 22450  
majority vote of its full membership, propose the creation of a 22451  
new local school district from one or more local school districts 22452  
or parts thereof, including the creation of a local district with 22453  
noncontiguous territory from one or more local school districts if 22454  
one of those districts has entered into an agreement under section 22455  
3313.42 of the Revised Code. Such proposal shall include an 22456  
accurate map showing the territory affected. After the adoption of 22457  
the resolution, the ~~governing~~ state board shall file a copy of 22458  
such proposal with the board of education of each school district 22459  
whose boundaries would be altered by such proposal. 22460

~~A governing board of a service center proposing~~ Upon the 22461  
creation of a new district under this section, the state board 22462  
shall at its next regular meeting that occurs not earlier than 22463  
thirty days after the adoption by the ~~governing~~ state board of the 22464  
resolution proposing such creation, adopt a resolution making the 22465  
creation effective prior to the next succeeding first day of July, 22466  
unless, prior to the expiration of such thirty-day period, 22467  
qualified electors residing in the area included in such proposed 22468  
new district, equal in number to thirty-five per cent of the 22469  
qualified electors voting at the last general election, file a 22470  
petition of referendum against the creation of the proposed new 22471  
district. 22472

A petition of referendum filed under this section shall be 22473  
filed at the office of the ~~educational service center~~ state 22474  
superintendent of public instruction. The person presenting the 22475  
petition shall be given a receipt containing thereon the time of 22476  
day, the date, and the purpose of the petition. 22477

If a petition of referendum is filed, the ~~governing state~~ 22478  
board shall, at the next regular meeting of the ~~governing state~~ 22479  
board, certify the proposal to the board of elections for the 22480  
purpose of having the proposal placed on the ballot at the next 22481  
general or primary election which occurs not less than 22482  
seventy-five days after the date of such certification, or at a 22483  
special election, the date of which shall be specified in the 22484  
certification, which date shall not be less than seventy-five days 22485  
after the date of such certification. 22486

Upon certification of a proposal to the board or boards of 22487  
elections pursuant to this section, the board or boards of 22488  
elections shall make the necessary arrangements for the submission 22489  
of such question to the electors of the county or counties 22490  
qualified to vote thereon, and the election shall be conducted and 22491  
canvassed and the results shall be certified in the same manner as 22492  
in regular elections for the election of members of a board of 22493  
education. 22494

The persons qualified to vote upon a proposal are the 22495  
electors residing in the proposed new districts. 22496

If the proposed district be approved by at least a majority 22497  
of the electors voting on the proposal, the ~~governing state~~ board 22498  
shall then create such new district prior to the next succeeding 22499  
first day of July, ~~and shall so notify the state board of~~ 22500  
~~education.~~ 22501

Upon the creation of such district, the indebtedness of each 22502  
former district becoming in its entirety a part of the new 22503  
district shall be assumed in full by the new district. Upon the 22504  
creation of such district, that part of the net indebtedness of 22505  
each former district becoming only in part a part of the new 22506  
district shall be assumed by the new district which bears the same 22507  
ratio to the entire net indebtedness of the former district as the 22508

assessed valuation of the part taken by the new district bears to 22509  
the entire assessed valuation of the former district as fixed on 22510  
the effective date of transfer. As used in this section, "net 22511  
indebtedness" means the difference between the par value of the 22512  
outstanding and unpaid bonds and notes of the school district and 22513  
the amount held in the sinking fund and other indebtedness 22514  
retirement funds for their redemption. Upon the creation of such 22515  
district, the funds of each former district becoming in its 22516  
entirety a part of the new district shall be paid over in full to 22517  
the new district. Upon the creation of such district, the funds of 22518  
each former district becoming only in part a part of the new 22519  
district shall be divided equitably by the ~~governing~~ state board 22520  
between the new district and that part of the former district not 22521  
included in the new district as such funds existed on the 22522  
effective date of the creation of the new district. 22523

The ~~governing~~ state board shall, following the election, file 22524  
with the county auditor of each county affected by the creation of 22525  
a new district an accurate map showing the boundaries of such 22526  
newly created district. 22527

When a new local school district is so created ~~within an~~ 22528  
~~educational service center~~, a board of education for such newly 22529  
created district shall be appointed by the ~~educational service~~ 22530  
~~center governing~~ state board. The members of such appointed board 22531  
of education shall hold their office until their successors are 22532  
elected and qualified. A board of education shall be elected for 22533  
such newly created district at the next general election held in 22534  
an odd numbered year occurring more than thirty days after the 22535  
appointment of the board of education of such newly created 22536  
district. At such election two members shall be elected for a term 22537  
of two years and three members shall be elected for a term of four 22538  
years, and, thereafter, their successors shall be elected in the 22539  
same manner and for the same terms as members of the board of 22540

education of a local school district. 22541

When the new district consists of territory lying in two or 22542  
more counties, the state board shall determine to which 22543  
educational service center the new district shall be assigned. 22544

The legal title of all property of the board of education in 22545  
the territory taken shall become vested in the board of education 22546  
of the newly created school district. 22547

Foundation program moneys accruing to a district created 22548  
under the provisions of this section or previous section 3311.26 22549  
of the Revised Code, shall not be less, in any year during the 22550  
next succeeding three years following the creation, than the sum 22551  
of the amounts received by the districts separately in the year in 22552  
which the creation of the district became effective. 22553

If, prior to the effective date of this amendment, a local 22554  
school district board of education or a group of individuals 22555  
requests the governing board of an educational service center to 22556  
consider proposing the creation of a new local school district, 22557  
the governing board, at any time during the one-year period 22558  
following the date that request is made, may adopt a resolution 22559  
proposing the creation of a new local school district in response 22560  
to that request and in accordance with the first paragraph of the 22561  
version of this section in effect prior to the effective date of 22562  
this amendment. If the governing board so proposes within that 22563  
one-year period, the governing board may proceed to create the new 22564  
local school district as it proposed, in accordance with the 22565  
version of this section in effect prior to the effective date of 22566  
this amendment, subject to the provisions of that version 22567  
authorizing a petition and referendum on the matter. 22568

Consolidations of school districts which include all of the 22569  
schools of a county and which become effective on or after July 1, 22570  
1959, shall be governed and included under this section. 22571

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 22572  
(F), and (G) of this section, when a board of education decides to 22573  
dispose of real or personal property that it owns in its corporate 22574  
capacity, and that exceeds in value ten thousand dollars, it shall 22575  
sell the property at public auction, after giving at least thirty 22576  
days' notice of the auction by publication in a newspaper of 22577  
general circulation or by posting notices in five of the most 22578  
public places in the school district in which the property, if it 22579  
is real property, is situated, or, if it is personal property, in 22580  
the school district of the board of education that owns the 22581  
property. The board may offer real property for sale as an entire 22582  
tract or in parcels. 22583

(B) When the board of education has offered real or personal 22584  
property for sale at public auction at least once pursuant to 22585  
division (A) of this section, and the property has not been sold, 22586  
the board may sell it at a private sale. Regardless of how it was 22587  
offered at public auction, at a private sale, the board shall, as 22588  
it considers best, sell real property as an entire tract or in 22589  
parcels, and personal property in a single lot or in several lots. 22590

(C) If a board of education decides to dispose of real or 22591  
personal property that it owns in its corporate capacity and that 22592  
exceeds in value ten thousand dollars, it may sell the property to 22593  
the adjutant general; to any subdivision or taxing authority as 22594  
respectively defined in divisions (A) and (C) of section 5705.01 22595  
of the Revised Code, township park district, board of park 22596  
commissioners established under Chapter 755. of the Revised Code, 22597  
or park district established under Chapter 1545. of the Revised 22598  
Code; to a wholly or partially tax-supported university, 22599  
university branch, or college; or to the board of trustees of a 22600  
school district library, upon such terms as are agreed upon. The 22601  
sale of real or personal property to the board of trustees of a 22602

school district library is limited, in the case of real property, 22603  
to a school district library within whose boundaries the real 22604  
property is situated, or, in the case of personal property, to a 22605  
school district library whose boundaries lie in whole or in part 22606  
within the school district of the selling board of education. 22607

(D) When a board of education decides to trade as a part or 22608  
an entire consideration, an item of personal property on the 22609  
purchase price of an item of similar personal property, it may 22610  
trade the same upon such terms as are agreed upon by the parties 22611  
to the trade. 22612

(E) The president and the treasurer of the board of education 22613  
shall execute and deliver deeds or other necessary instruments of 22614  
conveyance to complete any sale or trade under this section. 22615

(F) When a board of education has identified a parcel of real 22616  
property that it determines is needed for school purposes, the 22617  
board may, upon a majority vote of the members of the board, 22618  
acquire that property by exchanging real property that the board 22619  
owns in its corporate capacity for the identified real property or 22620  
by using real property that the board owns in its corporate 22621  
capacity as part or an entire consideration for the purchase price 22622  
of the identified real property. Any exchange or acquisition made 22623  
pursuant to this division shall be made by a conveyance executed 22624  
by the president and the treasurer of the board. 22625

(G)(1) When a school district board of education decides to 22626  
dispose of real property suitable for use as classroom space, 22627  
prior to disposing of such property under division (A) through (F) 22628  
of this section, it shall first offer that property for sale to 22629  
the governing authorities of the start-up community schools, 22630  
established under Chapter 3314. of the Revised Code and located 22631  
within the territory of the school district, at a price that is 22632  
not higher than the appraised fair market value of that property. 22633  
If more than one community school governing authority accepts the 22634

offer made by the school district board, the board shall sell the 22635  
property to the governing authority that accepted the offer first 22636  
in time. If no community school governing authority accepts the 22637  
offer within sixty days after the offer is made by the school 22638  
district board, the board may dispose of the property in the 22639  
applicable manner prescribed under divisions (A) to (F) of this 22640  
section. 22641

(2) If disposal of real property is planned as a part of a 22642  
school district project under Chapter 3318. of the Revised Code, 22643  
the Ohio school facilities commission shall not release any state 22644  
funds to a school district until the district has complied with 22645  
the provisions of division (G)(1) of this section, except for 22646  
funds specified for demolition of a facility to clear a site for 22647  
construction of a replacement facility included in the district's 22648  
project. 22649

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 22650  
3311.52 of the Revised Code, this section does not apply to either 22651  
of the following: 22652

(1) Any cooperative education school district; 22653

(2) Any city or exempted village school district with a total 22654  
student count of thirteen thousand or more determined pursuant to 22655  
section 3317.03 of the Revised Code that has not entered into one 22656  
or more agreements pursuant to this section prior to July 1, 1993, 22657  
unless the district's total student count did not exceed thirteen 22658  
thousand at the time it entered into an initial agreement under 22659  
this section. 22660

(B) The board of education of a city or exempted village 22661  
school district and the governing board of an educational service 22662  
center with territory in a county in which the city or exempted 22663  
village school district also has territory may enter into an 22664  
agreement, through adoption of identical resolutions, under which 22665

the educational service center governing board will provide 22666  
services to the city or exempted village school district. 22667

Services provided under the agreement shall be specified in 22668  
the agreement, and may include any one or a combination of the 22669  
following: supervisory teachers; in-service and continuing 22670  
education programs for city or exempted village school district 22671  
personnel; curriculum services as provided to the local school 22672  
districts under the supervision of the service center governing 22673  
board; research and development programs; academic instruction for 22674  
which the governing board employs teachers pursuant to section 22675  
3319.02 of the Revised Code; and assistance in the provision of 22676  
special accommodations and classes for handicapped students. 22677  
Services included in the agreement shall be provided to the city 22678  
or exempted village district in the same manner they are provided 22679  
to local school districts under the governing board's supervision, 22680  
unless otherwise specified in the agreement. The city or exempted 22681  
village board of education shall reimburse the educational service 22682  
center governing board pursuant to section 3317.11 of the Revised 22683  
Code. 22684

(C)(1) If an educational service center received funding 22685  
under division (B) of former section 3317.11 or division (F) of 22686  
section 3317.11 of the Revised Code for an agreement under this 22687  
section involving a city school district whose total student count 22688  
was less than thirteen thousand, the service center may continue 22689  
to receive funding under that division for such an agreement in 22690  
any subsequent year if the city district's total student count 22691  
exceeds thirteen thousand. However, only the first thirteen 22692  
thousand pupils in the formula ADM of such district shall be 22693  
included in determining the amount of the per pupil subsidy the 22694  
service center shall receive under division ~~(B)~~(F) of section 22695  
3317.11 of the Revised Code. 22696

(2) If, prior to ~~the effective date of this amendment~~ July 1, 22697

1998, an educational service center received funding under 22698  
division (B) of former section 3317.11 of the Revised Code for a 22699  
period of at least three years, for a good faith agreement under 22700  
this section involving a city school district with no territory in 22701  
the county in which the educational service center has territory, 22702  
that educational service center and that city school district may 22703  
enter into an agreement under this section, and the service center 22704  
shall receive funding under division ~~(B)~~(F) of section 3317.11 of 22705  
the Revised Code for any such agreement, notwithstanding the 22706  
territorial boundaries of the service center and the city school 22707  
district. 22708

(D) Any agreement entered into pursuant to this section shall 22709  
be valid only if a copy is filed with the department of education 22710  
by the first day of the school year for which the agreement is in 22711  
effect. 22712

**Sec. 3313.976.** (A) No private school may receive scholarship 22713  
payments from parents pursuant to section 3313.979 of the Revised 22714  
Code until the chief administrator of the private school registers 22715  
the school with the superintendent of public instruction. The 22716  
state superintendent shall register any school that meets the 22717  
following requirements: 22718

(1) The school is located within the boundaries of the pilot 22719  
project school district; 22720

(2) The school indicates in writing its commitment to follow 22721  
all requirements for a state-sponsored scholarship program 22722  
specified under sections 3313.974 to 3313.979 of the Revised Code, 22723  
including, but not limited to, the requirements for admitting 22724  
students pursuant to section 3313.977 of the Revised Code; 22725

(3) The school meets all state minimum standards for 22726  
chartered nonpublic schools in effect on July 1, 1992, except that 22727  
the state superintendent at the superintendent's discretion may 22728

register nonchartered nonpublic schools meeting the other	22729
requirements of this division;	22730
(4) The school does not discriminate on the basis of race,	22731
religion, or ethnic background;	22732
(5) The school enrolls a minimum of ten students per class or	22733
a sum of at least twenty-five students in all the classes offered;	22734
(6) The school does not advocate or foster unlawful behavior	22735
or teach hatred of any person or group on the basis of race,	22736
ethnicity, national origin, or religion;	22737
(7) The school does not provide false or misleading	22738
information about the school to parents, students, or the general	22739
public;	22740
(8) The school agrees not to charge any tuition to low-income	22741
families <del>participating in receiving ninety per cent of the</del>	22742
<u>scholarship amount through the scholarship program, pursuant to</u>	22743
<u>division (A) of section 3313.978 of the Revised Code, in excess of</u>	22744
ten per cent of the scholarship amount established pursuant to	22745
division (C)(1) of section 3313.978 of the Revised Code, excluding	22746
any increase described in division (C)(2) of that section. The	22747
school shall permit any such tuition, at the discretion of the	22748
parent, to be satisfied by the low-income family's provision of	22749
in-kind contributions or services.	22750
<u>(9) The school agrees not to charge any tuition to low-income</u>	22751
<u>families receiving a seventy-five per cent scholarship amount</u>	22752
<u>through the scholarship program, pursuant to division (A) of</u>	22753
<u>section 3313.978 of the Revised Code, in excess of the difference</u>	22754
<u>between the actual tuition charge of the school and seventy-five</u>	22755
<u>per cent of the scholarship amount established pursuant to</u>	22756
<u>division (C)(1) of section 3313.978 of the Revised Code, excluding</u>	22757
<u>any increase described in division (C)(2) of that section. The</u>	22758
<u>school shall permit such tuition, at the discretion of the parent,</u>	22759

to be satisfied by the low-income family's provision of in-kind 22760  
contributions or services. 22761

(B) The state superintendent shall revoke the registration of 22762  
any school if, after a hearing, the superintendent determines that 22763  
the school is in violation of any of the provisions of division 22764  
(A) of this section. 22765

(C) Any public school located in a school district adjacent 22766  
to the pilot project district may receive scholarship payments on 22767  
behalf of parents pursuant to section 3313.979 of the Revised Code 22768  
if the superintendent of the district in which such public school 22769  
is located notifies the state superintendent prior to the first 22770  
day of March that the district intends to admit students from the 22771  
pilot project district for the ensuing school year pursuant to 22772  
section 3327.06 of the Revised Code. 22773

(D) Any parent wishing to purchase tutorial assistance from 22774  
any person or governmental entity pursuant to the pilot project 22775  
program under sections 3313.974 to 3313.979 of the Revised Code 22776  
shall apply to the state superintendent. The state superintendent 22777  
shall approve providers who appear to possess the capability of 22778  
furnishing the instructional services they are offering to 22779  
provide. 22780

**Sec. 3313.978.** (A) Annually by the first day of November, the 22781  
superintendent of public instruction shall notify the pilot 22782  
project school district of the number of initial scholarships that 22783  
the state superintendent will be awarding in each of grades 22784  
kindergarten through third. 22785

The state superintendent shall provide information about the 22786  
scholarship program to all students residing in the district, 22787  
shall accept applications from any such students until such date 22788  
as shall be established by the state superintendent as a deadline 22789  
for applications, and shall establish criteria for the selection 22790

of students to receive scholarships from among all those applying 22791  
prior to the deadline, which criteria shall give preference to 22792  
students from low-income families. For each student selected, the 22793  
state superintendent shall also determine whether the student 22794  
qualifies for seventy-five or ninety per cent of the scholarship 22795  
amount. Students whose family income is at or above two hundred 22796  
per cent of the maximum income level established by the state 22797  
superintendent for low-income families shall qualify for 22798  
seventy-five per cent of the scholarship amount and students whose 22799  
family income is below two hundred per cent of that maximum income 22800  
level shall qualify for ninety per cent of the scholarship amount. 22801  
The state superintendent shall notify students of their selection 22802  
prior to the fifteenth day of January and whether they qualify for 22803  
seventy-five or ninety per cent of the scholarship amount. 22804

(1) A student receiving a pilot project scholarship may 22805  
utilize it at an alternative public school by notifying the 22806  
district superintendent, at any time before the beginning of the 22807  
school year, of the name of the public school in an adjacent 22808  
school district to which the student has been accepted pursuant to 22809  
section 3327.06 of the Revised Code. 22810

(2) A student may decide to utilize a pilot project 22811  
scholarship at a registered private school in the district if all 22812  
of the following conditions are met: 22813

(a) By the fifteenth day of February of the preceding school 22814  
year, or at any time prior to the start of the school year, the 22815  
parent makes an application on behalf of the student to a 22816  
registered private school. 22817

(b) The registered private school notifies the parent and the 22818  
state superintendent as follows that the student has been 22819  
admitted: 22820

(i) By the fifteenth day of March of the preceding school 22821

year if the student filed an application by the fifteenth day of 22822  
February and was admitted by the school pursuant to division (A) 22823  
of section 3313.977 of the Revised Code; 22824

(ii) Within one week of the decision to admit the student if 22825  
the student is admitted pursuant to division (C) of section 22826  
3313.977 of the Revised Code. 22827

(c) The student actually enrolls in the registered private 22828  
school to which the student was first admitted or in another 22829  
registered private school in the district or in a public school in 22830  
an adjacent school district. 22831

(B) The state superintendent shall also award in any school 22832  
year tutorial assistance grants to a number of students equal to 22833  
the number of students who receive scholarships under division (A) 22834  
of this section. Tutorial assistance grants shall be awarded 22835  
solely to students who are enrolled in the public schools of the 22836  
district in a grade level covered by the pilot project. Tutorial 22837  
assistance grants may be used solely to obtain tutorial assistance 22838  
from a provider approved pursuant to division (D) of section 22839  
3313.976 of the Revised Code. 22840

All students wishing to obtain tutorial assistance grants 22841  
shall make application to the state superintendent by the first 22842  
day of the school year in which the assistance will be used. The 22843  
state superintendent shall award assistance grants in accordance 22844  
with criteria the superintendent shall establish. For each student 22845  
awarded a grant, the state superintendent shall also determine 22846  
whether the student qualifies for seventy-five or ninety per cent 22847  
of the grant amount and so notify the student. Students whose 22848  
family income is at or above two hundred per cent of the maximum 22849  
income level established by the state superintendent for 22850  
low-income families shall qualify for seventy-five per cent of the 22851  
grant amount and students whose family income is below two hundred 22852  
per cent of that maximum income level shall qualify for ninety per 22853

cent of the grant amount. 22854

(C)(1) In the case of basic scholarships, the scholarship 22855  
amount shall not exceed the lesser of the tuition charges of the 22856  
alternative school the scholarship recipient attends or an amount 22857  
established by the state superintendent not in excess of 22858  
~~twenty-five hundred~~ three thousand dollars. 22859

(2) The state superintendent shall provide for an increase in 22860  
the basic scholarship amount in the case of any student who is a 22861  
mainstreamed handicapped student and shall further increase such 22862  
amount in the case of any separately educated handicapped child. 22863  
Such increases shall take into account the instruction, related 22864  
services, and transportation costs of educating such students. 22865

(3) In the case of tutorial assistance grants, the grant 22866  
amount shall not exceed the lesser of the provider's actual 22867  
charges for such assistance or a percentage established by the 22868  
state superintendent, not to exceed twenty per cent, of the amount 22869  
of the pilot project school district's average basic scholarship 22870  
amount. 22871

(4) No scholarship or tutorial assistance grant shall be 22872  
awarded unless the state superintendent determines that 22873  
twenty-five or ten per cent, as applicable, of the amount 22874  
specified for such scholarship or grant pursuant to division 22875  
(C)(1), (2), or (3) of this section will be furnished by a 22876  
political subdivision, a private nonprofit or for profit entity, 22877  
or another person. Only seventy-five or ninety per cent of such 22878  
amounts, as applicable, shall be paid from state funds pursuant to 22879  
section 3313.979 of the Revised Code. 22880

(D)(1) Annually by the first day of November, the state 22881  
superintendent shall estimate the maximum per-pupil scholarship 22882  
amounts for the ensuing school year. The state superintendent 22883  
shall make this estimate available to the general public at the 22884

offices of the district board of education together with the forms 22885  
required by division (D)(2) of this section. 22886

(2) Annually by the fifteenth day of January, the chief 22887  
administrator of each registered private school located in the 22888  
pilot project district and the principal of each public school in 22889  
such district shall complete a parental information form and 22890  
forward it to the president of the board of education. The 22891  
parental information form shall be prescribed by the department of 22892  
education and shall provide information about the grade levels 22893  
offered, the numbers of students, tuition amounts, achievement 22894  
test results, and any sectarian or other organizational 22895  
affiliations. 22896

**Sec. 3313.979.** Each scholarship ~~or grant~~ to be used for 22897  
payments to a registered private school ~~or to an approved tutorial~~ 22898  
~~assistance provider~~ is payable to the parents of the student 22899  
entitled to the scholarship ~~or grant~~. Each scholarship to be used 22900  
for payments to a public school in an adjacent school district is 22901  
payable to the school district of attendance by the superintendent 22902  
of public instruction. Each grant to be used for payments to an 22903  
approved tutorial assistance provider is payable to the approved 22904  
tutorial assistance provider. 22905

(A)(1) By the fifteenth day of each month of the school year 22906  
that any scholarship students are enrolled in a registered private 22907  
school, the chief administrator of that school shall notify the 22908  
state superintendent of: 22909

(a) The number of students who were reported to the school 22910  
district as having been admitted by that private school pursuant 22911  
to division (A)(2)(b) of section 3313.978 of the Revised Code and 22912  
who were still enrolled in the private school as of the first day 22913  
of such month, and the numbers of such students who qualify for 22914  
seventy-five and ninety per cent of the scholarship amount; 22915

(b) The number of students who were reported to the school 22916  
district as having been admitted by another private school 22917  
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 22918  
Code and since the date of admission have transferred to the 22919  
school providing the notification under division (A)(1) of this 22920  
section, and the numbers of such students who qualify for 22921  
seventy-five and ninety per cent of the scholarship amount. 22922

(2) From time to time, the state superintendent shall make a 22923  
payment to the parent of each student entitled to a scholarship. 22924  
Each payment shall include for each student reported under 22925  
division (A)(1) of this section, a portion of seventy-five or 22926  
ninety per cent, as applicable, of the scholarship amount 22927  
specified in divisions (C)(1) and (2) of section 3313.978 of the 22928  
Revised Code. This amount shall be proportionately reduced in the 22929  
case of any such student who is not enrolled in a registered 22930  
private school for the entire school year. 22931

(3) The first payment under this division shall be made by 22932  
the last day of November and shall equal one-third of seventy-five 22933  
or ninety per cent, as applicable, of the estimated total amount 22934  
that will be due to the parent for the school year pursuant to 22935  
division (A)(2) of this section. 22936

(B) The state superintendent, on behalf of the parents of a 22937  
scholarship student enrolled in a public school in an adjacent 22938  
school district pursuant to section 3327.06 of the Revised Code, 22939  
shall make the tuition payments required by that section to the 22940  
school district admitting the student, except that, 22941  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 22942  
Revised Code, the total payments in any school year shall not 22943  
exceed seventy-five or ninety per cent, as applicable, of the 22944  
scholarship amount provided in divisions (C)(1) and (2) of section 22945  
3313.978 of the Revised Code. 22946

(C) Whenever an approved provider provides tutorial assistance to a student, the state superintendent shall pay the ~~parent~~ approved provider for such costs upon receipt of a statement ~~from the parent~~ specifying the services provided and the costs of the services, which statement shall be signed by the provider and verified by the chief administrator having supervisory control over the tutoring site. The total payments to any ~~parent~~ approved provider under this division for all provider services to any individual student in any school year shall not exceed seventy-five or ninety per cent, as applicable, of the grant amount provided in division (C)(3) of section 3313.978 of the Revised Code.

**Sec. 3313.981.** (A) The state board shall adopt rules requiring all of the following:

(1) The board of education of each city, exempted village, and local school district to annually report to the department of education all of the following:

(a) The number of adjacent district or other district students, as applicable, and adjacent district or other district joint vocational students, as applicable, enrolled in the district and the number of native students enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(b) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;

(c) The full-time equivalent number of adjacent district or other district students enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code and the full-time equivalent number of such students

enrolled in vocational education programs or classes described in 22977  
division (B) of that section; 22978

(d) Each native student's date of enrollment in an adjacent 22979  
or other district. 22980

(2) The board of education of each joint vocational school 22981  
district to annually report to the department all of the 22982  
following: 22983

(a) The number of adjacent district or other district joint 22984  
vocational students, as applicable, enrolled in the district; 22985

(b) The full-time equivalent number of adjacent district or 22986  
other district joint vocational students enrolled in vocational 22987  
education programs or classes described in division (A) of section 22988  
3317.014 of the Revised Code and the full-time equivalent number 22989  
of such students enrolled in vocational education programs or 22990  
classes described in division (B) of that section; 22991

(c) For each adjacent district or other district joint 22992  
vocational student, the city, exempted village, or local school 22993  
district in which the student is also enrolled. 22994

(3) Prior to the first full school week in October each year, 22995  
the superintendent of each city, local, or exempted village school 22996  
district that admits adjacent district or other district students 22997  
or adjacent district or other district joint vocational students 22998  
in accordance with a policy adopted under division (B) of section 22999  
3313.98 of the Revised Code to notify each adjacent or other 23000  
district where those students are entitled to attend school under 23001  
section 3313.64 or 3313.65 of the Revised Code of the number of 23002  
the adjacent or other district's native students who are enrolled 23003  
in the superintendent's district under the policy. 23004

The rules shall provide for the method of counting students 23005  
who are enrolled for part of a school year in an adjacent or other 23006  
district or as an adjacent district or other district joint 23007

vocational student. 23008

(B) From the payments made to a city, exempted village, or 23009  
local school district under Chapter 3317. of the Revised Code, the 23010  
department of education shall annually subtract both of the 23011  
following: 23012

(1) An amount equal to the number of the district's native 23013  
students reported under division (A)(1) of this section who are 23014  
enrolled in adjacent or other school districts pursuant to 23015  
policies adopted by such districts under division (B) of section 23016  
3313.98 of the Revised Code multiplied by the adjusted formula 23017  
amount for the district; 23018

(2) The excess costs computed in accordance with division (E) 23019  
of this section for any such native students receiving special 23020  
education and related services in adjacent or other school 23021  
districts or as an adjacent district or other district joint 23022  
vocational student; 23023

(3) For the full-time equivalent number of the district's 23024  
native students reported under division (A)(1)(c) or (2)(b) of 23025  
this section as enrolled in vocational education programs or 23026  
classes described in section 3317.014 of the Revised Code, an 23027  
amount equal to the formula amount times the applicable multiple 23028  
prescribed by that section. 23029

(C) To the payments made to a city, exempted village, or 23030  
local school district under Chapter 3317. of the Revised Code, the 23031  
department of education shall annually add all of the following: 23032

(1) An amount equal to the adjusted formula amount for the 23033  
district multiplied by the remainder obtained by subtracting the 23034  
number of adjacent district or other district joint vocational 23035  
students from the number of adjacent district or other district 23036  
students enrolled in the district, as reported under division 23037  
(A)(1) of this section; 23038

(2) The excess costs computed in accordance with division (E) 23039  
of this section for any adjacent district or other district 23040  
students, except for any adjacent or other district joint 23041  
vocational students, receiving special education and related 23042  
services in the district; 23043

(3) For the full-time equivalent number of the adjacent or 23044  
other district students who are not adjacent district or other 23045  
district joint vocational students and are reported under division 23046  
(A)(1)(c) of this section as enrolled in vocational education 23047  
programs or classes described in section 3317.014 of the Revised 23048  
Code, an amount equal to the formula amount times the applicable 23049  
multiple prescribed by that section; 23050

(4) An amount equal to the number of adjacent district or 23051  
other district joint vocational students reported under division 23052  
(A)(1) of this section multiplied by an amount equal to ~~one-fourth~~ 23053  
ten per cent of the adjusted formula amount for the district. 23054

(D) To the payments made to a joint vocational school 23055  
district under Chapter 3317. of the Revised Code, the department 23056  
of education shall add, for each adjacent district or other 23057  
district joint vocational student reported under division (A)(2) 23058  
of this section, both of the following: 23059

(1) An amount equal to the adjusted formula amount of the 23060  
city, exempted village, or local school district in which the 23061  
student is also enrolled; 23062

(2) An amount equal to the full-time equivalent number of 23063  
students reported pursuant to division (A)(2)(b) of this section 23064  
times the formula amount times the applicable multiple prescribed 23065  
by section 3317.014 of the Revised Code. 23066

(E)(1) A city, exempted village, or local school board 23067  
providing special education and related services to an adjacent or 23068  
other district student in accordance with an IEP shall, pursuant 23069

to rules of the state board, compute the excess costs to educate 23070  
such student as follows: 23071

(a) Subtract the adjusted formula amount for the district 23072  
from the actual costs to educate the student; 23073

(b) From the amount computed under division (E)(1)(a) of this 23074  
section subtract the amount of any funds received by the district 23075  
under Chapter 3317. of the Revised Code to provide special 23076  
education and related services to the student. 23077

(2) The board shall report the excess costs computed under 23078  
this division to the department of education. 23079

(3) If any student for whom excess costs are computed under 23080  
division (E)(1) of this section is an adjacent or other district 23081  
joint vocational student, the department of education shall add 23082  
the amount of such excess costs to the payments made under Chapter 23083  
3317. of the Revised Code to the joint vocational school district 23084  
enrolling the student. 23085

(F) As provided in division (D)(1)(b) of section 3317.03 of 23086  
the Revised Code, no joint vocational school district shall count 23087  
any adjacent or other district joint vocational student enrolled 23088  
in the district in its formula ADM certified under section 3317.03 23089  
of the Revised Code. 23090

(G) No city, exempted village, or local school district shall 23091  
receive a payment under division (C) of this section for a 23092  
student, and no joint vocational school district shall receive a 23093  
payment under division (D) of this section for a student, if for 23094  
the same school year that student is counted in the district's 23095  
formula ADM certified under section 3317.03 of the Revised Code. 23096

(H) Upon request of a parent, and provided the board offers 23097  
transportation to native students of the same grade level and 23098  
distance from school under section 3327.01 of the Revised Code, a 23099  
city, exempted village, or local school board enrolling an 23100

adjacent or other district student shall provide transportation 23101  
for the student within the boundaries of the board's district, 23102  
except that the board shall be required to pick up and drop off a 23103  
nonhandicapped student only at a regular school bus stop 23104  
designated in accordance with the board's transportation policy. 23105  
Pursuant to rules of the state board of education, such board may 23106  
reimburse the parent from funds received under division (D) of 23107  
section 3317.022 of the Revised Code for the reasonable cost of 23108  
transportation from the student's home to the designated school 23109  
bus stop if the student's family has an income below the federal 23110  
poverty line. 23111

**Sec. 3314.02.** (A) As used in this chapter: 23112

(1) "Sponsor" means an entity listed in division (C)(1) of 23113  
this section, which has been approved by the department of 23114  
education to sponsor community schools and with which the 23115  
governing authority of the proposed community school enters into a 23116  
contract pursuant to this section. 23117

(2) "Pilot project area" means the school districts included 23118  
in the territory of the former community school pilot project 23119  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 23120  
the 122nd general assembly. 23121

(3) "Challenged school district" means any of the following: 23122

(a) A school district that is part of the pilot project area; 23123

(b) A school district that is either in a state of academic 23124  
emergency or in a state of academic watch under section 3302.03 of 23125  
the Revised Code; 23126

(c) A big eight school district; 23127

~~(d) An urban school district.~~ 23128

(4) "Big eight school district" means a school district that 23129  
for fiscal year 1997 had both of the following: 23130

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction.

(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school, indicating the intention of the board of education to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this

division may proceed to finalize plans for the school, establish a 23162  
governing authority for the school, and negotiate a contract with 23163  
the board of education. Provided the proposing person or group 23164  
adheres to the preliminary agreement and all provisions of this 23165  
chapter, the board of education shall negotiate in good faith to 23166  
enter into a contract in accordance with section 3314.03 of the 23167  
Revised Code and division (C) of this section. 23168

(C)(1) Any person or group of individuals may propose under 23169  
this division the establishment of a new start-up school to be 23170  
located in a challenged school district. The proposal may be made 23171  
to any of the following entities: 23172

(a) The board of education of the district in which the 23173  
school is proposed to be located; 23174

(b) The board of education of any joint vocational school 23175  
district with territory in the county in which is located the 23176  
majority of the territory of the district in which the school is 23177  
proposed to be located; 23178

(c) The board of education of any other city, local, or 23179  
exempted village school district having territory in the same 23180  
county where the district in which the school is proposed to be 23181  
located has the major portion of its territory; 23182

(d) The governing board of any educational service center as 23183  
long as the proposed school will be located in a county within the 23184  
territory of the service center or in a county contiguous to such 23185  
county; 23186

(e) A sponsoring authority designated by the board of 23187  
trustees of any of the thirteen state universities listed in 23188  
section 3345.011 of the Revised Code or the board of trustees 23189  
itself as long as a mission of the proposed school to be specified 23190  
in the contract under division (A)(2) of section 3314.03 of the 23191  
Revised Code and as approved by the department of education under 23192

division (B)(2) of section 3314.015 of the Revised Code will be 23193  
the practical demonstration of teaching methods, educational 23194  
technology, or other teaching practices that are included in the 23195  
curriculum of the university's teacher preparation program 23196  
approved by the state board of education; 23197

(f) Any qualified tax-exempt entity under section 501(c)(3) 23198  
of the Internal Revenue Code as long as all of the following 23199  
conditions are satisfied: 23200

(i) The entity has been in operation for at least five years 23201  
prior to applying to be a community school sponsor. 23202

(ii) The entity has assets of at least five hundred thousand 23203  
dollars. 23204

(iii) The department of education has determined that the 23205  
entity is an education-oriented entity under division (B)(3) of 23206  
section 3314.015 of the Revised Code. 23207

Until July 1, 2005, any entity described in division 23208  
(C)(1)(f) of this section may sponsor only schools that formerly 23209  
were sponsored by the state board of education under division 23210  
(C)(1)(d) of this section, as it existed prior to April 8, 2003. 23211  
After July 1, 2005, such entity may sponsor any new or existing 23212  
school. 23213

Any entity described in division (C)(1) of this section may 23214  
enter into a preliminary agreement pursuant to division (C)(2) of 23215  
this section with the proposing person or group. 23216

(2) A preliminary agreement indicates the intention of an 23217  
entity described in division (C)(1) of this section to sponsor the 23218  
community school. A proposing person or group that has such a 23219  
preliminary agreement may proceed to finalize plans for the 23220  
school, establish a governing authority as described in division 23221  
(E) of this section for the school, and negotiate a contract with 23222  
the entity. Provided the proposing person or group adheres to the 23223

preliminary agreement and all provisions of this chapter, the 23224  
entity shall negotiate in good faith to enter into a contract in 23225  
accordance with section 3314.03 of the Revised Code. 23226

(3) A new start-up school that is established in a school 23227  
district while that district is either in a state of academic 23228  
emergency or in a state of academic watch under section 3302.03 of 23229  
the Revised Code may continue in existence once the school 23230  
district is no longer in a state of academic emergency or academic 23231  
watch, provided there is a valid contract between the school and a 23232  
sponsor. 23233

(4) A copy of every preliminary agreement entered into under 23234  
this division shall be filed with the superintendent of public 23235  
instruction. 23236

(D) A majority vote of the board of a sponsoring entity and a 23237  
majority vote of the members of the governing authority of a 23238  
community school shall be required to adopt a contract and convert 23239  
the public school to a community school or establish the new 23240  
start-up school. Up to the statewide limit prescribed in section 23241  
3314.013 of the Revised Code, an unlimited number of community 23242  
schools may be established in any school district provided that a 23243  
contract is entered into for each community school pursuant to 23244  
this chapter. 23245

(E) As used in this division, "immediate relatives" are 23246  
limited to spouses, children, parents, grandparents, siblings, and 23247  
in-laws. 23248

Each new start-up community school established under this 23249  
chapter shall be under the direction of a governing authority 23250  
which shall consist of a board of not less than five individuals 23251  
who are not owners or employees, or immediate relatives of owners 23252  
or employees, of any for-profit firm that operates or manages a 23253  
school for the governing authority. 23254

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract.

(G) A new start-up school that is established prior to the effective date of this amendment in an urban school district that is not also a big-eight school district may continue to operate after the effective date of this amendment and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after the effective date of this amendment, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after the effective date of this amendment.

**Sec. 3314.033.** (A) Not later than ninety days after the effective date of this section, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards governing the operation of internet- or computer-based community schools, as defined in section 3314.02 of the Revised Code, and other educational courses delivered primarily via electronic media.

(B) Each internet- or computer-based community school in operation on or after the effective date of this section shall comply with the standards adopted by the state board under division (A) of this section regardless of whether the school's contract with its sponsor contains a stipulation requiring such compliance.

**Sec. 3314.041.** The governing authority of each community 23286  
school and any operator of such school shall ~~place in a~~ 23287  
~~conspicuous manner in all documents that are distributed~~ 23288  
distribute to parents of students of the school ~~or to the general~~ 23289  
~~public~~ upon their enrollment in the school the following statement 23290  
in writing: 23291

"The ..... (here fill in name of the school) school 23292  
is a community school established under Chapter 3314. of the 23293  
Revised Code. The school is a public school and students enrolled 23294  
in and attending the school are required to take proficiency tests 23295  
and other examinations prescribed by law. In addition, there may 23296  
be other requirements for students at the school that are 23297  
prescribed by law. Students who have been excused from the 23298  
compulsory attendance law for the purpose of home education as 23299  
defined by the Administrative Code shall no longer be excused for 23300  
that purpose upon their enrollment in a community school. For more 23301  
information about this matter contact the school administration or 23302  
the Ohio Department of Education." 23303

**Sec. 3314.07.** (A) The expiration of the contract for a 23304  
community school between a sponsor and a school shall be the date 23305  
provided in the contract. A successor contract may be entered into 23306  
pursuant to division (E) of section 3314.03 of the Revised Code 23307  
unless the contract is terminated or not renewed pursuant to this 23308  
section. 23309

(B)(1) A sponsor may choose not to renew a contract at its 23310  
expiration or may choose to terminate a contract prior to its 23311  
expiration for any of the following reasons: 23312

(a) Failure to meet student performance requirements stated 23313  
in the contract; 23314

(b) Failure to meet generally accepted standards of fiscal 23315

management;	23316
(c) Violation of any provision of the contract or applicable state or federal law;	23317 23318
(d) Other good cause.	23319
(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code.	23320 23321 23322
(3) At least ninety days prior to the termination or nonrenewal of a contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within seventy days of the receipt of a request for the hearing. Promptly following the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract.	23323 23324 23325 23326 23327 23328 23329 23330 23331 23332 23333 23334
(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The decision by the state board pertaining to an appeal under this division is final. If the sponsor is the state board, its decision to terminate a contract under division (B)(3) of this section shall be final.	23335 23336 23337 23338 23339
(5) The termination of a contract under this section shall be effective upon the occurrence of the later of the following events:	23340 23341 23342
(a) Ninety days following the date the sponsor notifies the school of its decision to terminate the contract as prescribed in division (B)(3) of this section;	23343 23344 23345

(b) If an informal hearing is requested under division (B)(3) 23346  
of this section and as a result of that hearing the sponsor 23347  
affirms its decision to terminate the contract, the effective date 23348  
of the termination specified in the notice issued under division 23349  
(B)(3) of this section, or if that decision is appealed to the 23350  
state board under division (B)(4) of this section and the state 23351  
board affirms that decision, the date established in the 23352  
resolution of the state board affirming the sponsor's decision. 23353

(6) Any community school whose contract is terminated under 23354  
this division shall not enter into a contract with any other 23355  
sponsor. 23356

(C) A child attending a community school whose contract has 23357  
been terminated, nonrenewed, or suspended or that closes for any 23358  
reason shall be admitted to the schools of the district in which 23359  
the child is entitled to attend under section 3313.64 or 3313.65 23360  
of the Revised Code. Any deadlines established for the purpose of 23361  
admitting students under section 3313.97 or 3313.98 of the Revised 23362  
Code shall be waived for students to whom this division pertains. 23363

(D) If a community school does not intend to renew a contract 23364  
with its sponsor, the community school shall notify its sponsor in 23365  
writing of that fact at least one hundred eighty days prior to the 23366  
expiration of the contract. Such a community school may enter into 23367  
a contract with a new sponsor in accordance with section 3314.03 23368  
of the Revised Code upon the expiration of the previous contract. 23369

(E) A sponsor of a community school and the officers, 23370  
directors, or employees of such a sponsor are not liable in 23371  
damages in a tort or other civil action for harm allegedly arising 23372  
from either of the following: 23373

(1) A failure of the community school or any of its officers, 23374  
directors, or employees to perform any statutory or common law 23375  
duty or responsibility or any other legal obligation; 23376

(2) An action or omission of the community school or any of its officers, directors, or employees that results in harm.	23377 23378
<del>(E)</del> (F) As used in this section:	23379
(1) "Harm" means injury, death, or loss to person or property.	23380 23381
(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.	23382 23383 23384 23385
<b>Sec. 3314.08.</b> (A) As used in this section:	23386
(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	23387 23388 23389
(2) "Cost-of-doing-business factor" has the same meaning as in section 3317.02 of the Revised Code.	23390 23391
(3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.	23392 23393
(4) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section.	23394 23395 23396
(5) "Applicable vocational education weight" means:	23397
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	23398 23399 23400
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	23401 23402 23403
(6) "Entitled to attend school" means entitled to attend	23404

school in a district under section 3313.64 or 3313.65 of the Revised Code.

(7) A community school student is "included in the DPIA student count" of a school district if the student is entitled to attend school in the district and:

(a) For school years prior to fiscal year 2004, the student's family receives assistance under the Ohio works first program.

(b) For school years in and after fiscal year 2004, the student's family income does not exceed the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, and the student's family receives family assistance, as defined in section 3317.029 of the Revised Code.

(8) "DPIA reduction factor" means the percentage figure, if any, for reducing the per pupil amount of disadvantaged pupil impact aid a community school is entitled to receive pursuant to divisions (D)(5) and (6) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(9) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.

(10) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (J), (P), and (R) of section 3317.024, and sections 3317.029, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), and (M) of section 3317.023, and division (C) of section 3317.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, 23436  
and local school district to annually report the number of 23437  
students entitled to attend school in the district who are 23438  
enrolled in grades one through twelve in a community school 23439  
established under this chapter, the number of students entitled to 23440  
attend school in the district who are enrolled in kindergarten in 23441  
a community school, the number of those kindergartners who are 23442  
enrolled in all-day kindergarten in their community school, and 23443  
for each child, the community school in which the child is 23444  
enrolled. 23445

(2) The governing authority of each community school 23446  
established under this chapter to annually report all of the 23447  
following: 23448

(a) The number of students enrolled in grades one through 23449  
twelve and the number of students enrolled in kindergarten in the 23450  
school who are not receiving special education and related 23451  
services pursuant to an IEP; 23452

(b) The number of enrolled students in grades one through 23453  
twelve and the number of enrolled students in kindergarten, who 23454  
are receiving special education and related services pursuant to 23455  
an IEP; 23456

(c) The number of students reported under division (B)(2)(b) 23457  
of this section receiving special education and related services 23458  
pursuant to an IEP for a handicap described in each of divisions 23459  
(A) to (F) of section 3317.013 of the Revised Code; 23460

(d) The full-time equivalent number of students reported 23461  
under divisions (B)(2)(a) and (b) of this section who are enrolled 23462  
in vocational education programs or classes described in each of 23463  
divisions (A) and (B) of section 3317.014 of the Revised Code that 23464  
are provided by the community school; 23465

(e) ~~One-fourth~~ Ten per cent of the number of students 23466

reported under divisions (B)(2)(a) and (b) of this section who are 23467  
not reported under division (B)(2)(d) of this section but who are 23468  
enrolled in vocational education programs or classes described in 23469  
each of divisions (A) and (B) of section 3317.014 of the Revised 23470  
Code at a joint vocational school district under a contract 23471  
between the community school and the joint vocational school 23472  
district and are entitled to attend school in a city, local, or 23473  
exempted village school district whose territory is part of the 23474  
territory of the joint vocational district; 23475

(f) The number of enrolled preschool handicapped students 23476  
receiving special education services in a state-funded unit; 23477

(g) The community school's base formula amount; 23478

(h) For each student, the city, exempted village, or local 23479  
school district in which the student is entitled to attend school; 23480

(i) Any DPIA reduction factor that applies to a school year. 23481

(C) From the ~~payments~~ SF-3 payment made to a city, exempted 23482  
village, or local school district ~~under Chapter 3317. of the~~ 23483  
~~Revised Code~~ and, if necessary, from the payment made to the 23484  
district under sections ~~321.14~~ 321.24 and 323.156 of the Revised 23485  
Code, the department of education shall annually subtract ~~all the~~ 23486  
sum of the following: amounts described in divisions (C)(1) to (5) 23487  
of this section. However, the aggregate amount deducted under this 23488  
division shall not exceed the sum of the district's SF-3 payment 23489  
and its payment under sections 321.24 and 323.156 of the Revised 23490  
Code. 23491

(1) An amount equal to the sum of the amounts obtained when, 23492  
for each community school where the district's students are 23493  
enrolled, the number of the district's students reported under 23494  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 23495  
in grades one through twelve, and one-half the number of students 23496  
reported under those divisions who are enrolled in kindergarten, 23497

in that community school is multiplied by the base formula amount 23498  
of that community school as adjusted by the school district's 23499  
cost-of-doing-business factor. 23500

(2) The sum of the amounts calculated under divisions 23501  
(C)(2)(a) and (b) of this section: 23502

(a) For each of the district's students reported under 23503  
division (B)(2)(c) of this section as enrolled in a community 23504  
school in grades one through twelve and receiving special 23505  
education and related services pursuant to an IEP for a handicap 23506  
described in section 3317.013 of the Revised Code, the product of 23507  
the applicable special education weight times the community 23508  
school's base formula amount; 23509

(b) For each of the district's students reported under 23510  
division (B)(2)(c) of this section as enrolled in kindergarten in 23511  
a community school and receiving special education and related 23512  
services pursuant to an IEP for a handicap described in section 23513  
3317.013 of the Revised Code, one-half of the amount calculated as 23514  
prescribed in division (C)(2)(a) of this section. 23515

(3) For each of the district's students reported under 23516  
division (B)(2)(d) of this section for whom payment is made under 23517  
division (D)(4) of this section, the amount of that payment; 23518

(4) An amount equal to the sum of the amounts obtained when, 23519  
for each community school where the district's students are 23520  
enrolled, the number of the district's students enrolled in that 23521  
community school who are included in the district's DPIA student 23522  
count is multiplied by the per pupil amount of disadvantaged pupil 23523  
impact aid the school district receives that year pursuant to 23524  
division (B) or (C) of section 3317.029 of the Revised Code, as 23525  
adjusted by any DPIA reduction factor of that community school. If 23526  
the district receives disadvantaged pupil impact aid under 23527  
division (B) of that section, the per pupil amount of that aid is 23528

the quotient of the amount the district received under that 23529  
division divided by the district's DPIA student count, as defined 23530  
in that section. If the district receives disadvantaged pupil 23531  
impact aid under division (C) of section 3317.029 of the Revised 23532  
Code, the per pupil amount of that aid is the per pupil dollar 23533  
amount prescribed for the district in division (C)(1) or (2) of 23534  
that section. 23535

(5) An amount equal to the sum of the amounts obtained when, 23536  
for each community school where the district's students are 23537  
enrolled, the district's per pupil amount of aid received under 23538  
division (E) of section 3317.029 of the Revised Code, as adjusted 23539  
by any DPIA reduction factor of the community school, is 23540  
multiplied by the sum of the following: 23541

(a) The number of the district's students reported under 23542  
division (B)(2)(a) of this section who are enrolled in grades one 23543  
to three in that community school and who are not receiving 23544  
special education and related services pursuant to an IEP; 23545

(b) One-half of the district's students who are enrolled in 23546  
all-day or any other kindergarten class in that community school 23547  
and who are not receiving special education and related services 23548  
pursuant to an IEP; 23549

(c) One-half of the district's students who are enrolled in 23550  
all-day kindergarten in that community school and who are not 23551  
receiving special education and related services pursuant to an 23552  
IEP. 23553

The district's per pupil amount of aid under division (E) of 23554  
section 3317.029 of the Revised Code is the quotient of the amount 23555  
the district received under that division divided by the 23556  
district's kindergarten through third grade ADM, as defined in 23557  
that section. 23558

(D) The department shall annually pay to a community school 23559

established under this chapter ~~all the sum~~ of the ~~following~~: 23560  
amounts described in divisions (D)(1) to (6) of this section. 23561  
However, the sum of the payments to all community schools under 23562  
divisions (D)(1), (2), (4), (5), and (6) of this section for the 23563  
students entitled to attend school in any particular school 23564  
district shall not exceed the sum of that district's SF-3 payment 23565  
and its payment under sections 321.24 and 323.156 of the Revised 23566  
Code. If the sum of the payments calculated under those divisions 23567  
for the students entitled to attend school in a particular school 23568  
district exceeds the sum of that district's SF-3 payment and its 23569  
payment under sections 321.24 and 323.156 of the Revised Code, the 23570  
department shall calculate and apply a proration factor to the 23571  
payments to all community schools under those divisions for the 23572  
students entitled to attend school in that district. 23573

(1) An amount equal to the sum of the amounts obtained when 23574  
the number of students enrolled in grades one through twelve, plus 23575  
one-half of the kindergarten students in the school, reported 23576  
under divisions (B)(2)(a), (b), and (e) of this section who are 23577  
not receiving special education and related services pursuant to 23578  
an IEP for a handicap described in section 3317.013 of the Revised 23579  
Code is multiplied by the community school's base formula amount, 23580  
as adjusted by the cost-of-doing-business factor of the school 23581  
district in which the student is entitled to attend school; 23582

(2) The greater of the following: 23583

(a) The aggregate amount that the department paid to the 23584  
community school in fiscal year 1999 for students receiving 23585  
special education and related services pursuant to IEPs, excluding 23586  
federal funds and state disadvantaged pupil impact aid funds; 23587

(b) The sum of the amounts calculated under divisions 23588  
(D)(2)(b)(i) and (ii) of this section: 23589

(i) For each student reported under division (B)(2)(c) of 23590

this section as enrolled in the school in grades one through 23591  
twelve and receiving special education and related services 23592  
pursuant to an IEP for a handicap described in section 3317.013 of 23593  
the Revised Code, the following amount: 23594  
    (the community school's base formula amount 23595  
        X the cost-of-doing-business factor 23596  
            of the district where the student 23597  
                is entitled to attend school) + 23598  
    (the applicable special education weight X 23599  
        the community school's base formula amount); 23600

(ii) For each student reported under division (B)(2)(c) of 23601  
this section as enrolled in kindergarten and receiving special 23602  
education and related services pursuant to an IEP for a handicap 23603  
described in section 3317.013 of the Revised Code, one-half of the 23604  
amount calculated under the formula prescribed in division 23605  
(D)(2)(b)(i) of this section. 23606

(3) An amount received from federal funds to provide special 23607  
education and related services to students in the community 23608  
school, as determined by the superintendent of public instruction. 23609

(4) For each student reported under division (B)(2)(d) of 23610  
this section as enrolled in vocational education programs or 23611  
classes that are described in section 3317.014 of the Revised 23612  
Code, are provided by the community school, and are comparable as 23613  
determined by the superintendent of public instruction to school 23614  
district vocational education programs and classes eligible for 23615  
state weighted funding under section 3317.014 of the Revised Code, 23616  
an amount equal to the applicable vocational education weight 23617  
times the community school's base formula amount times the 23618  
percentage of time the student spends in the vocational education 23619  
programs or classes. 23620

(5) An amount equal to the sum of the amounts obtained when, 23621  
for each school district where the community school's students are 23622

entitled to attend school, the number of that district's students 23623  
enrolled in the community school who are included in the 23624  
district's DPIA student count is multiplied by the per pupil 23625  
amount of disadvantaged pupil impact aid that school district 23626  
receives that year pursuant to division (B) or (C) of section 23627  
3317.029 of the Revised Code, as adjusted by any DPIA reduction 23628  
factor of the community school. The per pupil amount of aid shall 23629  
be determined as described in division (C)(4) of this section. 23630

(6) An amount equal to the sum of the amounts obtained when, 23631  
for each school district where the community school's students are 23632  
entitled to attend school, the district's per pupil amount of aid 23633  
received under division (E) of section 3317.029 of the Revised 23634  
Code, as adjusted by any DPIA reduction factor of the community 23635  
school, is multiplied by the sum of the following: 23636

(a) The number of the district's students reported under 23637  
division (B)(2)(a) of this section who are enrolled in grades one 23638  
to three in that community school and who are not receiving 23639  
special education and related services pursuant to an IEP; 23640

(b) One-half of the district's students who are enrolled in 23641  
all-day or any other kindergarten class in that community school 23642  
and who are not receiving special education and related services 23643  
pursuant to an IEP; 23644

(c) One-half of the district's students who are enrolled in 23645  
all-day kindergarten in that community school and who are not 23646  
receiving special education and related services pursuant to an 23647  
IEP. 23648

The district's per pupil amount of aid under division (E) of 23649  
section 3317.029 of the Revised Code shall be determined as 23650  
described in division (C)(5) of this section. 23651

(E)(1) If a community school's costs for a fiscal year for a 23652  
student receiving special education and related services pursuant 23653

to an IEP for a handicap described in divisions (B) to (F) of 23654  
section 3317.013 of the Revised Code exceed the threshold 23655  
catastrophic cost for serving the student as specified in division 23656  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 23657  
submit to the superintendent of public instruction documentation, 23658  
as prescribed by the superintendent, of all its costs for that 23659  
student. Upon submission of documentation for a student of the 23660  
type and in the manner prescribed, the department shall pay to the 23661  
community school an amount equal to the school's costs for the 23662  
student in excess of the threshold catastrophic costs. 23663

(2) The community school shall only report under division 23664  
(E)(1) of this section, and the department shall only pay for, the 23665  
costs of educational expenses and the related services provided to 23666  
the student in accordance with the student's individualized 23667  
education program. Any legal fees, court costs, or other costs 23668  
associated with any cause of action relating to the student may 23669  
not be included in the amount. 23670

(F) A community school may apply to the department of 23671  
education for preschool handicapped or gifted unit funding the 23672  
school would receive if it were a school district. Upon request of 23673  
its governing authority, a community school that received unit 23674  
funding as a school district-operated school before it became a 23675  
community school shall retain any units awarded to it as a school 23676  
district-operated school provided the school continues to meet 23677  
eligibility standards for the unit. 23678

A community school shall be considered a school district and 23679  
its governing authority shall be considered a board of education 23680  
for the purpose of applying to any state or federal agency for 23681  
grants that a school district may receive under federal or state 23682  
law or any appropriations act of the general assembly. The 23683  
governing authority of a community school may apply to any private 23684  
entity for additional funds. 23685

(G) A board of education sponsoring a community school may 23686  
utilize local funds to make enhancement grants to the school or 23687  
may agree, either as part of the contract or separately, to 23688  
provide any specific services to the community school at no cost 23689  
to the school. 23690

(H) A community school may not levy taxes or issue bonds 23691  
secured by tax revenues. 23692

(I) No community school shall charge tuition for the 23693  
enrollment of any student. 23694

(J)(1)(a) A community school may borrow money to pay any 23695  
necessary and actual expenses of the school in anticipation of the 23696  
receipt of any portion of the payments to be received by the 23697  
school pursuant to division (D) of this section. The school may 23698  
issue notes to evidence such borrowing . The proceeds of the notes 23699  
shall be used only for the purposes for which the anticipated 23700  
receipts may be lawfully expended by the school. 23701

(b) A school may also borrow money for a term not to exceed 23702  
fifteen years for the purpose of acquiring facilities. 23703

(2) Except for any amount guaranteed under section 3318.50 of 23704  
the Revised Code, the state is not liable for debt incurred by the 23705  
governing authority of a community school. 23706

(K) For purposes of determining the number of students for 23707  
which divisions (D)(5) and (6) of this section applies in any 23708  
school year, a community school may submit to the department of 23709  
job and family services, no later than the first day of March, a 23710  
list of the students enrolled in the school. For each student on 23711  
the list, the community school shall indicate the student's name, 23712  
address, and date of birth and the school district where the 23713  
student is entitled to attend school. Upon receipt of a list under 23714  
this division, the department of job and family services shall 23715  
determine, for each school district where one or more students on 23716

the list is entitled to attend school, the number of students 23717  
residing in that school district who were included in the 23718  
department's report under section 3317.10 of the Revised Code. The 23719  
department shall make this determination on the basis of 23720  
information readily available to it. Upon making this 23721  
determination and no later than ninety days after submission of 23722  
the list by the community school, the department shall report to 23723  
the state department of education the number of students on the 23724  
list who reside in each school district who were included in the 23725  
department's report under section 3317.10 of the Revised Code. In 23726  
complying with this division, the department of job and family 23727  
services shall not report to the state department of education any 23728  
personally identifiable information on any student. 23729

(L) The department of education shall adjust the amounts 23730  
subtracted and paid under divisions (C) and (D) of this section to 23731  
reflect any enrollment of students in community schools for less 23732  
than the equivalent of a full school year. The state board of 23733  
education within ninety days after ~~the effective date of this~~ 23734  
~~amendment~~ April 8, 2003, shall adopt in accordance with Chapter 23735  
119. of the Revised Code rules governing the payments to community 23736  
schools under this section including initial payments in a school 23737  
year and adjustments and reductions made in subsequent periodic 23738  
payments to community schools and corresponding deductions from 23739  
school district accounts as provided under divisions (C) and (D) 23740  
of this section. For purposes of this section: 23741

(1) A student shall be considered enrolled in the community 23742  
school for any portion of the school year the student is 23743  
participating at a college under Chapter 3365. of the Revised 23744  
Code. 23745

(2) A student shall be considered to be enrolled in a 23746  
community school during a school year for the period of time 23747  
between the date on which the school both has received 23748

documentation of the student's enrollment from a parent and has 23749  
commenced participation in learning opportunities as defined in 23750  
the contract with the sponsor. For purposes of applying this 23751  
division to a community school student, "learning opportunities" 23752  
shall be defined in the contract, which shall describe both 23753  
classroom-based and non-classroom-based learning opportunities and 23754  
shall be in compliance with criteria and documentation 23755  
requirements for student participation which shall be established 23756  
by the department. Any student's instruction time in 23757  
non-classroom-based learning opportunities shall be certified by 23758  
an employee of the community school. A student's enrollment shall 23759  
be considered to cease on the date on which any of the following 23760  
occur: 23761

(a) The community school receives documentation from a parent 23762  
terminating enrollment of the student. 23763

(b) The community school is provided documentation of a 23764  
student's enrollment in another public or private school. 23765

(c) The community school ceases to offer learning 23766  
opportunities to the student pursuant to the terms of the contract 23767  
with the sponsor or the operation of any provision of this 23768  
chapter. 23769

(3) A student's percentage of full-time equivalency shall be 23770  
considered to be the percentage the hours of learning opportunity 23771  
offered to that student is of nine hundred and twenty hours. 23772

(M) The department of education shall reduce the amounts paid 23773  
under division (D) of this section to reflect payments made to 23774  
colleges under division (B) of section 3365.07 of the Revised 23775  
Code. 23776

(N)(1) No student shall be considered enrolled in any 23777  
internet- or computer-based community school unless ~~the~~ both of 23778  
the following conditions are satisfied: 23779

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are fully operational and the so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A)(1) or (2) of section 3314.032 of the Revised Code, relative to such student.  
~~In~~

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (D) of this section to any internet- or computer-based community school that includes in its program the provision of computer hardware and software materials to each student, if such hardware and software materials have not been delivered, installed, and activated for all students in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such internet- or computer-based schools.

(0)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be

completed and written notice of the findings shall be provided to 23811  
the governing authority of the community school and its sponsor 23812  
within ninety days of the end of the community school's fiscal 23813  
year, unless extended for a period not to exceed thirty additional 23814  
days for one of the following reasons: 23815

(a) The department and the community school mutually agree to 23816  
the extension. 23817

(b) Delays in data submission caused by either a community 23818  
school or its sponsor. 23819

(2) If the review results in a finding that additional 23820  
funding is owed to the school, such payment shall be made within 23821  
thirty days of the written notice. If the review results in a 23822  
finding that the community school owes moneys to the state, the 23823  
following procedure shall apply: 23824

(a) Within ten business days of the receipt of the notice of 23825  
findings, the community school may appeal the department's 23826  
determination to the state board of education or its designee. 23827

(b) The board or its designee shall conduct an informal 23828  
hearing on the matter within thirty days of receipt of such an 23829  
appeal and shall issue a decision within fifteen days of the 23830  
conclusion of the hearing. 23831

(c) If the board has enlisted a designee to conduct the 23832  
hearing, the designee shall certify its decision to the board. The 23833  
board may accept the decision of the designee or may reject the 23834  
decision of the designee and issue its own decision on the matter. 23835

(d) Any decision made by the board under this division is 23836  
final. 23837

(3) If it is decided that the community school owes moneys to 23838  
the state, the department shall deduct such amount from the 23839  
school's future payments in accordance with guidelines issued by 23840

the superintendent of public instruction. 23841

Sec. 3314.083. If the department of education pays a joint 23842  
vocational school district under division (G)(4) of section 23843  
3317.16 of the Revised Code for excess costs of providing special 23844  
education and related services to a handicapped student who is 23845  
enrolled in a community school, as calculated under division 23846  
(G)(2) of that section, the department shall deduct the amount of 23847  
that payment from the amount calculated for payment to the 23848  
community school under section 3314.08 of the Revised Code. 23849

**Sec. 3314.17.** (A) Each community school established under 23850  
this chapter shall participate in the statewide education 23851  
management information system established under section 3301.0714 23852  
of the Revised Code. All provisions of that section and the rules 23853  
adopted under that section apply to each community school as if it 23854  
were a school district, except as modified for community schools 23855  
under division (B) of this section. 23856

(B) The rules adopted by the state board of education under 23857  
section 3301.0714 of the Revised Code may distinguish methods and 23858  
timelines for community schools to annually report data, which 23859  
methods and timelines differ from those prescribed for school 23860  
districts. Any methods and timelines prescribed for community 23861  
schools shall be appropriate to the academic schedule and 23862  
financing of community schools. The guidelines, however, shall not 23863  
modify the actual data required to be reported under that section. 23864

(C) Each fiscal officer appointed under section 3314.011 of 23865  
the Revised Code is responsible for annually reporting the 23866  
community school's data under section 3301.0714 of the Revised 23867  
Code. If the superintendent of public instruction determines that 23868  
a community school fiscal officer has willfully failed to report 23869  
data or has willfully reported erroneous, inaccurate, or 23870

incomplete data in any year, or has negligently reported 23871  
erroneous, inaccurate, or incomplete data in the current and any 23872  
previous year, the superintendent may impose a civil penalty of 23873  
one hundred dollars on the fiscal officer after providing the 23874  
officer with notice and an opportunity for a hearing in accordance 23875  
with Chapter 119. of the Revised Code. The superintendent's 23876  
authority to impose civil penalties under this division does not 23877  
preclude the state board of education from suspending or revoking 23878  
the license of a community school employee under division (N) of 23879  
section 3301.0714 of the Revised Code. 23880

(D) No community school shall acquire, change, or update its 23881  
student administration software package to manage and report data 23882  
required to be reported to the department unless it converts to a 23883  
student software package that is certified by the department. 23884

**Sec. 3316.031.** (A) The state superintendent of public 23885  
instruction, in consultation with the auditor of state, shall 23886  
develop guidelines for identifying fiscal practices and budgetary 23887  
conditions that, if uncorrected, could result in a future 23888  
declaration of a fiscal watch or fiscal emergency within a school 23889  
district. 23890

The guidelines shall not include a requirement that a school 23891  
district submit financial statements according to generally 23892  
accepted accounting principles. 23893

(B)(1) If the state superintendent determines from a school 23894  
district's five-year forecast submitted under section 5705.391 of 23895  
the Revised Code that a district is engaging in any of those 23896  
practices or that any of those conditions exist within the 23897  
district, after consulting with the district board of education 23898  
concerning the practices or conditions, the state superintendent 23899  
may declare the district to be under a fiscal caution. 23900

(2) If the auditor of state finds that a district is engaging 23901

in any of those practices or that any of those conditions exist 23902  
within the district, the auditor of state shall report that 23903  
finding to the state superintendent and, after consulting with the 23904  
district board of education concerning the practices or 23905  
conditions, the state superintendent may declare the district to 23906  
be under a fiscal caution. 23907

(3) Unless the auditor of state has elected to declare a 23908  
state of fiscal watch under division (A)(4) of section 3316.03 of 23909  
the Revised Code, the state superintendent shall declare a school 23910  
district to be under a fiscal caution if the conditions described 23911  
in divisions (A)(4)(a) and (b) of that section are both satisfied 23912  
with respect to the school district. 23913

(C) When the state superintendent declares a district to be 23914  
under fiscal caution, the state superintendent shall promptly 23915  
notify the district board of education of that declaration and 23916  
shall request the board to provide written proposals for 23917  
discontinuing or correcting the fiscal practices or budgetary 23918  
conditions that prompted the declaration and for preventing the 23919  
district from experiencing further fiscal difficulties that could 23920  
result in the district being declared to be in a state of fiscal 23921  
watch or fiscal emergency. 23922

(D) The state superintendent, or a designee, may visit and 23923  
inspect any district that is declared to be under a fiscal 23924  
caution. The department of education shall provide technical 23925  
assistance to the district board in implementing proposals to 23926  
eliminate the practices or budgetary conditions that prompted the 23927  
declaration of fiscal caution and may make recommendations 23928  
concerning the board's proposals. 23929

(E) If the state superintendent finds that a school district 23930  
declared to be under a fiscal caution has not made reasonable 23931  
proposals or otherwise taken action to discontinue or correct the 23932  
fiscal practices or budgetary conditions that prompted the 23933

declaration of fiscal caution, and if the state superintendent 23934  
considers it necessary to prevent further fiscal decline, the 23935  
state superintendent may determine that the district should be in 23936  
a state of fiscal watch. As provided in division (A)(3) of section 23937  
3316.03 of the Revised Code, the auditor of state shall declare 23938  
the district to be in a state of fiscal watch if the auditor of 23939  
state finds the superintendent's determination to be reasonable. 23940

**Sec. 3316.08.** During a school district's fiscal emergency 23941  
period, the auditor of state shall determine annually, or at any 23942  
other time upon request of the financial planning and supervision 23943  
commission, whether the school district will incur an operating 23944  
deficit. If the auditor of state determines that a school district 23945  
will incur an operating deficit, the auditor of state shall 23946  
certify that determination to the superintendent of public 23947  
instruction, the financial planning and supervision commission, 23948  
and the board of education of the school district. Upon receiving 23949  
the auditor of state's certification, the ~~board of education or~~ 23950  
commission shall adopt a resolution ~~to submit a ballot question~~ 23951  
~~proposing the levy of a tax requesting that the board of education~~ 23952  
~~work with the county auditor or tax commissioner to estimate the~~ 23953  
~~amount and rate of a tax levy that is needed~~ under section 23954  
5705.194 or 5705.21 or Chapter 5748. of the Revised Code to 23955  
produce a positive fund balance not later than the fifth year of 23956  
the five-year forecast submitted under section 5705.391 of the 23957  
Revised Code. ~~Except~~ 23958

The board of education shall recommend to the commission 23959  
whether the board supports or opposes a tax levy under section 23960  
5705.194 or 5705.21 or Chapter 5748. of the Revised Code and shall 23961  
provide supporting documentation to the commission of its 23962  
recommendation. 23963

After considering the board of education's recommendation and 23964

supporting documentation, the commission shall adopt a resolution 23965  
to either submit a ballot question proposing a tax levy or not to 23966  
submit such a question. 23967

Except as otherwise provided in this division, the tax shall 23968  
be levied in the manner prescribed for a tax levied under section 23969  
5705.194 or 5705.21 or under Chapter 5748. of the Revised Code. 23970  
~~The~~ If the commission decides that a tax shall should be levied, 23971  
the tax shall be levied for the purpose of paying current 23972  
operating expenses of the school district. ~~The question shall~~ 23973  
~~propose that the tax be levied at the rate required to produce~~ 23974  
~~annual revenue sufficient to eliminate the operating deficit as~~ 23975  
~~certified by the auditor of state and to repay outstanding loans~~ 23976  
~~or other obligations incurred by the board of education for the~~ 23977  
~~purpose of reducing or eliminating operating deficits, as~~ 23978  
~~determined by the financial planning and supervision commission.~~ 23979  
The rate of a tax levied under section 5705.194 or 5705.21 of the 23980  
Revised Code shall be determined by the county auditor, and the 23981  
rate of a tax levied under section 5748.02 or 5748.08 of the 23982  
Revised Code shall be determined by the tax commissioner, upon the 23983  
request of the commission. The commission, in consultation with 23984  
the board of education, shall determine the election at which the 23985  
question of the tax shall appear on the ballot, and the ~~board of~~ 23986  
~~education or~~ commission shall submit a copy of its resolution to 23987  
the board of elections not later than seventy-five days prior to 23988  
the day of that election. The board of elections conducting the 23989  
election shall certify the results of the election to the board of 23990  
education and to the financial planning and supervision 23991  
commission. 23992

**Sec. 3317.012.** (A)(1) The general assembly, having analyzed 23993  
school district expenditure and cost data for fiscal year 1999, 23994  
performed the calculation described in division (B) of this 23995  
section, adjusted the results for inflation, and added the amounts 23996

described in division (A)(2) of this section, hereby determines 23997  
that the base cost of an adequate education per pupil for the 23998  
fiscal year beginning July 1, 2001, is \$4,814. For the ~~five~~ three 23999  
following fiscal years, the base cost per pupil for each of those 24000  
years, reflecting an annual rate of inflation of two and 24001  
eight-tenths per cent, is \$4,949 for fiscal year 2003, \$5,088 for 24002  
fiscal year 2004, and \$5,230 for fiscal year 2005, ~~\$5,376 for~~ 24003  
~~fiscal year 2006, and \$5,527 for fiscal year 2007.~~ 24004

(2) The base cost per pupil amounts specified in division 24005  
(A)(1) of this section include amounts to reflect the cost to 24006  
school districts of increasing the minimum number of high school 24007  
academic units required for graduation beginning September 15, 24008  
2001, under section 3313.603 of the Revised Code. Analysis of 24009  
fiscal year 1999 data revealed that the school districts meeting 24010  
the requirements of division (B) of this section on average 24011  
required high school students to complete a minimum of nineteen 24012  
and eight-tenths units to graduate. The general assembly 24013  
determines that the cost of funding the additional two-tenths unit 24014  
required by section 3313.603 of the Revised Code is \$12 per pupil 24015  
in fiscal year 2002. This amount was added after the calculation 24016  
described in division (B) of this section and the adjustment for 24017  
inflation from fiscal year 1999 to fiscal year 2002. It is this 24018  
total amount, the calculated base cost plus the supplement to pay 24019  
for the additional partial unit, that constitutes the base cost 24020  
amount specified in division (A)(1) of this section for fiscal 24021  
year 2002 and that is inflated to produce the base cost amounts 24022  
for fiscal years 2003 through ~~2007~~ 2005. 24023

(B) In determining the base cost stated in division (A) of 24024  
this section, capital and debt costs, costs paid for by federal 24025  
funds, and costs covered by funds provided for disadvantaged pupil 24026  
impact aid and transportation were excluded, as were the effects 24027  
on the districts' state funds of the application of the 24028

cost-of-doing-business factors, assuming a seven and one-half per cent variance. 24029  
24030

The base cost for fiscal year 1999 was calculated as the unweighted average cost per student, on a school district basis, of educating students who were not receiving vocational education or services pursuant to Chapter 3323. of the Revised Code and who were enrolled in a city, exempted village, or local school district that in fiscal year 1999 met all of the following criteria: 24031  
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(1) The district met at least twenty of the following twenty-seven performance indicators: 24038  
24039

(a) A ninety per cent or higher graduation rate; 24040

(b) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code; 24041  
24042  
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(c) At least seventy-five per cent of fourth graders proficient on the reading test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code; 24044  
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(d) At least seventy-five per cent of fourth graders proficient on the writing test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code; 24047  
24048  
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(e) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code; 24050  
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(f) At least seventy-five per cent of fourth graders proficient on the science test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code; 24053  
24054  
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(g) At least seventy-five per cent of sixth graders proficient on the mathematics test prescribed under former division (A)(2) of section 3301.0710 of the Revised Code; 24056  
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(h) At least seventy-five per cent of sixth graders	24059
proficient on the reading test prescribed under <u>former</u> division	24060
(A)(2) of section 3301.0710 of the Revised Code;	24061
(i) At least seventy-five per cent of sixth graders	24062
proficient on the writing test prescribed under <u>former</u> division	24063
(A)(2) of section 3301.0710 of the Revised Code;	24064
(j) At least seventy-five per cent of sixth graders	24065
proficient on the citizenship test prescribed under <u>former</u>	24066
division (A)(2) of section 3301.0710 of the Revised Code;	24067
(k) At least seventy-five per cent of sixth graders	24068
proficient on the science test prescribed under <u>former</u> division	24069
(A)(2) of section 3301.0710 of the Revised Code;	24070
(l) At least seventy-five per cent of ninth graders	24071
proficient on the mathematics test prescribed under Section 4 of	24072
Am. Sub. S.B. 55 of the 122nd general assembly;	24073
(m) At least seventy-five per cent of ninth graders	24074
proficient on the reading test prescribed under Section 4 of Am.	24075
Sub. S.B. 55 of the 122nd general assembly;	24076
(n) At least seventy-five per cent of ninth graders	24077
proficient on the writing test prescribed under Section 4 of Am.	24078
Sub. S.B. 55 of the 122nd general assembly;	24079
(o) At least seventy-five per cent of ninth graders	24080
proficient on the citizenship test prescribed under Section 4 of	24081
Am. Sub. S.B. 55 of the 122nd general assembly;	24082
(p) At least seventy-five per cent of ninth graders	24083
proficient on the science test prescribed under Section 4 of Am.	24084
Sub. S.B. 55 of the 122nd general assembly;	24085
(q) At least eighty-five per cent of tenth graders proficient	24086
on the mathematics test prescribed under Section 4 of Am. Sub.	24087
S.B. 55 of the 122nd general assembly;	24088

(r) At least eighty-five per cent of tenth graders proficient on the reading test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	24089 24090 24091
(s) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	24092 24093 24094
(t) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	24095 24096 24097
(u) At least eighty-five per cent of tenth graders proficient on the science test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	24098 24099 24100
(v) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	24101 24102 24103
(w) At least sixty per cent of twelfth graders proficient on the reading test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	24104 24105 24106
(x) At least sixty per cent of twelfth graders proficient on the writing test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	24107 24108 24109
(y) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	24110 24111 24112
(z) At least sixty per cent of twelfth graders proficient on the science test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	24113 24114 24115
(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.	24116 24117
In determining whether a school district met any of the	24118

performance standards specified in divisions (B)(1)(a) to (aa) of 24119  
this section, the general assembly used a rounding procedure 24120  
previously recommended by the department of education. It is the 24121  
same rounding procedure the general assembly used in 1998 to 24122  
determine whether a district had met the standards of former 24123  
divisions (B)(1)(a) to (r) of this section for purposes of 24124  
constructing the previous model based on fiscal year 1996 data. 24125

(2) The district was not among the five per cent of all 24126  
districts with the highest income, nor among the five per cent of 24127  
all districts with the lowest income. 24128

(3) The district was not among the five per cent of all 24129  
districts with the highest valuation per pupil, nor among the five 24130  
per cent of all districts with the lowest valuation per pupil. 24131

This model for calculating the base cost of an adequate 24132  
education is expenditure-based. The general assembly recognizes 24133  
that increases in state funding to school districts since fiscal 24134  
year 1996, the fiscal year upon which the general assembly based 24135  
its model for calculating state funding to school districts for 24136  
fiscal years 1999 through 2001, has increased school district base 24137  
cost expenditures for fiscal year 1999, the fiscal year upon which 24138  
the general assembly based its model for calculating state funding 24139  
for fiscal years 2002 through ~~2007~~ 2005. In the case of school 24140  
districts included in the fiscal year 1999 model that also had met 24141  
the fiscal year 1996 performance criteria of former division 24142  
(B)(1) of this section, the increased state funding may have 24143  
driven the districts' expenditures beyond the expenditures that 24144  
were actually needed to maintain their educational programs at the 24145  
level necessary to maintain their ability to meet the fiscal year 24146  
1999 performance criteria of current division (B)(1) of this 24147  
section. The general assembly has determined to control for this 24148  
effect by stipulating in the later model that the fiscal year 1999 24149  
base cost expenditures of the districts that also met the 24150

performance criteria of former division (B)(1) of this section 24151  
equals their base cost expenditures per pupil for fiscal year 24152  
1996, inflated to fiscal year 1999 using an annual rate of 24153  
inflation of two and eight-tenths per cent. However, if this 24154  
inflated amount exceeded the district's actual fiscal year 1999 24155  
base cost expenditures per pupil, the district's actual fiscal 24156  
year 1999 base cost expenditures per pupil were used in the 24157  
calculation. For districts in the 1999 model that did not also 24158  
meet the performance criteria of former division (B)(1) of this 24159  
section, the actual 1999 base cost per pupil expenditures were 24160  
used in the calculation of the average district per pupil costs of 24161  
the model districts. 24162

~~(C) In July of 2005, and in July of every six years 24163  
thereafter, the speaker of the house of representatives and the 24164  
president of the senate shall each appoint three members to a 24165  
committee to reexamine the cost of an adequate education. No more 24166  
than two members from any political party shall represent each 24167  
house. The director of budget and management and the 24168  
superintendent of public instruction shall serve as nonvoting ex 24169  
officio members of the committee. 24170~~

~~The committee shall select a rational methodology for 24171  
calculating the costs of an adequate education system for the 24172  
ensuing six year period, and shall report the methodology and the 24173  
resulting costs to the general assembly. In performing its 24174  
function, the committee is not bound by any method used by 24175  
previous general assemblies to examine and calculate costs and 24176  
instead may utilize any rational method it deems suitable and 24177  
reasonable given the educational needs and requirements of the 24178  
state at that time. 24179~~

~~The methodology for determining the cost of an adequate 24180  
education system shall take into account the basic educational 24181  
costs that all districts incur in educating regular students, the 24182~~

~~unique needs of special categories of students, and significant  
special conditions encountered by certain classifications of  
school districts.~~ 24183  
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~~The committee also shall redetermine, for purposes of  
updating the parity aid calculation under section 3317.0217 of the  
Revised Code, the average number of effective operating mills that  
school districts in the seventieth to ninetieth percentiles of  
valuations per pupil collect above the revenues required to  
finance their attributed local shares of the calculated cost of an  
adequate education.~~ 24186  
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~~Any committee appointed pursuant to this section shall make  
its report to the office of budget and management and the general  
assembly within one year of its appointment so that the  
information is available for use by the office and the general  
assembly in preparing the next biennial appropriations act.~~ 24193  
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~~(D)(1) For purposes of this division, an "update year" is the  
first fiscal year for which the per pupil base cost of an adequate  
education is in effect after being recalculated by the general  
assembly. The first update year is fiscal year 2002. The second  
update year is fiscal year 2008.~~ 24198  
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~~(2) The general assembly shall recalculate the per pupil base  
cost of an adequate education every six years after considering  
the recommendations of the committee appointed under division (C)  
of this section. At the time of the recalculation, for each of the  
five fiscal years following the update year, the general assembly  
shall adjust the base cost recalculated for the update year using  
an annual rate of inflation that the general assembly determines  
appropriate.~~ 24203  
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~~(3) The general assembly shall include, in the act  
appropriating state funds for education programs for a fiscal  
biennium that begins with an update year, a statement of its~~ 24211  
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determination of the total state share percentage of base cost and parity aid funding for the update year. 24214  
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~~(4) During its biennial budget deliberations, the general assembly shall determine the total state share percentage of base cost and parity aid funding for each fiscal year of the upcoming biennium. This determination shall be based on the latest projections and data provided by the department of education under division (D)(6) of this section prior to the enactment of education appropriations for the upcoming biennium. If, based on those latest projections and data, the general assembly determines that the total state share percentage for either or both nonupdate fiscal years varies more than two and one half percentage points more or less than the total state share percentage for the most recent update year, as previously stated by the general assembly under division (D)(3) of this section, the general assembly shall determine and enact a method that it considers appropriate to restrict the estimated variance for each year to within two and one half percentage points. The general assembly's methods may include, but are not required to include and need not be limited to, reexamining the rate of millage charged off as the local share of base cost funding under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. Regardless of any changes in charge off millage rates in years between update years, however, the charge off millage rate for update years shall be twenty three mills, unless the general assembly determines that a different millage rate is more appropriate to share the total calculated base cost between the state and school districts.~~ 24216  
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~~(5) The total state share percentage of base cost and parity aid funding for any fiscal year is calculated as follows:~~ 24241  
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$$\frac{\{(\text{Total state base cost} + \text{total state parity aid funding}) - \text{statewide charge off amount}\}}{(\text{Total state base cost} + \text{total state parity aid funding})}$$
 24243  
24244  
24245

<del>Where:</del>	24246
<del>(a) The total state base cost equals the sum of the base costs for all school districts for the fiscal year.</del>	24247 24248
<del>(b) The base cost for each school district equals:</del>	24249
<del>    formula amount X cost of doing business factor X</del>	24250
<del>    the greater of formula ADM or</del>	24251
<del>    three year average formula ADM</del>	24252
<del>(c) The total state parity aid funding equals the sum of the amounts paid to all school districts for the fiscal year under section 3317.0217 of the Revised Code.</del>	24253 24254 24255
<del>(d) The statewide charge off amount equals the sum of the charge off amounts for all school districts.</del>	24256 24257
<del>(e) The charge off amount for each school district is the amount calculated as its local share of base cost funding and deducted from the total calculated base cost to determine the amount of its state payment under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. The charge off amount for each school district in fiscal year 2002 is the product of twenty three mills multiplied by the district's recognized valuation as adjusted, if applicable, under division (A)(2) of section 3317.022 of the Revised Code. If however, in any fiscal year, including fiscal year 2002, a school district's calculated charge off amount exceeds its base cost calculated as described in division (D)(5)(b) of this section, the district's charge off amount shall be deemed to equal its calculated base cost.</del>	24258 24259 24260 24261 24262 24263 24264 24265 24266 24267 24268 24269 24270
<del>(6) Whenever requested by the chairperson of the standing committee of the house or representatives or the senate having primary jurisdiction over appropriations, the legislative budget officer, or the director of budget and management, the department of education shall report its latest projections for total base cost, total parity aid funding, and the statewide charge off</del>	24271 24272 24273 24274 24275 24276

~~amount, as those terms are defined in division (D)(5) of this 24277~~  
~~section, for each year of the upcoming fiscal biennium, and all 24278~~  
~~data it used to make the projections. 24279~~

**Sec. 3317.013.** This section does not apply to handicapped 24280  
preschool students. 24281

Analysis of special education cost data has resulted in a 24282  
finding that the average special education additional cost per 24283  
pupil, including the costs of related services, can be expressed 24284  
as a multiple of the base cost per pupil calculated under section 24285  
3317.012 of the Revised Code. The multiples for the following 24286  
categories of special education programs, as these programs are 24287  
defined for purposes of Chapter 3323. of the Revised Code, and 24288  
adjusted as provided in this section, are as follows: 24289

(A) A multiple of 0.2892 for students whose primary or only 24290  
identified handicap is a speech and language handicap, as this 24291  
term is defined pursuant to Chapter 3323. of the Revised Code; 24292

(B) A multiple of 0.3691 for students identified as specific 24293  
learning disabled or developmentally handicapped, as these terms 24294  
are defined pursuant to Chapter 3323. of the Revised Code, or 24295  
other health handicapped-minor; 24296

(C) A multiple of 1.7695 for students identified as hearing 24297  
handicapped, vision impaired, or severe behavior handicapped, as 24298  
these terms are defined pursuant to Chapter 3323. of the Revised 24299  
Code; 24300

(D) A multiple of 2.3646 for students identified as 24301  
orthopedically handicapped, as this term is defined pursuant to 24302  
Chapter 3323. of the Revised Code or other health handicapped - 24303  
major; 24304

(E) A multiple of 3.1129 for students identified as 24305  
multihandicapped, as this term is defined pursuant to Chapter 24306

3323. of the Revised Code; 24307

(F) A multiple of 4.7342 for students identified as autistic, 24308  
having traumatic brain injuries, or as both visually and hearing 24309  
disabled, as these terms are defined pursuant to Chapter 3323. of 24310  
the Revised Code. 24311

In fiscal year ~~2002~~ 2004, the multiples specified in 24312  
divisions (A) to (F) of this section shall be adjusted by 24313  
multiplying them by ~~0.825~~ 0.88. In fiscal year ~~2003~~ 2005, the 24314  
multiples specified in those divisions shall be adjusted by 24315  
multiplying them by ~~0.875~~ 0.90. 24316

Not later than May 30, 2004, and May 30, 2005, the department 24317  
shall submit to the office of budget and management a report that 24318  
specifies for each city, local, exempted village, and joint 24319  
vocational school district the fiscal year allocation of the state 24320  
and local shares of special education and related services 24321  
additional weighted funding and federal special education funds 24322  
passed through to the district. 24323

**Sec. 3317.014.** The average vocational education additional 24324  
cost per pupil can be expressed as a multiple of the base cost per 24325  
pupil calculated under section 3317.012 of the Revised Code. the 24326  
multiples for the following categories of vocational education 24327  
programs are as follows: 24328

(A) A multiple of 0.57 for students enrolled in vocational 24329  
education job-training and workforce development programs approved 24330  
by the department of education in accordance with rules adopted 24331  
under section 3313.90 of the Revised Code. 24332

(B) A multiple of 0.28 for students enrolled in vocational 24333  
education classes other than job-training and workforce 24334  
development programs. 24335

Vocational education associated services costs can be 24336

expressed as a multiple of 0.05 of the base cost per pupil 24337  
calculated under section 3317.012 of the Revised Code. 24338

The general assembly has adjusted the multiples specified in 24339  
this section for calculating payments beginning in fiscal year 24340  
2002 in recognition that its policy change regarding the 24341  
application of the cost-of-doing-business factor produces a higher 24342  
base cost amount than would exist if no change were made to its 24343  
application. The adjustment maintains the same weighted costs as 24344  
would exist if no change were made to the application of the 24345  
cost-of-doing-business factor. 24346

The department of education shall annually report to the 24347  
governor and the general assembly the amount of weighted funding 24348  
for vocational education and associated services that is spent by 24349  
each city, local, exempted village, and joint vocational school 24350  
district specifically for vocational educational and associated 24351  
services. 24352

**Sec. 3317.022.** (A)(1) The department of education shall 24353  
compute and distribute state base cost funding to each school 24354  
district for the fiscal year in accordance with the following 24355  
formula, making any adjustment required by division (A)(2) of this 24356  
section and using the information obtained under section 3317.021 24357  
of the Revised Code in the calendar year in which the fiscal year 24358  
begins. 24359

Compute the following for each eligible district: 24360

$\dagger(\text{cost-of-doing-business factor } X$  24361

the formula amount  $X$  ~~(the greater of formula ADM~~ 24362

~~or three-year average formula ADM)~~  $\dagger -$  24363

$(.023 \times \text{recognized valuation})$  24364

If the difference obtained is a negative number, the 24365  
district's computation shall be zero. 24366

(2)(a) For each school district for which the tax exempt value of the district equals or exceeds twenty-five per cent of the potential value of the district, the department of education shall calculate the difference between the district's tax exempt value and twenty-five per cent of the district's potential value. 24367  
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(b) For each school district to which division (A)(2)(a) of this section applies, the department shall adjust the recognized valuation used in the calculation under division (A)(1) of this section by subtracting from it the amount calculated under division (A)(2)(a) of this section. 24372  
24373  
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(B) As used in this section: 24377

(1) The "total special education weight" for a district means the sum of the following amounts: 24378  
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(a) The district's category one special education ADM multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code; 24380  
24381  
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(b) The district's category two special education ADM multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code; 24383  
24384  
24385

(c) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code; 24386  
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(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code; 24389  
24390  
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(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code; 24392  
24393  
24394

(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 24395  
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3317.013 of the Revised Code.	24397
(2) "State share percentage" means the percentage calculated for a district as follows:	24398 24399
(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.	24400 24401 24402 24403 24404
(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:	24405 24406 24407
Cost-of-doing-business factor X	24408
the formula amount X <del>(the greater of formula</del>	24409
<del>ADM or three-year average formula ADM)</del>	24410
The resultant number is the district's state share percentage.	24411 24412
(3) "Related services" includes:	24413
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	24414 24415 24416 24417 24418 24419 24420 24421
(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap;	24422 24423 24424
(c) Any related service not specifically covered by other state funds but specified in federal law, including but not	24425 24426

limited to, audiology and school psychological services;	24427
(d) Any service included in units funded under former	24428
division (O)(1) of section 3317.023 of the Revised Code;	24429
(e) Any other related service needed by handicapped children	24430
in accordance with their individualized education plans.	24431
(4) The "total vocational education weight" for a district	24432
means the sum of the following amounts:	24433
(a) The district's category one vocational education ADM	24434
multiplied by the multiple specified in division (A) of section	24435
3317.014 of the Revised Code;	24436
(b) The district's category two vocational education ADM	24437
multiplied by the multiple specified in division (B) of section	24438
3317.014 of the Revised Code.	24439
(C)(1) The department shall compute and distribute state	24440
special education and related services additional weighted costs	24441
funds to each school district in accordance with the following	24442
formula:	24443
The district's state share percentage	24444
X the formula amount for the year	24445
for which the aid is calculated	24446
X the district's total special education weight	24447
(2) The attributed local share of special education and	24448
related services additional weighted costs equals:	24449
(1 - the district's state share percentage) X	24450
the district's total special education weight X	24451
the formula amount	24452
(3)(a) The department shall compute and pay in accordance	24453
with this division additional state aid to school districts for	24454
students in categories two through six special education ADM. If a	24455
district's costs for the fiscal year for a student in its	24456

categories two through six special education ADM exceed the 24457  
threshold catastrophic cost for serving the student, the district 24458  
may submit to the superintendent of public instruction 24459  
documentation, as prescribed by the superintendent, of all its 24460  
costs for that student. Upon submission of documentation for a 24461  
student of the type and in the manner prescribed, the department 24462  
shall pay to the district an amount equal to the sum of the 24463  
following: 24464

(i) One-half of the district's costs for the student in 24465  
excess of the threshold catastrophic cost; 24466

(ii) The product of one-half of the district's costs for the 24467  
student in excess of the threshold catastrophic cost multiplied by 24468  
the district's state share percentage. 24469

(b) For purposes of division (C)(3)(a) of this section, the 24470  
threshold catastrophic cost for serving a student equals: 24471

(i) For a student in the school district's category two, 24472  
three, four, or five special education ADM, twenty-five thousand 24473  
dollars in fiscal year 2002 and twenty-five thousand seven hundred 24474  
dollars in fiscal ~~year~~ years 2003, 2004, and 2005; 24475

(ii) For a student in the district's category six special 24476  
education ADM, thirty thousand dollars in fiscal year 2002 and 24477  
thirty thousand eight hundred forty dollars in fiscal ~~year~~ years 24478  
2003, 2004, and 2005. 24479

~~The threshold catastrophic costs for fiscal year 2003 24480  
represent a two and eight tenths per cent inflationary increase 24481  
over fiscal year 2002. 24482~~

(c) The district shall only report under division (C)(3)(a) 24483  
of this section, and the department shall only pay for, the costs 24484  
of educational expenses and the related services provided to the 24485  
student in accordance with the student's individualized education 24486  
program. Any legal fees, court costs, or other costs associated 24487

with any cause of action relating to the student may not be 24488  
included in the amount. 24489

~~(5)~~(4)(a) As used in this division, the "personnel allowance" 24490  
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 24491  
2004, and 2005. 24492

(b) For the provision of speech services to students, 24493  
including students who do not have individualized education 24494  
programs prepared for them under Chapter 3323. of the Revised 24495  
Code, and for no other purpose, the department of education shall 24496  
pay each school district an amount calculated under the following 24497  
formula: 24498

(formula ADM divided by 2000) X 24499

the personnel allowance X the state share percentage 24500

(5) In any fiscal year, a school district shall spend for 24501  
purposes that the department designates as approved for special 24502  
education and related services expenses at least the amount 24503  
calculated as follows: 24504

(cost-of-doing-business factor X 24505

formula amount X the sum of categories 24506

one through six special education ADM) + 24507

(total special education weight X formula amount) 24508

The purposes approved by the department for special education 24509  
expenses shall include, but shall not be limited to, 24510  
identification of handicapped children, compliance with state 24511  
rules governing the education of handicapped children and 24512  
prescribing the continuum of program options for handicapped 24513  
children, and the portion of the school district's overall 24514  
administrative and overhead costs that are attributable to the 24515  
district's special education student population. 24516

The department shall require school districts to report data 24517  
annually to allow for monitoring compliance with division (C)(5) 24518

of this section. The department shall annually report to the 24519  
governor and the general assembly the amount of money spent by 24520  
each school district for special education and related services. 24521

(D)(1) As used in this division: 24522

(a) "Daily bus miles per student" equals the number of bus 24523  
miles traveled per day, divided by transportation base. 24524

(b) "Transportation base" equals total student count as 24525  
defined in section 3301.011 of the Revised Code, minus the number 24526  
of students enrolled in preschool handicapped units, plus the 24527  
number of nonpublic school students included in transportation 24528  
ADM. 24529

(c) "Transported student percentage" equals transportation 24530  
ADM divided by transportation base. 24531

(d) "Transportation cost per student" equals total operating 24532  
costs for board-owned or contractor-operated school buses divided 24533  
by transportation base. 24534

(2) Analysis of student transportation cost data has resulted 24535  
in a finding that an average efficient transportation use cost per 24536  
student can be calculated by means of a regression formula that 24537  
has as its two independent variables the number of daily bus miles 24538  
per student and the transported student percentage. For fiscal 24539  
year 1998 transportation cost data, the average efficient 24540  
transportation use cost per student is expressed as follows: 24541

51.79027 + (139.62626 X daily bus miles per student) + 24542  
(116.25573 X transported student percentage) 24543

The department of education shall annually determine the 24544  
average efficient transportation use cost per student in 24545  
accordance with the principles stated in division (D)(2) of this 24546  
section, updating the intercept and regression coefficients of the 24547  
regression formula modeled in this division, based on an annual 24548  
statewide analysis of each school district's daily bus miles per 24549

student, transported student percentage, and transportation cost 24550  
per student data. The department shall conduct the annual update 24551  
using data, including daily bus miles per student, transported 24552  
student percentage, and transportation cost per student data, from 24553  
the prior fiscal year. The department shall notify the office of 24554  
budget and management of such update by the fifteenth day of 24555  
February of each year. 24556

(3) In addition to funds paid under divisions (A), (C), and 24557  
(E) of this section, each district with a transported student 24558  
percentage greater than zero shall receive a payment equal to a 24559  
percentage of the product of the district's transportation base 24560  
from the prior fiscal year times the annually updated average 24561  
efficient transportation use cost per student, times an inflation 24562  
factor of two and eight tenths per cent to account for the 24563  
one-year difference between the data used in updating the formula 24564  
and calculating the payment and the year in which the payment is 24565  
made. The percentage shall be the following percentage of that 24566  
product specified for the corresponding fiscal year: 24567

FISCAL YEAR	PERCENTAGE	
2000	52.5%	24568
2001	55%	24569
2002	57.5%	24570
2003 and thereafter	The greater of 60% or the district's state share percentage	24571 24572

The payments made under division (D)(3) of this section each 24573  
year shall be calculated based on all of the same prior year's 24574  
data used to update the formula. 24575

(4) In addition to funds paid under divisions (D)(2) and (3) 24576  
of this section, a school district shall receive a rough road 24577  
subsidy if both of the following apply: 24578

(a) Its county rough road percentage is higher than the 24579

statewide rough road percentage, as those terms are defined in 24580  
division (D)(5) of this section; 24581

(b) Its district student density is lower than the statewide 24582  
student density, as those terms are defined in that division. 24583

(5) The rough road subsidy paid to each district meeting the 24584  
qualifications of division (D)(4) of this section shall be 24585  
calculated in accordance with the following formula: 24586

(per rough mile subsidy X total rough road miles) X 24587  
density multiplier 24588

where: 24589

(a) "Per rough mile subsidy" equals the amount calculated in 24590  
accordance with the following formula: 24591

0.75 - {0.75 X [(maximum rough road percentage - 24592  
24593

county rough road percentage)/(maximum rough road percentage - 24594  
statewide rough road percentage)]} 24595

(i) "Maximum rough road percentage" means the highest county 24596  
rough road percentage in the state. 24597

(ii) "County rough road percentage" equals the percentage of 24598  
the mileage of state, municipal, county, and township roads that 24599  
is rated by the department of transportation as type A, B, C, E2, 24600  
or F in the county in which the school district is located or, if 24601  
the district is located in more than one county, the county to 24602  
which it is assigned for purposes of determining its 24603  
cost-of-doing-business factor. 24604

(iii) "Statewide rough road percentage" means the percentage 24605  
of the statewide total mileage of state, municipal, county, and 24606  
township roads that is rated as type A, B, C, E2, or F by the 24607  
department of transportation. 24608

(b) "Total rough road miles" means a school district's total 24609

bus miles traveled in one year times its county rough road 24610  
percentage. 24611

(c) "Density multiplier" means a figure calculated in 24612  
accordance with the following formula: 24613

$$1 - \left[ \frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]$$

24614  
24615  
24616

(i) "Minimum student density" means the lowest district 24617  
student density in the state. 24618

(ii) "District student density" means a school district's 24619  
transportation base divided by the number of square miles in the 24620  
district. 24621

(iii) "Statewide student density" means the sum of the 24622  
transportation bases for all school districts divided by the sum 24623  
of the square miles in all school districts. 24624

(6) In addition to funds paid under divisions (D)(2) to (5) 24625  
of this section, each district shall receive in accordance with 24626  
rules adopted by the state board of education a payment for 24627  
students transported by means other than board-owned or 24628  
contractor-operated buses and whose transportation is not funded 24629  
under division (J) of section 3317.024 of the Revised Code. The 24630  
rules shall include provisions for school district reporting of 24631  
such students. 24632

(E)(1) The department shall compute and distribute state 24633  
vocational education additional weighted costs funds to each 24634  
school district in accordance with the following formula: 24635

$$\frac{\text{state share percentage} \times \text{the formula amount}}{\text{total vocational education weight}}$$

24636  
24637  
24638

In any fiscal year, a school district receiving funds under 24639  
division (E)(1) of this section shall spend those funds only for 24640

the purposes that the department designates as approved for 24641  
vocational education expenses. Vocational educational expenses 24642  
approved by the department shall include only expenses connected 24643  
to the delivery of career-technical programming to 24644  
career-technical students. The department shall require the school 24645  
district to report data annually so that the department may 24646  
monitor the district's compliance with the requirements regarding 24647  
the manner in which funding received under division (E)(1) of this 24648  
section may be spent. 24649

(2) The department shall compute for each school district 24650  
state funds for vocational education associated services in 24651  
accordance with the following formula: 24652

state share percentage X .05 X 24653

the formula amount X the sum of categories one and two 24654

vocational education ADM 24655

In any fiscal year, a school district receiving funds under 24656  
division (E)(2) of this section, or through a transfer of funds 24657  
pursuant to division (L) of section 3317.023 of the Revised Code, 24658  
shall spend those funds only for the purposes that the department 24659  
designates as approved for vocational education associated 24660  
services expenses, which may include such purposes as 24661  
apprenticeship coordinators, coordinators for other vocational 24662  
education services, vocational evaluation, and other purposes 24663  
designated by the department. The department may deny payment 24664  
under division (E)(2) of this section to any district that the 24665  
department determines is not operating those services or is using 24666  
funds paid under division (E)(2) of this section, or through a 24667  
transfer of funds pursuant to division (L) of section 3317.023 of 24668  
the Revised Code, for other purposes. 24669

(F) Beginning in fiscal year 2003, the actual local share in 24670  
any fiscal year for the combination of special education and 24671  
related services additional weighted costs funding calculated 24672

under division (C)(1) of this section, transportation funding 24673  
calculated under divisions (D)(2) and (3) of this section, and 24674  
vocational education and associated services additional weighted 24675  
costs funding calculated under divisions (E)(1) and (2) of this 24676  
section shall not exceed for any school district the product of 24677  
three mills times the district's recognized valuation. Beginning 24678  
in fiscal year 2003, the department annually shall pay each school 24679  
district as an excess cost supplement any amount by which the sum 24680  
of the district's attributed local shares for that funding exceeds 24681  
that product. For purposes of calculating the excess cost 24682  
supplement: 24683

(1) The attributed local share for special education and 24684  
related services additional weighted costs funding is the amount 24685  
specified in division (C)(2) of this section. 24686

(2) The attributed local share of transportation funding 24687  
equals the difference of the total amount calculated for the 24688  
district using the formula developed under division (D)(2) of this 24689  
section minus the actual amount paid to the district after 24690  
applying the percentage specified in division (D)(3) of this 24691  
section. 24692

(3) The attributed local share of vocational education and 24693  
associated services additional weighted costs funding is the 24694  
amount determined as follows: 24695

(1 - state share percentage) X 24696  
[(total vocational education weight X the formula amount) + 24697  
the payment under division (E)(2) of this section] 24698

**Sec. 3317.023.** (A) Notwithstanding section 3317.022 of the 24699  
Revised Code, the amounts required to be paid to a district under 24700  
this chapter shall be adjusted by the amount of the computations 24701  
made under divisions (B) to ~~(L)~~(M) of this section. 24702

As used in this section: 24703

(1) "Classroom teacher" means a licensed employee who 24704  
provides direct instruction to pupils, excluding teachers funded 24705  
from money paid to the district from federal sources; educational 24706  
service personnel; and vocational and special education teachers. 24707

(2) "Educational service personnel" shall not include such 24708  
specialists funded from money paid to the district from federal 24709  
sources or assigned full-time to vocational or special education 24710  
students and classes and may only include those persons employed 24711  
in the eight specialist areas in a pattern approved by the 24712  
department of education under guidelines established by the state 24713  
board of education. 24714

(3) "Annual salary" means the annual base salary stated in 24715  
the state minimum salary schedule for the performance of the 24716  
teacher's regular teaching duties that the teacher earns for 24717  
services rendered for the first full week of October of the fiscal 24718  
year for which the adjustment is made under division (C) of this 24719  
section. It shall not include any salary payments for supplemental 24720  
teachers contracts. 24721

(4) "Regular student population" means the formula ADM plus 24722  
the number of students reported as enrolled in the district 24723  
pursuant to division (A)(1) of section 3313.981 of the Revised 24724  
Code; minus the number of students reported under division (A)(2) 24725  
of section 3317.03 of the Revised Code; minus the FTE of students 24726  
reported under division (B)~~(5)~~, (6), (7), (8), (9), (10), (11), or 24727  
(12) of that section who are enrolled in a vocational education 24728  
class or receiving special education; and minus ~~one-fourth~~ ten per  
cent of the students enrolled concurrently in a joint vocational 24729  
school district. 24730  
24731

(5) "State share percentage" has the same meaning as in 24732  
section 3317.022 of the Revised Code. 24733

(6) "VEPD" means a school district or group of school 24734

districts designated by the department of education as being 24735  
responsible for the planning for and provision of vocational 24736  
education services to students within the district or group. 24737

(7) "Lead district" means a school district, including a 24738  
joint vocational school district, designated by the department as 24739  
a VEPD, or designated to provide primary vocational education 24740  
leadership within a VEPD composed of a group of districts. 24741

(B) If the district employs less than one full-time 24742  
equivalent classroom teacher for each twenty-five pupils in the 24743  
regular student population in any school district, deduct the sum 24744  
of the amounts obtained from the following computations: 24745

(1) Divide the number of the district's full-time equivalent 24746  
classroom teachers employed by one twenty-fifth; 24747

(2) Subtract the quotient in (1) from the district's regular 24748  
student population; 24749

(3) Multiply the difference in (2) by seven hundred fifty-two 24750  
dollars. 24751

(C) If a positive amount, add one-half of the amount obtained 24752  
by multiplying the number of full-time equivalent classroom 24753  
teachers by: 24754

(1) The mean annual salary of all full-time equivalent 24755  
classroom teachers employed by the district at their respective 24756  
training and experience levels minus; 24757

(2) The mean annual salary of all such teachers at their 24758  
respective levels in all school districts receiving payments under 24759  
this section. 24760

The number of full-time equivalent classroom teachers used in 24761  
this computation shall not exceed one twenty-fifth of the 24762  
district's regular student population. In calculating the 24763  
district's mean salary under this division, those full-time 24764

equivalent classroom teachers with the highest training level 24765  
shall be counted first, those with the next highest training level 24766  
second, and so on, in descending order. Within the respective 24767  
training levels, teachers with the highest years of service shall 24768  
be counted first, the next highest years of service second, and so 24769  
on, in descending order. 24770

(D) This division does not apply to a school district that 24771  
has entered into an agreement under division (A) of section 24772  
3313.42 of the Revised Code. Deduct the amount obtained from the 24773  
following computations if the district employs fewer than five 24774  
full-time equivalent educational service personnel, including 24775  
elementary school art, music, and physical education teachers, 24776  
counselors, librarians, visiting teachers, school social workers, 24777  
and school nurses for each one thousand pupils in the regular 24778  
student population: 24779

(1) Divide the number of full-time equivalent educational 24780  
service personnel employed by the district by five 24781  
one-thousandths; 24782

(2) Subtract the quotient in (1) from the district's regular 24783  
student population; 24784

(3) Multiply the difference in (2) by ninety-four dollars. 24785

(E) If a local school district, or a city or exempted village 24786  
school district to which a governing board of an educational 24787  
service center provides services pursuant to section 3313.843 of 24788  
the Revised Code, deduct the amount of the payment required for 24789  
the reimbursement of the governing board under section 3317.11 of 24790  
the Revised Code. 24791

(F)(1) If the district is required to pay to or entitled to 24792  
receive tuition from another school district under division (C)(2) 24793  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 24794  
or if the superintendent of public instruction is required to 24795

determine the correct amount of tuition and make a deduction or 24796  
credit under section 3317.08 of the Revised Code, deduct and 24797  
credit such amounts as provided in division (I) of section 3313.64 24798  
or section 3317.08 of the Revised Code. 24799

(2) For each child for whom the district is responsible for 24800  
tuition or payment under division (A)(1) of section 3317.082 or 24801  
section 3323.091 of the Revised Code, deduct the amount of tuition 24802  
or payment for which the district is responsible. 24803

(G) If the district has been certified by the superintendent 24804  
of public instruction under section 3313.90 of the Revised Code as 24805  
not in compliance with the requirements of that section, deduct an 24806  
amount equal to ten per cent of the amount computed for the 24807  
district under section 3317.022 of the Revised Code. 24808

(H) If the district has received a loan from a commercial 24809  
lending institution for which payments are made by the 24810  
superintendent of public instruction pursuant to division (E)(3) 24811  
of section 3313.483 of the Revised Code, deduct an amount equal to 24812  
such payments. 24813

(I)(1) If the district is a party to an agreement entered 24814  
into under division (D), (E), or (F) of section 3311.06 or 24815  
division (B) of section 3311.24 of the Revised Code and is 24816  
obligated to make payments to another district under such an 24817  
agreement, deduct an amount equal to such payments if the district 24818  
school board notifies the department in writing that it wishes to 24819  
have such payments deducted. 24820

(2) If the district is entitled to receive payments from 24821  
another district that has notified the department to deduct such 24822  
payments under division (I)(1) of this section, add the amount of 24823  
such payments. 24824

(J) If the district is required to pay an amount of funds to 24825  
a cooperative education district pursuant to a provision described 24826

by division (B)(4) of section 3311.52 or division (B)(8) of 24827  
section 3311.521 of the Revised Code, deduct such amounts as 24828  
provided under that provision and credit those amounts to the 24829  
cooperative education district for payment to the district under 24830  
division (B)(1) of section 3317.19 of the Revised Code. 24831

(K)(1) If a district is educating a student entitled to 24832  
attend school in another district pursuant to a shared education 24833  
contract, compact, or cooperative education agreement other than 24834  
an agreement entered into pursuant to section 3313.842 of the 24835  
Revised Code, credit to that educating district on an FTE basis 24836  
both of the following: 24837

(a) An amount equal to the formula amount times the cost of 24838  
doing business factor of the school district where the student is 24839  
entitled to attend school pursuant to section 3313.64 or 3313.65 24840  
of the Revised Code; 24841

(b) An amount equal to the formula amount times the state 24842  
share percentage times any multiple applicable to the student 24843  
pursuant to section 3317.013 or 3317.014 of the Revised Code. 24844

(2) Deduct any amount credited pursuant to division (K)(1) of 24845  
this section from amounts paid to the school district in which the 24846  
student is entitled to attend school pursuant to section 3313.64 24847  
or 3313.65 of the Revised Code. 24848

(3) If the district is required by a shared education 24849  
contract, compact, or cooperative education agreement to make 24850  
payments to an educational service center, deduct the amounts from 24851  
payments to the district and add them to the amounts paid to the 24852  
service center pursuant to section 3317.11 of the Revised Code. 24853

(L)(1) If a district, including a joint vocational school 24854  
district, is a lead district of a VEPP, credit to that district 24855  
the amounts calculated for all the school districts within that 24856  
VEPP pursuant to division (E)(2) of section 3317.022 of the 24857

Revised Code. 24858

(2) Deduct from each appropriate district that is not a lead 24859  
district, the amount attributable to that district that is 24860  
credited to a lead district under division (L)(1) of this section. 24861

(M) If the department pays a joint vocational school district 24862  
under division (G)(4) of section 3317.16 of the Revised Code for 24863  
excess costs of providing special education and related services 24864  
to a handicapped student, as calculated under division (G)(2) of 24865  
that section, the department shall deduct the amount of that 24866  
payment from the city, local, or exempted village school district 24867  
that is responsible as specified in that section for the excess 24868  
costs. 24869

**Sec. 3317.024.** In addition to the moneys paid to eligible 24870  
school districts pursuant to section 3317.022 of the Revised Code, 24871  
moneys appropriated for the education programs in divisions (A) to 24872  
(H), (J) to (L), (O), (P), and (R) of this section shall be 24873  
distributed to school districts meeting the requirements of 24874  
section 3317.01 of the Revised Code; in the case of divisions (J) 24875  
and (P) of this section, to educational service centers as 24876  
provided in section 3317.11 of the Revised Code; in the case of 24877  
divisions (E), (M), and (N) of this section, to county MR/DD 24878  
boards; in the case of division (R) of this section, to joint 24879  
vocational school districts; in the case of division (K) of this 24880  
section, to cooperative education school districts; and in the 24881  
case of division (Q) of this section, to the institutions defined 24882  
under section 3317.082 of the Revised Code providing elementary or 24883  
secondary education programs to children other than children 24884  
receiving special education under section 3323.091 of the Revised 24885  
Code. The following shall be distributed monthly, quarterly, or 24886  
annually as may be determined by the state board of education: 24887

(A) A per pupil amount to each school district that 24888

establishes a summer school remediation program that complies with 24889  
rules of the state board of education. 24890

(B) An amount for each island school district and each joint 24891  
state school district for the operation of each high school and 24892  
each elementary school maintained within such district and for 24893  
capital improvements for such schools. Such amounts shall be 24894  
determined on the basis of standards adopted by the state board of 24895  
education. 24896

(C) An amount for each school district operating classes for 24897  
children of migrant workers who are unable to be in attendance in 24898  
an Ohio school during the entire regular school year. The amounts 24899  
shall be determined on the basis of standards adopted by the state 24900  
board of education, except that payment shall be made only for 24901  
subjects regularly offered by the school district providing the 24902  
classes. 24903

(D) An amount for each school district with guidance, 24904  
testing, and counseling programs approved by the state board of 24905  
education. The amount shall be determined on the basis of 24906  
standards adopted by the state board of education. 24907

(E) An amount for the emergency purchase of school buses as 24908  
provided for in section 3317.07 of the Revised Code; 24909

(F) An amount for each school district required to pay 24910  
tuition for a child in an institution maintained by the department 24911  
of youth services pursuant to section 3317.082 of the Revised 24912  
Code, provided the child was not included in the calculation of 24913  
the district's average daily membership for the preceding school 24914  
year. 24915

(G) In fiscal year 2000 only, an amount to each school 24916  
district for supplemental salary allowances for each licensed 24917  
employee except those licensees serving as superintendents, 24918  
assistant superintendents, principals, or assistant principals, 24919

whose term of service in any year is extended beyond the term of 24920  
service of regular classroom teachers, as described in section 24921  
3301.0725 of the Revised Code; 24922

(H) An amount for adult basic literacy education for each 24923  
district participating in programs approved by the state board of 24924  
education. The amount shall be determined on the basis of 24925  
standards adopted by the state board of education. 24926

(I) Notwithstanding section 3317.01 of the Revised Code, but 24927  
only until June 30, 1999, to each city, local, and exempted 24928  
village school district, an amount for conducting driver education 24929  
courses at high schools for which the state board of education 24930  
prescribes minimum standards and to joint vocational and 24931  
cooperative education school districts and educational service 24932  
centers, an amount for conducting driver education courses to 24933  
pupils enrolled in a high school for which the state board 24934  
prescribes minimum standards. No payments shall be made under this 24935  
division after June 30, 1999. 24936

(J) An amount for the approved cost of transporting 24937  
developmentally handicapped pupils whom it is impossible or 24938  
impractical to transport by regular school bus in the course of 24939  
regular route transportation provided by the district or service 24940  
center. No district or service center is eligible to receive a 24941  
payment under this division for the cost of transporting any pupil 24942  
whom it transports by regular school bus and who is included in 24943  
the district's transportation ADM. The state board of education 24944  
shall establish standards and guidelines for use by the department 24945  
of education in determining the approved cost of such 24946  
transportation for each district or service center. 24947

(K) An amount to each school district, including each 24948  
cooperative education school district, pursuant to section 3313.81 24949  
of the Revised Code to assist in providing free lunches to needy 24950  
children and an amount to assist needy school districts in 24951

purchasing necessary equipment for food preparation. The amounts 24952  
shall be determined on the basis of rules adopted by the state 24953  
board of education. 24954

(L) An amount to each school district, for each pupil 24955  
attending a chartered nonpublic elementary or high school within 24956  
the district. The amount shall equal the amount appropriated for 24957  
the implementation of section 3317.06 of the Revised Code divided 24958  
by the average daily membership in grades kindergarten through 24959  
twelve in nonpublic elementary and high schools within the state 24960  
as determined during the first full week in October of each school 24961  
year. 24962

(M) An amount for each county MR/DD board, distributed on the 24963  
basis of standards adopted by the state board of education, for 24964  
the approved cost of transportation required for children 24965  
attending special education programs operated by the county MR/DD 24966  
board under section 3323.09 of the Revised Code; 24967

(N) An amount for each county MR/DD board, distributed on the 24968  
basis of standards adopted by the state board of education, for 24969  
supportive home services for preschool children; 24970

(O) An amount for each school district that establishes a 24971  
mentor teacher program that complies with rules of the state board 24972  
of education. No school district shall be required to establish or 24973  
maintain such a program in any year unless sufficient funds are 24974  
appropriated to cover the district's total costs for the program. 24975

(P) An amount to each school district or educational service 24976  
center for the total number of gifted units approved pursuant to 24977  
section 3317.05 of the Revised Code. The amount for each such unit 24978  
shall be the sum of the minimum salary for the teacher of the 24979  
unit, calculated on the basis of the teacher's training level and 24980  
years of experience pursuant to the salary schedule prescribed in 24981  
the version of section 3317.13 of the Revised Code in effect prior 24982

to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 24983  
per cent of that minimum salary amount, plus two thousand six 24984  
hundred seventy-eight dollars. 24985

(Q) An amount to each institution defined under section 24986  
3317.082 of the Revised Code providing elementary or secondary 24987  
education to children other than children receiving special 24988  
education under section 3323.091 of the Revised Code. This amount 24989  
for any institution in any fiscal year shall equal the total of 24990  
all tuition amounts required to be paid to the institution under 24991  
division (A)(1) of section 3317.082 of the Revised Code. 24992

(R) A grant to each school district and joint vocational 24993  
school district that operates a "graduation, reality, and 24994  
dual-role skills" (GRADS) program for pregnant and parenting 24995  
students that is approved by the department. The amount of the 24996  
payment shall be the district's state share percentage, as defined 24997  
in section 3317.022 or 3317.16 of the Revised Code, times the 24998  
GRADS personnel allowance times the full-time-equivalent number of 24999  
GRADS teachers approved by the department. The GRADS personnel 25000  
allowance is ~~\$46,260~~ \$47,555 in fiscal years ~~2002~~ 2004 and ~~2003~~ 25001  
2005. 25002

The state board of education or any other board of education 25003  
or governing board may provide for any resident of a district or 25004  
educational service center territory any educational service for 25005  
which funds are made available to the board by the United States 25006  
under the authority of public law, whether such funds come 25007  
directly or indirectly from the United States or any agency or 25008  
department thereof or through the state or any agency, department, 25009  
or political subdivision thereof. 25010

**Sec. 3317.029.** (A) As used in this section: 25011

(1) "DPIA percentage" means: 25012

(a) In fiscal years prior to fiscal year 2004, the quotient 25013  
obtained by dividing the five-year average number of children ages 25014  
five to seventeen residing in the school district and living in a 25015  
family receiving assistance under the Ohio works first program or 25016  
an antecedent program known as TANF or ADC, as certified or 25017  
adjusted under section 3317.10 of the Revised Code, by the 25018  
district's three-year average formula ADM. 25019

(b) Beginning in fiscal year 2004, the unduplicated number of 25020  
children ages five to seventeen residing in the school district 25021  
and living in a family that has family income not exceeding the 25022  
federal poverty guidelines and that receives family assistance, as 25023  
certified or adjusted under section 3317.10 of the Revised Code, 25024  
divided by the district's three-year average formula ADM. 25025

(2) "Family assistance" means assistance received under one 25026  
of the following: 25027

(a) The Ohio works first program; 25028

(b) The food stamp program; 25029

(c) The medical assistance program, including the healthy 25030  
start program, established under Chapter 5111. of the Revised 25031  
Code; 25032

(d) The children's health insurance program part I 25033  
established under section 5101.50 of the Revised Code or, prior to 25034  
fiscal year 2000, an executive order issued under section 107.17 25035  
of the Revised Code; 25036

(e) The disability financial assistance program established 25037  
under Chapter 5115. of the Revised Code; 25038

(f) The disability medical assistance program established 25039  
under Chapter 5115. of the Revised Code. 25040

(3) "Statewide DPIA percentage" means: 25041

(a) In fiscal years prior to fiscal year 2004, the five-year 25042

average of the total number of children ages five to seventeen 25043  
years residing in the state and receiving assistance under the 25044  
Ohio works first program or an antecedent program known as TANF or 25045  
ADC, divided by the sum of the three-year average formula ADMs for 25046  
all school districts in the state. 25047

(b) Beginning in fiscal year 2004, the total unduplicated 25048  
number of children ages five to seventeen residing in the state 25049  
and living in a family that has family income not exceeding the 25050  
federal poverty guidelines and that receives family assistance, 25051  
divided by the sum of the three-year average formula ADMs for all 25052  
school districts in the state. 25053

(4) "DPIA index" means the quotient obtained by dividing the 25054  
school district's DPIA percentage by the statewide DPIA 25055  
percentage. 25056

(5) "Federal poverty guidelines" has the same meaning as in 25057  
section 5101.46 of the Revised Code. 25058

(6) "DPIA student count" means: 25059

(a) In fiscal years prior to fiscal year 2004, the five-year 25060  
average number of children ages five to seventeen residing in the 25061  
school district and living in a family receiving assistance under 25062  
the Ohio works first program or an antecedent program known as 25063  
TANF or ADC, as certified under section 3317.10 of the Revised 25064  
Code; 25065

(b) Beginning in fiscal year 2004, the unduplicated number of 25066  
children ages five to seventeen residing in the school district 25067  
and living in a family that has family income not exceeding the 25068  
federal poverty guidelines and that receives family assistance, as 25069  
certified or adjusted under section 3317.10 of the Revised Code. 25070

(7) "Kindergarten ADM" means the number of students reported 25071  
under section 3317.03 of the Revised Code as enrolled in 25072  
kindergarten. 25073

(8) "Kindergarten through third grade ADM" means the amount	25074
calculated as follows:	25075
(a) Multiply the kindergarten ADM by the sum of one plus the	25076
all-day kindergarten percentage;	25077
(b) Add the number of students in grades one through three;	25078
(c) Subtract from the sum calculated under division (A)(6)(b)	25079
of this section the number of special education students in grades	25080
kindergarten through three.	25081
(9) "Statewide average teacher salary" means forty-two	25082
thousand four hundred sixty-nine dollars in fiscal year 2002, and	25083
forty-three thousand six hundred fifty-eight dollars in fiscal	25084
year 2003, which includes an amount for the value of fringe	25085
benefits.	25086
(10) "All-day kindergarten" means a kindergarten class that	25087
is in session five days per week for not less than the same number	25088
of clock hours each day as for pupils in grades one through six.	25089
(11) "All-day kindergarten percentage" means the percentage	25090
of a district's actual total number of students enrolled in	25091
kindergarten who are enrolled in all-day kindergarten.	25092
(12) "Buildings with the highest concentration of need"	25093
means:	25094
(a) In fiscal years prior to fiscal year 2004, the school	25095
buildings in a district with percentages of students in grades	25096
kindergarten through three receiving assistance under Ohio works	25097
first at least as high as the district-wide percentage of students	25098
receiving such assistance.	25099
(b) Beginning in fiscal year 2004, the school buildings in a	25100
district with percentages of students in grades kindergarten	25101
through three receiving family assistance at least as high as the	25102
district-wide percentage of students receiving family assistance.	25103

(c) If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the Ohio works first or family assistance percentage in each building, "buildings with the highest concentration of need" has the meaning given in rules that the department of education shall adopt. The rules shall base the definition of "buildings with the highest concentration of need" on family income of students in grades kindergarten through three in a manner that, to the extent possible with available data, approximates the intent of this division and division (G) of this section to designate buildings where the Ohio works first or family assistance percentage in those grades equals or exceeds the district-wide Ohio works first or family assistance percentage.

(B) In addition to the amounts required to be paid to a school district under section 3317.022 of the Revised Code, a school district shall receive the greater of the amount the district received in fiscal year 1998 pursuant to division (B) of section 3317.023 of the Revised Code as it existed at that time or the sum of the computations made under divisions (C) to (E) of this section.

(C) A supplemental payment that may be utilized for measures related to safety and security and for remediation or similar programs, calculated as follows:

(1) If the DPIA index of the school district is greater than or equal to thirty-five-hundredths, but less than one, an amount obtained by multiplying the district's DPIA student count by two hundred thirty dollars;

(2) If the DPIA index of the school district is greater than or equal to one, an amount obtained by multiplying the DPIA index by two hundred thirty dollars and multiplying that product by the district's DPIA student count.

Except as otherwise provided in division (F) of this section, 25135  
beginning with the school year that starts July 1, 2002, each 25136  
school district annually shall use at least twenty per cent of the 25137  
funds calculated for the district under this division for 25138  
intervention services required by section 3313.608 of the Revised 25139  
Code. 25140

(D) A payment for all-day kindergarten if the DPIA index of 25141  
the school district is greater than or equal to one or if the 25142  
district's three-year average formula ADM exceeded seventeen 25143  
thousand five hundred, calculated by multiplying the all-day 25144  
kindergarten percentage by the kindergarten ADM and multiplying 25145  
that product by the formula amount. 25146

(E) A class-size reduction payment based on calculating the 25147  
number of new teachers necessary to achieve a lower 25148  
student-teacher ratio, as follows: 25149

(1) Determine or calculate a formula number of teachers per 25150  
one thousand students based on the DPIA index of the school 25151  
district as follows: 25152

(a) If the DPIA index of the school district is less than 25153  
six-tenths, the formula number of teachers is 43.478, which is the 25154  
number of teachers per one thousand students at a student-teacher 25155  
ratio of twenty-three to one; 25156

(b) If the DPIA index of the school district is greater than 25157  
or equal to six-tenths, but less than two and one-half, the 25158  
formula number of teachers is calculated as follows: 25159

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 25160$$

Where 43.478 is the number of teachers per one thousand 25161  
students at a student-teacher ratio of twenty-three to one; 1.9 is 25162  
the interval from a DPIA index of six-tenths to a DPIA index of 25163  
two and one-half; and 23.188 is the difference in the number of 25164  
teachers per one thousand students at a student-teacher ratio of 25165

fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one. 25166  
25167

(c) If the DPIA index of the school district is greater than or equal to two and one-half, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one. 25168  
25169  
25170  
25171

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand; 25172  
25173  
25174  
25175

(3) Calculate the number of new teachers as follows: 25176

(a) Multiply the kindergarten through third grade ADM by 43.478, which is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one, and divide that product by one thousand; 25177  
25178  
25179  
25180

(b) Subtract the quotient obtained in division (E)(3)(a) of this section from the product in division (E)(2) of this section. 25181  
25182

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers salary. 25183  
25184  
25185

(F) This division applies only to school districts whose DPIA index is one or greater. 25186  
25187

(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. 25188  
25189  
25190  
25191  
25192

(2) Up to an amount equal to the district's DPIA index multiplied by its DPIA student count multiplied by two hundred thirty dollars of the money distributed under this section may be 25193  
25194  
25195

utilized for one or both of the following:	25196
(a) Programs designed to ensure that schools are free of	25197
drugs and violence and have a disciplined environment conducive to	25198
learning;	25199
(b) Remediation for students who have failed or are in danger	25200
of failing any of the tests administered pursuant to section	25201
3301.0710 of the Revised Code.	25202
Beginning with the school year that starts on July 1, 2002,	25203
each school district shall use at least twenty per cent of the	25204
funds set aside for the purposes of divisions (F)(2)(a) and (b) of	25205
this section to provide intervention services required by section	25206
3313.608 of the Revised Code.	25207
(3) Except as otherwise required by division (G) or permitted	25208
under division (K) of this section, all other funds distributed	25209
under this section to districts subject to this division shall be	25210
utilized for the purpose of the third grade guarantee. The third	25211
grade guarantee consists of increasing the amount of instructional	25212
attention received per pupil in kindergarten through third grade,	25213
either by reducing the ratio of students to instructional	25214
personnel or by increasing the amount of instruction and	25215
curriculum-related activities by extending the length of the	25216
school day or the school year.	25217
School districts may implement a reduction of the ratio of	25218
students to instructional personnel through any or all of the	25219
following methods:	25220
(a) Reducing the number of students in a classroom taught by	25221
a single teacher;	25222
(b) Employing full-time educational aides or educational	25223
paraprofessionals issued a permit or license under section	25224
3319.088 of the Revised Code;	25225

(c) Instituting a team-teaching method that will result in a 25226  
lower student-teacher ratio in a classroom. 25227

Districts may extend the school day either by increasing the 25228  
amount of time allocated for each class, increasing the number of 25229  
classes provided per day, offering optional academic-related 25230  
after-school programs, providing curriculum-related extra 25231  
curricular activities, or establishing tutoring or remedial 25232  
services for students who have demonstrated an educational need. 25233  
In accordance with section 3319.089 of the Revised Code, a 25234  
district extending the school day pursuant to this division may 25235  
utilize a participant of the work experience program who has a 25236  
child enrolled in a public school in that district and who is 25237  
fulfilling the work requirements of that program by volunteering 25238  
or working in that public school. If the work experience program 25239  
participant is compensated, the school district may use the funds 25240  
distributed under this section for all or part of the 25241  
compensation. 25242

Districts may extend the school year either through adding 25243  
regular days of instruction to the school calendar or by providing 25244  
summer programs. 25245

(G) Each district subject to division (F) of this section 25246  
shall not expend any funds received under division (E) of this 25247  
section in any school buildings that are not buildings with the 25248  
highest concentration of need, unless there is a ratio of 25249  
instructional personnel to students of no more than fifteen to one 25250  
in each kindergarten and first grade class in all buildings with 25251  
the highest concentration of need. This division does not require 25252  
that the funds used in buildings with the highest concentration of 25253  
need be spent solely to reduce the ratio of instructional 25254  
personnel to students in kindergarten and first grade. A school 25255  
district may spend the funds in those buildings in any manner 25256  
permitted by division (F)(3) of this section, but may not spend 25257

the money in other buildings unless the fifteen-to-one ratio 25258  
required by this division is attained. 25259

(H)(1) By the first day of August of each fiscal year, each 25260  
school district wishing to receive any funds under division (D) of 25261  
this section shall submit to the department of education an 25262  
estimate of its all-day kindergarten percentage. Each district 25263  
shall update its estimate throughout the fiscal year in the form 25264  
and manner required by the department, and the department shall 25265  
adjust payments under this section to reflect the updates. 25266

(2) Annually by the end of December, the department of 25267  
education, utilizing data from the information system established 25268  
under section 3301.0714 of the Revised Code and after consultation 25269  
with the legislative office of education oversight, shall 25270  
determine for each school district subject to division (F) of this 25271  
section whether in the preceding fiscal year the district's ratio 25272  
of instructional personnel to students and its number of 25273  
kindergarten students receiving all-day kindergarten appear 25274  
reasonable, given the amounts of money the district received for 25275  
that fiscal year pursuant to divisions (D) and (E) of this 25276  
section. If the department is unable to verify from the data 25277  
available that students are receiving reasonable amounts of 25278  
instructional attention and all-day kindergarten, given the funds 25279  
the district has received under this section and that class-size 25280  
reduction funds are being used in school buildings with the 25281  
highest concentration of need as required by division (G) of this 25282  
section, the department shall conduct a more intensive 25283  
investigation to ensure that funds have been expended as required 25284  
by this section. The department shall file an annual report of its 25285  
findings under this division with the chairpersons of the 25286  
committees in each house of the general assembly dealing with 25287  
finance and education. 25288

(I) Any school district with a DPIA index less than one and a 25289

three-year average formula ADM exceeding seventeen thousand five	25290
hundred shall first utilize funds received under this section so	25291
that, when combined with other funds of the district, sufficient	25292
funds exist to provide all-day kindergarten to at least the number	25293
of children in the district's all-day kindergarten percentage.	25294
Such a district shall expend at least seventy per cent of the	25295
remaining funds received under this section, and any other	25296
district with a DPIA index less than one shall expend at least	25297
seventy per cent of all funds received under this section, for any	25298
of the following purposes:	25299
(1) The purchase of technology for instructional purposes;	25300
(2) All-day kindergarten;	25301
(3) Reduction of class sizes;	25302
(4) Summer school remediation;	25303
(5) Dropout prevention programs;	25304
(6) Guaranteeing that all third graders are ready to progress	25305
to more advanced work;	25306
(7) Summer education and work programs;	25307
(8) Adolescent pregnancy programs;	25308
(9) Head start or preschool programs;	25309
(10) Reading improvement programs described by the department	25310
of education;	25311
(11) Programs designed to ensure that schools are free of	25312
drugs and violence and have a disciplined environment conducive to	25313
learning;	25314
(12) Furnishing, free of charge, materials used in courses of	25315
instruction, except for the necessary textbooks or electronic	25316
textbooks required to be furnished without charge pursuant to	25317
section 3329.06 of the Revised Code, to pupils living in families	25318

participating in Ohio works first in accordance with section 25319  
3313.642 of the Revised Code; 25320

(13) School breakfasts provided pursuant to section 3313.813 25321  
of the Revised Code. 25322

Each district shall submit to the department, in such format 25323  
and at such time as the department shall specify, a report on the 25324  
programs for which it expended funds under this division. 25325

(J) If at any time the superintendent of public instruction 25326  
determines that a school district receiving funds under division 25327  
(D) of this section has enrolled less than the all-day 25328  
kindergarten percentage reported for that fiscal year, the 25329  
superintendent shall withhold from the funds otherwise due the 25330  
district under this section a proportional amount as determined by 25331  
the difference in the certified all-day kindergarten percentage 25332  
and the percentage actually enrolled in all-day kindergarten. 25333

The superintendent shall also withhold an appropriate amount 25334  
of funds otherwise due a district for any other misuse of funds 25335  
not in accordance with this section. 25336

(K)(1) A district may use a portion of the funds calculated 25337  
for it under division (D) of this section to modify or purchase 25338  
classroom space to provide all-day kindergarten, if both of the 25339  
following conditions are met: 25340

(a) The district certifies to the department, in a manner 25341  
acceptable to the department, that it has a shortage of space for 25342  
providing all-day kindergarten. 25343

(b) The district provides all-day kindergarten to the number 25344  
of children in the all-day kindergarten percentage it certified 25345  
under this section. 25346

(2) A district may use a portion of the funds described in 25347  
division (F)(3) of this section to modify or purchase classroom 25348

space to enable it to further reduce class size in grades 25349  
kindergarten through two with a goal of attaining class sizes of 25350  
fifteen students per licensed teacher. To do so, the district must 25351  
certify its need for additional space to the department, in a 25352  
manner satisfactory to the department. 25353

**Sec. 3317.0217.** The department of education shall annually 25354  
compute and pay state parity aid to school districts, as follows: 25355

(A) Calculate the local wealth per pupil of each school 25356  
district, which equals the following sum: 25357

(1) Two-thirds times the quotient of (a) the district's 25358  
recognized valuation divided by (b) its formula ADM; plus 25359

(2) One-third times the quotient of (a) the average of the 25360  
total federal adjusted gross income of the school district's 25361  
residents for the three years most recently reported under section 25362  
3317.021 of the Revised Code divided by (b) its formula ADM. 25363

(B) Rank all school districts in order of local wealth per 25364  
pupil, from the district with the lowest local wealth per pupil to 25365  
the district with the highest local wealth per pupil. 25366

(C) Compute the per pupil state parity aid funding for each 25367  
school district in accordance with the following formula: 25368

Payment percentage X (threshold local wealth 25369  
per pupil - the district's local 25370  
wealth per pupil) X 0.0095 25371

Where: 25372

(1) "Payment percentage," for purposes of division (C) of 25373  
this section, equals 20% in fiscal year 2002, 40% in fiscal year 25374  
2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100% 25375  
after fiscal year 2005. 25376

(2) Nine and one-half mills (0.0095) is the general 25377  
assembly's determination of the average number of effective 25378

operating mills that districts in the seventieth to ninetieth 25379  
percentiles of valuations per pupil collected in fiscal year 2001 25380  
above the revenues required to finance their attributed local 25381  
shares of the calculated cost of an adequate education. This was 25382  
determined by (a) adding the district revenues from operating 25383  
property tax levies and income tax levies, (b) subtracting from 25384  
that total the sum of (i) twenty-three mills times adjusted 25385  
recognized valuation plus (ii) the attributed local shares of 25386  
special education, transportation, and vocational education 25387  
funding as described in divisions (F)(1) to (3) of section 25388  
3317.022 of the Revised Code, and (c) converting the result to an 25389  
effective operating property tax rate. 25390

(3) The "threshold local wealth per pupil" is the local 25391  
wealth per pupil of the school district with the 25392  
four-hundred-ninetieth lowest local wealth per pupil. 25393

If the result of the calculation for a school district under 25394  
division (C) of this section is less than zero, the district's per 25395  
pupil parity aid shall be zero. 25396

(D) Compute the per pupil alternative parity aid for each 25397  
school district that has a combination of an income factor of 1.0 25398  
or less, a DPIA index of 1.0 or greater, and a 25399  
cost-of-doing-business factor of 1.0375 or greater, in accordance 25400  
with the following formula: 25401

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times 25402 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 \quad 25403 \end{aligned}$$

Where: 25404

(1) "DPIA index" has the same meaning as in section 3317.029 25405  
of the Revised Code. 25406

(2) "Payment percentage," for purposes of division (D) of 25407  
this section, equals 50% in fiscal year 2002 and 100% after fiscal 25408  
year 2002. 25409

(E) Pay each district that has a combination of an income 25410  
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 25411  
cost-of-doing-business factor of 1.0375 or greater, the greater of 25412  
the following: 25413

(1) The product of the district's per pupil parity aid 25414  
calculated under division (C) of this section times its formula 25415  
ADM; 25416

(2) The product of its per pupil alternative parity aid 25417  
calculated under division (D) of this section times its formula 25418  
ADM. 25419

(F) Pay every other district the product of its per pupil 25420  
parity aid calculated under division (C) of this section times its 25421  
formula ADM. 25422

~~Every six years, the general assembly shall redetermine, 25423  
after considering the report of the committee appointed under 25424  
section 3317.012 of the Revised Code, the average number of 25425  
effective operating mills that districts in the seventieth to 25426  
ninetieth percentiles of valuations per pupil collect above the 25427  
revenues required to finance their attributed local shares of the 25428  
cost of an adequate education. 25429~~

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 25430  
(C) of this section, any student enrolled in kindergarten more 25431  
than half time shall be reported as one-half student under this 25432  
section. 25433

(A) The superintendent of each city and exempted village 25434  
school district and of each educational service center shall, for 25435  
the schools under the superintendent's supervision, certify to the 25436  
state board of education on or before the fifteenth day of October 25437  
in each year for the first full school week in October the formula 25438  
ADM, which shall consist of the average daily membership during 25439

such week of the sum of the following:	25440
(1) On an FTE basis, the number of students in grades	25441
kindergarten through twelve receiving any educational services	25442
from the district, except that the following categories of	25443
students shall not be included in the determination:	25444
(a) Students enrolled in adult education classes;	25445
(b) Adjacent or other district students enrolled in the	25446
district under an open enrollment policy pursuant to section	25447
3313.98 of the Revised Code;	25448
(c) Students receiving services in the district pursuant to a	25449
compact, cooperative education agreement, or a contract, but who	25450
are entitled to attend school in another district pursuant to	25451
section 3313.64 or 3313.65 of the Revised Code;	25452
(d) Students for whom tuition is payable pursuant to sections	25453
3317.081 and 3323.141 of the Revised Code.	25454
(2) On an FTE basis, the number of students entitled to	25455
attend school in the district pursuant to section 3313.64 or	25456
3313.65 of the Revised Code, but receiving educational services in	25457
grades kindergarten through twelve from one or more of the	25458
following entities:	25459
(a) A community school pursuant to Chapter 3314. of the	25460
Revised Code, including any participation in a college pursuant to	25461
Chapter 3365. of the Revised Code while enrolled in such community	25462
school;	25463
(b) An alternative school pursuant to sections 3313.974 to	25464
3313.979 of the Revised Code as described in division (I)(2)(a) or	25465
(b) of this section;	25466
(c) A college pursuant to Chapter 3365. of the Revised Code,	25467
except when the student is enrolled in the college while also	25468
enrolled in a community school pursuant to Chapter 3314. of the	25469

Revised Code;	25470
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	25471 25472 25473
(e) An educational service center or cooperative education district;	25474 25475
(f) Another school district under a cooperative education agreement, compact, or contract.	25476 25477
(3) <del>One-fourth</del> <u>Ten per cent</u> of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	25478 25479 25480 25481 25482 25483 25484 25485
(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.	25486 25487 25488 25489 25490 25491 25492
(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts:	25493 25494 25495 25496
(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;	25497 25498 25499 25500

(2) The number of all handicapped preschool children enrolled 25501  
as of the first day of December in classes in the district that 25502  
are eligible for approval ~~by the state board of education~~ under 25503  
division (B) of section 3317.05 of the Revised Code and the number 25504  
of those classes, which shall be reported not later than the 25505  
fifteenth day of December, in accordance with rules adopted under 25506  
that section; 25507

(3) The number of children entitled to attend school in the 25508  
district pursuant to section 3313.64 or 3313.65 of the Revised 25509  
Code who are participating in a pilot project scholarship program 25510  
established under sections 3313.974 to 3313.979 of the Revised 25511  
Code as described in division (I)(2)(a) or (b) of this section, 25512  
are enrolled in a college under Chapter 3365. of the Revised Code, 25513  
except when the student is enrolled in the college while also 25514  
enrolled in a community school pursuant to Chapter 3314. of the 25515  
Revised Code, are enrolled in an adjacent or other school district 25516  
under section 3313.98 of the Revised Code, are enrolled in a 25517  
community school established under Chapter 3314. of the Revised 25518  
Code, including any participation in a college pursuant to Chapter 25519  
3365. of the Revised Code while enrolled in such community school, 25520  
or are participating in a program operated by a county MR/DD board 25521  
or a state institution; 25522

(4) The number of pupils enrolled in joint vocational 25523  
schools; 25524

(5) The average daily membership of handicapped children 25525  
reported under division (A)(1) or (2) of this section receiving 25526  
special education services for the category one handicap described 25527  
in division (A) of section 3317.013 of the Revised Code; 25528

(6) The average daily membership of handicapped children 25529  
reported under division (A)(1) or (2) of this section receiving 25530  
special education services for category two handicaps described in 25531

division (B) of section 3317.013 of the Revised Code;	25532
(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;	25533 25534 25535 25536
(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;	25537 25538 25539 25540
(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;	25541 25542 25543 25544
(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;	25545 25546 25547 25548
(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;	25549 25550 25551 25552 25553 25554
(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;	25555 25556 25557 25558 25559 25560
(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses,	25561 25562

reported in accordance with rules adopted by the department of 25563  
education; 25564

(14)(a) The number of children, other than handicapped 25565  
preschool children, the district placed with a county MR/DD board 25566  
in fiscal year 1998; 25567

(b) The number of handicapped children, other than 25568  
handicapped preschool children, placed with a county MR/DD board 25569  
in the current fiscal year to receive special education services 25570  
for the category one handicap described in division (A) of section 25571  
3317.013 of the Revised Code; 25572

(c) The number of handicapped children, other than 25573  
handicapped preschool children, placed with a county MR/DD board 25574  
in the current fiscal year to receive special education services 25575  
for category two handicaps described in division (B) of section 25576  
3317.013 of the Revised Code; 25577

(d) The number of handicapped children, other than 25578  
handicapped preschool children, placed with a county MR/DD board 25579  
in the current fiscal year to receive special education services 25580  
for category three handicaps described in division (C) of section 25581  
3317.013 of the Revised Code; 25582

(e) The number of handicapped children, other than 25583  
handicapped preschool children, placed with a county MR/DD board 25584  
in the current fiscal year to receive special education services 25585  
for category four handicaps described in division (D) of section 25586  
3317.013 of the Revised Code; 25587

(f) The number of handicapped children, other than 25588  
handicapped preschool children, placed with a county MR/DD board 25589  
in the current fiscal year to receive special education services 25590  
for the category five handicap described in division (E) of 25591  
section 3317.013 of the Revised Code; 25592

(g) The number of handicapped children, other than 25593

handicapped preschool children, placed with a county MR/DD board 25594  
in the current fiscal year to receive special education services 25595  
for category six handicaps described in division (F) of section 25596  
3317.013 of the Revised Code. 25597

(C)(1) Except as otherwise provided in this section for 25598  
kindergarten students, the average daily membership in divisions 25599  
(B)(1) to (12) of this section shall be based upon the number of 25600  
full-time equivalent students. The state board of education shall 25601  
adopt rules defining full-time equivalent students and for 25602  
determining the average daily membership therefrom for the 25603  
purposes of divisions (A), (B), and (D) of this section. 25604

(2) A student enrolled in a community school established 25605  
under Chapter 3314. of the Revised Code shall be counted in the 25606  
formula ADM and, if applicable, the category one, two, three, 25607  
four, five, or six special education ADM of the school district in 25608  
which the student is entitled to attend school under section 25609  
3313.64 or 3313.65 of the Revised Code for the same proportion of 25610  
the school year that the student is counted in the enrollment of 25611  
the community school for purposes of section 3314.08 of the 25612  
Revised Code. 25613

(3) No child shall be counted as more than a total of one 25614  
child in the sum of the average daily memberships of a school 25615  
district under division (A), divisions (B)(1) to (12), or division 25616  
(D) of this section, except as follows: 25617

(a) A child with a handicap described in section 3317.013 of 25618  
the Revised Code may be counted both in formula ADM and in 25619  
category one, two, three, four, five, or six special education ADM 25620  
and, if applicable, in category one or two vocational education 25621  
ADM. As provided in division (C) of section 3317.02 of the Revised 25622  
Code, such a child shall be counted in category one, two, three, 25623  
four, five, or six special education ADM in the same proportion 25624  
that the child is counted in formula ADM. 25625

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

(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; 25657

(c) Students receiving services in the district pursuant to a 25658  
compact, cooperative education agreement, or a contract, but who 25659  
are entitled to attend school in a city, local, or exempted 25660  
village school district whose territory is not part of the 25661  
territory of the joint vocational district; 25662

(d) Students for whom tuition is payable pursuant to sections 25663  
3317.081 and 3323.141 of the Revised Code. 25664

(2) To enable the department of education to obtain the data 25665  
needed to complete the calculation of payments pursuant to this 25666  
chapter, in addition to the formula ADM, each superintendent shall 25667  
report separately the average daily membership included in the 25668  
report under division (D)(1) of this section for each of the 25669  
following categories of students: 25670

(a) Students enrolled in each grade included in the joint 25671  
vocational district schools; 25672

(b) Handicapped children receiving special education services 25673  
for the category one handicap described in division (A) of section 25674  
3317.013 of the Revised Code; 25675

(c) Handicapped children receiving special education services 25676  
for the category two handicaps described in division (B) of 25677  
section 3317.013 of the Revised Code; 25678

(d) Handicapped children receiving special education services 25679  
for category three handicaps described in division (C) of section 25680  
3317.013 of the Revised Code; 25681

(e) Handicapped children receiving special education services 25682  
for category four handicaps described in division (D) of section 25683  
3317.013 of the Revised Code; 25684

(f) Handicapped children receiving special education services 25685  
for the category five handicap described in division (E) of 25686

section 3317.013 of the Revised Code;	25687
(g) Handicapped children receiving special education services	25688
for category six handicaps described in division (F) of section	25689
3317.013 of the Revised Code;	25690
(h) Students receiving category one vocational education	25691
services, described in division (A) of section 3317.014 of the	25692
Revised Code;	25693
(i) Students receiving category two vocational education	25694
services, described in division (B) of section 3317.014 of the	25695
Revised Code.	25696
The superintendent of each joint vocational school district	25697
shall also indicate the city, local, or exempted village school	25698
district in which each joint vocational district pupil is entitled	25699
to attend school pursuant to section 3313.64 or 3313.65 of the	25700
Revised Code.	25701
(E) In each school of each city, local, exempted village,	25702
joint vocational, and cooperative education school district there	25703
shall be maintained a record of school membership, which record	25704
shall accurately show, for each day the school is in session, the	25705
actual membership enrolled in regular day classes. For the purpose	25706
of determining average daily membership, the membership figure of	25707
any school shall not include any pupils except those pupils	25708
described by division (A) of this section. The record of	25709
membership for each school shall be maintained in such manner that	25710
no pupil shall be counted as in membership prior to the actual	25711
date of entry in the school and also in such manner that where for	25712
any cause a pupil permanently withdraws from the school that pupil	25713
shall not be counted as in membership from and after the date of	25714
such withdrawal. There shall not be included in the membership of	25715
any school any of the following:	25716
(1) Any pupil who has graduated from the twelfth grade of a	25717

public high school;	25718
(2) Any pupil who is not a resident of the state;	25719
(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;	25720 25721 25722 25723 25724
(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge.	25725 25726 25727 25728 25729 25730 25731
If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership.	25732 25733 25734 25735 25736
Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.	25737 25738 25739 25740 25741 25742 25743
Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance	25744 25745 25746 25747 25748

is actually open for instruction during the first full school week 25749  
in October by the total number of days the school was actually 25750  
open for instruction during that week. For purposes of state 25751  
funding, "enrolled" persons are only those pupils who are 25752  
attending school, those who have attended school during the 25753  
current school year and are absent for authorized reasons, and 25754  
those handicapped children currently receiving home instruction. 25755

The average daily membership figure of any cooperative 25756  
education school district shall be determined in accordance with 25757  
rules adopted by the state board of education. 25758

(F)(1) If the formula ADM for the first full school week in 25759  
February is at least three per cent greater than that certified 25760  
for the first full school week in the preceding October, the 25761  
superintendent of schools of any city, exempted village, or joint 25762  
vocational school district or educational service center shall 25763  
certify such increase to the superintendent of public instruction. 25764  
Such certification shall be submitted no later than the fifteenth 25765  
day of February. For the balance of the fiscal year, beginning 25766  
with the February payments, the superintendent of public 25767  
instruction shall use the increased formula ADM in calculating or 25768  
recalculating the amounts to be allocated in accordance with 25769  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 25770  
the superintendent use an increased membership certified to the 25771  
superintendent after the fifteenth day of February. 25772

(2) If on the first school day of April the total number of 25773  
classes or units for handicapped preschool children that are 25774  
eligible for approval under division (B) of section 3317.05 of the 25775  
Revised Code exceeds the number of units that have been approved 25776  
for the year under that division, the superintendent of schools of 25777  
any city, exempted village, or cooperative education school 25778  
district or educational service center shall make the 25779  
certifications required by this section for that day. If the ~~state~~ 25780

~~board of education~~ department determines additional units can be 25781  
approved for the fiscal year within any limitations set forth in 25782  
the acts appropriating moneys for the funding of such units, the 25783  
~~board~~ department shall approve additional units for the fiscal 25784  
year on the basis of such average daily membership. For each unit 25785  
so approved, the department ~~of education~~ shall pay an amount 25786  
computed in the manner prescribed in section 3317.052 or 3317.19 25787  
and section 3317.053 of the Revised Code. 25788

(3) If a student attending a community school under Chapter 25789  
3314. of the Revised Code is not included in the formula ADM 25790  
certified for the first full school week of October for the school 25791  
district in which the student is entitled to attend school under 25792  
section 3313.64 or 3313.65 of the Revised Code, the department of 25793  
education shall adjust the formula ADM of that school district to 25794  
include the community school student in accordance with division 25795  
(C)(2) of this section, and shall recalculate the school 25796  
district's payments under this chapter for the entire fiscal year 25797  
on the basis of that adjusted formula ADM. This requirement 25798  
applies regardless of whether the student was enrolled, as defined 25799  
in division (E) of this section, in the community school during 25800  
the first full school week in October. 25801

(G)(1)(a) The superintendent of an institution operating a 25802  
special education program pursuant to section 3323.091 of the 25803  
Revised Code shall, for the programs under such superintendent's 25804  
supervision, certify to the state board of education the average 25805  
daily membership of all handicapped children in classes or 25806  
programs approved annually by the ~~state board~~ department of 25807  
education, in the manner prescribed by the superintendent of 25808  
public instruction. 25809

(b) The superintendent of an institution with vocational 25810  
education units approved under division (A) of section 3317.05 of 25811  
the Revised Code shall, for the units under the superintendent's 25812

supervision, certify to the state board of education the average 25813  
daily membership in those units, in the manner prescribed by the 25814  
superintendent of public instruction. 25815

(2) The superintendent of each county MR/DD board that 25816  
maintains special education classes under section 3317.20 of the 25817  
Revised Code or units approved ~~by the state board of education~~ 25818  
pursuant to section 3317.05 of the Revised Code shall do both of 25819  
the following: 25820

(a) Certify to the state board, in the manner prescribed by 25821  
the board, the average daily membership in classes under section 25822  
3317.20 of the Revised Code for each school district that has 25823  
placed children in the classes; 25824

(b) Certify to the state board, in the manner prescribed by 25825  
the board, the number of all handicapped preschool children 25826  
enrolled as of the first day of December in classes eligible for 25827  
approval under division (B) of section 3317.05 of the Revised 25828  
Code, and the number of those classes. 25829

(3)(a) If on the first school day of April the number of 25830  
classes or units maintained for handicapped preschool children by 25831  
the county MR/DD board that are eligible for approval under 25832  
division (B) of section 3317.05 of the Revised Code is greater 25833  
than the number of units approved for the year under that 25834  
division, the superintendent shall make the certification required 25835  
by this section for that day. 25836

(b) If the ~~state board~~ department determines that additional 25837  
classes or units can be approved for the fiscal year within any 25838  
limitations set forth in the acts appropriating moneys for the 25839  
funding of the classes and units described in division (G)(3)(a) 25840  
of this section, the ~~board~~ department shall approve and fund 25841  
additional units for the fiscal year on the basis of such average 25842  
daily membership. For each unit so approved, the department ~~of~~ 25843

education shall pay an amount computed in the manner prescribed in 25844  
sections 3317.052 and 3317.053 of the Revised Code. 25845

(H) Except as provided in division (I) of this section, when 25846  
any city, local, or exempted village school district provides 25847  
instruction for a nonresident pupil whose attendance is 25848  
unauthorized attendance as defined in section 3327.06 of the 25849  
Revised Code, that pupil's membership shall not be included in 25850  
that district's membership figure used in the calculation of that 25851  
district's formula ADM or included in the determination of any 25852  
unit approved for the district under section 3317.05 of the 25853  
Revised Code. The reporting official shall report separately the 25854  
average daily membership of all pupils whose attendance in the 25855  
district is unauthorized attendance, and the membership of each 25856  
such pupil shall be credited to the school district in which the 25857  
pupil is entitled to attend school under division (B) of section 25858  
3313.64 or section 3313.65 of the Revised Code as determined by 25859  
the department of education. 25860

(I)(1) A city, local, exempted village, or joint vocational 25861  
school district admitting a scholarship student of a pilot project 25862  
district pursuant to division (C) of section 3313.976 of the 25863  
Revised Code may count such student in its average daily 25864  
membership. 25865

(2) In any year for which funds are appropriated for pilot 25866  
project scholarship programs, a school district implementing a 25867  
state-sponsored pilot project scholarship program that year 25868  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 25869  
count in average daily membership: 25870

(a) All children residing in the district and utilizing a 25871  
scholarship to attend kindergarten in any alternative school, as 25872  
defined in section 3313.974 of the Revised Code; 25873

(b) All children who were enrolled in the district in the 25874

preceding year who are utilizing a scholarship to attend any such 25875  
alternative school. 25876

(J) The superintendent of each cooperative education school 25877  
district shall certify to the superintendent of public 25878  
instruction, in a manner prescribed by the state board of 25879  
education, the applicable average daily memberships for all 25880  
students in the cooperative education district, also indicating 25881  
the city, local, or exempted village district where each pupil is 25882  
entitled to attend school under section 3313.64 or 3313.65 of the 25883  
Revised Code. 25884

**Sec. 3317.032.** (A) Each city, local, exempted village, and 25885  
cooperative education school district, each educational service 25886  
center, each county MR/DD board, and each institution operating a 25887  
special education program pursuant to section 3323.091 of the 25888  
Revised Code shall, in accordance with procedures adopted by the 25889  
state board of education, maintain a record of district membership 25890  
of both of the following: 25891

(1) All handicapped preschool children in units approved 25892  
under division (B) of section 3317.05 of the Revised Code; 25893

(2) All handicapped preschool children who are not in units 25894  
approved ~~by the state board~~ under division (B) of section 3317.05 25895  
of the Revised Code but who are otherwise served by a special 25896  
education program. 25897

(B) The superintendent of each district, board, or 25898  
institution subject to division (A) of this section shall certify 25899  
to the state board of education, in accordance with procedures 25900  
adopted by that board, membership figures of all handicapped 25901  
preschool children whose membership is maintained under division 25902  
(A)(2) of this section. The figures certified under this division 25903  
shall be used in the determination of the ADM used to compute 25904  
funds for educational service center governing boards under 25905

~~division (B) of~~ section 3317.11 of the Revised Code. 25906

**Sec. 3317.05.** (A) For the purpose of calculating payments 25907  
under sections 3317.052 and 3317.053 of the Revised Code, the 25908  
~~state board~~ department of education shall determine for each 25909  
institution, by the last day of January of each year and based on 25910  
information certified under section 3317.03 of the Revised Code, 25911  
the number of vocational education units or fractions of units 25912  
approved by the ~~state board~~ department on the basis of standards 25913  
and rules adopted by the state board of education. As used in this 25914  
division, "institution" means an institution operated by a 25915  
department specified in section 3323.091 of the Revised Code and 25916  
that provides vocational education programs under the supervision 25917  
of the division of vocational education of the department ~~of~~ 25918  
~~education~~ that meet the standards and rules for these programs, 25919  
including licensure of professional staff involved in the 25920  
programs, as established by the state board ~~of education~~. 25921

(B) For the purpose of calculating payments under sections 25922  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 25923  
~~state board~~ department shall determine, based on information 25924  
certified under section 3317.03 of the Revised Code, the following 25925  
by the last day of January of each year for each educational 25926  
service center, for each school district, including each 25927  
cooperative education school district, for each institution 25928  
eligible for payment under section 3323.091 of the Revised Code, 25929  
and for each county MR/DD board: the number of classes operated by 25930  
the school district, service center, institution, or county MR/DD 25931  
board for handicapped preschool children, or fraction thereof, 25932  
including in the case of a district or service center that is a 25933  
funding agent, classes taught by a licensed teacher employed by 25934  
that district or service center under section 3313.841 of the 25935  
Revised Code, approved annually by the ~~state board~~ department on 25936  
the basis of standards and rules adopted by the state board. 25937

(C) For the purpose of calculating payments under sections 25938  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 25939  
~~state board~~ department shall determine, based on information 25940  
certified under section 3317.03 of the Revised Code, the following 25941  
by the last day of January of each year for each school district, 25942  
including each cooperative education school district, for each 25943  
institution eligible for payment under section 3323.091 of the 25944  
Revised Code, and for each county MR/DD board: the number of 25945  
preschool handicapped related services units for child study, 25946  
occupational, physical, or speech and hearing therapy, special 25947  
education supervisors, and special education coordinators approved 25948  
annually by the ~~state board~~ department on the basis of standards 25949  
and rules adopted by the state board. 25950

(D) For the purpose of calculating payments under sections 25951  
3317.052 and 3317.053 of the Revised Code, the ~~state board~~ 25952  
department shall determine, based on information certified under 25953  
section 3317.03 of the Revised Code, the following by the last day 25954  
of January of each year for each institution eligible for payment 25955  
under section 3323.091 of the Revised Code: 25956

(1) The number of classes operated by an institution for 25957  
handicapped children other than handicapped preschool children, or 25958  
fraction thereof, approved annually by the ~~state board~~ department 25959  
on the basis of standards and rules adopted by the state board; 25960

(2) The number of related services units for children other 25961  
than handicapped preschool children for child study, occupational, 25962  
physical, or speech and hearing therapy, special education 25963  
supervisors, and special education coordinators approved annually 25964  
by the ~~state board~~ department on the basis of standards and rules 25965  
adopted by the state board. 25966

(E) All of the arithmetical calculations made under this 25967  
section shall be carried to the second decimal place. The total 25968

number of units for school districts, service centers, and 25969  
institutions approved annually ~~by the state board~~ under this 25970  
section shall not exceed the number of units included in the ~~state~~ 25971  
~~board's~~ estimate of cost for these units and appropriations made 25972  
for them by the general assembly. 25973

In the case of units described in division (D)(1) of this 25974  
section operated by institutions eligible for payment under 25975  
section 3323.091 of the Revised Code, the ~~state board~~ department 25976  
shall approve only units for persons who are under age twenty-two 25977  
on the first day of the academic year, but not less than six years 25978  
of age on the thirtieth day of September of that year, except that 25979  
such a unit may include one or more children who are under six 25980  
years of age on the thirtieth day of September if such children 25981  
have been admitted to the unit pursuant to rules of the state 25982  
board. In the case of handicapped preschool units described in 25983  
division (B) of this section ~~operated by county MR/DD boards and~~ 25984  
~~institutions eligible for payment under section 3323.091 of the~~ 25985  
~~Revised Code, the state board~~ department shall approve only 25986  
preschool units for children who are under age six but not less 25987  
than age three on the ~~thirtieth~~ first day of ~~September~~ December of 25988  
the academic year, except that such a unit may include one or more 25989  
children who are under age three or are age six or over on the 25990  
~~thirtieth~~ first day of ~~September~~ December, as reported under 25991  
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 25992  
Code, if such children have been admitted to the unit pursuant to 25993  
rules of the state board ~~of education~~. The number of units for 25994  
county MR/DD boards and institutions eligible for payment under 25995  
section 3323.091 of the Revised Code approved ~~by the state board~~ 25996  
under this section shall not exceed the number that can be funded 25997  
with appropriations made for such purposes by the general 25998  
assembly. 25999

No unit shall be approved under divisions (B) to (D) of this 26000

section unless a plan has been submitted and approved under 26001  
Chapter 3323. of the Revised Code. 26002

(F) The department shall approve units or fractions thereof 26003  
for gifted children on the basis of standards and rules adopted by 26004  
the state board. 26005

**Sec. 3317.064.** (A) There is hereby established in the state 26006  
treasury the auxiliary services ~~mobile unit replacement and repair~~ 26007  
reimbursement fund. By the thirtieth day of January of each 26008  
odd-numbered year, the director of job and family services and the 26009  
superintendent of public instruction shall determine the amount of 26010  
any excess moneys in the auxiliary services personnel unemployment 26011  
compensation fund not reasonably necessary for the purposes of 26012  
section 4141.47 of the Revised Code, and shall certify such amount 26013  
to the director of budget and management for transfer to the 26014  
auxiliary services ~~mobile unit replacement and repair~~ 26015  
reimbursement fund. If the director of job and family services and 26016  
the superintendent disagree on such amount, the director of budget 26017  
and management shall determine the amount to be transferred. 26018

(B) Moneys in the auxiliary services ~~mobile unit replacement~~ 26019  
~~and repair~~ reimbursement fund shall be used for the relocation or 26020  
for the replacement and repair of mobile units used to provide the 26021  
services specified in division (E), (F), (G), or (I) of section 26022  
3317.06 of the Revised Code. The state board of education shall 26023  
adopt guidelines and procedures for replacement, repair, and 26024  
relocation of mobile units and the procedures under which a school 26025  
district may apply to receive moneys with which to repair or 26026  
replace or relocate such units. 26027

(C) School districts may apply to the department for moneys 26028  
from the auxiliary services ~~mobile unit replacement and repair~~ 26029  
reimbursement fund for payment of incentives for early retirement 26030  
and severance for school district personnel assigned to provide 26031

services authorized by section 3317.06 of the Revised Code at 26032  
chartered nonpublic schools. The portion of the cost of any early 26033  
retirement or severance incentive for any employee that is paid 26034  
using money from the auxiliary services ~~mobile unit replacement~~ 26035  
~~and repair reimbursement~~ fund shall not exceed the percentage of 26036  
such employee's total service credit that the employee spent 26037  
providing services to chartered nonpublic school students under 26038  
section 3317.06 of the Revised Code. 26039

**Sec. 3317.07.** The state board of education shall establish 26040  
rules for the purpose of distributing subsidies for the purchase 26041  
of school buses under division (E) of section 3317.024 of the 26042  
Revised Code. 26043

No school bus subsidy payments shall be paid to any district 26044  
unless such district can demonstrate that pupils residing more 26045  
than one mile from the school could not be transported without 26046  
such additional aid. 26047

The amount paid to a county MR/DD board for buses purchased 26048  
for transportation of children in special education programs 26049  
operated by the board shall be one hundred per cent of the board's 26050  
net cost. 26051

The amount paid to a school district for buses purchased for 26052  
transportation of handicapped and nonpublic school pupils shall be 26053  
one hundred per cent of the school district's net cost. 26054

The state board of education shall adopt a formula to 26055  
determine the amount of payments that shall be distributed to 26056  
school districts to purchase school buses for pupils other than 26057  
handicapped or nonpublic school pupils. 26058

If any district or MR/DD board obtains bus services for pupil 26059  
transportation pursuant to a contract, such district or board may 26060  
use payments received under this section to defray the costs of 26061

contracting for bus services in lieu of for purchasing buses. 26062

If the department of education determines that a county MR/DD board no longer needs a school bus because the board no longer transports children to a special education program operated by the board, or if the department determines that a school district no longer needs a school bus to transport pupils to a nonpublic school or special education program, the department may reassign a bus that was funded with payments provided pursuant to this section for the purpose of transporting such pupils. The department may reassign a bus to a county MR/DD board or school district that transports children to a special education program designated in the children's individualized education plans, or to a school district that transports pupils to a nonpublic school, and needs an additional school bus. 26063  
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**Sec. 3317.09.** All moneys distributed to a school district, including any cooperative education or joint vocational school district and all moneys distributed to any educational service center, by the state whether from a state or federal source, shall be accounted for by the division of school finance of the department of education. All moneys distributed shall be coded as to county, school district or educational service center, source, and other pertinent information, and at the end of each month, a report of such distribution shall be made by such division of school finance to the clerk of the senate and the chief administrative officer of the house of representatives, to the Ohio legislative service commission to be available for examination by any member of either house, to each school district and educational service center, and to the governor. 26076  
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On or before the first day of September in each year, a copy of the annual statistical report required in ~~sections~~ section 3319.33 ~~and 3319.34~~ of the Revised Code shall be filed by the 26090  
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state board of education with the clerk of the senate and the 26093  
chief administrative officer of the house of representatives, the 26094  
Ohio legislative service commission, the governor, and the auditor 26095  
of state. The report shall contain an analysis for the prior 26096  
fiscal year on an accrual basis of revenue receipts from all 26097  
sources and expenditures for all purposes for each school district 26098  
~~and each educational service center~~, including each joint 26099  
vocational and cooperative education school district, in the 26100  
state. If any board of education ~~or any educational service center~~ 26101  
~~governing board~~ fails to make the report required in ~~sections~~ 26102  
section 3319.33 ~~and 3319.34~~ of the Revised Code, the 26103  
superintendent of public instruction shall be without authority to 26104  
distribute funds to that school district or educational service 26105  
center pursuant to sections 3317.022 to 3317.0212, 3317.11, 26106  
3317.16, 3317.17, or 3317.19 of the Revised Code until such time 26107  
as the required reports are filed with all specified officers, 26108  
boards, or agencies. 26109

**Sec. 3317.10.** (A) On or before the first day of March of each 26110  
year, the department of job and family services shall certify to 26111  
the state board of education the unduplicated number of children 26112  
ages five through seventeen residing in each school district and 26113  
living in a family that, during the preceding October, had family 26114  
income not exceeding the federal poverty guidelines as defined in 26115  
section 5101.46 of the Revised Code and participated in one of the 26116  
following: 26117

(1) Ohio works first; 26118

(2) The food stamp program; 26119

(3) The medical assistance program, including the healthy 26120  
start program, established under Chapter 5111. of the Revised 26121  
Code; 26122

(4) The children's health insurance program part I 26123

established under section 5101.50 of the Revised Code; 26124

(5) The disability financial assistance program established 26125  
under Chapter 5115. of the Revised Code; 26126

(6) The disability medical assistance program established 26127  
under Chapter 5115. of the Revised Code. 26128

The department of job and family services shall certify this 26129  
information according to the school district of residence for each 26130  
child. Except as provided under division (B) of this section, the 26131  
number of children so certified in any year shall be used by the 26132  
department of education in calculating the distribution of moneys 26133  
for the ensuing fiscal year as provided in section 3317.029 of the 26134  
Revised Code. 26135

(B) Upon the transfer of part of the territory of one school 26136  
district to the territory of one or more other school districts, 26137  
the department of education may adjust the number of children 26138  
certified under division (A) of this section for any district 26139  
gaining or losing territory in such a transfer in order to take 26140  
into account the effect of the transfer on the number of such 26141  
children who reside in the district. Within sixty days of receipt 26142  
of a request for information from the department of education, the 26143  
department of job and family services shall provide any 26144  
information the department of education determines is necessary to 26145  
make such adjustments. The department of education may use the 26146  
adjusted number for any district for the applicable fiscal year, 26147  
in lieu of the number certified for the district for that fiscal 26148  
year under division (A) of this section, in the calculation of the 26149  
distribution of moneys provided in section 3317.029 of the Revised 26150  
Code. 26151

Sec. 3317.11. (A) As used in this section: 26152

(1) "Client school district" means a city or exempted village 26153

school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center. 26154  
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(2) "Service center ADM" means the sum of the total student counts of all local school districts within an educational service center's territory and all of the service center's client school districts. 26157  
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(3) "Total student count" has the same meaning as in section 3301.011 of the Revised Code. 26161  
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(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. 26163  
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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: 26175  
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(a) The minimum salary prescribed by section 3317.13 of the Revised Code for the licensed supervisory employee of the 26183  
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governing board; 26185

(b) An amount equal to fifteen per cent of the salary 26186  
prescribed by section 3317.13 of the Revised Code; 26187

(c) An allowance for necessary travel expenses, limited to 26188  
the lesser of two hundred twenty-three dollars and sixteen cents 26189  
per month or two thousand six hundred seventy-eight dollars per 26190  
year. 26191

(2) If a majority of the boards of education, or 26192  
superintendents acting on behalf of the boards, of the local and 26193  
client school districts receiving services from the educational 26194  
service center agree to receive additional supervisory services 26195  
and to pay the cost of a corresponding number of supervisory units 26196  
in excess of the services and units specified in division (B)(1) 26197  
of this section, the service center shall provide the additional 26198  
services as agreed to by the majority of districts to, and the 26199  
department of education shall apportion the cost of the 26200  
corresponding number of additional supervisory units pursuant to 26201  
division (B)(3) of this section among, all of the service center's 26202  
local and client school districts. 26203

(3) The department shall apportion the total cost for all 26204  
supervisory units among the service center's local and client 26205  
school districts based on each district's total student count. The 26206  
department shall deduct each district's apportioned share pursuant 26207  
to division (E) of section 3317.023 of the Revised Code and pay 26208  
the apportioned share to the service center. 26209

(C) The department annually shall deduct from each local and 26210  
client school district of each educational service center, 26211  
pursuant to division (E) of section 3317.023 of the Revised Code, 26212  
and pay to the service center an amount equal to six dollars and 26213  
fifty cents times the school district's total student count. The 26214  
board of education, or the superintendent acting on behalf of the 26215

board, of any local or client school district may agree to pay an 26216  
amount in excess of six dollars and fifty cents per student in 26217  
total student count. If a majority of the boards of education, or 26218  
superintendents acting on behalf of the boards, of the local 26219  
school districts within a service center's territory approve an 26220  
amount in excess of six dollars and fifty cents per student in 26221  
total student count, the department shall deduct the approved 26222  
excess per student amount from all of the local school districts 26223  
within the service center's territory and pay the excess amount to 26224  
the service center. 26225

(D) The department shall pay each educational service center 26226  
the amounts due to it from school districts pursuant to contracts, 26227  
compacts, or agreements under which the service center furnishes 26228  
services to the districts or their students. In order to receive 26229  
payment under this division, an educational service center shall 26230  
furnish either a copy of the contract, compact, or agreement 26231  
clearly indicating the amounts of the payments, or a written 26232  
statement that clearly indicates the payments owed and is signed 26233  
by the superintendent or treasurer of the responsible school 26234  
district. The amounts paid to service centers under this division 26235  
shall be deducted from payments to school districts pursuant to 26236  
division (K)(3) of section 3317.023 of the Revised Code. 26237

(E) Each school district's deduction under this section and 26238  
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 26239  
shall be made from the total payment computed for the district 26240  
under this chapter, after making any other adjustments in that 26241  
payment required by law. 26242

(F)(1) Except as provided in division (F)(2) of this section, 26243  
the department annually shall pay the governing board of each 26244  
educational service center state funds equal to thirty-seven 26245  
dollars times its service center ADM. 26246

(2) The department annually shall pay state funds equal to 26247

forty dollars and fifty-two cents times the service center ADM to 26248  
each educational service center comprising territory that was 26249  
included in the territory of at least three former service centers 26250  
or county school districts, which former centers or districts 26251  
engaged in one or more mergers under section 3311.053 of the 26252  
Revised Code to form the present center. 26253

(G) Each city, exempted village, local, joint vocational, or 26254  
cooperative education school district shall pay to the governing 26255  
board of an educational service center any amounts agreed to for 26256  
each child enrolled in the district who receives special education 26257  
and related services or career-technical education from the 26258  
educational service center, unless these educational services are 26259  
provided pursuant to a contract, compact, or agreement for which 26260  
the department deducts and transfers payments under division (D) 26261  
of this section and division (K)(3) of section 3317.023 of the 26262  
Revised Code. 26263

(H) An educational service center: 26264

(1) May provide special education and career-technical 26265  
education to students in its local or client school districts; 26266

(2) Is eligible for transportation funding under division (J) 26267  
of section 3317.024 of the Revised Code and for state subsidies 26268  
for the purchase of school buses under section 3317.07 of the 26269  
Revised Code; 26270

(3) May apply for and receive gifted education units and 26271  
provide gifted education services to students in its local or 26272  
client school districts; 26273

(4) May conduct driver education for high school students in 26274  
accordance with Chapter 4508. of the Revised Code. 26275

**Sec. 3317.15.** (A) As used in this section, "handicapped" 26276  
child" has the same meaning as in section 3323.01 of the Revised 26277

Code.	26278
(B) Each city, exempted village, local, and joint vocational school district shall continue to comply with all requirements of federal statutes and regulations, the Revised Code, and rules adopted by the state board of education governing education of handicapped children, including, but not limited to, requirements that handicapped children be served by appropriately licensed or certificated education personnel.	26279 26280 26281 26282 26283 26284 26285
(C) Each city, exempted village, local, and joint vocational school district shall consult with the educational service center serving the county in which the school district is located and, if it elects to participate pursuant to section 5126.04 of the Revised Code, the county MR/DD board of that county, in providing services that serve the best interests of handicapped children.	26286 26287 26288 26289 26290 26291
(D) Each school district shall annually provide documentation to the department of education that it employs the appropriate number of licensed or certificated personnel to serve the district's handicapped students.	26292 26293 26294 26295
(E) The department annually shall audit a sample of school districts to ensure that handicapped children are being appropriately reported.	26296 26297 26298
(F) Each school district shall provide speech-language pathology services at a ratio of one speech-language pathologist per two thousand students receiving any educational services from the district other than adult education. <u>A speech-language pathologist employed on a full-time equivalent basis shall provide services to no more than fifty-five school-age handicapped children at any one time.</u> Each district shall provide school psychological services at a ratio of one school psychologist per two thousand five hundred students receiving any educational services from the district other than adult education. A district	26299 26300 26301 26302 26303 26304 26305 26306 26307 26308

may obtain the services of speech-language pathologists and school 26309  
psychologists by any means permitted by law, including contracting 26310  
with an educational service center. If, however, a district is 26311  
unable to obtain the services of the required number of 26312  
speech-language pathologists or school psychologists, the district 26313  
may request from the superintendent of public instruction, and the 26314  
superintendent may grant, a waiver of this provision for a period 26315  
of time established by the superintendent. 26316

**Sec. 3317.16.** (A) As used in this section: 26317

(1) "State share percentage" means the percentage calculated 26318  
for a joint vocational school district as follows: 26319

(a) Calculate the state base cost funding amount for the 26320  
district under division (B) of this section. If the district would 26321  
not receive any base cost funding for that year under that 26322  
division, the district's state share percentage is zero. 26323

(b) If the district would receive base cost funding under 26324  
that division, divide that base cost amount by an amount equal to 26325  
the following: 26326

cost-of-doing-business factor X 26327

the formula amount X 26328

~~the greater of formula ADM or~~ 26329

~~three-year average~~ formula ADM 26330

The resultant number is the district's state share 26331  
percentage. 26332

(2) The "total special education weight" for a joint 26333  
vocational school district shall be calculated in the same manner 26334  
as prescribed in division (B)(1) of section 3317.022 of the 26335  
Revised Code. 26336

(3) The "total vocational education weight" for a joint 26337  
vocational school district shall be calculated in the same manner 26338

as prescribed in division (B)(4) of section 3317.022 of the Revised Code. 26339  
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(4) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts for the applicable fiscal year. 26341  
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(5) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 26345  
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(6) "Community school" means a community school established under Chapter 3314. of the Revised Code. 26348  
26349

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with the following formula: 26350  
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26352

(cost-of-doing-business factor X  
formula amount X ~~the greater of formula  
ADM or three-year average~~ formula ADM) -  
(.0005 X total recognized valuation) 26353  
26354  
26355  
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If the difference obtained under this division is a negative number, the district's computation shall be zero. 26357  
26358

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula: 26359  
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state share percentage X formula amount X  
total vocational education weight 26363  
26364

In each fiscal year, a joint vocational school district receiving funds under division (C)(1) of this section shall spend those funds only for the purposes the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses 26365  
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connected to the delivery of career-technical programming to 26370  
career-technical students. The department shall require the joint 26371  
vocational school district to report data annually so that the 26372  
department may monitor the district's compliance with the 26373  
requirements regarding the manner in which funding received under 26374  
division (C)(1) of this section may be spent. 26375

(2) The department shall compute for each joint vocational 26376  
school district state funds for vocational education associated 26377  
services costs in accordance with the following formula: 26378

state share percentage X .05 X 26379  
the formula amount X the sum of 26380  
categories one and two vocational 26381  
education ADM 26382

In any fiscal year, a joint vocational school district 26383  
receiving funds under division (C)(2) of this section, or through 26384  
a transfer of funds pursuant to division (L) of section 3317.023 26385  
of the Revised Code, shall spend those funds only for the purposes 26386  
that the department designates as approved for vocational 26387  
education associated services expenses, which may include such 26388  
purposes as apprenticeship coordinators, coordinators for other 26389  
vocational education services, vocational evaluation, and other 26390  
purposes designated by the department. The department may deny 26391  
payment under division (C)(2) of this section to any district that 26392  
the department determines is not operating those services or is 26393  
using funds paid under division (C)(2) of this section, or through 26394  
a transfer of funds pursuant to division (L) of section 3317.023 26395  
of the Revised Code, for other purposes. 26396

(D)(1) The department shall compute and distribute state 26397  
special education and related services additional weighted costs 26398  
funds to each joint vocational school district in accordance with 26399  
the following formula: 26400

state share percentage X formula amount X 26401

total special education weight 26402

(2)(a) As used in this division, the "personnel allowance" 26403  
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 26404  
2004, and 2005. 26405

(b) For the provision of speech services to students, 26406  
including students who do not have individualized education 26407  
programs prepared for them under Chapter 3323. of the Revised 26408  
Code, and for no other purpose, the department shall pay each 26409  
joint vocational school district an amount calculated under the 26410  
following formula: 26411

(formula ADM divided by 2000) X the personnel 26412  
allowance X state share percentage 26413

(3) In any fiscal year, a joint vocational school district 26414  
shall spend for purposes that the department designates as 26415  
approved for special education and related services expenses at 26416  
least the amount calculated as follows: 26417

(cost-of-doing-business factor X formula amount 26418  
X the sum of categories one through 26419  
six special education ADM) + 26420  
(total special education weight X 26421  
formula amount) 26422

The purposes approved by the department for special education 26423  
expenses shall include, but shall not be limited to, compliance 26424  
with state rules governing the education of handicapped children, 26425  
providing services identified in a student's individualized 26426  
education program as defined in section 3323.01 of the Revised 26427  
Code, and the portion of the district's overall administrative and 26428  
overhead costs that are attributable to the district's special 26429  
education student population. 26430

The department shall require joint vocational school 26431  
districts to report data annually to allow for monitoring 26432

compliance with division (D)(3) of this section. The department 26433  
shall annually report to the governor and the general assembly the 26434  
amount of money spent by each joint vocational school district for 26435  
special education and related services. 26436

(E)~~(2)~~(1) If a joint vocational school district's costs for a 26437  
fiscal year for a student in its categories ~~one~~ two through six 26438  
special education ADM exceed the threshold catastrophic cost for 26439  
serving the student, as specified in division (C)(3)(b) of section 26440  
3317.022 of the Revised Code, the district may submit to the 26441  
superintendent of public instruction documentation, as prescribed 26442  
by the superintendent, of all of its costs for that student. Upon 26443  
submission of documentation for a student of the type and in the 26444  
manner prescribed, the department shall pay to the district an 26445  
amount equal to the sum of the following: 26446

(a) One-half of the district's costs for the student in 26447  
excess of the threshold catastrophic cost; 26448

(b) The product of one-half of the district's costs for the 26449  
student in excess of the threshold catastrophic cost multiplied by 26450  
the district's state share percentage. 26451

(2) The district shall only report under division (E)(1) of 26452  
this section, and the department shall only pay for, the costs of 26453  
educational expenses and the related services provided to the 26454  
student in accordance with the student's individualized education 26455  
program. Any legal fees, court costs, or other costs associated 26456  
with any cause of action relating to the student may not be 26457  
included in the amount. 26458

(F) Each fiscal year, the department shall pay each joint 26459  
vocational school district an amount for adult technical and 26460  
vocational education and specialized consultants. 26461

(G)(1) A joint vocational school district's local share of 26462  
special education and related services additional weighted costs 26463

equals: 26464

(1 - state share percentage) X 26465

Total special education weight X 26466

the formula amount 26467

(2) For each handicapped student receiving special education 26468

and related services under an individualized education program, as 26469

defined in section 3323.01 of the Revised Code, at a joint 26470

vocational district, the resident district or, if the student is 26471

enrolled in a community school, the community school shall be 26472

responsible for the amount of any costs of providing those special 26473

education and related services to that student that exceed the sum 26474

of the amount calculated for those services attributable to that 26475

student under divisions (B), (D), (E), and (G)(1) of this section. 26476

Those excess costs shall be calculated by subtracting the sum 26477

of the following from the actual cost to provide special education 26478

and related services to the student: 26479

(a) The product of the formula amount times the 26480

cost-of-doing-business factor; 26481

(b) The product of the formula amount times the applicable 26482

multiple specified in section 3317.013 of the Revised Code; 26483

(c) Any funds paid under division (E) of this section for the 26484

student; 26485

(d) Any other funds received by the joint vocational school 26486

district under this chapter to provide special education and 26487

related services to the student, not including the amount 26488

calculated under division (G)(2) of this section. 26489

(3) The board of education of the joint vocational school 26490

district shall report the excess costs calculated under division 26491

(G)(2) of this section to the department of education. 26492

(4) The department shall pay the amount of excess cost 26493

calculated under division (G)(2) of this section to the joint 26494  
vocational school district and shall deduct that amount as 26495  
provided in division (G)(4)(a) or (b) of this section, as 26496  
applicable: 26497

(a) If the student is not enrolled in a community school, the 26498  
department shall deduct the amount from the account of the 26499  
student's resident district pursuant to division (M) of section 26500  
3317.023 of the Revised Code. 26501

(b) If the student is enrolled in a community school, the 26502  
department shall deduct the amount from the account of the 26503  
community school pursuant to section 3314.083 of the Revised Code. 26504

(H) In any fiscal year, if the total of all payments made to 26505  
a joint vocational school district under divisions (B) to (D) of 26506  
this section and division (R) of section 3317.024 of the Revised 26507  
Code is less than the amount that district received in fiscal year 26508  
1999 under the version of this section in effect that year, plus 26509  
the amount that district received under the version of section 26510  
3317.162 of the Revised Code in effect that year and minus the 26511  
amounts received that year for driver education and adult 26512  
education, the department shall pay the district an additional 26513  
amount equal to the difference between those two amounts. 26514

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 26515  
Revised Code: 26516

(A) "Ohio school facilities commission" means the commission 26517  
created pursuant to section 3318.30 of the Revised Code. 26518

(B) "Classroom facilities" means rooms in which pupils 26519  
regularly assemble in public school buildings to receive 26520  
instruction and education and such facilities and building 26521  
improvements for the operation and use of such rooms as may be 26522  
needed in order to provide a complete educational program, and may 26523

include space within which a child day-care facility or a 26524  
community resource center is housed. "Classroom facilities" 26525  
includes any space necessary for the operation of a vocational 26526  
education program for secondary students in any school district 26527  
that operates such a program. 26528

(C) "Project" means a project to construct or acquire 26529  
classroom facilities, or to reconstruct or make additions to 26530  
existing classroom facilities, to be used for housing the 26531  
applicable school district and its functions. 26532

(D) "School district" means a local, exempted village, or 26533  
city school district as such districts are defined in Chapter 26534  
3311. of the Revised Code, acting as an agency of state 26535  
government, performing essential governmental functions of state 26536  
government pursuant to sections 3318.01 and 3318.20 of the Revised 26537  
Code. 26538

For purposes of assistance provided under sections 3318.40 to 26539  
3318.45 of the Revised Code, the term "school district" as used in 26540  
this section and in divisions (A), (C), and (D) of section 3318.03 26541  
and in sections 3318.031, ~~3318.033~~, 3318.042, 3318.07, 3318.08, 26542  
3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 26543  
3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the 26544  
Revised Code means a joint vocational school district established 26545  
pursuant to section 3311.18 of the Revised Code. 26546

(E) "School district board" means the board of education of a 26547  
school district. 26548

(F) "Net bonded indebtedness" means the difference between 26549  
the sum of the par value of all outstanding and unpaid bonds and 26550  
notes which a school district board is obligated to pay, any 26551  
amounts the school district is obligated to pay under 26552  
lease-purchase agreements entered into under section 3313.375 of 26553  
the Revised Code, and the par value of bonds authorized by the 26554

electors but not yet issued, the proceeds of which can lawfully be 26555  
used for the project, and the amount held in the sinking fund and 26556  
other indebtedness retirement funds for their redemption. Notes 26557  
issued for school buses in accordance with section 3327.08 of the 26558  
Revised Code, notes issued in anticipation of the collection of 26559  
current revenues, and bonds issued to pay final judgments shall 26560  
not be considered in calculating the net bonded indebtedness. 26561

"Net bonded indebtedness" does not include indebtedness 26562  
arising from the acquisition of land to provide a site for 26563  
classroom facilities constructed, acquired, or added to pursuant 26564  
to sections 3318.01 to 3318.20 of the Revised Code. 26565

(G) "Board of elections" means the board of elections of the 26566  
county containing the most populous portion of the school 26567  
district. 26568

(H) "County auditor" means the auditor of the county in which 26569  
the greatest value of taxable property of such school district is 26570  
located. 26571

(I) "Tax duplicates" means the general tax lists and 26572  
duplicates prescribed by sections 319.28 and 319.29 of the Revised 26573  
Code. 26574

(J) "Required level of indebtedness" means: 26575

(1) In the case of districts in the first percentile, five 26576  
per cent of the district's valuation for the year preceding the 26577  
year in which the controlling board approved the project under 26578  
section 3318.04 of the Revised Code. 26579

(2) In the case of districts ranked in a subsequent 26580  
percentile, five per cent of the district's valuation for the year 26581  
preceding the year in which the controlling board approved the 26582  
project under section 3318.04 of the Revised Code, plus [two 26583  
one-hundredths of one per cent multiplied by (the percentile in 26584  
which the district ranks for the fiscal year preceding the fiscal 26585

year in which the controlling board approved the district's project minus one)]].

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

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing classroom facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a district may have to pay to undertake a classroom facilities project.

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

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

(M)(1) Except for a joint vocational school district that 26618  
receives assistance under sections 3318.40 to 3318.45 of the 26619  
Revised Code, a "school district's portion of the basic project 26620  
cost" means the amount determined under section 3318.032 of the 26621  
Revised Code. 26622

(2) For a joint vocational school district that receives 26623  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26624  
a "school district's portion of the basic project cost" means the 26625  
amount determined under division (C) of section 3318.42 of the 26626  
Revised Code. 26627

(N) "Child day-care facility" means space within a classroom 26628  
facility in which the needs of infants, toddlers, preschool 26629  
children, and school children are provided for by persons other 26630  
than the parent or guardian of such children for any part of the 26631  
day, including persons not employed by the school district 26632  
operating such classroom facility. 26633

(O) "Community resource center" means space within a 26634  
classroom facility in which comprehensive services that support 26635  
the needs of families and children are provided by community-based 26636  
social service providers. 26637

(P) "Valuation" means the total value of all property in the 26638  
district as listed and assessed for taxation on the tax 26639  
duplicates. 26640

(Q) "Percentile" means the percentile in which the district 26641  
is ranked pursuant to division (D) of section 3318.011 of the 26642  
Revised Code. 26643

(R) "Installation of site utilities" means the installation 26644  
of a site domestic water system, site fire protection system, site 26645  
gas distribution system, site sanitary system, site storm drainage 26646  
system, and site telephone and data system. 26647

(S) "Site preparation" means the earthwork necessary for 26648  
preparation of the building foundation system, the paved 26649  
pedestrian and vehicular circulation system, playgrounds on the 26650  
project site, and lawn and planting on the project site. 26651

Sec. 3318.024. In the first year of a capital biennium, any 26652  
funds appropriated to the Ohio school facilities commission for 26653  
classroom facilities projects under this chapter in the previous 26654  
capital biennium that were not spent or encumbered, or for which 26655  
an encumbrance has been canceled under section 3318.05 of the 26656  
Revised Code, shall be used by the commission only for projects 26657  
under sections 3318.01 to 3318.20 of the Revised Code, subject to 26658  
appropriation by the general assembly. 26659

In the second year of a capital biennium, any funds 26660  
appropriated to the Ohio school facilities commission for 26661  
classroom facilities projects under this chapter that were not 26662  
spent or encumbered in the first year of the biennium and which 26663  
are in excess of an amount equal to half of the appropriations for 26664  
the capital biennium, or for which an encumbrance has been 26665  
canceled under section 3318.05 of the Revised Code, shall be used 26666  
by the commission only for projects under sections 3318.01 to 26667  
3318.20 of the Revised Code, subject to appropriation by the 26668  
general assembly. 26669

**Sec. 3318.03.** (A) Before conducting an on-site evaluation of 26670  
a school district under section 3318.02 of the Revised Code, at 26671  
the request of the district board of education, the Ohio school 26672  
facilities commission shall examine any classroom facilities needs 26673  
assessment that has been conducted by the district and any master 26674  
plan developed for meeting the facility needs of the district. 26675

(B) Upon conducting the on-site evaluation under section 26676  
3318.02 of the Revised Code, the Ohio school facilities commission 26677

shall make a determination of all of the following: 26678

(1) The needs of the school district for additional classroom 26679  
facilities; 26680

(2) The number of classroom facilities to be included in a 26681  
project, ~~including classroom facilities authorized by a bond issue~~ 26682  
~~described in section 3318.033 of the Revised Code,~~ and the basic 26683  
project cost of constructing, acquiring, reconstructing, or making 26684  
additions to each such facility; 26685

(3) The amount of such cost that the school district can 26686  
supply from available funds, by the issuance of bonds previously 26687  
authorized by the electors of the school district the proceeds of 26688  
which can lawfully be used for the project, ~~including bonds~~ 26689  
~~authorized by the district's electors as described in section~~ 26690  
~~3318.033 of the Revised Code,~~ and by the issuance of bonds under 26691  
section 3318.05 of the Revised Code; 26692

(4) The remaining amount of such cost that shall be supplied 26693  
by the state; 26694

(5) The amount of the state's portion to be encumbered in 26695  
accordance with section 3318.11 of the Revised Code in the current 26696  
and subsequent fiscal bienniums from funds appropriated for 26697  
purposes of sections 3318.01 to 3318.20 of the Revised Code. 26698

(C) The commission shall make a determination in favor of 26699  
constructing, acquiring, reconstructing, or making additions to a 26700  
classroom facility only upon evidence that the proposed project 26701  
conforms to sound educational practice, that it is in keeping with 26702  
the orderly process of school district reorganization and 26703  
consolidation, and that the actual or projected enrollment in each 26704  
classroom facility proposed to be included in the project is at 26705  
least three hundred fifty pupils. Exceptions shall be authorized 26706  
only in those districts where topography, sparsity of population, 26707  
and other factors make larger schools impracticable. 26708

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

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

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

(B) Consideration of additional assistance to a school

district under this section is warranted in either of the 26740  
following circumstances: 26741

(1) Additional work is needed to correct an oversight or 26742  
deficiency not identified or included in the district's initial 26743  
assessment. 26744

(2) Other conditions exist that, in the opinion of the 26745  
commission, warrant additions or remodeling of the project 26746  
facilities or changes to infrastructure associated with the 26747  
district's project that were not identified in the initial 26748  
assessment and plan. 26749

(C) If the commission decides in favor of providing 26750  
additional assistance to any school district under this section, 26751  
the school district shall be responsible for paying for its 26752  
portion of the cost of the additions, remodeling, or 26753  
infrastructure changes pursuant to section 3318.083 of the Revised 26754  
Code. If, after making a financial evaluation of the school 26755  
district, the commission determines that the school district is 26756  
unable without undue hardship, according to the guidelines adopted 26757  
by the commission, to fund the school district portion of the 26758  
increase, then the state and the school district shall enter into 26759  
an agreement whereby the state shall pay the portion of the cost 26760  
increase attributable to the school district which is determined 26761  
to be in excess of any local resources available to the district 26762  
and the district shall thereafter reimburse the state. The 26763  
commission shall establish the district's schedule for reimbursing 26764  
the state, which shall not extend beyond five ten years. The 26765  
commission may lengthen the reimbursement schedule of a school 26766  
district that has entered into an agreement under this section 26767  
prior to the effective date of this amendment as long as the total 26768  
term of that schedule does not extend beyond ten years. Debt 26769  
incurred under this section shall not be included in the 26770  
calculation of the net indebtedness of the school district under 26771

section 133.06 of the Revised Code. 26772

**Sec. 3318.05.** The conditional approval of the Ohio school 26773  
facilities commission for a project shall lapse and the amount 26774  
reserved and encumbered for such project shall be released unless 26775  
the school district board accepts such conditional approval within 26776  
one hundred twenty days following the date of certification of the 26777  
conditional approval to the school district board and the electors 26778  
of the school district vote favorably on both of the propositions 26779  
described in divisions (A) and (B) of this section within one year 26780  
of the date of such certification, except that a school district 26781  
described in division (C) of this section does not need to submit 26782  
the proposition described in division (B) of this section. The 26783  
propositions described in divisions (A) and (B) of this section 26784  
shall be combined in a single proposal. If the district board or 26785  
the district's electors fail to meet such requirements and the 26786  
amount reserved and encumbered for the district's project is 26787  
released, the district shall be given first priority for project 26788  
funding as such funds become available. 26789

(A) On the question of issuing bonds of the school district 26790  
board, for the school district's portion of the basic project 26791  
cost, in an amount equal to the school district's portion of the 26792  
basic project cost ~~less any deduction made under section 3318.033~~ 26793  
~~of the Revised Code and~~ less the amount of the proceeds of any 26794  
securities authorized or to be authorized under division (J) of 26795  
section 133.06 of the Revised Code and dedicated by the school 26796  
district board to payment of the district's portion of the basic 26797  
project cost; and 26798

(B) On the question of levying a tax the proceeds of which 26799  
shall be used to pay the cost of maintaining the classroom 26800  
facilities included in the project. Such tax shall be at the rate 26801  
of not less than one-half mill for each dollar of valuation for a 26802

period of twenty-three years, subject to any extension approved 26803  
under section 3318.061 of the Revised Code. 26804

(C) If a school district has in place a tax levied under 26805  
section 5705.21 of the Revised Code for general ongoing permanent 26806  
improvements ~~of at least two mills for each dollar of valuation~~ 26807  
and the proceeds of such tax can be used for maintenance, the 26808  
school district need not levy the additional tax required under 26809  
division (B) of this section, provided the school district board 26810  
includes in the agreement entered into under section 3318.08 of 26811  
the Revised Code provisions earmarking an amount from the proceeds 26812  
of that permanent improvement tax for maintenance of classroom 26813  
facilities equivalent to the amount of the additional tax and for 26814  
the equivalent number of years otherwise required under this 26815  
section. 26816

(D) Proceeds of the tax to be used for maintenance of the 26817  
classroom facilities under either division (B) or (C) of this 26818  
section shall be deposited into a separate fund established by the 26819  
school district for such purpose. 26820

Sec. 3318.052. At any time after the electors of a school 26821  
district have approved either or both a property tax levied under 26822  
section 5705.21 or 5705.218 of the Revised Code for the purpose of 26823  
general ongoing permanent improvements or a school district income 26824  
tax levied under Chapter 5748. of the Revised Code, the proceeds 26825  
of which, pursuant to the ballot measures approved by the 26826  
electors, are not so restricted that they cannot be used to pay 26827  
the costs of a project or maintaining classroom facilities, the 26828  
school district board may: 26829

(A) Within one year following the date of the certification 26830  
of the conditional approval of the school district's classroom 26831  
facilities project by the Ohio school facilities commission, enter 26832  
into a written agreement with the commission, which may be part of 26833

an agreement entered into under section 3318.08 of the Revised Code, and in which the school district board covenants and agrees to do one or both of the following: 26834  
26835  
26836

(1) Apply a specified amount of available proceeds of that property tax levy, of that school district income tax, or of securities issued under this section, or of proceeds from any two or more of those sources, to pay all or part of the district's portion of the basic project cost of its classroom facilities project; 26837  
26838  
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26840  
26841  
26842

(2) Apply available proceeds of either or both a property tax levied under section 5705.21 or 5705.218 of the Revised Code in effect for a continuing period of time, or of a school district income tax levied under Chapter 5748. of the Revised Code in effect for a continuing period of time to the payment of costs of maintaining the classroom facilities. 26843  
26844  
26845  
26846  
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26848

(B) Receive, as a credit against the amount of bonds required under sections 3318.05 and 3318.06 of the Revised Code, to be approved by the electors of the district and issued by the district board for the district's portion of the basic project cost of its classroom facilities project in order for the district to receive state assistance for the project, an amount equal to the specified amount that the district board covenants and agrees with the commission to apply as set forth in division (A)(1) of this section; 26849  
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26851  
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26855  
26856  
26857

(C) Receive, as a credit against the amount of the tax levy required under sections 3318.05 and 3318.06 of the Revised Code, to be approved by the electors of the district to pay the costs of maintaining the classroom facilities in order to receive state assistance for the classroom facilities project, an amount equivalent to the specified amount of proceeds the school district board covenants and agrees with the commission to apply as referred to in division (A)(2) of this section; 26858  
26859  
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26862  
26863  
26864  
26865

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

(E) Issue securities to provide moneys to pay all or part of the district's portion of the basic project cost of its classroom facilities project in accordance with an agreement entered into under division (A) of this section. Securities issued under this section shall be Chapter 133. securities and may be issued as general obligation securities or issued in anticipation of a school district income tax or as property tax anticipation notes under section 133.24 of the Revised Code. The district board's resolution authorizing the issuance and sale of general obligation securities under this section shall conform to the applicable requirements of section 133.22 or 133.23 of the Revised Code. Securities issued under this section shall have principal payments during each year after the year of issuance over a period of not more than twenty-three years and, if so determined by the district board, during the year of issuance. Securities issued under this section shall not be included in the calculation of net indebtedness of the district under section 133.06 of the Revised Code, if the resolution of the district board authorizing their issuance and sale includes covenants to appropriate annually from lawfully available proceeds of a property tax levied under section 5705.21 or 5705.218 of the Revised Code and no school district income tax levied under Chapter 5748. of the Revised Code and to continue to levy and collect the tax in amounts necessary to pay the debt charges on and financing costs related to the securities as they become due. No property tax levied under section 5705.21 or 5705.218 of the Revised Code or of a school district income tax

levied under Chapter 5748. of the Revised Code that is pledged, or 26898  
that the school district board has covenanted to levy, collect, 26899  
and appropriate annually, to pay the debt charges on and financing 26900  
costs related to securities issued under this section shall be 26901  
repealed while those securities are outstanding. If such a tax is 26902  
reduced by the electors of the district or by the district board 26903  
while those securities are outstanding, the school district board 26904  
shall continue to levy and collect the tax under the authority of 26905  
the original election authorizing the tax at a rate in each year 26906  
that the board reasonably estimates will produce an amount in that 26907  
year equal to the debt charges on the securities in that year. 26908

No state moneys shall be released for a project to which this 26909  
section applies until the proceeds of the tax securities issued 26910  
under this section that are dedicated for the payment of the 26911  
district portion of the basic project cost of its classroom 26912  
facilities project are first deposited into the district's project 26913  
construction fund. 26914

**Sec. 3318.06.** (A) After receipt of the conditional approval 26915  
of the Ohio school facilities commission, the school district 26916  
board by a majority of all of its members shall, if it desires to 26917  
proceed with the project, declare all of the following by 26918  
resolution: 26919

(1) That by issuing bonds in an amount equal to the school 26920  
district's portion of the basic project cost, ~~including bonds~~ 26921  
~~previously authorized by the district's electors as described in~~ 26922  
~~section 3318.033 of the Revised Code,~~ the district is unable to 26923  
provide adequate classroom facilities without assistance from the 26924  
state; 26925

(2) Unless the school district board has resolved to apply 26926  
the proceeds of a property tax or the proceeds of an income tax, 26927  
or a combination of proceeds from such taxes, as authorized under 26928

section 3318.052 of the Revised Code, that to qualify for such 26929  
state assistance it is necessary to do either of the following: 26930

(a) Levy a tax outside the ten-mill limitation the proceeds 26931  
of which shall be used to pay the cost of maintaining the 26932  
classroom facilities included in the project; 26933

(b) Earmark for maintenance of classroom facilities from the 26934  
proceeds of an existing permanent improvement tax levied under 26935  
section 5705.21 of the Revised Code, if such tax ~~is of at least~~ 26936  
~~two mills for each dollar of valuation and~~ can be used for 26937  
maintenance, an amount equivalent to the amount of the additional 26938  
tax otherwise required under this section and sections 3318.05 and 26939  
3318.08 of the Revised Code. 26940

(3) That the question of any tax levy specified in a 26941  
resolution described in division (A)(2)(a) of this section, if 26942  
required, shall be submitted to the electors of the school 26943  
district at the next general or primary election, if there be a 26944  
general or primary election not less than seventy-five and not 26945  
more than ninety-five days after the day of the adoption of such 26946  
resolution or, if not, at a special election to be held at a time 26947  
specified in the resolution which shall be not less than 26948  
seventy-five days after the day of the adoption of the resolution 26949  
and which shall be in accordance with the requirements of section 26950  
3501.01 of the Revised Code. 26951

Such resolution shall also state that the question of issuing 26952  
bonds of the board shall be combined in a single proposal with the 26953  
question of such tax levy. More than one election under this 26954  
section may be held in any one calendar year. Such resolution 26955  
shall specify both of the following: 26956

(a) That the rate which it is necessary to levy shall be at 26957  
the rate of not less than one-half mill for each one dollar of 26958  
valuation, and that such tax shall be levied for a period of 26959

twenty-three years; 26960

(b) That the proceeds of the tax shall be used to pay the 26961  
cost of maintaining the classroom facilities included in the 26962  
project. 26963

(B) A copy of a resolution adopted under division (A) of this 26964  
section shall after its passage and not less than seventy-five 26965  
days prior to the date set therein for the election be certified 26966  
to the county board of elections. 26967

The resolution of the school district board, in addition to 26968  
meeting other applicable requirements of section 133.18 of the 26969  
Revised Code, shall state that the amount of bonds to be issued 26970  
will be an amount equal to the school district's portion of the 26971  
basic project cost, and state the maximum maturity of the bonds 26972  
which may be any number of years not exceeding the term calculated 26973  
under section 133.20 of the Revised Code as determined by the 26974  
board. In estimating the amount of bonds to be issued, the board 26975  
shall take into consideration the amount of moneys then in the 26976  
bond retirement fund and the amount of moneys to be collected for 26977  
and disbursed from the bond retirement fund during the remainder 26978  
of the year in which the resolution of necessity is adopted. 26979

If the bonds are to be issued in more than one series, the 26980  
resolution may state, in addition to the information required to 26981  
be stated under division (B)(3) of section 133.18 of the Revised 26982  
Code, the number of series, which shall not exceed five, the 26983  
principal amount of each series, and the approximate date each 26984  
series will be issued, and may provide that no series, or any 26985  
portion thereof, may be issued before such date. Upon such a 26986  
resolution being certified to the county auditor as required by 26987  
division (C) of section 133.18 of the Revised Code, the county 26988  
auditor, in calculating, advising, and confirming the estimated 26989  
average annual property tax levy under that division, shall also 26990  
calculate, advise, and confirm by certification the estimated 26991

average property tax levy for each series of bonds to be issued. 26992

Notice of the election shall include the fact that the tax 26993  
levy shall be at the rate of not less than one-half mill for each 26994  
one dollar of valuation for a period of twenty-three years, and 26995  
that the proceeds of the tax shall be used to pay the cost of 26996  
maintaining the classroom facilities included in the project. 26997

If the bonds are to be issued in more than one series, the 26998  
board of education, when filing copies of the resolution with the 26999  
board of elections as required by division (D) of section 133.18 27000  
of the Revised Code, may direct the board of elections to include 27001  
in the notice of election the principal amount and approximate 27002  
date of each series, the maximum number of years over which the 27003  
principal of each series may be paid, the estimated additional 27004  
average property tax levy for each series, and the first calendar 27005  
year in which the tax is expected to be due for each series, in 27006  
addition to the information required to be stated in the notice 27007  
under division (E)(3)(a) to (e) of section 133.18 of the Revised 27008  
Code. 27009

(C)(1) Except as otherwise provided in division (C)(2) of 27010  
this section, the form of the ballot to be used at such election 27011  
shall be: 27012

"A majority affirmative vote is necessary for passage. 27013

Shall bonds be issued by the ..... (here insert name 27014  
of school district) school district to pay the local share of 27015  
school construction under the State of Ohio Classroom Facilities 27016  
Assistance Program in the principal amount of ..... (here 27017  
insert principal amount of the bond issue), to be repaid annually 27018  
over a maximum period of ..... (here insert the maximum 27019  
number of years over which the principal of the bonds may be paid) 27020  
years, and an annual levy of property taxes be made outside the 27021  
ten-mill limitation, estimated by the county auditor to average 27022

over the repayment period of the bond issue ..... (here 27023  
insert the number of mills estimated) mills for each one dollar of 27024  
tax valuation, which amounts to ..... (rate expressed in 27025  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 27026  
for each one hundred dollars of tax valuation to pay the annual 27027  
debt charges on the bonds and to pay debt charges on any notes 27028  
issued in anticipation of the bonds?" 27029

and, unless the additional levy 27030  
of taxes is not required pursuant 27031  
to division (C) of section 27032  
3318.05 of the Revised Code, 27033

"Shall an additional levy of taxes be made for a period of 27034  
twenty-three years to benefit the ..... (here insert name 27035  
of school district) school district, the proceeds of which shall 27036  
be used to pay the cost of maintaining the classroom facilities 27037  
included in the project at the rate of ..... (here insert the 27038  
number of mills, which shall not be less than one-half mill) mills 27039  
for each one dollar of valuation? 27040

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

"

(2) If authority is sought to issue bonds in more than one 27045  
series and the board of education so elects, the form of the 27046  
ballot shall be as prescribed in section 3318.062 of the Revised 27047  
Code. If the board of education elects the form of the ballot 27048  
prescribed in that section, it shall so state in the resolution 27049  
adopted under this section. 27050

(D) If it is necessary for the school district to acquire a 27051  
site for the classroom facilities to be acquired pursuant to 27052  
sections 3318.01 to 3318.20 of the Revised Code, the district 27053

board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

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

(1) "Shall bonds be issued by the ..... (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of ..... (here insert principal amount of the bond issue), to be repaid annually over a maximum period of ..... (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue ..... (here insert number of mills) mills for each one dollar of tax valuation, which amount to ..... (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the ..... (here insert name of the school district) ..... school district for the purpose of acquiring a site for classroom facilities in the sum of ..... (here insert annual amount the levy is to produce) estimated by the county auditor to average ..... (here insert number of mills) mills for each one hundred dollars of valuation,

for a period of ..... (here insert number of years the millage is to be imposed) years?" 27086  
27087

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division (B) of this section with the question of issuing bonds of the school district for acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issues and the Tax Levy" and "Against the Bond Issues and the Tax Levy." 27088  
27089  
27090  
27091  
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27094

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division (B) of this section with the question of levying a tax for the acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issue and the Tax Levies" and "Against the Bond Issue and the Tax Levies." 27095  
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Where the school district board chooses to combine the question in division (B) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (B) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies." 27101  
27102  
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If a majority of those voting upon a proposition hereunder which includes the question of issuing bonds vote in favor thereof, and if the agreement provided for by section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code, with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement. 27108  
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27114

**Sec. 3318.08.** Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to 27115  
27116

3318.45 of the Revised Code, if the requisite favorable vote on 27117  
the election is obtained, or if the school district board has 27118  
resolved to apply the proceeds of a property tax levy or the 27119  
proceeds of an income tax, or a combination of proceeds from such 27120  
taxes, as authorized in section 3318.052 of the Revised Code, the 27121  
Ohio school facilities commission, upon certification to it of 27122  
either the results of the election or the resolution under section 27123  
3318.052 of the Revised Code, shall enter into a written agreement 27124  
with the school district board for the construction and sale of 27125  
the project. In the case of a joint vocational school district 27126  
that receives assistance under sections 3318.40 to 3318.45 of the 27127  
Revised Code, if the school district board of education and the 27128  
school district electors have satisfied the conditions prescribed 27129  
in division (D)(1) of section 3318.41 of the Revised Code, the 27130  
commission shall enter into an agreement with the school district 27131  
board for the construction and sale of the project. In either 27132  
case, the agreement shall include, but need not be limited to, the 27133  
following provisions: 27134

(A) The sale and issuance of bonds or notes in anticipation 27135  
thereof, as soon as practicable after the execution of the 27136  
agreement, in an amount equal to the school district's portion of 27137  
the basic project cost, including ~~any bonds previously authorized~~ 27138  
~~by the district's electors as described in section 3318.033 of the~~ 27139  
~~Revised Code and~~ any securities authorized under division (J) of 27140  
section 133.06 of the Revised Code and dedicated by the school 27141  
district board to payment of the district's portion of the basic 27142  
project cost of the project; provided, that if at that time the 27143  
county treasurer of each county in which the school district is 27144  
located has not commenced the collection of taxes on the general 27145  
duplicate of real and public utility property for the year in 27146  
which the controlling board approved the project, the school 27147  
district board shall authorize the issuance of a first installment 27148  
of bond anticipation notes in an amount specified by the 27149

agreement, which amount shall not exceed an amount necessary to 27150  
raise the net bonded indebtedness of the school district as of the 27151  
date of the controlling board's approval to within five thousand 27152  
dollars of the required level of indebtedness for the preceding 27153  
year. In the event that a first installment of bond anticipation 27154  
notes is issued, the school district board shall, as soon as 27155  
practicable after the county treasurer of each county in which the 27156  
school district is located has commenced the collection of taxes 27157  
on the general duplicate of real and public utility property for 27158  
the year in which the controlling board approved the project, 27159  
authorize the issuance of a second and final installment of bond 27160  
anticipation notes or a first and final issue of bonds. 27161

The combined value of the first and second installment of 27162  
bond anticipation notes or the value of the first and final issue 27163  
of bonds shall be equal to the school district's portion of the 27164  
basic project cost. The proceeds of any such bonds shall be used 27165  
first to retire any bond anticipation notes. Otherwise, the 27166  
proceeds of such bonds and of any bond anticipation notes, except 27167  
the premium and accrued interest thereon, shall be deposited in 27168  
the school district's project construction fund. In determining 27169  
the amount of net bonded indebtedness for the purpose of fixing 27170  
the amount of an issue of either bonds or bond anticipation notes, 27171  
gross indebtedness shall be reduced by moneys in the bond 27172  
retirement fund only to the extent of the moneys therein on the 27173  
first day of the year preceding the year in which the controlling 27174  
board approved the project. Should there be a decrease in the tax 27175  
valuation of the school district so that the amount of 27176  
indebtedness that can be incurred on the tax duplicates for the 27177  
year in which the controlling board approved the project is less 27178  
than the amount of the first installment of bond anticipation 27179  
notes, there shall be paid from the school district's project 27180  
construction fund to the school district's bond retirement fund to 27181  
be applied against such notes an amount sufficient to cause the 27182

net bonded indebtedness of the school district, as of the first 27183  
day of the year following the year in which the controlling board 27184  
approved the project, to be within five thousand dollars of the 27185  
required level of indebtedness for the year in which the 27186  
controlling board approved the project. The maximum amount of 27187  
indebtedness to be incurred by any school district board as its 27188  
share of the cost of the project is either an amount that will 27189  
cause its net bonded indebtedness, as of the first day of the year 27190  
following the year in which the controlling board approved the 27191  
project, to be within five thousand dollars of the required level 27192  
of indebtedness, or an amount equal to the required percentage of 27193  
the basic project costs, whichever is greater. All bonds and bond 27194  
anticipation notes shall be issued in accordance with Chapter 133. 27195  
of the Revised Code, and notes may be renewed as provided in 27196  
section 133.22 of the Revised Code. 27197

(B) The transfer of such funds of the school district board 27198  
available for the project, together with the proceeds of the sale 27199  
of the bonds or notes, except premium, accrued interest, and 27200  
interest included in the amount of the issue, to the school 27201  
district's project construction fund; 27202

(C) For all school districts except joint vocational school 27203  
districts that receive assistance under sections 3318.40 to 27204  
3318.45 of the Revised Code, the following provisions as 27205  
applicable: 27206

(1) If section 3318.052 of the Revised Code applies, the 27207  
earmarking of the proceeds of a tax levied under section 5705.21 27208  
of the Revised Code for general ongoing permanent or under section 27209  
5705.218 of the Revised Code for the purpose of permanent 27210  
improvements, or the proceeds of a school district income tax 27211  
levied under Chapter 5748. of the Revised Code, or the proceeds 27212  
from a combination of those two taxes, in an amount to pay all or 27213  
part of the service charges on bonds issued to pay the school 27214

district portion of the project and an amount equivalent to all or 27215  
part of the tax required under division (B) of section 3318.05 of 27216  
the Revised Code; 27217

(2) If section 3318.052 of the Revised Code does not apply, 27218  
either of the following: 27219

(a) The levy of the tax authorized at the election for the 27220  
payment of maintenance costs, as specified in division (B) of 27221  
section 3318.05 of the Revised Code; 27222

(b) If the school district electors have approved a 27223  
~~continuing tax of at least two mills for each dollar of valuation~~ 27224  
for general ongoing permanent improvements under section 5705.21 27225  
of the Revised Code and that tax can be used for maintenance, the 27226  
earmarking of an amount of the proceeds from such tax for 27227  
maintenance of classroom facilities as specified in division (B) 27228  
of section 3318.05 of the Revised Code. 27229

(D) For joint vocational school districts that receive 27230  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 27231  
provision for deposit of school district moneys dedicated to 27232  
maintenance of the classroom facilities acquired under those 27233  
sections as prescribed in section 3318.43 of the Revised Code; 27234

(E) Dedication of any local donated contribution as provided 27235  
for under section 3318.084 of the Revised Code, including a 27236  
schedule for depositing such moneys applied as an offset of the 27237  
district's obligation to levy the tax described in division (B) of 27238  
section 3318.05 of the Revised Code as required under division 27239  
(D)(2) of section 3318.084 of the Revised Code; 27240

(F) Ownership of or interest in the project during the period 27241  
of construction, which shall be divided between the commission and 27242  
the school district board in proportion to their respective 27243  
contributions to the school district's project construction fund; 27244

(G) Maintenance of the state's interest in the project until 27245

any obligations issued for the project under section 3318.26 of 27246  
the Revised Code are no longer outstanding; 27247

(H) The insurance of the project by the school district from 27248  
the time there is an insurable interest therein and so long as the 27249  
state retains any ownership or interest in the project pursuant to 27250  
division (F) of this section, in such amounts and against such 27251  
risks as the commission shall require; provided, that the cost of 27252  
any required insurance until the project is completed shall be a 27253  
part of the basic project cost; 27254

(I) The certification by the director of budget and 27255  
management that funds are available and have been set aside to 27256  
meet the state's share of the basic project cost as approved by 27257  
the controlling board pursuant to either section 3318.04 or 27258  
division (B)(1) of section 3318.41 of the Revised Code; 27259

(J) Authorization of the school district board to advertise 27260  
for and receive construction bids for the project, for and on 27261  
behalf of the commission, and to award contracts in the name of 27262  
the state subject to approval by the commission; 27263

(K) Provisions for the disbursement of moneys from the school 27264  
district's project account upon issuance by the commission or the 27265  
commission's designated representative of vouchers for work done 27266  
to be certified to the commission by the treasurer of the school 27267  
district board; 27268

(L) Disposal of any balance left in the school district's 27269  
project construction fund upon completion of the project; 27270

(M) Limitations upon use of the project or any part of it so 27271  
long as any obligations issued to finance the project under 27272  
section 3318.26 of the Revised Code are outstanding; 27273

(N) Provision for vesting the state's interest in the project 27274  
to the school district board when the obligations issued to 27275  
finance the project under section 3318.26 of the Revised Code are 27276

outstanding;	27277
(O) Provision for deposit of an executed copy of the agreement in the office of the commission;	27278 27279
(P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission;	27280 27281 27282 27283 27284 27285 27286
(Q) Provision for the school district to maintain the project in accordance with a plan approved by the commission;	27287 27288
(R)(1) For all school districts except a district undertaking a project under section 3318.38 of the Revised Code or a joint vocational school district undertaking a project under sections 3318.40 to 3318.45 of the Revised Code, provision that all state funds reserved and encumbered to pay the state share of the cost of the project pursuant to section 3318.03 of the Revised Code be spent on the construction or acquisition of the project prior to the expenditure of any funds provided by the school district to pay for its share of the project cost, unless the school district certifies to the commission that expenditure by the school district is necessary to maintain the tax-exempt status of notes or bonds issued by the school district to pay for its share of the project cost or to comply with applicable temporary investment periods or spending exceptions to rebate as provided for under federal law in regard to those notes or bonds, in which cases, the school district may commit to spend, or spend, a portion of the funds it provides;	27289 27290 27291 27292 27293 27294 27295 27296 27297 27298 27299 27300 27301 27302 27303 27304 27305
(2) For a school district undertaking a project under section 3318.38 of the Revised Code or a joint vocational school district	27306 27307

undertaking a project under sections 3318.40 to 3318.45 of the Revised Code, provision that the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of any segment of the project, or of the entire project if it is not divided into segments, be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code or, if the district is a joint vocational school district, under section 3318.42 of the Revised Code.

(S) A provision stipulating that the commission may prohibit the district from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes.

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

(U) Provision stipulating that for continued release of project funds the school district board shall comply with section 3313.41 of the Revised Code throughout the project;

(V) Provision that the commission shall not approve a contract for demolition of a facility until the school district board has complied with section 3313.41 of the Revised Code

relative to that facility, unless demolition of that facility is 27340  
to clear a site for construction of a replacement facility 27341  
included in the district's project. 27342

**Sec. 3318.30.** (A) There is hereby created the Ohio school 27343  
facilities commission. The commission shall administer the 27344  
provision of financial assistance to school districts for the 27345  
acquisition or construction of classroom facilities in accordance 27346  
with sections 3318.01 to 3318.33 of the Revised Code. 27347

The commission is a body corporate and politic, an agency of 27348  
state government and an instrumentality of the state, performing 27349  
essential governmental functions of this state. The carrying out 27350  
of the purposes and the exercise by the commission of its powers 27351  
conferred by sections 3318.01 to 3318.33 of the Revised Code are 27352  
essential public functions and public purposes of the state. The 27353  
commission may, in its own name, sue and be sued, enter into 27354  
contracts, and perform all the powers and duties given to it by 27355  
sections 3318.01 to 3318.33 of the Revised Code, but it does not 27356  
have and shall not exercise the power of eminent domain. In its 27357  
discretion and as it determines appropriate, the commission may 27358  
delegate to any of its members, executive director, or other 27359  
employees any of the commission's powers and duties to carry out 27360  
its functions. 27361

(B) The commission shall consist of seven members, three of 27362  
whom are voting members. The voting members of the commission 27363  
shall be the director of the office of budget and management, the 27364  
director of administrative services, and the superintendent of 27365  
public instruction, or their designees. Of the nonvoting members, 27366  
two shall be members of the senate appointed by the president of 27367  
the senate, and two shall be members of the house of 27368  
representatives appointed by the speaker of the house. Each of the 27369  
appointees of the president, and each of the appointees of the 27370

speaker, shall be members of different political parties. 27371

Nonvoting members shall serve as members of the commission 27372  
during the legislative biennium for which they are appointed, 27373  
except that any such member who ceases to be a member of the 27374  
legislative house from which the member was appointed shall cease 27375  
to be a member of the commission. Each nonvoting member shall be 27376  
appointed within thirty-one days of the end of the term of that 27377  
member's predecessor. Such members may be reappointed. Vacancies 27378  
of nonvoting members shall be filled in the manner provided for 27379  
original appointments. 27380

Members of the commission shall serve without compensation. 27381

After the initial nonvoting members of the commission have 27382  
been appointed, the commission shall meet and organize by electing 27383  
voting members as the chairperson and vice-chairperson of the 27384  
commission, who shall hold their offices until the next 27385  
organizational meeting of the commission. Organizational meetings 27386  
of the commission shall be held at the first meeting of each 27387  
calendar year. At each organizational meeting, the commission 27388  
shall elect from among its voting members a chairperson and 27389  
vice-chairperson, who shall serve until the next annual 27390  
organizational meeting. The commission shall adopt rules pursuant 27391  
to section 111.15 of the Revised Code for the conduct of its 27392  
internal business and shall keep a journal of its proceedings. 27393  
Including the organizational meeting, the commission shall meet at 27394  
least once each calendar quarter. 27395

Two voting members of the commission constitute a quorum, and 27396  
the affirmative vote of two members is necessary for approval of 27397  
any action taken by the commission. A vacancy in the membership of 27398  
the commission does not impair a quorum from exercising all the 27399  
rights and performing all the duties of the commission. Meetings 27400  
of the commission may be held anywhere in the state and shall be 27401  
held in compliance with section 121.22 of the Revised Code. 27402

(C) The commission shall file an annual report of its 27403  
activities and finances with the governor, speaker of the house of 27404  
representatives, president of the senate, and chairpersons of the 27405  
house and senate finance committees. 27406

(D) The commission shall be exempt from the requirements of 27407  
sections 101.82 to 101.87 of the Revised Code. 27408

**Sec. 3318.31.** (A) The Ohio school facilities commission may 27409  
perform any act and ensure the performance of any function 27410  
necessary or appropriate to carry out the purposes of, and 27411  
exercise the powers granted under, Chapter 3318. of the Revised 27412  
Code, including any of the following: 27413

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 27414  
the Revised Code, rules for the administration of programs 27415  
authorized under Chapter 3318. of the Revised Code. 27416

(2) Contract with, retain the services of, or designate, and 27417  
fix the compensation of, such agents, accountants, consultants, 27418  
advisers, and other independent contractors as may be necessary or 27419  
desirable to carry out the programs authorized under Chapter 3318. 27420  
of the Revised Code, or authorize the executive director to 27421  
perform such powers and duties. 27422

(3) Receive and accept any gifts, grants, donations, and 27423  
pledges, and receipts therefrom, to be used for the programs 27424  
authorized under Chapter 3318. of the Revised Code. 27425

(4) Make and enter into all contracts, commitments, and 27426  
agreements, and execute all instruments, necessary or incidental 27427  
to the performance of its duties and the execution of its rights 27428  
and powers under Chapter 3318. of the Revised Code, or authorize 27429  
the executive director to perform such powers and duties. 27430

(B) The commission shall appoint and fix the compensation of 27431  
an executive director who shall serve at the pleasure of the 27432

commission. The executive director shall supervise the operations 27433  
of the commission and perform such other duties as delegated by 27434  
the commission. The executive director also shall employ and fix 27435  
the compensation of such employees as will facilitate the 27436  
activities and purposes of the commission, who shall serve at the 27437  
pleasure of the executive director. The employees of the 27438  
commission shall be exempt from Chapter 4117. of the Revised Code 27439  
and shall not be public employees as defined in section 4117.01 of 27440  
the Revised Code. 27441

(C) The attorney general shall serve as the legal 27442  
representative for the commission and may appoint other counsel as 27443  
necessary for that purpose in accordance with section 109.07 of 27444  
the Revised Code. 27445

**Sec. 3318.37.** (A)(1) As used in this section: 27446

~~(1)~~(a) "Large land area school district" means a school 27447  
district with a territory of greater than three hundred fifty 27448  
square miles in any percentile as determined under section 27449  
3318.011 of the Revised Code. 27450

(b) "Low wealth school district" means a school district in 27451  
the first through fiftieth percentiles as determined under section 27452  
3318.011 of the Revised Code. 27453

~~(2)~~(c) A "school district with an exceptional need for 27454  
immediate classroom facilities assistance" means a low wealth or 27455  
large land area school district with an exceptional need for new 27456  
facilities in order to protect the health and safety of all or a 27457  
portion of its students. ~~School~~ 27458

(2) School districts reasonably expected to be eligible for 27459  
state assistance under sections 3318.01 to 3318.20 of the Revised 27460  
Code within three fiscal years after the year of the application 27461  
for assistance under this section ~~is being considered by the Ohio~~ 27462

~~school facilities commission~~, and school districts that 27463  
participate in the school building assistance expedited local 27464  
partnership program under section 3318.36 of the Revised Code, 27465  
except for such districts described in division (A)(3) of this 27466  
section, shall not be eligible for assistance under this section. 27467

(3) School districts that participate in the school building 27468  
assistance expedited local partnership program under section 27469  
3318.36 of the Revised Code may receive assistance under the 27470  
program established under this section only if the following 27471  
conditions are satisfied: 27472

(a) The district board adopted a resolution certifying its 27473  
intent to participate in the school building assistance expedited 27474  
local partnership program under section 3318.36 of the Revised 27475  
Code prior to September 14, 2000. 27476

(b) The district was selected by the Ohio school facilities 27477  
commission for participation in the school building assistance 27478  
expedited local partnership program under section 3318.36 of the 27479  
Revised Code in the manner prescribed by the commission under that 27480  
section as it existed prior to September 14, 2000. 27481

(B)(1) There is hereby established the exceptional needs 27482  
school facilities assistance program. Under the program, the Ohio 27483  
school facilities commission may set aside from the moneys 27484  
annually appropriated to it for classroom facilities assistance 27485  
projects up to twenty-five per cent for assistance to school 27486  
districts with exceptional needs for immediate classroom 27487  
facilities assistance. 27488

(2)(a) After consulting with education and construction 27489  
experts, the commission shall adopt guidelines for identifying 27490  
school districts with an exceptional need for immediate classroom 27491  
facilities assistance. 27492

(b) The guidelines shall include application forms and 27493

instructions for school districts ~~that believe they have an~~ 27494  
~~exceptional need for immediate classroom facilities to use in~~ 27495  
applying for assistance under this section. 27496

(3) The commission shall evaluate the classroom facilities, 27497  
and the need for replacement classroom facilities from the 27498  
applications received under this section. The commission, 27499  
utilizing the guidelines adopted under division (B)(2)(a) of this 27500  
section, shall prioritize the school districts to be assessed. 27501

Notwithstanding section 3318.02 of the Revised Code, the 27502  
commission may conduct on-site evaluation of the school districts 27503  
prioritized under this section and approve and award funds until 27504  
such time as all funds set aside under division (B)(1) of this 27505  
section have been encumbered ~~under section 3318.04 of the Revised~~ 27506  
Code. However, the commission need not conduct the evaluation of 27507  
facilities if the commission determines that a district's 27508  
assessment conducted under section 3318.36 of the Revised Code is 27509  
sufficient for purposes of this section. 27510

(4) Notwithstanding division (A) of section 3318.05 of the 27511  
Revised Code, the school district's portion of the basic project 27512  
cost under this section shall be the "required percentage of the 27513  
basic project costs," as defined in division (K) of section 27514  
3318.01 of the Revised Code. 27515

(5) Except as otherwise specified in this section, any 27516  
project undertaken with assistance under this section shall comply 27517  
with all provisions of sections 3318.01 to 3318.20 of the Revised 27518  
Code. A school district may receive assistance under sections 27519  
3318.01 to 3318.20 of the Revised Code for the remainder of the 27520  
district's classroom facilities needs as assessed under this 27521  
section when the district is eligible for such assistance pursuant 27522  
to section 3318.02 of the Revised Code, but any classroom facility 27523  
constructed with assistance under this section shall not be 27524  
included in a district's project at that time unless the 27525

commission determines the district has experienced the increased 27526  
enrollment specified in division (B)(1) of section 3318.04 of the 27527  
Revised Code. 27528

(C) No school district shall receive assistance under this 27529  
section for a classroom facility that has been included in the 27530  
discrete part of the district's classroom facilities needs 27531  
identified and addressed in the district's project pursuant to an 27532  
agreement entered into under section 3318.36 of the Revised Code. 27533

**Sec. 3318.41.** (A)(1) The Ohio school facilities commission 27534  
annually shall assess the classroom facilities needs of the number 27535  
of joint vocational school districts that the commission 27536  
reasonably expects to be able to provide assistance to in a fiscal 27537  
year, based on the amount set aside for that fiscal year under 27538  
division (B) of section 3318.40 of the Revised Code and the order 27539  
of priority prescribed in division (B) of section 3318.42 of the 27540  
Revised Code, except that in fiscal year 2004 the commission shall 27541  
conduct at least the five assessments prescribed in division (E) 27542  
of section 3318.40 of the Revised Code. 27543

Upon conducting an assessment of the classroom facilities 27544  
needs of a school district, the commission shall make a 27545  
determination of all of the following: 27546

(a) The number of classroom facilities to be included in a 27547  
project, ~~including classroom facilities authorized by a bond 27548~~  
~~issued described in section 3318.033 of the Revised Code,~~ and the 27549  
basic project cost of acquiring the classroom facilities included 27550  
in the project. The number of facilities and basic project cost 27551  
shall be determined in accordance with the specifications adopted 27552  
under section 3318.311 of the Revised Code except to the extent 27553  
that compliance with such specifications is waived by the 27554  
commission pursuant to the rule of the commission adopted under 27555  
division (F) of section 3318.40 of the Revised Code. 27556

(b) The school district's portion of the basic project cost 27557  
as determined under division (C) of section 3318.42 of the Revised 27558  
Code; 27559

(c) The remaining portion of the basic project cost that 27560  
shall be supplied by the state; 27561

(d) The amount of the state's portion of the basic project 27562  
cost to be encumbered in accordance with section 3318.11 of the 27563  
Revised Code in the current and subsequent fiscal bienniums from 27564  
funds set aside under division (B) of section 3318.40 of the 27565  
Revised Code. 27566

(2) Divisions (A), (C), and (D) of section 3318.03 of the 27567  
Revised Code apply to any project under sections 3318.40 to 27568  
3318.45 of the Revised Code. 27569

(B)(1) If the commission makes a determination under division 27570  
(A) of this section in favor of the acquisition of classroom 27571  
facilities for a project under sections 3318.40 to 3318.45 of the 27572  
Revised Code, such project shall be conditionally approved. Such 27573  
conditional approval shall be submitted to the controlling board 27574  
for approval. The controlling board shall immediately approve or 27575  
reject the commission's determination, conditional approval, the 27576  
amount of the state's portion of the basic project cost, and the 27577  
amount of the state's portion of the basic project cost to be 27578  
encumbered in the current fiscal biennium. In the event of 27579  
approval by the controlling board, the commission shall certify 27580  
the conditional approval to the joint vocational school district 27581  
board of education and shall encumber the approved funds for the 27582  
current fiscal year. 27583

(2) No school district that receives assistance under 27584  
sections 3318.40 to 3318.45 of the Revised Code shall have another 27585  
such project conditionally approved until the expiration of twenty 27586  
years after the school district's prior project was conditionally 27587

approved, unless the school district board demonstrates to the 27588  
satisfaction of the commission that the school district has 27589  
experienced since conditional approval of its prior project an 27590  
exceptional increase in enrollment or program requirements 27591  
significantly above the school district's design capacity under 27592  
that prior project as determined by rule of the commission. Any 27593  
rule adopted by the commission to implement this division shall be 27594  
tailored to address the classroom facilities needs of joint 27595  
vocational school districts. 27596

(C) In addition to generating the amount of the school 27597  
district's portion of the basic project cost as determined under 27598  
division (C) of section 3318.42 of the Revised Code, in order for 27599  
a school district to receive assistance under sections 3318.40 to 27600  
3318.45 of the Revised Code, the school district board shall set 27601  
aside school district moneys for the maintenance of the classroom 27602  
facilities included in the school district's project in the amount 27603  
and manner prescribed in section 3318.43 of the Revised Code. 27604

(D)(1) The conditional approval for a project certified under 27605  
division (B)(1) of this section shall lapse and the amount 27606  
reserved and encumbered for such project shall be released unless 27607  
both of the following conditions are satisfied: 27608

(a) Within one hundred twenty days following the date of 27609  
certification of the conditional approval to the joint vocational 27610  
school district board, the school district board accepts the 27611  
conditional approval and certifies to the commission the school 27612  
district board's plan to generate the school district's portion of 27613  
the basic project cost, as determined under division (C) of 27614  
section 3318.42 of the Revised Code, and to set aside moneys for 27615  
maintenance of the classroom facilities acquired under the 27616  
project, as prescribed in section 3318.43 of the Revised Code. 27617

(b) Within one year following the date of certification of 27618  
the conditional approval to the school district board, the 27619

electors of the school district vote favorably on any ballot 27620  
measures proposed by the school district board to generate the 27621  
school district's portion of the basic project cost. 27622

(2) If the school district board or electors fail to satisfy 27623  
the conditions prescribed in division (D)(1) of this section and 27624  
the amount reserved and encumbered for the school district's 27625  
project is released, the school district shall be given first 27626  
priority over other joint vocational school districts for project 27627  
funding under sections 3318.40 to 3318.45 of the Revised Code as 27628  
such funds become available. 27629

(E) If the conditions prescribed in division (D)(1) of this 27630  
section are satisfied, the commission and the school district 27631  
board shall enter into an agreement as prescribed in section 27632  
3318.08 of the Revised Code and shall proceed with the development 27633  
of plans, cost estimates, designs, drawings, and specifications as 27634  
prescribed in section 3318.091 of the Revised Code. 27635

(F) Costs in excess of those approved by the commission under 27636  
section 3318.091 of the Revised Code shall be payable only as 27637  
provided in sections 3318.042 and 3318.083 of the Revised Code. 27638

(G) Advertisement for bids and the award of contracts for 27639  
construction of any project under sections 3318.40 to 3318.45 of 27640  
the Revised Code shall be conducted in accordance with section 27641  
3318.10 of the Revised Code. 27642

(H) The state funds reserved and encumbered and the funds 27643  
provided by the school district to pay the basic project cost of a 27644  
project under sections 3318.40 to 3318.45 of the Revised Code 27645  
shall be spent simultaneously in proportion to the state's and the 27646  
school district's respective portions of that basic project cost. 27647

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 27648  
Code apply to projects under sections 3318.40 to 3318.45 of the 27649  
Revised Code. 27650

Sec. 3319.01. Except in an island school district, where the 27651  
superintendent of an educational service center otherwise may 27652  
serve as superintendent of the district and except as otherwise 27653  
provided for any cooperative education school district pursuant to 27654  
division (B)(2) of section 3311.52 or division (B)(3) of section 27655  
3311.521 of the Revised Code, the board of education in each 27656  
school district and the governing board of each service center 27657  
shall, at a regular or special meeting held not later than the 27658  
first day of May of the calendar year in which the term of the 27659  
superintendent expires, appoint a person possessed of the 27660  
qualifications provided in this section to act as superintendent, 27661  
for a term not longer than five years beginning the first day of 27662  
August and ending on the thirty-first day of July. Such 27663  
superintendent is, at the expiration of a current term of 27664  
employment, deemed reemployed for a term of one year at the same 27665  
salary plus any increments that may be authorized by the board, 27666  
unless such board, on or before the first day of March of the year 27667  
in which the contract of employment expires, either reemploys the 27668  
superintendent for a succeeding term as provided in this section 27669  
or gives to the superintendent written notice of its intention not 27670  
to reemploy the superintendent. A superintendent may not be 27671  
transferred to any other position during the term of the 27672  
superintendent's employment or reemployment except by mutual 27673  
agreement by the superintendent and the board. If a vacancy occurs 27674  
in the office of superintendent, the board shall appoint a 27675  
superintendent for a term not to exceed five years from the next 27676  
preceding first day of August. 27677

~~Except as otherwise provided in this section, the employment 27678  
or reemployment of a superintendent of a local school district 27679  
shall be only upon the recommendation of the service center 27680  
superintendent, except that a local board of education, by a 27681  
three-fourths vote of its full membership, may, after considering 27682~~

~~two nominations for the position of local superintendent made by 27683  
the service center superintendent, employ or reemploy a person not 27684  
so nominated for such position. 27685~~

A board may at any regular or special meeting held during the 27686  
period beginning on the first day of January of the calendar year 27687  
immediately preceding the year the contract of employment of a 27688  
superintendent expires and ending on the first day of March of the 27689  
year it expires, reemploy such superintendent for a succeeding 27690  
term for not longer than five years, beginning on the first day of 27691  
August immediately following the expiration of the 27692  
superintendent's current term of employment and ending on the 27693  
thirty-first day of July of the year in which such succeeding term 27694  
expires. No person shall be appointed to the office of 27695  
superintendent of a city, or exempted village school district or a 27696  
service center who does not hold a license designated for being a 27697  
superintendent issued under section 3319.22 of the Revised Code, 27698  
unless such person had been employed as a county, city, or 27699  
exempted village superintendent prior to August 1, 1939. No person 27700  
shall be appointed to the office of local superintendent who does 27701  
not hold a license designated for being a superintendent issued 27702  
under section 3319.22 of the Revised Code, unless such person held 27703  
or was qualified to hold the position of executive head of a local 27704  
school district on September 16, 1957. At the time of making such 27705  
appointment or designation of term, such board shall fix the 27706  
compensation of the superintendent, which may be increased or 27707  
decreased during such term, provided such decrease is a part of a 27708  
uniform plan affecting salaries of all employees of the district, 27709  
and shall execute a written contract of employment with such 27710  
superintendent. 27711

Each board shall adopt procedures for the evaluation of its 27712  
superintendent and shall evaluate its superintendent in accordance 27713  
with those procedures. An evaluation based upon such procedures 27714

shall be considered by the board in deciding whether to renew the 27715  
superintendent's contract. The establishment of an evaluation 27716  
procedure shall not create an expectancy of continued employment. 27717  
Nothing in this section shall prevent a board from making the 27718  
final determination regarding the renewal or failure to renew of a 27719  
superintendent's contract. 27720

Termination of a superintendent's contract shall be pursuant 27721  
to section 3319.16 of the Revised Code. 27722

A board may establish vacation leave for its superintendent. 27723  
Upon the superintendent's separation from employment a board that 27724  
has such leave may provide compensation at the superintendent's 27725  
current rate of pay for all lawfully accrued and unused vacation 27726  
leave to the superintendent's credit at the time of separation, 27727  
not to exceed the amount accrued within three years before the 27728  
date of separation. In case of the death of a superintendent, such 27729  
unused vacation leave as the board would have paid to this 27730  
superintendent upon separation shall be paid in accordance with 27731  
section 2113.04 of the Revised Code, or to the superintendent's 27732  
estate. 27733

The superintendent shall be the executive officer for the 27734  
board. ~~Except as otherwise provided in this section for local~~ 27735  
~~school districts, the~~ The superintendent shall direct and assign 27736  
teachers and other employees of the district or service center, 27737  
except as provided in section 3319.04 of the Revised Code; assign 27738  
the pupils to the proper schools and grades, provided that the 27739  
assignment of a pupil to a school outside of the pupil's district 27740  
of residence is approved by the board of the district of residence 27741  
of such pupil; and perform such other duties as the board 27742  
determines. ~~The service center superintendent shall exercise the~~ 27743  
~~responsibilities of this section with regard to the assignment of~~ 27744  
~~pupils and teachers for local school districts under the~~ 27745  
~~supervision of the service center, except that the board of~~ 27746

~~education of a local school district and the governing board of 27747  
the educational service center of which the local district is a 27748  
part may enter into an agreement requiring the local 27749  
superintendent, instead of the superintendent of the educational 27750  
service center, to exercise the responsibilities of this section 27751  
with regard to the assignment of pupils and teachers for the local 27752  
school district. 27753~~

The board of education of any school district may contract 27754  
with the governing board of the educational service center from 27755  
which it otherwise receives services to conduct searches and 27756  
recruitment of candidates for the superintendent position 27757  
authorized under this section. 27758

**Sec. 3319.02.** (A)(1) As used in this section, "other 27759  
administrator" means ~~either~~ any of the following: 27760

(a) Except as provided in division (A)(2) of this section, 27761  
any employee in a position for which a board of education requires 27762  
a license designated by rule of the department of education for 27763  
being an administrator issued under section 3319.22 of the Revised 27764  
Code, including a professional pupil services employee or 27765  
administrative specialist or an equivalent of either one who is 27766  
not employed as a school counselor and spends less than fifty per 27767  
cent of the time employed teaching or working with students; 27768

(b) Any nonlicensed employee whose job duties enable such 27769  
employee to be considered as either a "supervisor" or a 27770  
"management level employee," as defined in section 4117.01 of the 27771  
Revised Code; 27772

(c) A business manager appointed under section 3319.03 of the 27773  
Revised Code. 27774

(2) As used in this section, "other administrator" does not 27775  
include a superintendent, assistant superintendent, principal, or 27776

assistant principal. 27777

(B) The board of education of each school district and the 27778  
governing board of an educational service center may appoint one 27779  
or more assistant superintendents and such other administrators as 27780  
are necessary. An assistant educational service center 27781  
superintendent or service center supervisor employed on a 27782  
part-time basis may also be employed by a local board as a 27783  
teacher. The board of each city, exempted village, and local 27784  
school district shall employ principals for all high schools and 27785  
for such other schools as the board designates, and those boards 27786  
may appoint assistant principals for any school that they 27787  
designate. 27788

(C) In educational service centers and in city ~~and~~, exempted 27789  
village, and local school districts, assistant superintendents, 27790  
principals, assistant principals, and other administrators shall 27791  
only be employed or reemployed in accordance with nominations of 27792  
the superintendent, except that a ~~city or exempted village~~ board 27793  
of education of a school district or the governing board of a 27794  
service center, by a three-fourths vote of its full membership, 27795  
may reemploy any assistant superintendent, principal, assistant 27796  
principal, or other administrator whom the superintendent refuses 27797  
to nominate. ~~In local school districts, assistant superintendents,~~ 27798  
~~principals, assistant principals, and other administrators shall~~ 27799  
~~only be employed or reemployed in accordance with nominations of~~ 27800  
~~the superintendent of the service center of which the local~~ 27801  
~~district is a part, except that a local board of education, by a~~ 27802  
~~three fourths vote of its full membership, may reemploy any~~ 27803  
~~assistant superintendent, principal, assistant principal, or other~~ 27804  
~~administrator whom such superintendent refuses to nominate.~~ 27805

The board of education or governing board shall execute a 27806  
written contract of employment with each assistant superintendent, 27807  
principal, assistant principal, and other administrator it employs 27808

or reemploys. The term of such contract shall not exceed three 27809  
years except that in the case of a person who has been employed as 27810  
an assistant superintendent, principal, assistant principal, or 27811  
other administrator in the district or center for three years or 27812  
more, the term of the contract shall be for not more than five 27813  
years and, unless the superintendent of the district recommends 27814  
otherwise, not less than two years. If the superintendent so 27815  
recommends, the term of the contract of a person who has been 27816  
employed by the district or service center as an assistant 27817  
superintendent, principal, assistant principal, or other 27818  
administrator for three years or more may be one year, but all 27819  
subsequent contracts granted such person shall be for a term of 27820  
not less than two years and not more than five years. When a 27821  
teacher with continuing service status becomes an assistant 27822  
superintendent, principal, assistant principal, or other 27823  
administrator with the district or service center with which the 27824  
teacher holds continuing service status, the teacher retains such 27825  
status in the teacher's nonadministrative position as provided in 27826  
sections 3319.08 and 3319.09 of the Revised Code. 27827

A board of education or governing board may reemploy an 27828  
assistant superintendent, principal, assistant principal, or other 27829  
administrator at any regular or special meeting held during the 27830  
period beginning on the first day of January of the calendar year 27831  
immediately preceding the year of expiration of the employment 27832  
contract and ending on the last day of March of the year the 27833  
employment contract expires. 27834

Except by mutual agreement of the parties thereto, no 27835  
assistant superintendent, principal, assistant principal, or other 27836  
administrator shall be transferred during the life of a contract 27837  
to a position of lesser responsibility. No contract may be 27838  
terminated by a board except pursuant to section 3319.16 of the 27839  
Revised Code. No contract may be suspended except pursuant to 27840

section 3319.17 or 3319.171 of the Revised Code. The salaries and 27841  
compensation prescribed by such contracts shall not be reduced by 27842  
a board unless such reduction is a part of a uniform plan 27843  
affecting the entire district or center. The contract shall 27844  
specify the employee's administrative position and duties as 27845  
included in the job description adopted under division (D) of this 27846  
section, the salary and other compensation to be paid for 27847  
performance of duties, the number of days to be worked, the number 27848  
of days of vacation leave, if any, and any paid holidays in the 27849  
contractual year. 27850

An assistant superintendent, principal, assistant principal, 27851  
or other administrator is, at the expiration of the current term 27852  
of employment, deemed reemployed at the same salary plus any 27853  
increments that may be authorized by the board, unless such 27854  
employee notifies the board in writing to the contrary on or 27855  
before the first day of June, or unless such board, on or before 27856  
the last day of March of the year in which the contract of 27857  
employment expires, either reemploys such employee for a 27858  
succeeding term or gives written notice of its intention not to 27859  
reemploy the employee. The term of reemployment of a person 27860  
reemployed under this paragraph shall be one year, except that if 27861  
such person has been employed by the school district or service 27862  
center as an assistant superintendent, principal, assistant 27863  
principal, or other administrator for three years or more, the 27864  
term of reemployment shall be two years. 27865

(D)(1) Each board shall adopt procedures for the evaluation 27866  
of all assistant superintendents, principals, assistant 27867  
principals, and other administrators and shall evaluate such 27868  
employees in accordance with those procedures. The evaluation 27869  
based upon such procedures shall be considered by the board in 27870  
deciding whether to renew the contract of employment of an 27871  
assistant superintendent, principal, assistant principal, or other 27872

administrator. 27873

(2) The evaluation shall measure each assistant 27874  
superintendent's, principal's, assistant principal's, and other 27875  
administrator's effectiveness in performing the duties included in 27876  
the job description and the evaluation procedures shall provide 27877  
for, but not be limited to, the following: 27878

(a) Each assistant superintendent, principal, assistant 27879  
principal, and other administrator shall be evaluated annually 27880  
through a written evaluation process. 27881

(b) The evaluation shall be conducted by the superintendent 27882  
or designee. 27883

(c) In order to provide time to show progress in correcting 27884  
the deficiencies identified in the evaluation process, the 27885  
evaluation process shall be completed as follows: 27886

(i) In any school year that the employee's contract of 27887  
employment is not due to expire, at least one evaluation shall be 27888  
completed in that year. A written copy of the evaluation shall be 27889  
provided to the employee no later than the end of the employee's 27890  
contract year as defined by the employee's annual salary notice. 27891

(ii) In any school year that the employee's contract of 27892  
employment is due to expire, at least a preliminary evaluation and 27893  
at least a final evaluation shall be completed in that year. A 27894  
written copy of the preliminary evaluation shall be provided to 27895  
the employee at least sixty days prior to any action by the board 27896  
on the employee's contract of employment. The final evaluation 27897  
shall indicate the superintendent's intended recommendation to the 27898  
board regarding a contract of employment for the employee. A 27899  
written copy of the evaluation shall be provided to the employee 27900  
at least five days prior to the board's acting to renew or not 27901  
renew the contract. 27902

(3) Termination of an assistant superintendent, principal, 27903

assistant principal, or other administrator's contract shall be 27904  
pursuant to section 3319.16 of the Revised Code. Suspension of any 27905  
such employee shall be pursuant to section 3319.17 or 3319.171 of 27906  
the Revised Code. 27907

(4) Before taking action to renew or nonrenew the contract of 27908  
an assistant superintendent, principal, assistant principal, or 27909  
other administrator under this section and prior to the last day 27910  
of March of the year in which such employee's contract expires, 27911  
the board shall notify each such employee of the date that the 27912  
contract expires and that the employee may request a meeting with 27913  
the board. Upon request by such an employee, the board shall grant 27914  
the employee a meeting in executive session. In that meeting, the 27915  
board shall discuss its reasons for considering renewal or 27916  
nonrenewal of the contract. The employee shall be permitted to 27917  
have a representative, chosen by the employee, present at the 27918  
meeting. 27919

(5) The establishment of an evaluation procedure shall not 27920  
create an expectancy of continued employment. Nothing in division 27921  
(D) of this section shall prevent a board from making the final 27922  
determination regarding the renewal or nonrenewal of the contract 27923  
of any assistant superintendent, principal, assistant principal, 27924  
or other administrator. However, if a board fails to provide 27925  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 27926  
section, or if the board fails to provide at the request of the 27927  
employee a meeting as prescribed in division (D)(4) of this 27928  
section, the employee automatically shall be reemployed at the 27929  
same salary plus any increments that may be authorized by the 27930  
board for a period of one year, except that if the employee has 27931  
been employed by the district or service center as an assistant 27932  
superintendent, principal, assistant principal, or other 27933  
administrator for three years or more, the period of reemployment 27934  
shall be for two years. 27935

(E) On nomination of the superintendent of a service center a governing board may employ supervisors who shall be employed under written contracts of employment for terms not to exceed five years each. Such contracts may be terminated by a governing board pursuant to section 3319.16 of the Revised Code. Any supervisor employed pursuant to this division may terminate the contract of employment at the end of any school year after giving the board at least thirty days' written notice prior to such termination. On the recommendation of the superintendent the contract or contracts of any supervisor employed pursuant to this division may be suspended for the remainder of the term of any such contract pursuant to section 3319.17 or 3319.171 of the Revised Code.

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

(G) The board of education of any school district 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 assistant superintendent, principal, assistant principal, and other administrator positions authorized under this section.

**Sec. 3319.03.** The board of education of each city, exempted village, and local school district may create the position of

business manager. The board shall ~~elect~~ appoint such business 27967  
manager who shall serve ~~for a term not to exceed four years unless~~ 27968  
~~earlier removed for cause pursuant to a contract in accordance~~ 27969  
with section 3319.02 of the Revised Code. A vacancy in this office 27970  
~~shall be filled only for the unexpired term thereof.~~ In the 27971  
discharge of all ~~his~~ official duties, the business manager may be 27972  
directly responsible to the board, or to the superintendent of 27973  
schools, as the board directs at the time of ~~election~~ appointment 27974  
to the position. Where such business manager is responsible to the 27975  
superintendent ~~he~~ the business manager shall be appointed by the 27976  
superintendent and confirmed by the board. 27977

No board of education shall ~~elect~~ appoint or confirm as 27978  
business manager any person who does not hold a valid business 27979  
manager's license issued under section 3301.074 of the Revised 27980  
Code. If the business manager fails to maintain a valid license, 27981  
~~he~~ the business manager shall be removed by the board. 27982

**Sec. 3319.07.** (A) The board of education of each city, 27983  
exempted village, ~~and~~ local, and joint vocational school district 27984  
shall employ the teachers of the public schools of their 27985  
respective districts. 27986

The governing board of each educational service center may 27987  
employ special instruction teachers, special education teachers, 27988  
and teachers of academic courses in which there are too few 27989  
students in each of the constituent local school districts or in 27990  
city or exempted village school districts entering into agreements 27991  
pursuant to section 3313.843 of the Revised Code to warrant each 27992  
district's employing teachers for those courses. 27993

When any board makes appointments of teachers, the teachers 27994  
in the employ of the board shall be considered before new teachers 27995  
are chosen in their stead. In ~~city, exempted village, and joint~~ 27996  
~~vocational~~ all school districts and in service centers no teacher 27997

shall be employed unless such person is nominated by the 27998  
superintendent of such district or center. Such board, by a 27999  
three-fourths vote of its full membership, may re-employ any 28000  
teacher whom the superintendent refuses to appoint. ~~In local 28001  
school districts, no teacher shall be employed, except as provided 28002  
in division (B) of this section, unless nominated by the 28003  
superintendent of the service center of which such local school 28004  
district is a part; by a majority vote of the full membership of 28005  
such board, the board of education of any local school district 28006  
may, after considering two nominations for any position made by 28007  
the service center superintendent, reemploy a person not so 28008  
nominated for such position. 28009~~

(B) The board of education of a ~~local~~ any school district ~~and 28010  
the board of education of the county school district of which the 28011  
local district is a part may enter into an agreement authorizing 28012  
the superintendent of the local district, in lieu of the 28013  
superintendent of the county district, to make nominations under 28014  
this section for the employment of teachers in the local district. 28015  
While such an agreement is in effect the board of education of the 28016  
local district shall not employ any teacher unless the person is 28017  
nominated by the superintendent of the district except that, by a 28018  
three-fourths vote of its full membership, it may re-employ any 28019  
teacher whom the superintendent refuses to nominate may contract 28020  
with the governing board of the educational service center from 28021  
which it otherwise receives services to conduct searches and 28022  
recruitment of candidates for teacher positions. 28023~~

**Sec. 3319.19.** (A) Except as provided in division (D) of this 28024  
section or division (A)(2) of section 3313.37 of the Revised Code, 28025  
upon request, the board of county commissioners shall provide and 28026  
equip offices in the county for the use of the superintendent of 28027  
an educational service center, and shall provide heat, light, 28028  
water, and janitorial services for such offices. Such offices 28029

shall be the permanent headquarters of the superintendent and 28030  
shall be used by the governing board of the service center when it 28031  
is in session. Except as provided in division (B) of this section, 28032  
such offices shall be located in the county seat or, upon the 28033  
approval of the governing board, may be located outside of the 28034  
county seat. 28035

(B) In the case of a service center formed under section 28036  
3311.053 or 3311.059 of the Revised Code, the governing board 28037  
shall designate the site of its offices. Except as provided in 28038  
division (D) of this section or division (A)(2) of section 3313.37 28039  
of the Revised Code, the board of county commissioners of the 28040  
county in which the designated site is located shall provide and 28041  
equip the offices as under division (A) of this section, but the 28042  
costs of such offices and equipment shall be apportioned among the 28043  
boards of county commissioners of all counties having any 28044  
territory in the area under the control of the governing board, 28045  
according to the proportion of local school district pupils under 28046  
the supervision of such board residing in the respective counties. 28047  
Where there is a dispute as to the amount any board of county 28048  
commissioners is required to pay, the probate judge of the county 28049  
in which the greatest number of pupils under the supervision of 28050  
the governing board reside shall apportion such costs among the 28051  
boards of county commissioners and notify each such board of its 28052  
share of the costs. 28053

(C) ~~Not~~ As used in division (C) of this section, in the case 28054  
of a building, facility, or office space that a board of county 28055  
commissioners leases or rents, "actual cost per square foot" means 28056  
all cost on a per square foot basis incurred by the board under 28057  
the lease or rental agreement. In the case of a building, 28058  
facility, or office space that the board owns in fee simple, 28059  
"actual cost per square foot" means the fair rental value on a per 28060  
square foot basis of the building, facility, or office space 28061

either as compared to a similarly situated building, facility, or 28062  
office space in the general vicinity or as calculated under a 28063  
formula that accounts for depreciation, amortization of 28064  
improvements, and other reasonable factors, including, but not 28065  
limited to, parking space and other amenities. 28066

Not later than the thirty-first day of March of 2002, 2003, 28067  
2004, and 2005 a board of county commissioners required to provide 28068  
or equip offices pursuant to division (A) or (B) of this section 28069  
shall make a written estimate of the total cost it will incur for 28070  
the ensuing fiscal year to provide and equip the offices and to 28071  
provide heat, light, water, and janitorial services for such 28072  
offices. The total estimate of cost shall include: 28073

(1) The total square feet of space to be utilized by the 28074  
educational service center; 28075

(2) The total square feet of any common areas that should be 28076  
reasonably allocated to the center and the methodology for making 28077  
this allocation; 28078

(3) The actual cost per square foot for both the space 28079  
utilized by and the common area allocated to the center; 28080

(4) An explanation of the methodology used to determine the 28081  
actual cost per square foot ~~cost~~; 28082

(5) The estimated cost of providing heat, light, and water, 28083  
including an explanation of how these costs were determined; 28084

(6) The estimated cost of providing janitorial services 28085  
including an explanation of the methodology used to determine this 28086  
cost; 28087

(7) Any other estimated costs that the board anticipates it 28088  
will occur and a detailed explanation of the costs and the 28089  
rationale used to determine such costs. 28090

A copy of the total estimate of costs under this division 28091

shall be sent to the superintendent of the educational service 28092  
center not later than the fifth day of April. The superintendent 28093  
shall review the total estimate and shall notify the board of 28094  
county commissioners not later than twenty days after receipt of 28095  
the estimate of either agreement with the estimate or any specific 28096  
objections to the estimates and the reasons for the objections. If 28097  
the superintendent agrees with the estimate, it shall become the 28098  
final total estimate of cost. Failure of the superintendent to 28099  
make objections to the estimate by the twentieth day after receipt 28100  
of it shall be deemed to mean that the superintendent is in 28101  
agreement with the estimate. 28102

If the superintendent provides specific objections to the 28103  
board of county commissioners, the board shall review the 28104  
objections and may modify the original estimate and shall send a 28105  
revised total estimate to the superintendent within ten days after 28106  
the receipt of the superintendent's objections. The superintendent 28107  
shall respond to the revised estimate within ten days after its 28108  
receipt. If the superintendent agrees with it, it shall become the 28109  
final total estimated cost. If the superintendent fails to respond 28110  
within the required time, the superintendent shall be deemed to 28111  
have agreed with the revised estimate. If the superintendent 28112  
disagrees with the revised estimate, the superintendent shall send 28113  
specific objections to the county commissioners. 28114

If a superintendent has sent specific objections to the 28115  
revised estimate within the required time, the probate judge of 28116  
the county which has the greatest number of resident local school 28117  
district pupils under the supervision of the educational service 28118  
center shall determine the final estimated cost and certify this 28119  
amount to the superintendent and the board of county commissioners 28120  
prior to the first day of July. 28121

(D)(1) A board of county commissioners shall be responsible 28122  
for the following percentages of the final total estimated cost 28123

established by division (C) of this section:	28124
(a) Eighty per cent for fiscal year 2003;	28125
(b) Sixty per cent for fiscal year 2004;	28126
(c) Forty per cent for fiscal year 2005;	28127
(d) Twenty per cent for fiscal year 2006.	28128
In fiscal years 2003, 2004, 2005, and 2006 the educational	28129
service center shall be responsible for the remainder of any costs	28130
in excess of the amounts specified in division (D)(1)(a),(b), <del>or</del>	28131
(c), <u>or (d)</u> of this section, as applicable, associated with the	28132
provision and equipment of offices for the educational service	28133
center and for provision of heat, light, water, and janitorial	28134
services for such offices, including any unanticipated or	28135
unexpected increases in the costs beyond the final estimated cost	28136
amount.	28137
Beginning in fiscal year 2007, no board of county	28138
commissioners shall have any obligation to provide and equip	28139
offices for an educational service center or to provide heat,	28140
light, water, or janitorial services for such offices.	28141
(2) Nothing in this section shall prohibit the board of	28142
county commissioners and the governing board of an educational	28143
service center from entering into a contract for providing and	28144
equipping offices for the use of an educational service center and	28145
for providing heat, light, water, and janitorial services for such	28146
offices. The term of any such contract shall not exceed a period	28147
of four years and may be renewed for additional periods not to	28148
exceed four years. Any such contract shall supersede the	28149
provisions of division (D)(1) of this section and no educational	28150
service center may be charged, at any time, any additional amount	28151
for the county's provision of an office and equipment, heat,	28152
light, water, and janitorial services beyond the amount specified	28153
in such contract.	28154

(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 funding for such offices pursuant to division (B) of this section adopt resolutions approving the contract.

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

(2) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations to the Ohio board of regents, in the form and manner requested by the board of regents.

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

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

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

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

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

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

license is designated. 28218

Each professional development committee shall consist of at 28219  
least three classroom teachers employed by the district, one 28220  
principal employed by the district, and one other employee of the 28221  
district appointed by the district superintendent. For committees 28222  
with a building-level scope, the teacher and principal members 28223  
shall be assigned to that building, and the teacher members shall 28224  
be elected by majority vote of the classroom teachers assigned to 28225  
that building. For committees with a district-level scope, the 28226  
teacher members shall be elected by majority vote of the classroom 28227  
teachers of the district, and the principal member shall be 28228  
elected by a majority vote of the principals of the district, 28229  
unless there are two or fewer principals employed by the district, 28230  
in which case the one or two principals employed shall serve on 28231  
the committee. If a committee has a particular grade or age level 28232  
scope, the teacher members shall be licensed to teach such grade 28233  
or age levels, and shall be elected by majority vote of the 28234  
classroom teachers holding such a license and the principal shall 28235  
be elected by all principals serving in buildings where any such 28236  
teachers serve. The district superintendent shall appoint a 28237  
replacement to fill any vacancy that occurs on a professional 28238  
development committee, except in the case of vacancies among the 28239  
elected classroom teacher members, which shall be filled by vote 28240  
of the remaining members of the committee so selected. 28241

Terms of office on professional development committees shall 28242  
be prescribed by the district board establishing the committees. 28243  
The conduct of elections for members of professional development 28244  
committees shall be prescribed by the district board establishing 28245  
the committees. A professional development committee may include 28246  
additional members, except that the majority of members on each 28247  
such committee shall be classroom teachers employed by the 28248  
district. Any member appointed to fill a vacancy occurring prior 28249

to the expiration date of the term for which a predecessor was 28250  
appointed shall hold office as a member for the remainder of that 28251  
term. 28252

The initial meeting of any professional development 28253  
committee, upon election and appointment of all committee members, 28254  
shall be called by a member designated by the district 28255  
superintendent. At this initial meeting, the committee shall 28256  
select a chairperson and such other officers the committee deems 28257  
necessary, and shall adopt rules for the conduct of its meetings. 28258  
Thereafter, the committee shall meet at the call of the 28259  
chairperson or upon the filing of a petition with the district 28260  
superintendent signed by a majority of the committee members 28261  
calling for the committee to meet. 28262

(3) In the case of a school district in which an exclusive 28263  
representative has been established pursuant to Chapter 4117. of 28264  
the Revised Code, professional development committees shall be 28265  
established in accordance with any collective bargaining agreement 28266  
in effect in the district that includes provisions for such 28267  
committees. 28268

If the collective bargaining agreement does not specify a 28269  
different method for the selection of teacher members of the 28270  
committees, the exclusive representative of the district's 28271  
teachers shall select the teacher members. 28272

If the collective bargaining agreement does not specify a 28273  
different structure for the committees, the board of education of 28274  
the school district shall establish the structure, including the 28275  
number of committees and the number of teacher and administrative 28276  
members on each committee; the specific administrative members to 28277  
be part of each committee; whether the scope of the committees 28278  
will be district levels, building levels, or by type of grade or 28279  
age levels for which educator licenses are designated; the lengths 28280  
of terms for members; the manner of filling vacancies on the 28281

committees; and the frequency and time and place of meetings. 28282  
However, in all cases, except as provided in division (C)(4) of 28283  
this section, there shall be a majority of teacher members of any 28284  
professional development committee, there shall be at least five 28285  
total members of any professional development committee, and the 28286  
exclusive representative shall designate replacement members in 28287  
the case of vacancies among teacher members, unless the collective 28288  
bargaining agreement specifies a different method of selecting 28289  
such replacements. 28290

(4) Whenever an administrator's coursework plan is being 28291  
discussed or voted upon, the local professional development 28292  
committee shall, at the request of one of its administrative 28293  
members, cause a majority of the committee to consist of 28294  
administrative members by reducing the number of teacher members 28295  
voting on the plan. 28296

(D)(1) The department of education, educational service 28297  
centers, county boards of mental retardation and developmental 28298  
disabilities, regional professional development centers, special 28299  
education regional resource centers, college and university 28300  
departments of education, head start programs, the Ohio SchoolNet 28301  
commission, and the Ohio education computer network may establish 28302  
local professional development committees to determine whether the 28303  
coursework proposed by their employees who are licensed or 28304  
certificated under this section or section 3319.222 of the Revised 28305  
Code meet the requirements of the rules adopted under this 28306  
section. They may establish local professional development 28307  
committees on their own or in collaboration with a school district 28308  
or other agency having authority to establish them. 28309

Local professional development committees established by 28310  
county boards of mental retardation and developmental disabilities 28311  
shall be structured in a manner comparable to the structures 28312  
prescribed for school districts in divisions (C)(2) and (3) of 28313

this section, as shall the committees established by any other 28314  
entity specified in division (D)(1) of this section that provides 28315  
educational services by employing or contracting for services of 28316  
classroom teachers licensed or certificated under this section or 28317  
section 3319.222 of the Revised Code. All other entities specified 28318  
in division (D)(1) of this section shall structure their 28319  
committees in accordance with guidelines which shall be issued by 28320  
the state board. 28321

(2) Any public agency that is not specified in division 28322  
(D)(1) of this section but provides educational services and 28323  
employs or contracts for services of classroom teachers licensed 28324  
or certificated under this section or section 3319.222 of the 28325  
Revised Code may establish a local professional development 28326  
committee, subject to the approval of the department of education. 28327  
The committee shall be structured in accordance with guidelines 28328  
issued by the state board. 28329

**Sec. 3319.33.** On or before the first day of August in each 28330  
year, the board of education of each city ~~and~~, exempted village, 28331  
and local school district shall report to the state board of 28332  
education, ~~and the board of each local school district shall~~ 28333  
~~report to the superintendent of the educational service center,~~ 28334  
the school statistics of its district. Such report shall be made 28335  
on forms furnished by the state board of education and shall 28336  
contain such information as the state board of education requires. 28337  
The report shall also set forth with respect to each civil 28338  
proceeding in which the board of education is a defendant and each 28339  
civil proceeding in which the board of education is a party and is 28340  
not a defendant and in which one of the other parties is a board 28341  
of education in this state or an officer, board, or official of 28342  
this state: 28343

(A) The nature of the proceeding; 28344

(B) The capacity in which the board is a party to the proceeding; 28345  
28346

(C) The total expenses incurred by the board with respect to the proceeding; 28347  
28348

(D) The total expenses incurred by the board with respect to the proceeding during the reporting period. 28349  
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Divisions (A) to (D) of this section do not apply to any proceeding for which no expenses have been incurred during the reporting period. 28351  
28352  
28353

The board of education of each city ~~and~~, exempted village, and local school district may prepare and publish annually a report of the condition and administration of the schools under its supervision which shall include therein an exhibit of the financial affairs of the district and the information required in divisions (A) to (D) of this section. Such annual report shall be for a full year. 28354  
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**Sec. 3319.36.** (A) No treasurer of a board of education or educational service center shall draw a check for the payment of a teacher for services until the teacher files with the treasurer both of the following: 28361  
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28363  
28364

(1) Such reports as are required by the state board of education, the school district board of education, or the superintendent of schools; 28365  
28366  
28367

(2) Except for a teacher who is engaged pursuant to section 3319.301 of the Revised Code ~~and except as provided under division (B) of this section,~~ a written statement from the city ~~or~~, exempted village, or local school district superintendent or the educational service center superintendent that the teacher has filed with the treasurer a legal educator license or internship certificate, or true copy of it, to teach the subjects or grades 28368  
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taught, with the dates of its validity. The state board of 28375  
education shall prescribe the record and administration for such 28376  
filing of educator licenses and internship certificates in 28377  
educational service centers. 28378

~~(B) If the board of education of a local school district and 28379  
the governing board of the educational service center of which the 28380  
local district is a part have entered into an agreement under 28381  
division (B) of section 3319.07 of the Revised Code, the agreement 28382  
may also require the superintendent of the local school district, 28383  
instead of the superintendent of the educational service center, 28384  
to administer the filing of educator licenses and internship 28385  
certificates for the local school district and to provide to the 28386  
teachers of the district the written statements required in 28387  
division (A)(2) of this section. While such an agreement is in 28388  
effect between a local school district and an educational service 28389  
center, a teacher employed by the local district shall file a 28390  
legal educator license or internship certificate, or true copy of 28391  
it, with the superintendent of the local district and that 28392  
superintendent shall provide to the teacher the written statement 28393  
required by division (A)(2) of this section. 28394~~

~~(C)~~ Notwithstanding division (A) of this section, the 28395  
treasurer may pay either of the following: 28396

(1) Any teacher for services rendered during the first two 28397  
months of the teacher's initial employment with the school 28398  
district or educational service center, provided such teacher is 28399  
the holder of a bachelor's degree or higher and has filed with the 28400  
state board of education an application for the issuance of a 28401  
provisional or professional educator license. 28402

(2) Any substitute teacher for services rendered while 28403  
conditionally employed under section 3319.101 of the Revised Code. 28404

~~(D)~~(C) Upon notice to the treasurer given by the state board 28405

of education or any superintendent having jurisdiction that 28406  
reports required of a teacher have not been made, the treasurer 28407  
shall withhold the salary of the teacher until the required 28408  
reports are completed and furnished. 28409

**Sec. 3323.16.** No unit for deaf children shall be disapproved 28410  
for funding under division (B) or (D)(1) of section 3317.05 of the 28411  
Revised Code on the basis of the methods of instruction used in 28412  
educational programs in the school district or institution to 28413  
teach deaf children to communicate, and no preference in approving 28414  
units for funding shall be given ~~by the state board~~ for teaching 28415  
deaf children by the oral, manual, total communication, or other 28416  
method of instruction. 28417

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 28418  
and division (D) of section 3311.52 of the Revised Code, this 28419  
section and sections 3327.011, 3327.012, and 3327.02 of the 28420  
Revised Code do not apply to any joint vocational or cooperative 28421  
education school district. 28422

In all city, local, and exempted village school districts 28423  
where resident school pupils in grades kindergarten through eight 28424  
live more than two miles from the school for which the state board 28425  
of education prescribes minimum standards pursuant to division (D) 28426  
of section 3301.07 of the Revised Code and to which they are 28427  
assigned by the board of education of the district of residence or 28428  
to and from the nonpublic or community school which they attend 28429  
the board of education shall provide transportation for such 28430  
pupils to and from such school except as provided in section 28431  
3327.02 of the Revised Code. 28432

In all city, local, and exempted village school districts the 28433  
board may provide transportation for resident school pupils in 28434  
grades nine through twelve to and from the high school to which 28435

they are assigned by the board of education of the district of 28436  
residence or to and from the nonpublic or community high school 28437  
which they attend for which the state board of education 28438  
prescribes minimum standards pursuant to division (D) of section 28439  
3301.07 of the Revised Code. 28440

A board of education shall not be required to transport 28441  
elementary or high school pupils to and from a nonpublic or 28442  
community school where such transportation would require more than 28443  
thirty minutes of direct travel time as measured by school bus 28444  
from the ~~collection point~~ as public school building to which the 28445  
pupils would be assigned if attending the public school designated 28446  
by the ~~coordinator of school transportation, appointed under~~ 28447  
~~section 3327.011 of the Revised Code, for the attendance area of~~ 28448  
the district of residence. 28449

Where it is impractical to transport a pupil by school 28450  
conveyance, a board of education may offer payment, in lieu of 28451  
providing such transportation in accordance with section 3327.02 28452  
of the Revised Code. 28453

In all city, local, and exempted village school districts the 28454  
board shall provide transportation for all children who are so 28455  
crippled that they are unable to walk to and from the school for 28456  
which the state board of education prescribes minimum standards 28457  
pursuant to division (D) of section 3301.07 of the Revised Code 28458  
and which they attend. In case of dispute whether the child is 28459  
able to walk to and from the school, the health commissioner shall 28460  
be the judge of such ability. In all city, exempted village, and 28461  
local school districts the board shall provide transportation to 28462  
and from school or special education classes for educable mentally 28463  
retarded children in accordance with standards adopted by the 28464  
state board of education. 28465

When transportation of pupils is provided the conveyance 28466  
shall be run on a time schedule that shall be adopted and put in 28467

force by the board not later than ten days after the beginning of 28468  
the school term. 28469

The cost of any transportation service authorized by this 28470  
section shall be paid first out of federal funds, if any, 28471  
available for the purpose of pupil transportation, and secondly 28472  
out of state appropriations, in accordance with regulations 28473  
adopted by the state board of education. 28474

No transportation of any pupils shall be provided by any 28475  
board of education to or from any school which in the selection of 28476  
pupils, faculty members, or employees, practices discrimination 28477  
against any person on the grounds of race, color, religion, or 28478  
national origin. 28479

~~Sec. 3327.011. Coordinators of school transportation shall be 28480  
appointed according to provisions of section 3301.13 of the 28481  
Revised Code to assure that each pupil, as provided in section 28482  
3327.01 of the Revised Code, is transported to and from the school 28483  
which he attends in a safe, expedient, and economical manner using 28484  
public school collection points, routes, and schedules. 28485~~

In determining how best to provide such transportation, where 28486  
persons or firms on or after April 1, 1965, were providing 28487  
transportation to and from schools pursuant to contracts with 28488  
persons or agencies responsible for the operation of such schools, 28489  
~~a coordinator or~~ the board of education responsible for 28490  
transportation in accordance with section 3327.01 of the Revised 28491  
Code shall give preference if economically feasible during the 28492  
term of any such contract to the firm or person providing such 28493  
transportation. The boards of education within the county or group 28494  
of counties shall ~~recommend to the coordinator of~~ establish 28495  
transportation routes, schedules, and utilization of 28496  
transportation equipment. ~~The coordinator, upon receipt of such 28497  
recommendations, shall establish transportation routes, schedules,~~ 28498

~~and utilization of transportation equipment, following such~~ 28499  
~~recommendations to whatever extent is feasible.~~ The appeals from 28500  
the determination of the ~~coordinator~~ board of education 28501  
responsible for transportation shall be taken to the state board 28502  
of education. 28503

**Sec. 3329.06.** The board of education of each city, exempted 28504  
village, and local school district shall furnish, free of charge, 28505  
the necessary textbooks to the pupils attending the public 28506  
schools. In lieu of textbooks, district boards may furnish 28507  
electronic textbooks to pupils attending the public schools, 28508  
provided the electronic textbooks are furnished free of charge. A 28509  
district board that chooses to furnish electronic textbooks to 28510  
pupils attending school in the district shall provide reasonable 28511  
access to the electronic textbooks and other necessary computer 28512  
equipment to pupils in the district who are required to complete 28513  
homework assignments, and teachers providing homework assignments, 28514  
utilizing electronic textbooks furnished by the district board. 28515  
Pupils wholly or in part supplied with necessary textbooks or 28516  
electronic textbooks shall be supplied only as other or new 28517  
textbooks or electronic textbooks are needed. ~~A board may limit~~ 28518  
~~its purchase and ownership of textbooks or electronic textbooks~~ 28519  
~~needed for its schools to six subjects per year, the cost of which~~ 28520  
~~shall not exceed twenty five per cent of the entire cost of~~ 28521  
~~adoption.~~ All textbooks or electronic textbooks furnished as 28522  
provided in this section shall be the property of the district, 28523  
and loaned to the pupils on such terms as each such board 28524  
prescribes. In order to carry out sections 3329.01 to 3329.10 of 28525  
the Revised Code, each board, in the preparation of its annual 28526  
budget, shall include as a separate item the amount which the 28527  
board finds necessary to administer such sections and such amount 28528  
shall not be subject to transfer to any other fund. 28529

**Sec. 3329.08.** At any regular meeting, the board of education 28530  
of each local school district, from lists adopted by the 28531  
educational service center governing board, and the board of 28532  
education of each city and exempted village school district shall 28533  
determine by a majority vote of all members elected or appointed 28534  
under division (B) or (F) of section 3311.71 of the Revised Code 28535  
which of such textbooks or electronic textbooks so filed shall be 28536  
used in the schools under its control. ~~Except for periodic and~~ 28537  
~~normal updating of electronic textbooks, no textbooks or~~ 28538  
~~electronic textbooks shall be changed, nor any part thereof~~ 28539  
~~altered or revised, nor any other textbook or electronic textbook~~ 28540  
~~substituted therefor, within four years after the date of~~ 28541  
~~selection and adoption thereof, as shown by the official records~~ 28542  
~~of such boards, except by the consent, at a regular meeting, of~~ 28543  
~~four fifths of all members elected thereto. Textbooks or~~ 28544  
~~electronic textbooks so substituted shall be adopted for the full~~ 28545  
~~term of four years.~~ 28546

**Sec. 3332.04.** The state board of career colleges and schools 28547  
may appoint an executive director and such other staff as may be 28548  
required for the performance of the board's duties and provide 28549  
necessary facilities. In selecting an executive director, the 28550  
board shall appoint an individual with a background or experience 28551  
in the regulation of commerce, business, or education. The board 28552  
may also arrange for services and facilities to be provided by the 28553  
state board of education and the Ohio board of regents. All 28554  
receipts of the board shall be deposited in the state treasury to 28555  
the credit of the ~~general revenue~~ occupational licensing and 28556  
regulatory fund. 28557

**Sec. 3333.12.** (A) As used in this section: 28558

(1) "Eligible student" means an undergraduate student who is: 28559

(a) An Ohio resident;	28560
(b) Enrolled in either of the following:	28561
(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.	28562 28563 28564 28565 28566 28567 28568 28569 28570 28571 28572 28573 28574 28575 28576
(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964.	28577 28578 28579 28580
(c) Enrolled as a full-time student or enrolled as a less than full-time student for the term expected to be the student's final term of enrollment and is enrolled for the number of credit hours necessary to complete the requirements of the program in which the student is enrolled.	28581 28582 28583 28584 28585
(2) "Gross income" includes all taxable and nontaxable income of the parents, the student, and the student's spouse, except income derived from an Ohio academic scholarship, income earned by the student between the last day of the spring term and the first day of the fall term, and other income exclusions designated by	28586 28587 28588 28589 28590

the board. Gross income may be verified to the board by the 28591  
institution in which the student is enrolled using the federal 28592  
financial aid eligibility verification process or by other means 28593  
satisfactory to the board. 28594

(3) "Resident," "full-time student," "dependent," 28595  
"financially independent," and "accredited" shall be defined by 28596  
rules adopted by the board. 28597

(B) The Ohio board of regents shall establish and administer 28598  
an instructional grant program and may adopt rules to carry out 28599  
this section. The general assembly shall support the instructional 28600  
grant program by such sums and in such manner as it may provide, 28601  
but the board may also receive funds from other sources to support 28602  
the program. If the amounts available for support of the program 28603  
are inadequate to provide grants to all eligible students, 28604  
preference in the payment of grants shall be given in terms of 28605  
income, beginning with the lowest income category of gross income 28606  
and proceeding upward by category to the highest gross income 28607  
category. 28608

An instructional grant shall be paid to an eligible student 28609  
through the institution in which the student is enrolled, except 28610  
that no instructional grant shall be paid to any person serving a 28611  
term of imprisonment. Applications for such grants shall be made 28612  
as prescribed by the board, and such applications may be made in 28613  
conjunction with and upon the basis of information provided in 28614  
conjunction with student assistance programs funded by agencies of 28615  
the United States government or from financial resources of the 28616  
institution of higher education. The institution shall certify 28617  
that the student applicant meets the requirements set forth in 28618  
divisions (A)(1)(b) and (c) of this section. Instructional grants 28619  
shall be provided to an eligible student only as long as the 28620  
student is making appropriate progress toward a nursing diploma or 28621  
an associate or bachelor's degree. No student shall be eligible to 28622

receive a grant for more than ten semesters, fifteen quarters, or 28623  
the equivalent of five academic years. A grant made to an eligible 28624  
student on the basis of less than full-time enrollment shall be 28625  
based on the number of credit hours for which the student is 28626  
enrolled and shall be computed in accordance with a formula 28627  
adopted by the board. No student shall receive more than one grant 28628  
on the basis of less than full-time enrollment. 28629

An instructional grant shall not exceed the total 28630  
instructional and general charges of the institution. 28631

(C) The tables in this division prescribe the maximum grant 28632  
amounts covering two semesters, three quarters, or a comparable 28633  
portion of one academic year. Grant amounts for additional terms 28634  
in the same academic year shall be determined under division (D) 28635  
of this section. 28636

For a full-time student who is a dependent and enrolled in a 28637  
nonprofit educational institution that is not a state-assisted 28638  
institution and that has a certificate of authorization issued 28639  
pursuant to Chapter 1713. of the Revised Code, the amount of the 28640  
instructional grant for two semesters, three quarters, or a 28641  
comparable portion of the academic year shall be determined in 28642  
accordance with the following table: 28643

Private Institution							28644
Table of Grants							28645
Maximum Grant \$5,466							28646
Gross Income	Number of Dependents					28647	
	1	2	3	4	5 or more	28648	
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	28649	
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	28650	
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	28651	
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	28652	

\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	28654
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	28655
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	28656
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	28657
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	28658
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	28659
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	28660
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	28661
\$34,001 - \$35,000	444	888	984	1,080	1,344	28662
\$35,001 - \$36,000	--	444	888	984	1,080	28663
\$36,001 - \$37,000	--	--	444	888	984	28664
\$37,001 - \$38,000	--	--	--	444	888	28665
\$38,001 - \$39,000	--	--	--	--	444	28666

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							28667
Table of Grants							28676
Maximum Grant \$5,466							28677
Gross Income	Number of Dependents						28678
	0	1	2	3	4	5 or more	28679
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	28680
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	28681
\$5,301 - \$5,800	4,362	<del>4,920</del>	5,466	5,466	5,466	5,466	28682
		<u>5,196</u>					28683
\$5,801 - \$6,300	3,828	<del>4,362</del>	<del>4,920</del>	5,466	5,466	5,466	28684
		<u>4,914</u>	<u>5,196</u>				28685

\$6,301 - \$6,800	3,288	<del>3,828</del>	<del>4,362</del>	<del>4,920</del>	5,466	5,466	28686
		<u>4,650</u>	<u>4,914</u>	<u>5,196</u>			28687
\$6,801 - \$7,300	2,736	<del>3,288</del>	<del>3,828</del>	<del>4,362</del>	4,920	5,466	28688
		<u>4,380</u>	<u>4,650</u>	<u>4,914</u>			<u>5,196</u>
\$7,301 - \$8,300	2,178	<del>2,736</del>	<del>3,288</del>	<del>3,828</del>	4,362	4,920	28690
		<u>4,104</u>	<u>4,380</u>	<u>4,650</u>			<u>4,914</u>
\$8,301 - \$9,300	1,626	<del>2,178</del>	<del>2,736</del>	<del>3,288</del>	3,828	4,362	28692
		<u>3,822</u>	<u>4,104</u>	<u>4,380</u>			<u>4,650</u>
\$9,301 - \$10,300	1,344	<del>1,626</del>	<del>2,178</del>	<del>2,736</del>	3,288	3,828	28694
		<u>3,546</u>	<u>3,822</u>	<u>4,104</u>			<u>4,380</u>
\$10,301 - \$11,800	1,080	<del>1,344</del>	<del>1,626</del>	<del>2,178</del>	2,736	3,288	28696
		<u>3,408</u>	<u>3,546</u>	<u>3,822</u>			<u>4,104</u>
\$11,801 - \$13,300	984	<del>1,080</del>	<del>1,344</del>	<del>1,626</del>	2,178	2,736	28698
		<u>3,276</u>	<u>3,408</u>	<u>3,546</u>			<u>3,822</u>
\$13,301 - \$14,800	888	<del>984</del>	<del>1,080</del>	<del>1,344</del>	1,626	2,178	28700
		<u>3,228</u>	<u>3,276</u>	<u>3,408</u>			<u>3,546</u>
\$14,801 - \$16,300	444	<del>888</del>	<del>984</del>	<del>1,080</del>	1,344	1,626	28702
		<u>2,904</u>	<u>3,228</u>	<u>3,276</u>			<u>3,408</u>
\$16,301 - \$19,300	--	<del>444</del>	<del>888</del>	<del>984</del>	1,080	1,344	28704
		<u>2,136</u>	<u>2,628</u>	<u>2,952</u>			<u>3,276</u>
\$19,301 - \$22,300	--	<del>—</del>	<del>444</del>	<del>888</del>	984	1,080	28706
		<u>1,368</u>	<u>1,866</u>	<u>2,358</u>			<u>2,676</u>
\$22,301 - \$25,300	--	<del>—</del>	<del>—</del>	<del>444</del>	888	984	28708
		<u>1,092</u>	<u>1,368</u>	<u>1,866</u>			<u>2,358</u>
\$25,301 - \$30,300	--	<del>—</del>	<del>—</del>	<del>—</del>	444	888	28710
		<u>816</u>	<u>1,092</u>	<u>1,368</u>			<u>1,866</u>
\$30,301 - \$35,300	--	<del>—</del>	<del>—</del>	<del>—</del>	—	444	28712
		<u>492</u>	<u>540</u>	<u>672</u>			<u>816</u>

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, 28719  
 three quarters, or a comparable portion of the academic year shall 28720  
 be determined in accordance with the following table: 28721

Career Institution 28722

Table of Grants 28723

Maximum Grant \$4,632 28724

Gross Income Number of Dependents 28725

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	28726
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	28728
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	28729
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	28730
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	28731
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	28732
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	28733
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	28734
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	28735
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	28736
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	28737
\$33,001 - \$34,000	750	852	906	1,134	1,416	28738
\$34,001 - \$35,000	372	750	852	906	1,134	28739
\$35,001 - \$36,000	--	372	750	852	906	28740
\$36,001 - \$37,000	--	--	372	750	852	28741
\$37,001 - \$38,000	--	--	--	372	750	28742
\$38,001 - \$39,000	--	--	--	--	372	28743

For a full-time student who is financially independent and 28744  
 enrolled in an educational institution that holds a certificate of 28745  
 registration from the state board of career colleges and schools 28746  
 or a private institution exempt from regulation under Chapter 28747  
 3332. of the Revised Code as prescribed in section 3333.046 of the 28748  
 Revised Code, the amount of the instructional grant for two 28749  
 semesters, three quarters, or a comparable portion of the academic 28750



\$19,301 - \$22,300	--	—	372	750	852	906	28783
		<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	<u>2,544</u>	28784
\$22,301 - \$25,300	--	—	—	372	750	852	28785
		<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	28786
\$25,301 - \$30,300	--	—	—	—	372	750	28787
		<u>708</u>	<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	28788
\$30,301 - \$35,300	--	—	—	—	—	372	28789
		<u>426</u>	<u>456</u>	<u>570</u>	<u>708</u>	<u>1,116</u>	28790

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							28791
Table of Grants							28792
Maximum Grant \$2,190							28793
Gross Income	Number of Dependents						28794
	1	2	3	4	5 or more		28795
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190		28796
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190		28797
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190		28798
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190		28799
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190		28800
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974		28801
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740		28802
\$25,001 - \$28,000	648	864	1,080	1,320	1,542		28803
\$28,001 - \$31,000	522	648	864	1,080	1,320		28804
\$31,001 - \$32,000	420	522	648	864	1,080		28805
\$32,001 - \$33,000	384	420	522	648	864		28806
\$33,001 - \$34,000	354	384	420	522	648		28807
\$34,001 - \$35,000	174	354	384	420	522		28808
\$35,001 - \$36,000	--	174	354	384	420		28809

\$36,001 - \$37,000	--	--	174	354	384	28815
\$37,001 - \$38,000	--	--	--	174	354	28816
\$38,001 - \$39,000	--	--	--	--	174	28817

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

	Public Institution						28823
	Table of Grants						28824
	Maximum Grant \$2,190						28825
Gross Income	Number of Dependents						28826
	0	1	2	3	4	5 or more	28827
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	28828
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	28829
\$5,301 - \$5,800	1,740	<del>1,974</del>	2,190	2,190	2,190	2,190	28830
		<u>2,082</u>					28831
\$5,801 - \$6,300	1,542	<del>1,740</del>	<del>1,974</del>	2,190	2,190	2,190	28832
		<u>1,968</u>	<u>2,082</u>				28833
\$6,301 - \$6,800	1,320	<del>1,542</del>	<del>1,740</del>	<del>1,974</del>	2,190	2,190	28834
		<u>1,866</u>	<u>1,968</u>	<u>2,082</u>			28835
\$6,801 - \$7,300	1,080	<del>1,320</del>	<del>1,542</del>	<del>1,740</del>	<del>1,974</del>	2,190	28836
		<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>		28837
\$7,301 - \$8,300	864	<del>1,080</del>	<del>1,320</del>	<del>1,542</del>	<del>1,740</del>	<del>1,974</del>	28838
		<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>	28839
\$8,301 - \$9,300	648	<del>864</del>	<del>1,080</del>	<del>1,320</del>	<del>1,542</del>	<del>1,740</del>	28840
		<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	28841
\$9,301 - \$10,300	522	<del>648</del>	<del>864</del>	<del>1,080</del>	<del>1,320</del>	<del>1,542</del>	28842
		<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	28843
\$10,301 - \$11,800	420	<del>522</del>	<del>648</del>	<del>864</del>	<del>1,080</del>	<del>1,320</del>	28844
		<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	28845
\$11,801 - \$13,300	384	<del>420</del>	<del>522</del>	<del>648</del>	<del>864</del>	<del>1,080</del>	28846

		<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	28847
\$13,301 - \$14,800	354	384	420	522	648	864	28848
		<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	28849
\$14,801 - \$16,300	174	354	384	420	522	648	28850
		<u>1,164</u>	<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	28851
\$16,301 - \$19,300	--	174	354	384	420	522	28852
		<u>858</u>	<u>1,050</u>	<u>1,182</u>	<u>1,308</u>	<u>1,356</u>	28853
\$19,301 - \$22,300	--	—	174	354	384	420	28854
		<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	<u>1,200</u>	28855
\$22,301 - \$25,300	--	—	—	174	354	384	28856
		<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	28857
\$25,301 - \$30,300	--	—	—	—	174	354	28858
		<u>324</u>	<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	28859
\$30,301 - \$35,300	--	—	—	—	—	174	28860
		<u>192</u>	<u>210</u>	<u>264</u>	<u>324</u>	<u>522</u>	28861

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

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

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate

determined by the United States secretary of education pursuant to 28879  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 28880  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 28881  
preceding the fiscal year, equal to or greater than thirty per 28882  
cent for each of the preceding two fiscal years. 28883

(2) Division (F)(1) of this section does not apply to the 28884  
following: 28885

(a) Any student enrolled in an institution that under the 28886  
federal law appeals its loss of eligibility for federal financial 28887  
aid and the United States secretary of education determines its 28888  
cohort default rate after recalculation is lower than the rate 28889  
specified in division (F)(1) of this section or the secretary 28890  
determines due to mitigating circumstances the institution may 28891  
continue to participate in federal financial aid programs. The 28892  
board shall adopt rules requiring institutions to provide 28893  
information regarding an appeal to the board. 28894

(b) Any student who has previously received a grant under 28895  
this section who meets all other requirements of this section. 28896

(3) The board shall adopt rules for the notification of all 28897  
institutions whose students will be ineligible to participate in 28898  
the grant program pursuant to division (F)(1) of this section. 28899

(4) A student's attendance at an institution whose students 28900  
lose eligibility for grants under division (F)(1) of this section 28901  
shall not affect that student's eligibility to receive a grant 28902  
when enrolled in another institution. 28903

(G) Institutions of higher education that enroll students 28904  
receiving instructional grants under this section shall report to 28905  
the board all students who have received instructional grants but 28906  
are no longer eligible for all or part of such grants and shall 28907  
refund any moneys due the state within thirty days after the 28908  
beginning of the quarter or term immediately following the quarter 28909

or term in which the student was no longer eligible to receive all 28910  
or part of the student's grant. There shall be an interest charge 28911  
of one per cent per month on all moneys due and payable after such 28912  
thirty-day period. The board shall immediately notify the office 28913  
of budget and management and the legislative service commission of 28914  
all refunds so received. 28915

Sec. 3333.16. As used in this section "state institution of 28916  
higher education" means an institution of higher education as 28917  
defined in section 3345.12 of the Revised Code. 28918

(A) By April 15, 2005, the Ohio board of regents shall do all 28919  
of the following: 28920

(1) Establish policies and procedures applicable to all state 28921  
institutions of higher education that ensure that students can 28922  
begin higher education at any state institution of higher 28923  
education and transfer coursework and degrees to any other state 28924  
institution of higher education without unnecessary duplication or 28925  
institutional barriers. The purpose of this requirement is to 28926  
allow students to attain their highest educational aspirations in 28927  
the most efficient and effective manner for the students and the 28928  
state. These policies and procedures shall require state 28929  
institutions of higher education to make changes or modifications, 28930  
as needed, to strengthen course content so as to ensure 28931  
equivalency for that course at any state institution of higher 28932  
education. 28933

(2) Develop and implement a universal course equivalency 28934  
classification system for state institutions of higher education 28935  
so that the transfer of students and the transfer and articulation 28936  
of equivalent courses or specified learning modules or units 28937  
completed by students are not inhibited by inconsistent judgment 28938  
about the application of transfer credits. Coursework completed 28939  
within such a system at one state institution of higher education 28940

and transferred to another institution shall be applied to the 28941  
student's degree objective in the same manner as equivalent 28942  
coursework completed at the receiving institution. 28943

(3) Develop a system of transfer policies that ensure that 28944  
graduates with associate degrees which include completion of 28945  
approved transfer modules shall be admitted to a state institution 28946  
of higher education baccalaureate program, except specific limited 28947  
access programs or majors that have admission requirements other 28948  
than academic performance, and shall have priority over 28949  
out-of-state associate degree graduates and transfer students. To 28950  
assist a student in advising and transferring, all state 28951  
institutions of higher education shall fully implement the course 28952  
applicability system. 28953

(4) Examine the feasibility of developing a transfer 28954  
marketing agenda that includes materials and interactive 28955  
technology to inform the citizens of Ohio about the availability 28956  
of transfer options at state institutions of higher education and 28957  
to encourage adults to return to colleges and universities for 28958  
additional education; 28959

(5) Study, in consultation with the state board of career 28960  
colleges and schools, and in light of existing criteria and any 28961  
other criteria developed by the articulation and transfer advisory 28962  
council, the feasibility of credit recognition and transferability 28963  
to state institutions of higher education for graduates who have 28964  
received associate degrees from a career college or school with a 28965  
certificate of registration from the state board of career 28966  
colleges and schools under Chapter 3332. of the Revised Code. 28967

(B) By April 15, 2004, the board shall report to the general 28968  
assembly on its progress in attaining completion of the actions 28969  
prescribed in division (A) of this section. 28970

(C) All provisions of the existing articulation and transfer 28971

policy developed by the board shall remain in effect except where 28972  
amended by this act. 28973

Sec. 3333.38. (A) As used in this section: 28974

(1) "Institution of higher education" includes all of the 28975  
following: 28976

(a) A state institution of higher education, as defined in 28977  
section 3345.011 of the Revised Code; 28978

(b) A nonprofit institution issued a certificate of 28979  
authorization by the Ohio board of regents under Chapter 1713. of 28980  
the Revised Code; 28981

(c) A private institution exempt from regulation under 28982  
Chapter 3332. of the Revised Code, as prescribed in section 28983  
3333.046 of the Revised Code; 28984

(d) An institution of higher education with a certificate of 28985  
registration from the state board of career colleges and schools 28986  
under Chapter 3332. of the Revised Code. 28987

(2) "Student financial assistance supported by state funds" 28988  
includes assistance granted under sections 3315.33, 3333.12, 28989  
3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 28990  
5910.032, and 5919.34 of the Revised Code and any other 28991  
post-secondary student financial assistance supported by state 28992  
funds. 28993

(B) An individual who is convicted of, pleads guilty to, or 28994  
is adjudicated a delinquent child for one of the following 28995  
offenses shall be permanently ineligible to receive any student 28996  
financial assistance supported by state funds at an institution of 28997  
higher education: 28998

(1) A violation of section 2917.02 or 2917.03 of the Revised 28999  
Code; 29000

(2) A violation of section 2917.04 of the Revised Code that 29001  
is a misdemeanor of the fourth degree and occurs within the 29002  
proximate area where four or more others are acting in a course of 29003  
conduct in violation of section 2917.11 of the Revised Code; 29004

(3) A violation of section 2917.13 of the Revised Code that 29005  
is a misdemeanor of the fourth or first degree and occurs within 29006  
the proximate area where four or more others are acting in a 29007  
course of conduct in violation of section 2917.11 of the Revised 29008  
Code. 29009

**Sec. 3333.50.** There is hereby created the board of regents 29010  
awards and initiatives fund, which shall be in the custody of the 29011  
treasurer of state but shall not be part of the state treasury. 29012  
The chancellor of the board of regents may deposit such receipts 29013  
into the fund as the board of regents determines appropriate from 29014  
awards, prizes, grants, and gifts received by the board. No 29015  
revenues derived from appropriations made by the state or student 29016  
fees or student charges shall be deposited into the fund. The 29017  
treasurer of state shall invest any portion of the fund not needed 29018  
for immediate use in the same manner as state funds are invested. 29019  
All investment earnings of the fund shall be deposited into the 29020  
fund. The chancellor may use the fund in support of awards and 29021  
other initiatives approved by the board. All disbursements from 29022  
the fund shall be made by the treasurer of state pursuant to 29023  
vouchers signed by the chancellor. 29024

**Sec. 3353.11.** There is hereby created in the state treasury 29025  
the governmental television/telecommunications operating fund. The 29026  
fund shall consist of money received from contract productions of 29027  
the Ohio government telecommunications studio and shall be used 29028  
for operations or equipment breakdowns related to the studio. Only 29029  
Ohio government telecommunications may authorize the spending of 29030

money in the fund. All investment earnings of the fund shall be 29031  
credited to the fund. Once the fund has a balance of zero, the 29032  
fund shall cease to exist. 29033

**Sec. 3361.01.** (A) There is hereby created a state university 29034  
to be known as the "university of Cincinnati." The government of 29035  
the university of Cincinnati is vested in a board of eleven 29036  
trustees who shall be appointed by the governor with the advice 29037  
and consent of the senate. Two of the trustees shall be students 29038  
at the university of Cincinnati, and their selection and terms 29039  
shall be in accordance with division (B) of this section. The 29040  
terms of the first nine members of the board of trustees shall 29041  
commence upon the effective date of the transfer of assets of the 29042  
state-affiliated university of Cincinnati to the university of 29043  
Cincinnati hereby created. One of such trustees shall be appointed 29044  
for a term ending on the first day of January occurring at least 29045  
twelve months after such date of transfer, and each of the other 29046  
trustees shall be appointed for respective terms ending on each 29047  
succeeding first day of January, so that one term will expire on 29048  
each first day of January after expiration of the shortest term. 29049  
Except for the two student trustees, each successor trustee shall 29050  
be appointed for a term ending on the first day of January, nine 29051  
years from the expiration date of the term ~~he~~ the trustee 29052  
succeeds, except that any person appointed to fill a vacancy shall 29053  
be appointed to serve only for the unexpired term. 29054

Any trustee shall continue in office subsequent to the 29055  
expiration date of ~~his~~ the trustee's term until ~~his~~ the trustee's 29056  
successor takes office, or until a period of sixty days has 29057  
elapsed, whichever occurs first. 29058

No person who has served a full nine-year term or longer or 29059  
more than six years of such a term shall be eligible to 29060  
reappointment. ~~No person is eligible for appointment to the board~~ 29061

~~of trustees for a full nine year term who is not at the time of~~ 29062  
~~appointment a resident of the city of Cincinnati, unless at the~~ 29063  
~~time of such appointment there are at least five members of the~~ 29064  
~~board who are not students and who are residents of the city of~~ 29065  
~~Cincinnati.~~ 29066

The trustees shall receive no compensation for their services 29067  
but shall be paid their reasonable necessary expenses while 29068  
engaged in the discharge of their official duties. A majority of 29069  
the board constitutes a quorum. 29070

(B) The student members of the board of trustees of the 29071  
university of Cincinnati have no voting power on the board. 29072  
Student members shall not be considered as members of the board in 29073  
determining whether a quorum is present. Student members shall not 29074  
be entitled to attend executive sessions of the board. The student 29075  
members of the board shall be appointed by the governor, with the 29076  
advice and consent of the senate, from a group of five candidates 29077  
selected pursuant to a procedure adopted by the university's 29078  
student governments and approved by the university's board of 29079  
trustees. The initial term of office of one of the student members 29080  
shall commence on May 14, 1988 and shall expire on May 13, 1989, 29081  
and the initial term of office of the other student member shall 29082  
commence on May 14, 1988 and expire on May 13, 1990. Thereafter, 29083  
terms of office of student members shall be for two years, each 29084  
term ending on the same day of the same month of the year as the 29085  
term it succeeds. In the event that a student cannot fulfill ~~his~~ a 29086  
two-year term, a replacement shall be selected to fill the 29087  
unexpired term in the same manner used to make the original 29088  
selection. 29089

**Sec. 3375.41.** When a board of library trustees appointed 29090  
pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 29091  
and 3375.30 of the Revised Code determines to construct, demolish, 29092

alter, repair, or reconstruct a library or make any improvements 29093  
or repairs, the cost of which will exceed ~~fifteen~~ twenty-five 29094  
thousand dollars, except in cases of urgent necessity or for the 29095  
security and protection of library property, it shall proceed as 29096  
follows: 29097

(A) The board shall advertise for a period of four weeks for 29098  
bids in some newspaper of general circulation in the district, and 29099  
if there are two such papers, the board shall advertise in both of 29100  
them. If no newspaper has a general circulation in the district, 29101  
the board shall advertise by posting ~~such~~ the advertisement in 29102  
three public places ~~therein in the district~~. ~~Such~~ The 29103  
advertisement shall be entered in full by the clerk on the record 29104  
of proceedings of the board. 29105

(B) The sealed bids shall be filed with the clerk by twelve 29106  
noon of the last day stated in the advertisement. 29107

(C) The bids shall be opened at the next meeting of the 29108  
board, shall be publicly read by the clerk, and shall be entered 29109  
in full on the records of the board; provided, ~~that the board may,~~ 29110  
by resolution, may provide for the public opening and reading of 29111  
~~such~~ the bids by the clerk, immediately after the time for filing 29112  
~~such~~ the bids has expired, at the usual place of meeting of the 29113  
board, and for the tabulation of ~~such~~ the bids and a report of 29114  
~~such~~ the tabulation to the board at its next meeting. 29115

(D) Each bid shall contain the name of every person 29116  
interested ~~therein,~~ in it and shall meet the requirements of 29117  
section 153.54 of the Revised Code. 29118

(E) When both labor and materials are embraced in the work 29119  
bid for, the board may require that each be separately stated in 29120  
the bid, with the price ~~thereof~~ of each, or may require that bids 29121  
be submitted without ~~such~~ that separation. 29122

(F) None but the lowest responsible bid shall be accepted. 29123

The board may reject all the bids or accept any bid for both labor and material for ~~such~~ the improvement or repair which is the lowest in the aggregate.

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

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

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

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

(A) "Educational institution" or "institution" means an educational institution organized not for profit and holding an effective certificate of authorization issued under section 1713.02 of the Revised Code. It does not include any institution created by or in accordance with Title XXXIII of the Revised Code nor any institution whose principal educational activity is preparing students for or granting degrees, diplomas, and other marks of deficiency which have value only in religious and ecclesiastical fields.

(B) "Educational facility" or "facility" means any building, structure, facility, equipment, machinery, utility, or improvement, site, or other interest in real estate therefor or pertinent thereto, and equipment and furnishings to be used therein or in connection therewith, together with any appurtenances necessary or convenient to the uses thereof, to be used for or in connection with the conduct or operation of an

educational institution, including but not limited to, classrooms 29154  
and other instructional facilities, laboratories, research 29155  
facilities, libraries, study facilities, administrative and office 29156  
facilities, museums, gymnasiums, campus walks, drives and site 29157  
improvements, dormitories and other suitable living quarters or 29158  
accommodations, dining halls and other food service and 29159  
preparation facilities, student services or activity facilities, 29160  
physical education, athletic and recreational facilities, 29161  
theatres, auditoriums, assembly and exhibition halls, greenhouses, 29162  
agricultural buildings and facilities, parking, storage and 29163  
maintenance facilities, infirmary, hospital, medical, and health 29164  
facilities, continuing education facilities, communications, fire 29165  
prevention, and fire fighting facilities, and any one, or any 29166  
combination of the foregoing, whether or not comprising part of 29167  
one building, structure, or facility. It does not include any 29168  
facility used ~~for sectarian instruction or study or~~ exclusively as 29169  
a place for devotional activities ~~or religious worship~~. 29170

(C) "Bond proceedings" means the resolution or resolutions, 29171  
the trust agreement, the indenture of mortgage, or combination 29172  
thereof authorizing or providing for the terms and conditions 29173  
applicable to bonds issued under authority of Chapter 3377. of the 29174  
Revised Code. 29175

(D) "Pledged facilities" means the project or other property 29176  
that is mortgaged or the rentals, revenues, and other income, 29177  
charges, and moneys from which are pledged, or both, for the 29178  
payment of or the security for the payment of the principal of and 29179  
interest on the bonds issued under the authority of section 29180  
3377.05 or 3377.06 of the Revised Code. 29181

(E) "Project" means real or personal property, or both, 29182  
acquired by gift or purchase, constructed, reconstructed, 29183  
enlarged, remodeled, renovated, improved, furnished, or equipped, 29184  
or any combination thereof, by or financed by the Ohio higher 29185

educational facility commission, or by funds that are refinanced 29186  
or reimbursed by the commission for use by an educational 29187  
institution as an educational facility located within the state. 29188

(F) "Project costs" means the costs of acquiring, 29189  
constructing, equipping, furnishing, reconstructing, remodeling, 29190  
renovating, enlarging, and improving educational facilities 29191  
comprising one or more project, including costs connected with or 29192  
incidental thereto, provision of capitalized interest prior to and 29193  
during construction and for a period after the completion of the 29194  
construction, appropriate reserves, architectural, engineering, 29195  
financial, and legal services, and all other costs of financing, 29196  
and the repayment or restoration of moneys borrowed or advanced 29197  
for such purposes or temporarily used therefor from other sources, 29198  
and means the costs of refinancing obligations issued or loans 29199  
incurred by, or reimbursement of money advanced, invested or 29200  
expended by, educational institutions or others the proceeds of 29201  
which obligations or loans or the amounts advanced, invested or 29202  
expended were used at any time for the payment of project costs, 29203  
if the Ohio higher educational facility commission determines that 29204  
the refinancing or reimbursement advances the purposes of this 29205  
chapter, whether or not the refinancing or reimbursement is in 29206  
conjunction with the acquisition or construction of additional 29207  
educational facilities. 29208

**Sec. 3377.06.** In anticipation of the issuance of bonds 29209  
authorized by section 3377.05 of the Revised Code, the Ohio higher 29210  
educational facility commission may issue bond anticipation notes 29211  
of the state and may renew the same from time to time by the 29212  
issuance of new notes, but the maximum maturity of such notes, 29213  
including renewals thereof, shall not exceed five years from the 29214  
date of the issuance of the original notes. Such notes are payable 29215  
solely from the revenues and receipts that may be pledged to the 29216  
payment of such bonds or from the proceeds of such bonds, or both, 29217

as the commission provides in its resolution authorizing such 29218  
notes, and may be additionally secured by covenants of the 29219  
commission to the effect that the commission will do such or all 29220  
things necessary for the issuance of such bonds, or of renewal 29221  
notes under this section in appropriate amount, and either 29222  
exchange such bonds or renewal notes therefor or apply the 29223  
proceeds thereof to the extent necessary to make full payment on 29224  
such notes at the time or times contemplated, as provided in such 29225  
resolution. Subject to the provisions of this section, all 29226  
provisions for and references to bonds in Chapter 3377. of the 29227  
Revised Code are applicable to notes authorized under this section 29228  
and any references therein to bondholders shall include holders or 29229  
owners of such notes. 29230

Prior to the sale of bonds or notes authorized under section 29231  
3377.05 or 3377.06 of the Revised Code, the commission shall 29232  
determine that the project to be financed thereby will contribute 29233  
to the objectives stated in section 3377.02 of the Revised Code 29234  
and that the educational institution to which such project is to 29235  
be leased, sold, exchanged, or otherwise disposed of, admits 29236  
students without discrimination by reason of race, creed, color, 29237  
or national origin. Nothing in this section prohibits an 29238  
educational institution from requesting that its applicants for 29239  
admission demonstrate beliefs or principles consistent with the 29240  
mission of the institution. 29241

Sec. 3379.11. There is hereby created in the state treasury 29242  
the gifts and donations fund. The fund shall consist of gifts and 29243  
donations made to the Ohio arts council and fees paid for 29244  
conferences the council sponsors. The fund shall be used to pay 29245  
for the council's operating expenses, including, but not limited 29246  
to, payroll, personal services, maintenance, equipment, and 29247  
subsidy payments. All moneys deposited into the fund shall be 29248  
received and expended pursuant to the council's duty to foster and 29249

encourage the development of the arts in this state and the 29250  
preservation of the state's cultural heritage. 29251

**Sec. 3383.01.** As used in this chapter: 29252

(A) "Arts" means any of the following: 29253

(1) Visual, musical, dramatic, graphic, design, and other 29254  
arts, including, but not limited to, architecture, dance, 29255  
literature, motion pictures, music, painting, photography, 29256  
sculpture, and theater, and the provision of training or education 29257  
in these arts; 29258

(2) The presentation or making available, in museums or other 29259  
indoor or outdoor facilities, of principles of science and their 29260  
development, use, or application in business, industry, or 29261  
commerce or of the history, heritage, development, presentation, 29262  
and uses of the arts described in division (A)(1) of this section 29263  
and of transportation; 29264

(3) The preservation, presentation, or making available of 29265  
features of archaeological, architectural, environmental, or 29266  
historical interest or significance in a state historical facility 29267  
or a local historical facility. 29268

(B) "Arts organization" means either of the following: 29269

(1) A governmental agency or Ohio nonprofit corporation that 29270  
provides programs or activities in areas directly concerned with 29271  
the arts; 29272

(2) A regional arts and cultural district as defined in 29273  
section 3381.01 of the Revised Code. 29274

(C) "Arts project" means all or any portion of an Ohio arts 29275  
facility for which the general assembly has specifically 29276  
authorized the spending of money, or made an appropriation, 29277  
pursuant to division (D)(3) or (E) of section 3383.07 of the 29278  
Revised Code. 29279

(D) "Cooperative contract" means a contract between the Ohio arts and sports facilities commission and an arts organization providing the terms and conditions of the cooperative use of an Ohio arts facility.

(E) "Costs of operation" means amounts required to manage an Ohio arts facility that are incurred following the completion of construction of its arts project, provided that both of the following apply:

(1) Those amounts either:

(a) Have been committed to a fund dedicated to that purpose;

(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.

(2) The commission and the arts organization have executed an agreement with respect to either of those funds.

(F) "General building services" means general building services for an Ohio arts facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

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

(H) "Local contributions" means the value of an asset 29310  
provided by or on behalf of an arts organization from sources 29311  
other than the state, the value and nature of which shall be 29312  
approved by the Ohio arts and sports facilities commission, in its 29313  
sole discretion. "Local contributions" may include the value of 29314  
the site where an arts project is to be constructed. All "local 29315  
contributions," except a contribution attributable to such a site, 29316  
shall be for the costs of construction of an arts project or the 29317  
costs of operation of an arts facility. 29318

(I) "Local historical facility" means a site or facility, 29319  
other than a state historical facility, of archaeological, 29320  
architectural, environmental, or historical interest or 29321  
significance, or a facility, including a storage facility, 29322  
appurtenant to the operations of such a site or facility, that is 29323  
owned by an arts organization, provided the facility meets the 29324  
requirements of division (K)(2)(b) of this section, is managed by 29325  
or pursuant to a contract with the Ohio arts and sports facilities 29326  
commission, and is used for or in connection with the activities 29327  
of the commission, including the presentation or making available 29328  
of arts to the public. 29329

(J) "Manage," "operate," or "management" means the provision 29330  
of, or the exercise of control over the provision of, activities: 29331

(1) Relating to the arts for an Ohio arts facility, including 29332  
as applicable, but not limited to, providing for displays, 29333  
exhibitions, specimens, and models; booking of artists, 29334  
performances, or presentations; scheduling; and hiring or 29335  
contracting for directors, curators, technical and scientific 29336  
staff, ushers, stage managers, and others directly related to the 29337  
arts activities in the facility; but not including general 29338  
building services; 29339

(2) Relating to sports and athletic events for an Ohio sports 29340

facility, including as applicable, but not limited to, providing 29341  
for booking of athletes, teams, and events; scheduling; and hiring 29342  
or contracting for staff, ushers, managers, and others directly 29343  
related to the sports and athletic events in the facility; but not 29344  
including general building services. 29345

(K) "Ohio arts facility" means any of the following: 29346

(1) The three theaters located in the state office tower at 29347  
77 South High street in Columbus; 29348

(2) Any capital facility in this state to which both of the 29349  
following apply: 29350

(a) The construction of an arts project related to the 29351  
facility was authorized or funded by the general assembly pursuant 29352  
to division (D)(3) of section 3383.07 of the Revised Code and 29353  
proceeds of state bonds are used for costs of the arts project. 29354

(b) The facility is managed directly by, or is subject to a 29355  
cooperative or management contract with, the Ohio arts and sports 29356  
facilities commission, and is used for or in connection with the 29357  
activities of the commission, including the presentation or making 29358  
available of arts to the public and the provision of training or 29359  
education in the arts. ~~A cooperative or management contract shall 29360  
be for a term not less than the time remaining to the date of 29361  
payment or provision for payment of any state bonds issued to pay 29362  
the costs of the arts project, as determined by the director of 29363  
budget and management and certified by the director to the Ohio 29364  
arts and sports facilities commission and to the Ohio building 29365  
authority. 29366~~

(3) A state historical facility or a local historical 29367  
facility. 29368

(L) "State agency" means the state or any of its branches, 29369  
officers, boards, commissions, authorities, departments, 29370  
divisions, or other units or agencies. 29371

(M) "Construction" includes acquisition, including 29372  
acquisition by lease-purchase, demolition, reconstruction, 29373  
alteration, renovation, remodeling, enlargement, improvement, site 29374  
improvements, and related equipping and furnishing. 29375

(N) "State historical facility" means a site or facility of 29376  
archaeological, architectural, environmental, or historical 29377  
interest or significance, or a facility, including a storage 29378  
facility, appurtenant to the operations of such a site or 29379  
facility, that is owned by or is located on real property owned by 29380  
the state or by an arts organization, so long as the real property 29381  
of the arts organization is contiguous to state-owned real 29382  
property that is in the care, custody, and control of an arts 29383  
organization, and that is managed directly by or is subject to a 29384  
cooperative or management contract with the Ohio arts and sports 29385  
facilities commission and is used for or in connection with the 29386  
activities of the commission, including the presentation or making 29387  
available of arts to the public. 29388

(O) "Ohio sports facility" means all or a portion of a 29389  
stadium, arena, or other capital facility in this state, a primary 29390  
purpose of which is to provide a site or venue for the 29391  
presentation to the public of events of one or more major or minor 29392  
league professional athletic or sports teams that are associated 29393  
with the state or with a city or region of the state, which 29394  
facility is owned by or is located on real property owned by the 29395  
state or a governmental agency, and including all parking 29396  
facilities, walkways, and other auxiliary facilities, equipment, 29397  
furnishings, and real and personal property and interests and 29398  
rights therein, that may be appropriate for or used for or in 29399  
connection with the facility or its operation, for capital costs 29400  
of which state funds are spent pursuant to this chapter. A 29401  
facility constructed as an Ohio sports facility may be both an 29402  
Ohio arts facility and an Ohio sports facility. 29403

**Sec. 3383.07.** (A) The department of administrative services 29404  
shall provide for the construction of an arts project in 29405  
conformity with Chapter 153. of the Revised Code, except as 29406  
follows: 29407

(1) For an arts project that has an estimated construction 29408  
cost, excluding the cost of acquisition, of twenty-five million 29409  
dollars or more, and that is financed by the Ohio building 29410  
authority, construction services may be provided by the authority 29411  
if the authority determines it should provide those services. 29412

(2) For an arts project other than a state historical 29413  
facility, construction services may be provided on behalf of the 29414  
state by the Ohio arts and sports facilities commission, or by a 29415  
governmental agency or an arts organization that occupies, will 29416  
occupy, or is responsible for the Ohio arts facility, as 29417  
determined by the commission. Construction services to be provided 29418  
by a governmental agency or an arts organization shall be 29419  
specified in an agreement between the commission and the 29420  
governmental agency or arts organization. The agreement, or any 29421  
actions taken under it, are not subject to Chapter 123. or 153. of 29422  
the Revised Code, except for sections 123.151 and 153.011 of the 29423  
Revised Code, and shall be subject to Chapter 4115. of the Revised 29424  
Code. 29425

(3) For an arts project that is a state historical facility, 29426  
construction services may be provided by the Ohio arts and sports 29427  
facilities commission or by an arts organization that occupies, 29428  
will occupy, or is responsible for the facility, as determined by 29429  
the commission. The construction services to be provided by the 29430  
arts organization shall be specified in an agreement between the 29431  
commission and the arts organization. That agreement, and any 29432  
actions taken under it, are not subject to Chapter 123., 153., or 29433  
4115. of the Revised Code. 29434

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

(C) General building services for an Ohio arts facility shall be provided by the Ohio arts and sports facilities commission or by an arts organization that occupies, will occupy, or is responsible for the facility, as determined by the commission, except that the Ohio building authority may elect to provide those services for Ohio arts facilities financed with proceeds of state bonds issued by the authority. The costs of management and general building services shall be paid by the arts organization that occupies, will occupy, or is responsible for the facility as provided in an agreement between the commission and the arts organization, except that the state may pay for general building services for state-owned arts facilities constructed on state-owned land.

General building services for an Ohio sports facility shall be provided by or at the direction of the governmental agency or nonprofit corporation that will be responsible for the management of the facility, all as determined by the commission. Any general building services to be provided by a governmental agency or nonprofit corporation for an Ohio sports facility shall be

specified in an agreement between the commission and the 29467  
governmental agency or nonprofit corporation. That agreement, and 29468  
any actions taken under it, are not subject to Chapter 123. or 29469  
153. of the Revised Code, except for sections 123.151 and 153.011 29470  
of the Revised Code, and shall be subject to Chapter 4115. of the 29471  
Revised Code. 29472

(D) This division does not apply to a state historical 29473  
facility. No state funds, including any state bond proceeds, shall 29474  
be spent on the construction of any arts project under this 29475  
chapter unless, with respect to the arts project and to the Ohio 29476  
arts facility related to the project, all of the following apply: 29477

(1) The Ohio arts and sports facilities commission has 29478  
determined that there is a need for the arts project and the Ohio 29479  
arts facility related to the project in the region of the state in 29480  
which the Ohio arts facility is located or for which the facility 29481  
is proposed. 29482

(2) The commission has determined that, as an indication of 29483  
substantial regional support for the arts project, the arts 29484  
organization has made provision satisfactory to the commission, in 29485  
its sole discretion, for local contributions amounting to not less 29486  
than fifty per cent of the total state funding for the arts 29487  
project. 29488

(3) The general assembly has specifically authorized the 29489  
spending of money on, or made an appropriation for, the 29490  
construction of the arts project, or for rental payments relating 29491  
to the financing of the construction of the arts project. 29492  
Authorization to spend money, or an appropriation, for planning 29493  
the arts project does not constitute authorization to spend money 29494  
on, or an appropriation for, construction of the arts project. 29495

(E) No state funds, including any state bond proceeds, shall 29496  
be spent on the construction of any state historical facility 29497

under this chapter unless the general assembly has specifically 29498  
authorized the spending of money on, or made an appropriation for, 29499  
the construction of the arts project related to the facility, or 29500  
for rental payments relating to the financing of the construction 29501  
of the arts project. Authorization to spend money, or an 29502  
appropriation, for planning the arts project does not constitute 29503  
authorization to spend money on, or an appropriation for, the 29504  
construction of the arts project. 29505

(F) State funds shall not be used to pay or reimburse more 29506  
than fifteen per cent of the initial estimated construction cost 29507  
of an Ohio sports facility, excluding any site acquisition cost, 29508  
and no state funds, including any state bond proceeds, shall be 29509  
spent on any Ohio sports facility under this chapter unless, with 29510  
respect to that facility, all of the following apply: 29511

(1) The Ohio arts and sports facilities commission has 29512  
determined that there is a need for the facility in the region of 29513  
the state for which the facility is proposed to provide the 29514  
function of an Ohio sports facility as provided for in this 29515  
chapter. 29516

(2) As an indication of substantial local support for the 29517  
facility, the commission has received a financial and development 29518  
plan satisfactory to it, and provision has been made, by agreement 29519  
or otherwise, satisfactory to the commission, for a contribution 29520  
amounting to not less than eighty-five per cent of the total 29521  
estimated construction cost of the facility, excluding any site 29522  
acquisition cost, from sources other than the state. 29523

(3) The general assembly has specifically authorized the 29524  
spending of money on, or made an appropriation for, the 29525  
construction of the facility, or for rental payments relating to 29526  
state financing of all or a portion of the costs of constructing 29527  
the facility. Authorization to spend money, or an appropriation, 29528  
for planning or determining the feasibility of or need for the 29529

facility does not constitute authorization to spend money on, or 29530  
an appropriation for, costs of constructing the facility. 29531

(4) If state bond proceeds are being used for the Ohio sports 29532  
facility, the state or a governmental agency owns or has 29533  
sufficient property interests in the facility or in the site of 29534  
the facility or in the portion or portions of the facility 29535  
financed from proceeds of state bonds, which may include, but is 29536  
not limited to, the right to use or to require the use of the 29537  
facility for the presentation of sport and athletic events to the 29538  
public at the facility, ~~extending for a period of not less than~~ 29539  
~~the greater of the useful life of the portion of the facility~~ 29540  
~~financed from proceeds of those bonds as determined using the~~ 29541  
~~guidelines for maximum maturities as provided under divisions (B),~~ 29542  
~~(C), and (D) of section 133.20 of the Revised Code, or the period~~ 29543  
~~of time remaining to the date of payment or provision for payment~~ 29544  
~~of outstanding state bonds allocable to costs of the facility, all~~ 29545  
~~as determined by the director of budget and management and~~ 29546  
~~certified by the director to the Ohio arts and sports facilities~~ 29547  
~~commission and to the Ohio building authority.~~ 29548

Sec. 3501.011. (A) Except as otherwise provided in divisions 29549  
(B) and (C) of this section, and except as otherwise provided in 29550  
any section of Title XXXV of the Revised Code to the contrary, as 29551  
used in the sections of the Revised Code relating to elections and 29552  
political communications, whenever a person is required to sign or 29553  
affix a signature to a declaration of candidacy, nominating 29554  
petition, declaration of intent to be a write-in candidate, 29555  
initiative petition, referendum petition, recall petition, or any 29556  
other kind of petition, or to sign or affix a signature on any 29557  
other document that is filed with or transmitted to a board of 29558  
elections or the office of the secretary of state, "sign" or 29559  
"signature" means that person's written, cursive-style legal mark 29560  
written in that person's own hand. 29561

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

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

**Sec. 3501.18.** (A) The board of elections may divide a political subdivision<sub>7</sub> within its jurisdiction<sub>7</sub> into precincts ~~and~~<sub>1</sub> establish, define, divide, rearrange, and combine the several election precincts within its jurisdiction<sub>1</sub> and change the location of the polling place for each precinct when it is necessary to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of the voters and the proper conduct of elections, ~~provided that no.~~ No change in the number of precincts or in precinct boundaries shall be made during the twenty-five days immediately preceding a primary or general election ~~nor~~ or between the first day of January and the day on which the members of county central committees are elected in the years in which those committees are elected. Except as otherwise provided in division (C) of this section, each precinct shall contain a number of electors, not to exceed one thousand four hundred, that the board of elections determines to be a reasonable number after taking into consideration the type and amount of available equipment, prior voter turnout, the size and location of each selected polling place, available parking,

availability of an adequate number of poll workers, and handicap 29593  
accessibility and other accessibility to the polling place. 29594

If the board changes the boundaries of a precinct after the 29595  
filing of a local option election petition pursuant to sections 29596  
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 29597  
calls for a local option election to be held in that precinct, the 29598  
local option election shall be held in the area that constituted 29599  
the precinct at the time the local option petition was filed, 29600  
regardless of the change in the boundaries. 29601

If the board changes the boundaries of a precinct in order to 29602  
meet the requirements of division (B)(1) of this section in a 29603  
manner that causes a member of a county central committee to no 29604  
longer qualify as a representative of an election precinct in the 29605  
county, of a ward of a city in the county, or of a township in the 29606  
county, the member shall continue to represent the precinct, ward, 29607  
or township for the remainder of the member's term, regardless of 29608  
the change in boundaries. 29609

In an emergency, the board may provide more than one polling 29610  
place in a precinct. In order to provide for the convenience of 29611  
the voters, the board may locate polling places for voting or 29612  
registration outside the boundaries of precincts, provided that 29613  
the nearest public school or public building shall be used if the 29614  
board determines it to be available and suitable for use as a 29615  
polling place. Except in an emergency, no change in the number or 29616  
location of the polling places in a precinct shall be made during 29617  
the twenty-five days immediately preceding a primary or general 29618  
election. 29619

Electors who have failed to respond within thirty days to any 29620  
confirmation notice shall not be counted in determining the size 29621  
of any precinct under this section. 29622

(B)(1) Except as otherwise provided in division (B)(2) ~~or (3)~~ 29623

of this section, ~~not later than August 1, 2000,~~ the a board of 29624  
elections shall determine all precinct boundaries using 29625  
geographical units used by the United States department of 29626  
commerce, bureau of the census, in reporting the decennial census 29627  
of Ohio. 29628

~~(2) When any part of the boundary of a precinct also forms a 29629  
part of the boundary of a legislative district and the precinct 29630  
boundary cannot be determined by August 1, 2000, using the 29631  
geographical units described in division (B)(1) of this section 29632  
without making that part of the precinct boundary that also forms 29633  
part of the legislative district boundary different from that 29634  
legislative district boundary, the board of elections may 29635  
determine the boundary of that precinct using the geographical 29636  
units described in division (B)(1) of this section not later than 29637  
April 1, 2002. As used in this division, legislative district 29638  
means a district determined under Article XI of the Ohio 29639  
Constitution. 29640~~

~~(3) The board of elections may apply to the secretary of 29641  
state for a waiver from the requirement of division (B)(1) of this 29642  
section when it is not feasible to comply with that requirement 29643  
because of unusual physical boundaries or residential development 29644  
practices that would cause unusual hardship for voters. The board 29645  
shall identify the affected precincts and census units, explain 29646  
the reason for the waiver request, and include a map illustrating 29647  
where the census units will be split because of the requested 29648  
waiver. If the secretary of state approves the waiver and so 29649  
notifies the board of elections in writing, the board may change a 29650  
precinct boundary as necessary under this section, notwithstanding 29651  
the requirement in division (B)(1) of this section. 29652~~

~~(C) The board of elections may apply to the secretary of 29653  
state for a waiver from the requirement of division (A) of this 29654  
section regarding the number of electors in a precinct when the 29655~~

use of geographical units used by the United States department of 29656  
commerce, bureau of the census, will cause a precinct to contain 29657  
more than one thousand four hundred electors. The board shall 29658  
identify the affected precincts and census units, explain the 29659  
reason for the waiver request, and include a map illustrating 29660  
where census units will be split because of the requested waiver. 29661  
If the secretary of state approves the waiver and so notifies the 29662  
board of elections in writing, the board may change a precinct 29663  
boundary as necessary to meet the requirements of division (B)(1) 29664  
of this section. 29665

**Sec. 3501.30.** (A) The board of elections shall provide for 29666  
each polling place the necessary ballot boxes, official ballots, 29667  
cards of instructions, registration forms, pollbooks, or poll 29668  
lists, tally sheets, forms on which to make summary statements, 29669  
writing implements, paper, and all other supplies necessary for 29670  
casting and counting the ballots and recording the results of the 29671  
voting at ~~such~~ the polling place. ~~Such~~ The pollbooks or poll lists 29672  
shall have certificates appropriately printed ~~thereon~~ on them for 29673  
the signatures of all the precinct officials, by which they shall 29674  
certify that, to the best of their knowledge and belief, ~~said~~ the 29675  
pollbooks or poll lists correctly show the names of all electors 29676  
who voted in ~~such~~ the polling place at the election indicated 29677  
~~therein~~ in the pollbook or poll list. 29678

A All of the following shall be included among the supplies 29679  
provided to each polling place: 29680

(1) A large map of each appropriate precinct shall be 29681  
~~included among the supplies to each polling place,~~ which shall be 29682  
displayed prominently to assist persons who desire to register or 29683  
vote on election day. Each map shall show all streets within the 29684  
precinct and contain identifying symbols of the precinct in bold 29685  
print. 29686

~~Such supplies shall also include a~~ (2) Any materials, 29687  
postings, or instructions required to comply with state or federal 29688  
laws; 29689

(3) A flag of the United States approximately two and 29690  
one-half feet in length along the top, which shall be displayed 29691  
outside the entrance to the polling place during the time it is 29692  
open for voting. ~~Two;~~ 29693

(4) Two or more small flags of the United States 29694  
approximately fifteen inches in length along the top ~~shall be~~ 29695  
~~provided and, which~~ shall be placed at a distance of one hundred 29696  
feet from the polling place on the thoroughfares or walkways 29697  
leading to the polling place, to mark the distance within which 29698  
persons other than election officials, witnesses, challengers, 29699  
police officers, and electors waiting to mark, marking, or casting 29700  
their ballots shall not loiter, congregate, or engage in any kind 29701  
of election campaigning. Where small flags cannot reasonably be 29702  
placed one hundred feet from the polling place, the presiding 29703  
election judge shall place the flags as near to one hundred feet 29704  
from the entrance to the polling place as is physically possible. 29705  
Police officers and all election officials shall see that this 29706  
prohibition against loitering and congregating is enforced. ~~When~~ 29707

When the period of time during which the polling place is 29708  
open for voting expires, all of ~~said~~ the flags described in this 29709  
division shall be taken into the polling place, and shall be 29710  
returned to the board together with all other election ~~materials~~ 29711  
~~and~~ supplies required to be delivered to ~~such~~ the board. 29712

(B) The board of elections shall follow the instructions and 29713  
advisories of the secretary of state in the production and use of 29714  
polling place supplies. 29715

**Sec. 3503.10.** (A) Each designated agency shall designate one 29716

person within that agency to serve as coordinator for the voter 29717  
registration program within the agency and its departments, 29718  
divisions, and programs. The designated person shall be trained 29719  
under a program designed by the secretary of state and shall be 29720  
responsible for administering all aspects of the voter 29721  
registration program for that agency as prescribed by the 29722  
secretary of state. The designated person shall receive no 29723  
additional compensation for performing such duties. 29724

(B) Every designated agency, public high school and 29725  
vocational school, public library, and office of a county 29726  
treasurer shall provide in each of its offices or locations voter 29727  
registration applications and assistance in the registration of 29728  
persons qualified to register to vote, in accordance with this 29729  
chapter. 29730

(C) Every designated agency shall distribute to its 29731  
applicants, prior to or in conjunction with distributing a voter 29732  
registration application, a form prescribed by the secretary of 29733  
state that includes all of the following: 29734

(1) The question, "Do you want to register to vote or update 29735  
your current voter registration?"--followed by boxes for the 29736  
applicant to indicate whether the applicant would like to register 29737  
or decline to register to vote, and the statement, highlighted in 29738  
bold print, "If you do not check either box, you will be 29739  
considered to have decided not to register to vote at this time.;" 29740

(2) If the agency provides public assistance, the statement, 29741  
"Applying to register or declining to register to vote will not 29742  
affect the amount of assistance that you will be provided by this 29743  
agency.;" 29744

(3) The statement, "If you would like help in filling out the 29745  
voter registration application form, we will help you. The 29746  
decision whether to seek or accept help is yours. You may fill out 29747

the application form in private." ; 29748

(4) The statement, "If you believe that someone has 29749  
interfered with your right to register or to decline to register 29750  
to vote, your right to privacy in deciding whether to register or 29751  
in applying to register to vote, or your right to choose your own 29752  
political party or other political preference, you may file a 29753  
complaint with the prosecuting attorney of your county or with the 29754  
secretary of state," with the address and telephone number for 29755  
each such official's office. 29756

(D) Each designated agency shall distribute a voter 29757  
registration form prescribed by the secretary of state to each 29758  
applicant with each application for service or assistance, and 29759  
with each written application or form for recertification, 29760  
renewal, or change of address. 29761

(E) Each designated agency shall do all of the following: 29762

(1) Have employees trained to administer the voter 29763  
registration program in order to provide to each applicant who 29764  
wishes to register to vote and who accepts assistance, the same 29765  
degree of assistance with regard to completion of the voter 29766  
registration application as is provided by the agency with regard 29767  
to the completion of its own form; 29768

(2) Accept completed voter registration applications, voter 29769  
registration change of residence forms, and voter registration 29770  
change of name forms, regardless of whether the application or 29771  
form was distributed by the designated agency, for transmittal to 29772  
the office of the board of elections in the county in which the 29773  
agency is located. Each designated agency and the appropriate 29774  
board of elections shall establish a method by which the voter 29775  
registration applications and other voter registration forms are 29776  
transmitted to that board of elections within five days after 29777  
being accepted by the agency. 29778

(3) If the designated agency is one that is primarily engaged 29779  
in providing services to persons with disabilities under a 29780  
state-funded program, and that agency provides services to a 29781  
person with disabilities at a person's home, provide the services 29782  
described in divisions (E)(1) and (2) of this section at the 29783  
person's home; 29784

(4) Keep as confidential, except as required by the secretary 29785  
of state for record-keeping purposes, the identity of an agency 29786  
through which a person registered to vote or updated the person's 29787  
voter registration records, and information relating to a 29788  
declination to register to vote made in connection with a voter 29789  
registration application issued by a designated agency. 29790

(F) The secretary of state shall prepare and transmit written 29791  
instructions on the implementation of the voter registration 29792  
program within each designated agency, public high school and 29793  
vocational school, public library, and office of a county 29794  
treasurer. The instructions shall include directions as follows: 29795

(1) That each person designated to assist with voter 29796  
registration maintain strict neutrality with respect to a person's 29797  
political philosophies, a person's right to register or decline to 29798  
register, and any other matter that may influence a person's 29799  
decision to register or not register to vote; 29800

(2) That each person designated to assist with voter 29801  
registration not seek to influence a person's decision to register 29802  
or not register to vote, not display or demonstrate any political 29803  
preference or party allegiance, and not make any statement to a 29804  
person or take any action the purpose or effect of which is to 29805  
lead a person to believe that a decision to register or not 29806  
register has any bearing on the availability of services or 29807  
benefits offered, on the grade in a particular class in school, or 29808  
on credit for a particular class in school; 29809

(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 the public high school's or vocational school's staff;

(3) Make voter registration applications and materials available, as outlined in the voter registration program established by the secretary of state pursuant to section 3501.05 of the Revised Code;

(4) Distribute the statement, "applying to register or declining to register to vote will not affect or be a condition of your receiving a particular grade in or credit for a school course or class, participating in a curricular or extracurricular activity, receiving a benefit or privilege, or participating in a

program or activity otherwise available to pupils enrolled in this 29840  
school district's schools."; 29841

(5) Establish a method by which the voter registration 29842  
application and other voter registration forms are transmitted to 29843  
the board of elections within five days after being accepted by 29844  
the public high school or vocational school. 29845

(H) Any person employed by the designated agency, public high 29846  
school or vocational school, public library, or office of a county 29847  
treasurer may be designated to assist with voter registration 29848  
pursuant to this section. The designated agency, public high 29849  
school or vocational school, public library, or office of a county 29850  
treasurer shall provide the designated person, and make available 29851  
such space as may be necessary, without charge to the county or 29852  
state. 29853

(I) The secretary of state shall prepare and cause to be 29854  
displayed in a prominent location in each designated agency a 29855  
notice that identifies the person designated to assist with voter 29856  
registration, the nature of that person's duties, and where and 29857  
when that person is available for assisting in the registration of 29858  
voters. 29859

A designated agency may furnish additional supplies and 29860  
services to disseminate information to increase public awareness 29861  
of the existence of a person designated to assist with voter 29862  
registration in every designated agency. 29863

(J) This section does not limit any authority a board of 29864  
education, superintendent, or principal has to allow, sponsor, or 29865  
promote voluntary election registration programs within a high 29866  
school or vocational school, including programs in which pupils 29867  
serve as persons designated to assist with voter registration, 29868  
provided that no pupil is required to participate. 29869

(K) Each public library and office of the county treasurer 29870

shall establish a method by which voter registration forms are 29871  
transmitted to the board of elections within five days after being 29872  
accepted by the public library or office of the county treasurer. 29873

(L) The department of job and family services and its 29874  
departments, divisions, and programs shall limit administration of 29875  
the aspects of the voter registration program for the department 29876  
to the requirements prescribed by the secretary of state and the 29877  
requirements of this section and the National Voter Registration 29878  
Act of 1993. 29879

**Sec. 3505.01.** On the sixtieth day before the day of the next 29880  
general election, the secretary of state shall certify to the 29881  
board of elections of each county the forms of the official 29882  
ballots to be used at ~~such~~ that general election, together with 29883  
the names of the candidates to be printed ~~thereon~~ on those ballots 29884  
whose candidacy is to be submitted to the electors of the entire 29885  
state. In the case of the presidential ballot for a general 29886  
election ~~such, that~~ certification shall be made on the ~~sixtieth~~ 29887  
fifty-fifth day before the day of the general election. On the 29888  
seventy-fifth day before a special election to be held on the day 29889  
specified by division (E) of section 3501.01 of the Revised Code 29890  
for the holding of a primary election, designated by the general 29891  
assembly for the purpose of submitting to the voters of the state 29892  
constitutional amendments proposed by the general assembly, the 29893  
secretary of state shall certify to the board of elections of each 29894  
county the forms of the official ballots to be used at ~~such~~ that 29895  
election. 29896

The board of the most populous county in each district 29897  
comprised of more than one county but less than all of the 29898  
counties of the state, in which there are candidates whose 29899  
candidacies are to be submitted to the electors of ~~such~~ that 29900  
district, shall, on the sixtieth day before the day of the next 29901

general election, certify to the board of each county in ~~such the~~ 29902  
district the names of ~~such those~~ candidates to be printed on such 29903  
ballots. 29904

The board of a county in which the major portion of a 29905  
subdivision, located in more than one county, is located shall, on 29906  
the sixtieth day before the day of the next general election, 29907  
certify to the board of each county in which other portions of 29908  
~~such subdivisions~~ that subdivision are located the names of 29909  
candidates whose candidacies are to be submitted to the electors 29910  
of ~~such that~~ subdivision, to be printed on such ballots. 29911

If, subsequently to the sixtieth day before, or in the case 29912  
of a presidential ballot for a general election the fifty-fifth 29913  
day before, and prior to the tenth day before the day of ~~such a~~ 29914  
general election, a certificate is filed with the secretary of 29915  
state to fill a vacancy caused by the death of a candidate, the 29916  
secretary of state shall forthwith make a supplemental 29917  
certification to the board of each county amending and correcting 29918  
~~his~~ the secretary of state's original certification provided for 29919  
in the first paragraph of this section. If, within ~~such that~~ time, 29920  
such a certificate is filed with the board of the most populous 29921  
county in a district comprised of more than one county but less 29922  
than all of the counties of the state, or with the board of a 29923  
county in which the major portion of the population of a 29924  
subdivision, located in more than one county, is located, ~~such the~~ 29925  
board with which ~~such a~~ the certificate is filed shall forthwith 29926  
make a supplemental certification to the board of each county in 29927  
~~such the~~ district or to the board of each county in which other 29928  
portions of ~~such the~~ subdivision are located, amending and 29929  
correcting its original certification provided for in the second 29930  
and third paragraphs of this section. If, at the time such 29931  
supplemental certification is received by a board, ballots 29932  
carrying the name of the deceased candidate have been printed, 29933

~~such~~ the board shall cause strips of paper bearing the name of the 29934  
candidate certified to fill ~~such~~ the vacancy to be printed and 29935  
pasted on ~~such~~ those ballots so as to cover the name of the 29936  
deceased candidate, except that in voting places using marking 29937  
devices, the board shall cause strips of paper bearing the revised 29938  
list of candidates for the office, after certification of a 29939  
candidate to fill ~~such~~ the vacancy, to be printed and pasted on 29940  
~~such~~ the ballot ~~card~~ cards so as to cover the names of candidates 29941  
shown prior to the new certification, before such ballots are 29942  
delivered to electors. 29943

**Sec. 3505.061.** (A) The Ohio ballot board, as authorized by 29944  
Section 1 of Article XVI, Ohio Constitution, shall consist of the 29945  
secretary of state and four appointed members. No more than two of 29946  
the appointed members shall be of the same political party. One of 29947  
the members shall be appointed by the president of the senate, one 29948  
shall be appointed by the minority leader of the senate, one shall 29949  
be appointed by the speaker of the house of representatives, and 29950  
one shall be appointed by the minority leader of the house of 29951  
representatives. The appointments shall be made no later than the 29952  
last Monday in January in the year in which the appointments are 29953  
to be made. If any appointment is not so made, the secretary of 29954  
state, acting in place of the person otherwise required to make 29955  
the appointment, shall appoint as many qualified members 29956  
affiliated with the appropriate political party as are necessary. 29957

(B)(1) The initial appointees to the board shall serve until 29958  
the first Monday in February, 1977. Thereafter, terms of office 29959  
shall be for four years, each term ending on the first Monday in 29960  
February. The term of the secretary of state on the board shall 29961  
coincide with the secretary of state's term of office. Except as 29962  
otherwise provided in division (B)(2) of this section, division 29963  
(B)(2) of section 3505.063, and division (B)(2) of section 3519.03 29964  
of the Revised Code, each appointed member shall hold office from 29965

the date of appointment until the end of the term for which the member was appointed. Except as otherwise provided in those divisions, any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Except as otherwise provided in those divisions, any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or a period of sixty days has elapsed, whichever occurs first. Any vacancy occurring on the board shall be filled in the manner provided for original appointments. A member appointed to fill a vacancy shall be of the same political party as that required of the member whom the member replaces.

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

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

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

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

(D) The secretary of state shall be the chairperson of the board, and the secretary of state or the secretary of state's representative shall have a vote equal to that of any other member. The vice-chairperson shall act as chairperson in the absence or disability of the chairperson, or during a vacancy in

that office. The board shall meet after notice of at least seven 29997  
days at a time and place determined by the chairperson. At its 29998  
first meeting, the board shall elect a vice-chairperson from among 29999  
its members for a term of two years, and it shall adopt rules for 30000  
its procedures. After the first meeting, the board shall meet at 30001  
the call of the chairperson or upon the written request of three 30002  
other members. Three members constitute a quorum. No action shall 30003  
be taken without the concurrence of three members. 30004

(E) The secretary of state shall provide technical, 30005  
professional, and clerical employees as necessary for the board to 30006  
carry out its duties. 30007

**Sec. 3505.08.** (A) Ballots shall be provided by the board of 30008  
elections for all general and special elections. ~~Such~~ The ballots 30009  
shall be printed with black ink on No. 2 white book paper fifty 30010  
pounds in weight per ream assuming such ream to consist of five 30011  
hundred sheets of such paper twenty-five by thirty-eight inches in 30012  
size. Each ballot shall have attached at the top two stubs, each 30013  
of the width of the ballot and not less than one-half inch in 30014  
length, except that, if the board of elections has an alternate 30015  
method to account for the ballots that the secretary of state has 30016  
authorized, each ballot may have only one stub that shall be the 30017  
width of the ballot and not less than one-half inch in length. In 30018  
the case of ballots with two stubs, the stubs shall be separated 30019  
from the ballot and from each other by perforated lines. The top 30020  
stub shall be known as Stub B and shall have printed on its face 30021  
"Stub B." The other stub shall be known as Stub A and shall have 30022  
printed on its face "Stub A." Each stub shall also have printed on 30023  
its face "Consecutive Number ....." ~~Each~~ 30024

Each ballot of each kind of ballot provided for use in each 30025  
precinct shall be numbered consecutively beginning with number 1 30026  
by printing such number upon both of the stubs attached ~~thereto~~ to 30027

the ballot. On ballots bearing the names of candidates, each 30028  
candidate's name shall be printed in twelve point boldface upper 30029  
case type in an enclosed rectangular space, and an enclosed blank 30030  
rectangular space shall be provided at the left ~~thereof~~ of the 30031  
candidate's name. The name of the political party of a candidate 30032  
nominated at a primary election or certified by a party committee 30033  
shall be printed in ten point lightface upper and lower case type 30034  
and shall be separated by a two point blank space. The name of 30035  
each candidate shall be indented one space within ~~such~~ the 30036  
enclosed rectangular space, and the name of the political party 30037  
shall be indented two spaces within ~~such~~ the enclosed rectangular 30038  
space. ~~The~~ 30039

The title of each office on ~~such~~ the ballots shall be printed 30040  
in twelve point boldface upper and lower case type in a separate 30041  
enclosed rectangular space. A four point rule shall separate the 30042  
name of a candidate or a group of candidates for the same office 30043  
from the title of the office next appearing below on the ballot, 30044  
~~and~~; a two point rule shall separate the title of the office from 30045  
the names of candidates; and a one point rule shall separate names 30046  
of candidates. Headings shall be printed in display Roman type. 30047  
When the names of several candidates are grouped together as 30048  
candidates for the same office, there shall be printed on ~~such~~ the 30049  
ballots immediately below the title of ~~such~~ the office and within 30050  
the separate rectangular space in which ~~such~~ the title is printed 30051  
"Vote for not more than . . . . .," in six point boldface upper and 30052  
lower case filling the blank space with that number which will 30053  
indicate the number of persons who may be lawfully elected to ~~such~~ 30054  
the office. 30055

Columns on ballots shall be separated from each other by a 30056  
heavy vertical border or solid line at least one-eighth of an inch 30057  
wide, and a similar vertical border or line shall enclose the left 30058  
and right side of ballots, ~~and ballots~~. Ballots shall be trimmed 30059

along the sides close to such lines. 30060

The ballots provided for by this section shall be comprised 30061  
of four kinds of ballots designated as follows: ~~(A)~~ office type 30062  
ballot; ~~(B)~~ nonpartisan ballot; ~~(C)~~ questions and issues ballot; 30063  
~~(D)~~ and presidential ballot. 30064

On the back of each office type ballot shall be printed 30065  
"Official Office Type Ballot;" on the back of each nonpartisan 30066  
ballot shall be printed "Official Nonpartisan Ballot;" on the back 30067  
of each questions and issues ballot shall be printed "Official 30068  
Questions and Issues Ballot;" and on the back of each presidential 30069  
ballot shall be printed "Official Presidential Ballot." On the 30070  
back of every ballot also shall be printed the date of the 30071  
election at which the ballot is used and the facsimile signatures 30072  
of the members of the board of the county in which the ballot is 30073  
used. For the purpose of identifying the kind of ballot, the back 30074  
of every ballot may be numbered in ~~such the~~ order ~~as~~ the board 30075  
shall determine. ~~Such~~ The numbers shall be printed in not less 30076  
than thirty-six point type above the words "Official Office Type 30077  
Ballot," "Official Nonpartisan Ballot," "Official Questions and 30078  
Issues Ballot," or "Official Presidential Ballot," as the case may 30079  
be. Ballot boxes bearing corresponding numbers shall be furnished 30080  
for each precinct in which the above-described numbered ballots 30081  
are used. 30082

On the back of every ballot used, there shall be a solid 30083  
black line printed opposite the blank rectangular space that is 30084  
used to mark the choice of the voter. This line shall be printed 30085  
wide enough so that the mark in the blank rectangular space will 30086  
not be visible from the back side of the ballot. 30087

Sample ballots may be printed by the board of elections for 30088  
all general elections. ~~Such~~ The ballots shall be printed on 30089  
colored paper, and "Sample Ballot" shall be plainly printed in 30090  
boldface type on the face of each ballot. In counties of less than 30091

one hundred thousand population, the board may print not more than 30092  
five hundred sample ballots; in all other counties, it may print 30093  
not more than one thousand sample ballots. ~~Such~~ The sample ballots 30094  
shall not be distributed by a political party or a candidate, nor 30095  
shall a political party or candidate cause their title or name to 30096  
be imprinted ~~thereon~~ on sample ballots. 30097

(B) Notwithstanding division (A) of this section, in 30098  
approving the form of an official ballot, the secretary of state 30099  
may authorize the use of fonts, type face settings, and ballot 30100  
formats other than those prescribed in that division. 30101

**Sec. 3505.10.** (A) On the presidential ballot below the stubs 30102  
at the top of the face of the ballot shall be printed "Official 30103  
Presidential Ballot" centered between the side edges of the 30104  
ballot. Below "Official Presidential Ballot" shall be printed a 30105  
heavy line centered between the side edges of the ballot. Below 30106  
the line shall be printed "Instruction to Voters" centered between 30107  
the side edges of the ballot, and below ~~such~~ those words shall be 30108  
printed the following instructions: 30109

~~"(A)~~(1) To vote for the candidates for president and 30110  
vice-president whose names are printed below, record your vote in 30111  
the manner provided next to the names of such candidates. That 30112  
recording of the vote will be counted as a vote for each of the 30113  
candidates for presidential elector whose names have been 30114  
certified to the secretary of state and who are members of the 30115  
same political party as the nominees for president and 30116  
vice-president. A recording of the vote for independent candidates 30117  
for president and vice-president shall be counted as a vote for 30118  
the presidential electors filed by such candidates with the 30119  
secretary of state. 30120

~~(B)~~(2) To vote for candidates for president and 30121  
vice-president in the blank space below, record your vote in the 30122

manner provided and write the names of your choice for president 30123  
and vice-president under the respective headings provided for 30124  
those offices. Such write-in will be counted as a vote for the 30125  
candidates' presidential electors whose names have been properly 30126  
certified to the secretary of state. 30127

~~(C)~~(3) If you tear, soil, deface, or erroneously mark this 30128  
ballot, return it to the precinct election officers or, if you 30129  
cannot return it, notify the precinct election officers, and 30130  
obtain another ballot." 30131

(B) Below ~~such~~ those instructions to the voter shall be 30132  
printed a single vertical column of enclosed rectangular spaces 30133  
equal in number to the number of presidential candidates plus one 30134  
additional space for write-in candidates. Each of ~~such~~ those 30135  
rectangular spaces shall be enclosed by a heavy line along each of 30136  
its four sides, and such spaces shall be separated from each other 30137  
by one-half inch of open space. 30138

In each of ~~such~~ those enclosed rectangular spaces, except the 30139  
space provided for write-in candidates, shall be printed the names 30140  
of the candidates for president and vice-president certified to 30141  
the secretary of state or nominated as such in one of the 30142  
following manners: 30143

(1) Nominated by the national convention of a political party 30144  
to which delegates and alternates were elected in this state at 30145  
the next preceding primary election ~~and the names of those~~ 30146  
~~independent candidates nominated.~~ A political party certifying 30147  
candidates so nominated shall certify the names of those 30148  
candidates to the secretary of state on or before the sixtieth day 30149  
before the day of the general election. 30150

(2) Nominated by nominating petition in accordance with 30151  
section 3513.257 of the Revised Code. ~~The~~ Such a petition shall be 30152  
filed on or before the seventy-fifth day before the day of the 30153

general election to provide sufficient time to verify the 30154  
sufficiency and accuracy of signatures on it. 30155

(3) Certified to the secretary of state for placement on the 30156  
presidential ballot by authorized officials of an intermediate or 30157  
minor political party that has held a state or national convention 30158  
for the purpose of choosing those candidates or that may, without 30159  
a convention, certify those candidates in accordance with the 30160  
procedure authorized by its party rules. The officials shall 30161  
certify the names of those candidates to the secretary of state on 30162  
or before the sixtieth day before the day of the general election. 30163  
The certification shall be accompanied by a designation of a 30164  
sufficient number of presidential electors to satisfy the 30165  
requirements of law. 30166

The names of candidates for electors of president and 30167  
vice-president shall not be placed on the ballot, but shall be 30168  
certified to the secretary of state as required by sections 30169  
3513.11 and 3513.257 of the Revised Code. ~~The names of candidates~~ 30170  
~~for president and vice president may be certified to the secretary~~ 30171  
~~of state, for placement on the presidential ballot, by authorized~~ 30172  
~~officials of an intermediate or minor political party which has~~ 30173  
~~held a state or national convention for the purpose of choosing~~ 30174  
~~such candidates, or which may, without convention, certify such~~ 30175  
~~candidates in accordance with the procedure authorized by its~~ 30176  
~~party rules. Certification to the secretary of state of such~~ 30177  
~~candidates shall be made on or before the seventy fifth day before~~ 30178  
~~the day of the general election and shall be accompanied by~~ 30179  
~~designation of a sufficient number of presidential electors to~~ 30180  
~~satisfy the requirements of law. A vote for any of such candidates~~ 30181  
for president and vice-president shall be a vote for the electors 30182  
of ~~such~~ those candidates whose names have been certified to the 30183  
secretary of state. 30184

(C) The arrangement of the printing in each of ~~such~~ the 30185

enclosed rectangular spaces shall be substantially as follows: 30186  
Near the top and centered within the rectangular space shall be 30187  
printed "For President" in ten-point boldface upper and lower case 30188  
type. Below "For President" shall be printed the name of the 30189  
candidate for president in twelve-point boldface upper case type. 30190  
Below the name of the candidate for president shall be printed the 30191  
name of the political party by which ~~such~~ that candidate for 30192  
president was nominated in eight-point lightface upper and lower 30193  
case type. Below the name of such political party shall be printed 30194  
"For Vice-President" in ten-point boldface upper and lower case 30195  
type. Below "For Vice-President" shall be printed the name of the 30196  
candidate for vice-president in twelve-point boldface upper case 30197  
type. Below the name of the candidate for vice-president shall be 30198  
printed the name of the political party by which ~~such~~ that 30199  
candidate for vice-president was nominated in eight-point 30200  
lightface upper and lower case type. No political identification 30201  
or name of any political party shall be printed below the names of 30202  
presidential and vice-presidential candidates nominated by 30203  
petition. 30204

The rectangular spaces on the ballot described in this 30205  
section shall be rotated and printed as provided in section 30206  
3505.03 of the Revised Code. 30207

**Sec. 3517.092.** (A) As used in this section: 30208

(1) "Appointing authority" has the same meaning as in section 30209  
124.01 of the Revised Code. 30210

(2) "State elected officer" means any person appointed or 30211  
elected to a state elective office. 30212

(3) "State elective office" means any of the offices of 30213  
governor, lieutenant governor, secretary of state, auditor of 30214  
state, treasurer of state, attorney general, member of the state 30215  
board of education, member of the general assembly, and justice 30216

and chief justice of the supreme court. 30217

(4) "County elected officer" means any person appointed or 30218  
elected to a county elective office. 30219

(5) "County elective office" means any of the offices of 30220  
county auditor, county treasurer, clerk of the court of common 30221  
pleas, sheriff, county recorder, county engineer, county 30222  
commissioner, prosecuting attorney, and coroner. 30223

(6) "Contribution" includes a contribution to any political 30224  
party, campaign committee, political action committee, political 30225  
contributing entity, or legislative campaign fund. 30226

(B) No state elected officer, no campaign committee of such 30227  
an officer, and no other person or entity shall knowingly solicit 30228  
or accept a contribution on behalf of that officer or that 30229  
officer's campaign committee from any of the following: 30230

(1) A state employee whose appointing authority is the state 30231  
elected officer; 30232

(2) A state employee whose appointing authority is authorized 30233  
or required by law to be appointed by the state elected officer; 30234

(3) A state employee who functions in or is employed in or by 30235  
the same public agency, department, division, or office as the 30236  
state elected officer. 30237

(C) No candidate for a state elective office, no campaign 30238  
committee of such a candidate, and no other person or entity shall 30239  
knowingly solicit or accept a contribution on behalf of that 30240  
candidate or that candidate's campaign committee from any of the 30241  
following: 30242

(1) A state employee at the time of the solicitation, whose 30243  
appointing authority will be the candidate, if elected; 30244

(2) A state employee at the time of the solicitation, whose 30245  
appointing authority will be appointed by the candidate, if 30246

elected, as authorized or required by law; 30247

(3) A state employee at the time of the solicitation, who 30248  
will function in or be employed in or by the same public agency, 30249  
department, division, or office as the candidate, if elected. 30250

(D) No county elected officer, no campaign committee of such 30251  
an officer, and no other person or entity shall knowingly solicit 30252  
a contribution on behalf of that officer or that officer's 30253  
campaign committee from any of the following: 30254

(1) A county employee whose appointing authority is the 30255  
county elected officer; 30256

(2) A county employee whose appointing authority is 30257  
authorized or required by law to be appointed by the county 30258  
elected officer; 30259

(3) A county employee who functions in or is employed in or 30260  
by the same public agency, department, division, or office as the 30261  
county elected officer. 30262

(E) No candidate for a county elective office, no campaign 30263  
committee of such a candidate, and no other person or entity shall 30264  
knowingly solicit a contribution on behalf of that candidate or 30265  
that candidate's campaign committee from any of the following: 30266

(1) A county employee at the time of the solicitation, whose 30267  
appointing authority will be the candidate, if elected; 30268

(2) A county employee at the time of the solicitation, whose 30269  
appointing authority will be appointed by the candidate, if 30270  
elected, as authorized or required by law; 30271

(3) A county employee at the time of the solicitation, who 30272  
will function in or be employed in or by the same public agency, 30273  
department, division, or office as the candidate, if elected. 30274

(F)(1) No public employee shall solicit a contribution from 30275  
any person while the public employee is performing the public 30276

employee's official duties or in those areas of a public building 30277  
where official business is transacted or conducted. 30278

(2) No person shall solicit a contribution from any public 30279  
employee while the public employee is performing the public 30280  
employee's official duties or is in those areas of a public 30281  
building where official business is transacted or conducted. 30282

(3) As used in division (F) of this section, "public 30283  
employee" does not include any person holding an elective office. 30284

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) 30285  
of this section are in addition to the prohibitions in sections 30286  
124.57, ~~1553.09~~, 3304.22, and 4503.032 of the Revised Code. 30287

**Sec. 3701.02.** There is hereby created a department of health. 30288  
The department shall consist of a director of health ~~and~~, a public 30289  
health council, and the Ohio occupational therapy, physical 30290  
therapy, and athletic trainers board. 30291

**Sec. 3701.021.** (A) The public health council shall adopt, in 30292  
accordance with Chapter 119. of the Revised Code, such rules as 30293  
are necessary to carry out sections 3701.021 to ~~3701.028~~ 3701.0210 30294  
of the Revised Code, including, but not limited to, rules to 30295  
establish the following: 30296

(1) Medical and financial eligibility requirements for the 30297  
program for medically handicapped children; 30298

(2) Eligibility requirements for providers of services for 30299  
medically handicapped children; 30300

(3) Procedures to be followed by the department of health in 30301  
disqualifying providers for violating requirements adopted under 30302  
division (A)(2) of this section; 30303

(4) Procedures to be used by the department regarding 30304  
application for diagnostic services under division (B) of section 30305

3701.023 of the Revised Code and payment for those services under division (E) of that section;	30306 30307
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	30308 30309
(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;	30310 30311 30312 30313 30314
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	30315 30316 30317
(8) Criteria for payment of approved providers who provide services for medically handicapped children;	30318 30319
(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;	30320 30321 30322
(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;	30323 30324 30325
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	30326 30327 30328
<u>(12) Eligibility requirements for the hemophilia program, including income and hardship requirements.</u>	30329 30330
(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 <del>3701.028</del> <u>3701.0210</u> of the Revised Code.	30331 30332 30333 30334

Sec. 3701.022. As used in sections 3701.021 to <del>3701.028</del>	30335
<u>3701.0210</u> of the Revised Code:	30336
(A) "Medically handicapped child" means an Ohio resident	30337
under twenty-one years of age who suffers primarily from an	30338
organic disease, defect, or a congenital or acquired physically	30339
handicapping and associated condition that may hinder the	30340
achievement of normal growth and development.	30341
(B) "Provider" means a health professional, hospital, medical	30342
equipment supplier, and any individual, group, or agency that is	30343
approved by the department of health pursuant to division (C) of	30344
section 3701.023 of the Revised Code and that provides or intends	30345
to provide goods or services to a child who is eligible for the	30346
program for medically handicapped children.	30347
(C) "Service coordination" means case management services	30348
provided to medically handicapped children that promote effective	30349
and efficient organization and utilization of public and private	30350
resources and ensure that care rendered is family-centered,	30351
community-based, and coordinated.	30352
(D)(1) "Third party" means any person or government entity	30353
other than the following:	30354
(a) A medically handicapped child participating in the	30355
program for medically handicapped children or the child's parent	30356
or guardian;	30357
(b) The department or any program administered by the	30358
department, including the "Maternal and Child Health Block Grant,"	30359
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42	30360
U.S.C.A. 701, as amended;	30361
(c) The "caring program for children" operated by the	30362
nonprofit community mutual insurance corporation.	30363
(2) "Third party" includes all of the following:	30364

(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;

(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;

(c) The program awarding reparations to victims of crime established under sections 2743.51 to 2743.72 of the Revised Code.

(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.

(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.

**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 5111.01 of the Revised Code. The department shall not charge the

county for expenses exceeding the difference between the amount 30395  
determined under division (A)(1) of this section and any amounts 30396  
retained under divisions (A)(2) and (3) of this section. 30397

All amounts collected by the department under division (A)(1) 30398  
of this section shall be deposited into the state treasury to the 30399  
credit of the medically handicapped children-county assessment 30400  
fund, which is hereby created. The fund shall be used by the 30401  
department to comply with sections 3701.021 to 3701.028 of the 30402  
Revised Code. 30403

(2) The department, in accordance with rules adopted under 30404  
section 3701.021 of the Revised Code, may allow each county to 30405  
retain up to ten per cent of the amount determined under division 30406  
(A)(1) of this section to provide funds to city or general health 30407  
districts of the county with which the districts shall provide 30408  
service coordination, public health nursing, or transportation 30409  
services for medically handicapped children. 30410

(3) In addition to any amount retained under division (A)(2) 30411  
of this section, the department, in accordance with rules adopted 30412  
under section 3701.021 of the Revised Code, may allow counties 30413  
that it determines have significant numbers of potentially 30414  
eligible medically handicapped children to retain an amount equal 30415  
to the difference between: 30416

(a) Twenty-five per cent of the amount determined under 30417  
division (A)(1) of this section; 30418

(b) Any amount retained under division (A)(2) of this 30419  
section. 30420

Counties shall use amounts retained under division (A)(3) of 30421  
this section to provide funds to city or general health districts 30422  
of the county with which the districts shall conduct outreach 30423  
activities to increase participation in the program for medically 30424  
handicapped children. 30425

(4) Prior to any increase in the millage charged to a county, 30426  
the public health council shall hold a public hearing on the 30427  
proposed increase and shall give notice of the hearing to each 30428  
board of county commissioners that would be affected by the 30429  
increase at least thirty days prior to the date set for the 30430  
hearing. Any county commissioner may appear and give testimony at 30431  
the hearing. Any increase in the millage any county is required to 30432  
provide for the program for medically handicapped children shall 30433  
be determined, and notice of the amount of the increase shall be 30434  
provided to each affected board of county commissioners, no later 30435  
than the first day of June of the fiscal year next preceding the 30436  
fiscal year in which the increase will take effect. 30437

(B) Each board of county commissioners shall establish a 30438  
medically handicapped children's fund and shall appropriate 30439  
thereto an amount, determined in accordance with division (A)(1) 30440  
of this section, for the county's share in providing medical, 30441  
surgical, and other aid to medically handicapped children residing 30442  
in such county and for the purposes specified in divisions (A)(2) 30443  
and (3) of this section. Each county shall use money retained 30444  
under divisions (A)(2) and (3) of this section only for the 30445  
purposes specified in those divisions. 30446

Sec. 3701.029. Subject to available funds, the department of 30447  
health shall establish and administer a hemophilia program to 30448  
provide payment of health insurance premiums for Ohio residents 30449  
who meet all of the following requirements: 30450

(A) Have been diagnosed with hemophilia or a related bleeding 30451  
disorder; 30452

(B) Are at least twenty-one years of age; 30453

(C) Meet the eligibility requirements established by rules 30454  
adopted under division (A)(12) of section 3701.021 of the Revised 30455

Code. 30456

**Sec. ~~3701.145~~ 3701.0210.** The director of health medically 30457  
handicapped children's medical advisory council shall establish 30458  
appoint a hemophilia advisory ~~council~~ subcommittee to advise the 30459  
director ~~and the department~~ of health and council on all matters 30460  
pertaining to the care and treatment of persons with hemophilia. 30461  
~~The council~~ The duties of the subcommittee include, but are not 30462  
limited to, the monitoring of care and treatment of children and 30463  
adults who suffer from hemophilia or from other similar blood 30464  
disorders. 30465

The subcommittee shall consist of not fewer than ~~nineteen~~ 30466  
fifteen members, each of whom shall be appointed ~~by the director~~ 30467  
to terms of four years. The members of the ~~council~~ subcommittee 30468  
shall elect a chairperson from among the appointed membership to 30469  
serve a term of two years. Members of the ~~council~~ subcommittee 30470  
shall serve without compensation, except that they may be 30471  
reimbursed for travel expenses to and from meetings of the ~~council~~ 30472  
subcommittee. 30473

Members shall be appointed to represent all geographic areas 30474  
of this state. Not fewer than five members of the ~~council~~ 30475  
subcommittee shall be persons with hemophilia or family members of 30476  
persons with hemophilia. Not fewer than five members shall be 30477  
providers of health care services to persons with hemophilia. Not 30478  
fewer than five members shall be experts in fields of importance 30479  
to treatment of persons with hemophilia, including experts in 30480  
infectious diseases, insurance, and law. 30481

~~The council shall submit to the director of health, the~~ 30482  
~~governor, and the general assembly, a report no later than the~~ 30483  
~~thirtieth day of September of each year summarizing the current~~ 30484  
~~status and needs of persons in this state with hemophilia and of~~ 30485  
~~family members of persons with hemophilia.~~ 30486

~~Notwithstanding section 101.83 of the Revised Code, that~~ 30487  
~~section does not apply to the medically handicapped children's~~ 30488  
~~medical advisory council hemophilia advisory subcommittee, and the~~ 30489  
~~subcommittee shall not expire under that section.~~ 30490

**Sec. 3701.141.** (A) There is hereby created in the department 30491  
of health the ~~office of women's health initiatives~~ program, 30492  
~~consisting of the chief of the office and an administrative~~ 30493  
~~assistant. To the extent of available funds, other positions~~ 30494  
~~determined necessary and relevant by the director of health may be~~ 30495  
~~added. The administrative assistant and all other employees~~ 30496  
~~assigned to the office shall report to the chief and the chief to~~ 30497  
~~the director or the deputy specified by the director.~~ 30498

(B) To the extent funds are available, the ~~office of women's~~ 30499  
health ~~initiatives~~ program shall: 30500

(1) Identify, review, and assist the director in the 30501  
coordination of programs and resources the department of health is 30502  
committing to women's health concerns, including the department's 30503  
women's and infants' program activities; 30504

(2) Advocate for women's health by requesting that the 30505  
department conduct, sponsor, encourage, or fund research; 30506  
establish additional programs regarding women's health concerns as 30507  
needed; and monitor the research and program efforts; 30508

(3) Collect, classify, and store relevant research conducted 30509  
by the department or other entities, and provide, unless otherwise 30510  
prohibited by law, interested persons access to research results; 30511

(4) ~~Generate~~ Apply for grant ~~activities~~ opportunities. 30512

~~(C) Prior to the director's report to the governor on the~~ 30513  
~~department's biennial budget request, the office of women's health~~ 30514  
~~initiatives shall submit in writing to the director of health a~~ 30515  
~~biennial report of recommended programs, projects, and research to~~ 30516

~~address critical issues in women's health.~~ 30517

**Sec. 3701.342.** After consultation with the public health 30518  
standards task force established under section 3701.343 of the 30519  
Revised Code, the public health council shall adopt rules 30520  
establishing minimum standards and optimum achievable standards 30521  
for boards of health and local health departments. The minimum 30522  
standards shall assure that boards of health and local health 30523  
departments provide for the following: 30524

(A) Analysis and prevention of communicable disease; 30525

(B) Analysis of the causes of, and appropriate treatment for, 30526  
the leading causes of morbidity and mortality; 30527

(C) The administration and management of the local health 30528  
department; 30529

(D) Access to primary health care by medically underserved 30530  
individuals; 30531

(E) Environmental health management programs; 30532

(F) Health promotion services designed to encourage 30533  
individual and community wellness. 30534

The public health council shall adopt rules establishing a 30535  
formula for distribution of state health district subsidy funds to 30536  
boards of health and local health departments. The formula shall 30537  
provide no subsidy funds to a board or department unless it meets 30538  
minimum standards and shall provide higher funding levels for 30539  
boards and districts that meet optimum achievable standards. 30540

~~Notwithstanding section 119.03 of the Revised Code, rules 30541  
adopted under this section shall not take effect unless approved 30542  
by concurrent resolution of the general assembly.~~ 30543

**Sec. 3701.61.** (A) The department of health shall establish 30544  
the help me grow program for the purpose of encouraging early 30545

prenatal and well-baby care. The program shall include 30546  
distributing subsidies to counties to provide the following 30547  
services: 30548

(1) Home-visiting services to newborn infants and their 30549  
families; 30550

(2) Services to infants and toddlers under three years of age 30551  
who are at risk for, or who have, a developmental delay or 30552  
disability and their families. 30553

(B) The department shall not provide home-visiting services 30554  
under the help me grow program unless requested in writing by a 30555  
parent of the infant or toddler. 30556

(C) Pursuant to Chapter 119. of the Revised Code, the 30557  
department shall adopt rules that are necessary and proper to 30558  
implement this section. 30559

**Sec. 3701.82.** (A) A brazier, salamander, space heater, room 30560  
heater, furnace, water heater, or other burner or heater using 30561  
wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, 30562  
liquid petroleum gas, or similar fuel, and tending to give off 30563  
carbon monoxide or other harmful gases: 30564

(1) When used in living quarters, or in any enclosed building 30565  
or space in which persons are usually present, shall be used with 30566  
a flue or vent so designed, installed, and maintained as to vent 30567  
the products of combustion outdoors; except in storage, factory, 30568  
or industrial buildings which are provided with sufficient 30569  
ventilation to avoid the danger of carbon monoxide poisoning; 30570

(2) When used as a portable or temporary burner or heater at 30571  
a construction site, or in a warehouse, shed, or structure in 30572  
which persons are temporarily present, shall be vented as provided 30573  
in division (A)(1) of this section, or used with sufficient 30574  
ventilation to avoid the danger of carbon monoxide poisoning. 30575

(B) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(C) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(D) Division (A) of this section does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized ~~by the state fire marshal~~ in the state fire code adopted ~~by him~~ under section 3737.82 of the Revised Code.

(E) The state fire marshal may make rules to ensure the safe use of unvented kerosene, natural gas, or liquid petroleum gas heaters exempted from division (A) of this section when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings, and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the board of building and fire standards under section 3781.10 of the Revised Code. No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this division.

(F) The state fire marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas, or liquid petroleum gas

heater. No person shall sell or offer for sale any kerosene, 30607  
natural gas, or liquid petroleum gas heater unless the 30608  
manufacturer provides with the heater written instructions that 30609  
comply with any rules adopted under this division. 30610

(G) No product labeled as a fuel additive for kerosene 30611  
heaters and having a flash point below one hundred degrees 30612  
fahrenheit or thirty-seven and eight-tenths degrees centigrade 30613  
shall be sold, offered for sale, or used in any kerosene space 30614  
heater. 30615

(H) No device that prohibits any safety feature on a 30616  
kerosene, natural gas, or liquid petroleum gas space heater from 30617  
operating shall be sold, offered for sale, or used in connection 30618  
with any kerosene, natural gas, or liquid petroleum gas space 30619  
heater. 30620

(I) No person shall sell or offer for sale any 30621  
kerosene-fired, natural gas, or liquid petroleum gas-fired heater 30622  
that is not exempt from division (A) of this section unless it is 30623  
marked conspicuously by the manufacturer on the container with the 30624  
phrase "Not Approved For Home Use." 30625

(J) No person shall use a cabinet-type, liquid petroleum 30626  
gas-fired heater having a fuel source within the heater, inside 30627  
any building, except as permitted ~~by the state fire marshal~~ in the 30628  
state fire code adopted ~~by him~~ under section 3737.82 of the 30629  
Revised Code. 30630

**Sec. 3701.83.** (A) There is hereby created in the state 30631  
treasury the general operations fund. Moneys in the fund shall be 30632  
used for the purposes specified in sections 3701.04, 3701.344, 30633  
~~3701.88,~~ 3702.20, 3710.15, 3711.021, 3717.45, 3721.02, 3722.04, 30634  
3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 30635  
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 30636  
Revised Code. 30637

(B) The alcohol testing program fund is hereby created in the state treasury. The director of health shall use the fund to administer and enforce the alcohol testing and permit program authorized by section 3701.143 of the Revised Code.

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

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

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

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

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

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

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

(a) Skilled nursing care;

<u>(b) Physical therapy;</u>	30667
<u>(c) Speech-language pathology;</u>	30668
<u>(d) Occupational therapy;</u>	30669
<u>(e) Medical social services;</u>	30670
<u>(f) Home health aide services.</u>	30671
<u>(4) "Home health aide services" means any of the following services provided by an individual employed with or contracted for by a home health agency:</u>	30672
<u>(a) Hands-on bathing or assistance with a tub bath or shower;</u>	30673
<u>(b) Assistance with dressing, ambulation, and toileting;</u>	30674
<u>(c) Catheter care but not insertion;</u>	30675
<u>(d) Meal preparation and feeding.</u>	30676
<u>(5) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.</u>	30677
<u>(6) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.</u>	30678
<u>(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	30679
<u>(8) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.</u>	30680
<u>(9) "Occupational therapy" has the same meaning as in section 4755.01 of the Revised Code.</u>	30681
<u>(10) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.</u>	30682
<u>(11) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or</u>	30683
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independent social worker. 30695

(12) "Speech-language pathology" has the same meaning as in 30696  
section 4753.01 of the Revised Code. 30697

(B)(1) Except as provided in division (I) of this section, 30698  
the chief administrator of a home health agency shall request the 30699  
superintendent of the bureau of criminal identification and 30700  
investigation to conduct a criminal records check with respect to 30701  
each applicant. If the position may involve both responsibility 30702  
for the care, custody, or control of a child and provision of 30703  
direct care to an older adult, the chief administrator shall 30704  
request that the superintendent conduct a single criminal records 30705  
check for the applicant. If an applicant for whom a criminal 30706  
records check request is required under this division does not 30707  
present proof of having been a resident of this state for the 30708  
five-year period immediately prior to the date upon which the 30709  
criminal records check is requested or does not provide evidence 30710  
that within that five-year period the superintendent has requested 30711  
information about the applicant from the federal bureau of 30712  
investigation in a criminal records check, the chief administrator 30713  
shall request that the superintendent obtain information from the 30714  
federal bureau of investigation as a part of the criminal records 30715  
check for the applicant. Even if an applicant for whom a criminal 30716  
records check request is required under this division presents 30717  
proof that the applicant has been a resident of this state for 30718  
that five-year period, the chief administrator may request that 30719  
the superintendent include information from the federal bureau of 30720  
investigation in the criminal records check. 30721

(2) Any person required by division (B)(1) of this section to 30722  
request a criminal records check shall provide to each applicant 30723  
for whom a criminal records check request is required under that 30724  
division a copy of the form prescribed pursuant to division (C)(1) 30725  
of section 109.572 of the Revised Code and a standard impression 30726

sheet prescribed pursuant to division (C)(2) of section 109.572 of 30727  
the Revised Code, obtain the completed form and impression sheet 30728  
from each applicant, and forward the completed form and impression 30729  
sheet to the superintendent of the bureau of criminal 30730  
identification and investigation at the time the chief 30731  
administrator requests a criminal records check pursuant to 30732  
division (B)(1) of this section. 30733

(3) An applicant who receives pursuant to division (B)(2) of 30734  
this section a copy of the form prescribed pursuant to division 30735  
(C)(1) of section 109.572 of the Revised Code and a copy of an 30736  
impression sheet prescribed pursuant to division (C)(2) of that 30737  
section and who is requested to complete the form and provide a 30738  
set of fingerprint impressions shall complete the form or provide 30739  
all the information necessary to complete the form and shall 30740  
provide the impression sheets with the impressions of the 30741  
applicant's fingerprints. If an applicant, upon request, fails to 30742  
provide the information necessary to complete the form or fails to 30743  
provide fingerprint impressions, the home health agency shall not 30744  
employ that applicant for any position for which a criminal 30745  
records check is required by division (B)(1) of this section. 30746

(C)(1) Except as provided in rules adopted by the department 30747  
of health in accordance with division (F) of this section and 30748  
subject to division (C)(3) of this section, no home health agency 30749  
shall employ a person as a person responsible for the care, 30750  
custody, or control of a child if the person previously has been 30751  
convicted of or pleaded guilty to any of the following: 30752

(a) A violation of section 2903.01, 2903.02, 2903.03, 30753  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 30754  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 30755  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 30756  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 30757  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 30758

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 30759  
2925.06, or 3716.11 of the Revised Code, a violation of section 30760  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 30761  
violation of section 2919.23 of the Revised Code that would have 30762  
been a violation of section 2905.04 of the Revised Code as it 30763  
existed prior to July 1, 1996, had the violation been committed 30764  
prior to that date, a violation of section 2925.11 of the Revised 30765  
Code that is not a minor drug possession offense, or felonious 30766  
sexual penetration in violation of former section 2907.12 of the 30767  
Revised Code; 30768

(b) A violation of an existing or former law of this state, 30769  
any other state, or the United States that is substantially 30770  
equivalent to any of the offenses listed in division (C)(1)(a) of 30771  
this section. 30772

(2) Except as provided in rules adopted by the department of 30773  
health in accordance with division (F) of this section and subject 30774  
to division (C)(3) of this section, no home health agency shall 30775  
employ a person in a position that involves providing direct care 30776  
to an older adult if the person previously has been convicted of 30777  
or pleaded guilty to any of the following: 30778

(a) A violation of section 2903.01, 2903.02, 2903.03, 30779  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 30780  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 30781  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 30782  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 30783  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 30784  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 30785  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 30786  
2925.22, 2925.23, or 3716.11 of the Revised Code. 30787

(b) A violation of an existing or former law of this state, 30788  
any other state, or the United States that is substantially 30789  
equivalent to any of the offenses listed in division (C)(2)(a) of 30790

this section. 30791

(3)(a) A home health agency may employ conditionally an 30792  
applicant for whom a criminal records check request is required 30793  
under division (B) of this section as a person responsible for the 30794  
care, custody, or control of a child until the criminal records 30795  
check regarding the applicant required by this section is 30796  
completed and the agency receives the results of the criminal 30797  
records check. If the results of the criminal records check 30798  
indicate that, pursuant to division (C)(1) of this section, the 30799  
applicant does not qualify for employment, the agency shall 30800  
release the applicant from employment unless the agency chooses to 30801  
employ the applicant pursuant to division (F) of this section. 30802

(b)(i) A home health agency may employ conditionally an 30803  
applicant for whom a criminal records check request is required 30804  
under division (B) of this section in a position that involves 30805  
providing direct care to an older adult or in a position that 30806  
involves both responsibility for the care, custody, and control of 30807  
a child and the provision of direct care to older adults prior to 30808  
obtaining the results of a criminal records check regarding the 30809  
individual, provided that the agency shall request a criminal 30810  
records check regarding the individual in accordance with division 30811  
(B)(1) of this section not later than five business days after the 30812  
individual begins conditional employment. In the circumstances 30813  
described in division (I)(2) of this section, a home health agency 30814  
may employ conditionally in a position that involves providing 30815  
direct care to an older adult an applicant who has been referred 30816  
to the home health agency by an employment service that supplies 30817  
full-time, part-time, or temporary staff for positions involving 30818  
the direct care of older adults and for whom, pursuant to that 30819  
division, a criminal records check is not required under division 30820  
(B) of this section. In the circumstances described in division 30821  
(I)(4) of this section, a home health agency may employ 30822

conditionally in a position that involves both responsibility for 30823  
the care, custody, and control of a child and the provision of 30824  
direct care to older adults an applicant who has been referred to 30825  
the home health agency by an employment service that supplies 30826  
full-time, part-time, or temporary staff for positions involving 30827  
both responsibility for the care, custody, and control of a child 30828  
and the provision of direct care to older adults and for whom, 30829  
pursuant to that division, a criminal records check is not 30830  
required under division (B) of this section. 30831

(ii) A home health agency that employs an individual 30832  
conditionally under authority of division (C)(3)(b)(i) of this 30833  
section shall terminate the individual's employment if the results 30834  
of the criminal records check requested under division (B)(1) of 30835  
this section or described in division (I)(2) or (4) of this 30836  
section, other than the results of any request for information 30837  
from the federal bureau of investigation, are not obtained within 30838  
the period ending sixty days after the date the request is made. 30839  
Regardless of when the results of the criminal records check are 30840  
obtained, if the individual was employed conditionally in a 30841  
position that involves the provision of direct care to older 30842  
adults and the results indicate that the individual has been 30843  
convicted of or pleaded guilty to any of the offenses listed or 30844  
described in division (C)(2) of this section, or if the individual 30845  
was employed conditionally in a position that involves both 30846  
responsibility for the care, custody, and control of a child and 30847  
the provision of direct care to older adults and the results 30848  
indicate that the individual has been convicted of or pleaded 30849  
guilty to any of the offenses listed or described in division 30850  
(C)(1) or (2) of this section, the agency shall terminate the 30851  
individual's employment unless the agency chooses to employ the 30852  
individual pursuant to division (F) of this section. Termination 30853  
of employment under this division shall be considered just cause 30854  
for discharge for purposes of division (D)(2) of section 4141.29 30855

of the Revised Code if the individual makes any attempt to deceive 30856  
the agency about the individual's criminal record. 30857

(D)(1) Each home health agency shall pay to the bureau of 30858  
criminal identification and investigation the fee prescribed 30859  
pursuant to division (C)(3) of section 109.572 of the Revised Code 30860  
for each criminal records check conducted in accordance with that 30861  
section upon the request pursuant to division (B)(1) of this 30862  
section of the chief administrator of the home health agency. 30863

(2) A home health agency may charge an applicant a fee for 30864  
the costs it incurs in obtaining a criminal records check under 30865  
this section, unless the medical assistance program established 30866  
under Chapter 5111. of the Revised Code reimburses the agency for 30867  
the costs. A fee charged under division (D)(2) of this section 30868  
shall not exceed the amount of fees the agency pays under division 30869  
(D)(1) of this section. If a fee is charged under division (D)(2) 30870  
of this section, the agency shall notify the applicant at the time 30871  
of the applicant's initial application for employment of the 30872  
amount of the fee and that, unless the fee is paid, the agency 30873  
will not consider the applicant for employment. 30874

(E) The report of any criminal records check conducted by the 30875  
bureau of criminal identification and investigation in accordance 30876  
with section 109.572 of the Revised Code and pursuant to a request 30877  
made under division (B)(1) of this section is not a public record 30878  
for the purposes of section 149.43 of the Revised Code and shall 30879  
not be made available to any person other than the following: 30880

(1) The individual who is the subject of the criminal records 30881  
check or the individual's representative; 30882

(2) The home health agency requesting the criminal records 30883  
check or its representative; 30884

(3) The administrator of any other facility, agency, or 30885  
program that provides direct care to older adults that is owned or 30886

operated by the same entity that owns or operates the home health agency; 30887  
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(4) Any court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant; 30889  
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(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1), (2), (3), or (4) of this section. 30893  
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(F) The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the home health agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but who meets standards in regard to rehabilitation set by the department or employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section but meets personal character standards set by the department. 30896  
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(G) Any person required by division (B)(1) of this section to request a criminal records check shall inform each person, at the time of initial application for employment that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position. 30906  
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(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home health agency employs 30915  
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in a position that involves providing direct care to older adults, 30918  
all of the following shall apply: 30919

(1) If the agency employed the individual in good faith and 30920  
reasonable reliance on the report of a criminal records check 30921  
requested under this section, the agency shall not be found 30922  
negligent solely because of its reliance on the report, even if 30923  
the information in the report is determined later to have been 30924  
incomplete or inaccurate; 30925

(2) If the agency employed the individual in good faith on a 30926  
conditional basis pursuant to division (C)(3)(b) of this section, 30927  
the agency shall not be found negligent solely because it employed 30928  
the individual prior to receiving the report of a criminal records 30929  
check requested under this section; 30930

(3) If the agency in good faith employed the individual 30931  
according to the personal character standards established in rules 30932  
adopted under division (F) of this section, the agency shall not 30933  
be found negligent solely because the individual prior to being 30934  
employed had been convicted of or pleaded guilty to an offense 30935  
listed or described in division (C)(1) or (2) of this section. 30936

(I)(1) The chief administrator of a home health agency is not 30937  
required to request that the superintendent of the bureau of 30938  
criminal identification and investigation conduct a criminal 30939  
records check of an applicant for a position that involves the 30940  
provision of direct care to older adults if the applicant has been 30941  
referred to the agency by an employment service that supplies 30942  
full-time, part-time, or temporary staff for positions involving 30943  
the direct care of older adults and both of the following apply: 30944

(a) The chief administrator receives from the employment 30945  
service or the applicant a report of the results of a criminal 30946  
records check regarding the applicant that has been conducted by 30947  
the superintendent within the one-year period immediately 30948

preceding the applicant's referral; 30949

(b) The report of the criminal records check demonstrates 30950  
that the person has not been convicted of or pleaded guilty to an 30951  
offense listed or described in division (C)(2) of this section, or 30952  
the report demonstrates that the person has been convicted of or 30953  
pleaded guilty to one or more of those offenses, but the home 30954  
health agency chooses to employ the individual pursuant to 30955  
division (F) of this section. 30956

(2) The chief administrator of a home health agency is not 30957  
required to request that the superintendent of the bureau of 30958  
criminal identification and investigation conduct a criminal 30959  
records check of an applicant for a position that involves 30960  
providing direct care to older adults and may employ the applicant 30961  
conditionally in a position of that nature as described in this 30962  
division, if the applicant has been referred to the agency by an 30963  
employment service that supplies full-time, part-time, or 30964  
temporary staff for positions involving the direct care of older 30965  
adults and if the chief administrator receives from the employment 30966  
service or the applicant a letter from the employment service that 30967  
is on the letterhead of the employment service, dated, and signed 30968  
by a supervisor or another designated official of the employment 30969  
service and that states that the employment service has requested 30970  
the superintendent to conduct a criminal records check regarding 30971  
the applicant, that the requested criminal records check will 30972  
include a determination of whether the applicant has been 30973  
convicted of or pleaded guilty to any offense listed or described 30974  
in division (C)(2) of this section, that, as of the date set forth 30975  
on the letter, the employment service had not received the results 30976  
of the criminal records check, and that, when the employment 30977  
service receives the results of the criminal records check, it 30978  
promptly will send a copy of the results to the home health 30979  
agency. If a home health agency employs an applicant conditionally 30980

in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the home health agency, and division (C)(3)(b) of this section applies regarding the conditional employment.

(3) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and both of the following apply:

(a) The chief administrator receives from the employment service or applicant a report of a criminal records check of the type described in division (I)(1)(a) of this section;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) or (2) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home health agency chooses to employ the individual pursuant to division (F) of this section.

(4) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and may employ the